
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

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Consultant:	Ian Johnson		

Subject: Pupil instruction: state school: STEM instruction.

NOTE: This bill has been amended to replace its contents and this is the first time the bill is being heard in its current form.

SUMMARY

This bill establishes a state school for instruction in Science, Technology, Engineering, and Mathematics (STEM) in Los Angeles County, governed by a nonprofit public benefit corporation and overseen by the Superintendent of Public Instruction.

BACKGROUND

Existing law:

- 1) Establishes the Charter Schools Act of 1992, providing for the establishment of charter schools in California for the purpose, among other things, of improving student learning and expanding learning experiences for pupils who are identified as academically low achieving. (Education Code § 47601 et. seq.)
- 2) Authorizes anyone to develop, circulate, and submit a petition to establish a charter school, and requires charter developers to collect certain signatures in support of the petition, as specified. A governing board must grant a charter if it is satisfied that the charter is consistent with sound educational practice. A governing board is precluded from denying a petition unless it makes written factual findings that the petition fails to meet one or more of the following:
 - a) The charter school presents an unsound educational program.
 - b) The petitioners are demonstrably unlikely to successfully implement the program described in the petition.
 - c) The petition does not contain the number of required signatures.
 - d) The petition does not contain an affirmation it will be nonsectarian, nondiscriminatory, shall not charge tuition, and other affirmations, as specified.
 - e) The petition does not contain reasonably comprehensive descriptions of the 16 required elements of a charter petition. (EC § 47605)

- 3) Authorizes a petitioner to submit a petition directly to a county board of education to establish a charter school that will serve pupils for whom the county office of education would otherwise be responsible for providing direct education and related services. (EC § 47605.5)
- 4) Authorizes a county board of education to approve a petition for the establishment of a countywide charter school that operates at one or more sites within the geographic boundaries of the county that provides instructional services that are not provided by a county office of education. (EC § 47605.6)
- 5) Establishes an appeals process for charter schools. Under current law, if a school district governing board denies a petition, a petitioner may appeal to the county board of education. If the county board of education also denies the petition, the petitioner is authorized to submit the petition to the State Board of Education (SBE) for approval. (EC § 47605)
- 6) Authorizes the SBE to approve petitions for state charter schools that operate at multiple sites throughout the state. (EC § 47605.8)

ANALYSIS

This bill:

- 1) Establishes a state school located in a county with a population of more than 3.5 million, governed by a nonprofit public benefit corporation, to provide Science, Technology, Engineering, and Mathematics (STEM) instruction to historically underrepresented pupils in grades 6 to 12, inclusive.
- 2) Requires the state school to enlist the cooperation and collaboration of public K-12 schools, institutions of higher education, and industry to prepare unduplicated youth for advanced study and careers in STEM fields.
- 3) Requires the state school to complete a plan governing its operations, to be adopted by its governing body in a public hearing at least 90 days before opening. The plan must include, at minimum, content on all of the following:
 - a) Whom the state school is attempting to educate, what it means to be an “educated person” in the 21st century, and how learning best occurs.
 - b) The annual goals of the state school for all pupils, and for established subgroups of pupils, to be achieved in the eight state priority areas, and specific annual actions to achieve those goals.
 - c) For high school pupils served, the manner in which the school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements.
 - d) The measureable pupil outcomes, including those that address increases in pupil academic achievement both schoolwide and for all groups of

pupils aligned to the eight state priority areas, identified for use by the state school.

- e) The method by which progress in meeting pupil outcomes will be measured, consistent with the School Accountability Report Card to the extent practicable.
- f) The governance structure of the state school, including how to ensure parental involvement. At a minimum, there shall be a governing body composed of seven members, with one representative from University of California Los Angeles, one member appointed by the Senate Committee on Rules, and one member appointed by the Speaker of the Assembly. The governing body shall comply with the Bagley-Keene Open Meeting Act, and shall hold all meetings at the school site.
- g) The qualifications for individuals to be employed by the state school.
- h) The procedures for ensuring the health and safety of pupils and staff, including each employee furnishing the state school with a criminal record summary.
- i) How the state school will achieve diversity, including but not limited to, socioeconomic status among its pupils.
- j) Admissions requirements, including priority being given to unduplicated pupils, and not including any of the following:
 - i) Minimum academic performance, including grades and assessment scores.
 - ii) Participation in extracurricular activities not operated by the school.
 - iii) Required volunteer hours by parents or legal guardians.
- k) A required annual assessment of the English language development of each pupil to determine proficiency levels.
- l) The manner in which annual, independent financial audits shall be conducted, employing generally accepted accounting principles, and how audit exceptions will be resolved. The auditor shall be selected by the state school from the State Controller's Certified Public Accountants Directory for K-12 local educational agency audits.
- m) Suspension and expulsion procedures.
- n) How state school employees will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

- o) Procedures for resolving disputes related to the educational plan or procedures of the school, including involvement by the State Superintendent of Public Instruction.
 - p) Procedures used if the state school closes, ensuring a final audit to determine the disposition of assets and liabilities and the transfer of pupil records.
 - q) A declaration of whether or not the state school shall be deemed the exclusive public employer of the school's employees.
- 4) Requires the state school to meet all statewide standards and conduct statewide academic assessments.
 - 5) Subjects the state school to the existing technical assistance request and referral requirements for the California Collaborative for Educational Excellence.
 - 6) Requires the state school to consult with parents, legal guardians, and teachers on a regular basis.
 - 7) Specifies that the state school shall be nonsectarian in its programs, admissions policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against pupils based on protected characteristics.
 - 8) Requires the state school to admit all pupils wishing to attend that meet all applicable admissions requirements. If the number of pupils who wish to attend the school exceeds the school's capacity, attendance shall be determined by a public random drawing, with preference for current attendees and pupils who reside in the school district or county.
 - 9) Requires the state school to notify the superintendent of the school district of the pupil's last known address within 30 days and provide a copy of the cumulative record of the pupil if a pupil is expelled or leaves the state school without graduating or completing the school year for any reason.
 - 10) Requires teachers in the state school to hold a Commission on Teacher Credentialing certificate, permit, or another document equivalent to what a teacher in other public schools would be required to hold.
 - 11) Requires the state school to transmit a copy of its annual, independent financial audit for the preceding fiscal year to the Superintendent of Public Instruction and the Controller by December 15 each year.
 - 12) Deems the state school a public school with regard to the appropriation of public money and the calculation of average daily attendance (ADA). For purposes of receiving apportionments under the Local Control Funding Formula, the state school shall receive funding in the same manner as a traditional, newly operational charter school, but shall not earn ADA for nonclassroom-based instruction or independent study.

- 13) Specifies that the state school shall meet the existing minimum instructional minute requirements for grades 6 to 12, inclusive, as a condition of receiving a state apportionment.
- 14) Authorizes the state school to apply for funding under the Charter School Facility Grant Program and school facility programs for charter schools operated by the California School Financing Authority.
- 15) Requires the state school to educate pupils in a facility that meets the California Building Standards Code or the Field Act, and any construction or modernization project for the state school shall employ a project labor agreement.
- 16) Prohibits the state school from incurring bond indebtedness.
- 17) Requires the Superintendent of Public Instruction (SPI) to oversee, monitor, and report on the operation of the state school and its fiscal condition, including a review of:
 - a) The preliminary budget of the state school in its first year of operation, provided by the state school to the SPI by July 1.
 - b) The local control and accountability plan and annual update of the state school, provided by the state school to the SPI by July 1.
 - c) An interim financial report reflecting changes through October 31, provided by the state school to the SPI by December 15.
 - d) A final unaudited report for the full prior year, provided by the state school to the SPI by September 15.
- 18) Requires the state school to participate in the federal National School Lunch Program.
- 19) Prohibits the state school from establishing any resource centers, meeting spaces, or satellite facilities separate from the school site.
- 20) Requires the state school to promptly respond to all reasonable inquiries, including inquiries regarding its financial records or from the SPI.
- 21) Requires the state school to comply with other various existing public school requirements, including, but not limited to, making certain information publically available, reporting teaching credential holder changes, teacher background checks, mandatory reporters, special education funding and services, student freedom of speech, pupil fees, pupil data privacy, epinephrine auto-injectors, mathematics course placements, cardiopulmonary resuscitation instruction, pupil reporting into the California Longitudinal Pupil Achievement Data System, and student immunizations.
- 22) Requires the SPI to contract with an independent evaluator, at the expense of the state school, to conduct a comprehensive evaluation of the school after three

years of operation. The evaluation shall be submitted to the Governor and the Legislature, and shall include at least all of the following:

- a) The academic performance of all of its pupils disaggregated by significant pupil subgroups.
 - b) The graduation and college-going rates of its pupils disaggregated by significant pupil subgroups.
 - c) The number of pupils, by grade level and significant pupil subgroup, who disenroll from the state school each year with reasons.
 - d) The number and percentage of pupils completing the “A-G” requirements necessary for admission to the University of California and California State University.
 - e) An empirical analysis of how the educational program, curriculum, teaching methodology, and other policies implemented by the state school contributed to pupil outcomes.
 - f) A comparison of academic performance by pupils enrolled in the state school with the performance of pupils attending traditional schools, including charter schools and the school district in which the state school is located.
- 23) Establishes an inoperative date of the first July 1 occurring after the state school has operated for five full school years.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to supporters of this bill, the purpose of the state school is “...to establish a visionary school that provides outstanding instruction in science, technology, engineering, and mathematics (STEM) to nurture and develop the next generation of leaders in these subject areas. This school will have a focus on diversifying the pipeline of students that have traditionally been underrepresented in pursuing these subjects in higher education and in the workforce. This school will also impact the broader community by disseminating its forward-thinking, innovative curriculum, and teaching methods. By doing so, the state will create a more inclusive academic environment and workforce that will benefit California’s economy and its residents.

Over the past four decades, 15 states nationwide have successfully created state-sponsored specialized STEM schools, producing alumni who are accepted to top-tier universities and go on to be hired into high-paying jobs and prominent leadership positions in STEM fields, often in their home states. The National Academy of Sciences, National Academy of Engineering and the Institute of Medicine, all advocate for state-sponsored schools that provide exceptional learning environments for underrepresented students who exhibit passion and aptitude and who deserve the opportunity to develop their talent.”

- 2) **Charter schools.** Charter schools are public schools that provide instruction in any combination of grades, kindergarten through grade 12. Except where specifically noted otherwise, California law exempts charter schools from many of the statutes and regulations that apply to schools and school districts. There are over 1,000 charter schools operating in the state.

Parents, teachers, or community members may initiate a charter petition, which is typically presented to and approved by a local school district governing board. The law also allows, under certain circumstances, for county boards of education and the State Board of Education to authorize charter schools. The specific goals and operating procedures for a charter school are detailed in the agreement (charter) between the authorizing entity and the charter developer.

- 3) **Is this a public charter school?** The state school established by this bill appears to be similar, although not identical, to a traditional charter school. For example, the plan that the state school would be required to complete includes almost every element currently required to be included in a traditional charter school petition, with the exception of attendance alternatives for students living within the school district and return rights of employees from the charter school back to their district, which are required elements in a traditional charter school petition. Further, most other requirements currently placed on charter schools would apply to the state school, including admissions protections for all students, providing a free and appropriate education, adhering to the state standards, administering statewide assessments, and all accountability measures, both financial and programmatic.

However, one major difference between the state school established by this bill and traditional charter schools is the process for plan approval or lack thereof. Whereas traditional charter schools must seek approval of a charter petition from a school district of residence, a county office of education, or the state, this bill as currently drafted would only require the state school to complete a plan and adopt it at a public meeting of the governing board at least 90 days before the opening of the school. This lack of approval is concerning, particularly because the state school's governing board membership is not prescribed to include a substantial third-party check to ensure the plan meets all of the requirements established by the bill. If it is the desire of the Committee to pass this measure, **staff recommends** that the bill be amended as follows:

“(3) The state school shall complete a plan that governs the education of its pupils and operation of the school *and submit the plan for review and approval by the Superintendent. Before adopting the plan, the governing body of the state school shall respond to any comments and feedback provided by the Superintendent with confirmation that the plan will be amended or the reason or reasons why the plan will not be amended. No later than 30 days prior to the adoption of the plan, the Superintendent shall approve the plan unless the Superintendent makes a written finding that the plan does not address one or more of the required elements in paragraphs (A) through (Q). The Superintendent may also provide comments and feedback on the contents of the plan required pursuant to this section. The governing body of the state school shall present the plan in a public hearing and solicit public comment. In a*

subsequent public hearing, the plan shall be adopted by the governing body of the state school ~~in a public hearing~~ no later than 90 days before the opening of the school. The plan shall include, but not necessarily be limited to, content that identifies all of the following:"

- 4) **Current oversight by charter authorizers.** Existing law requires a charter school to promptly respond to all reasonable inquiries, including, but not limited to, inquiries regarding its financial records, from its chartering authority, the county office of education that has jurisdiction over the school's chartering authority, or from the Superintendent of Public Instruction (SPI), and to consult with these entities regarding any inquiries. Each chartering authority is also required to do all of the following with respect to a charter school under its authority:
- a) Identify at least one staff member as a contact person for the charter school.
 - b) Visit each charter school annually.
 - c) Ensure that each charter school complies with all reports required of charter schools by law.
 - d) Monitor the fiscal condition of each charter school under its authority.
 - e) Provide timely notification to the State Department of Education if any of the following circumstances occur or will occur with regard to a charter school for which it is the chartering authority:
 - i) A renewal of the charter is granted or denied.
 - ii) The charter is revoked.
 - iii) The charter school will cease operation for any reason.

Existing law requires each charter school to annually prepare and submit reports to its chartering authority and county superintendent of schools or only to the county superintendent of schools if the county board of education is the chartering authority. These reports include a preliminary budget, interim financial reports, and audits. Current law also requires the chartering authority to use any financial information it obtains from the charter school, including, but not limited to, the reports required by this section, to assess the fiscal condition of the charter school.

This bill charges the SPI with overseeing, monitoring, and reporting on the operation and fiscal condition of a state school located in Los Angeles County—effectively making the state the school's authorizer. Requiring the state to oversee a Los Angeles County school could result in oversight challenges due to the distance between employees of the California Department of Education and the school. Generally, the further the authorizer is from the school, the less oversight occurs. A significant aspect of the oversight process in a typical

charter school is the authorizer visiting the school, walking classrooms, observing conditions, and observing instruction. Will the oversight by the Superintendent of Public Instruction (SPI), as outlined in this bill, provide sufficient oversight of the state school? Would better oversight of the state school be provided by an entity within Los Angeles County? Does California Department of Education (CDE) require additional resources, either funding or positions or both, to provide adequate oversight of the school? If it is the desire of the Committee to pass this measure, **staff recommends** that the bill be amended to: (1) require the state school to promptly respond to all reasonable inquiries, including, but not limited to, inquiries regarding its financial records, from the SPI, (2) require the SPI to visit the state school at least annually, (3) specify that the SPI may, based upon written complaints by parents or other information that justifies the investigation, monitor and investigate the operations of the school; and (4) require the SPI to report to the Governor and the Legislature if the state school fails to comply with any statutory requirements or if the SPI investigates the operations of the school.

- 5) ***Does the state run any other schools?*** Existing law authorizes the State Board of Education (SBE) to approve petitions for state charter schools that operate at multiple sites throughout the state—the SBE has authorized three charter schools under the provisions of the statewide benefit charter school law. Further, the state operates three specialized residential schools for deaf and blind students. The California Schools for the Deaf in Riverside and Fremont each serve around 400 students ages 3 to 22, totaling about 6 percent of the state’s deaf and hard of hearing students. The California School for the Blind in Fremont serves around 70 students or about 2 percent of the state’s visually impaired students. These schools are funded through a direct state appropriation.
- 6) ***What about student transportation services?*** A common and longstanding concern related to specialized schools, including current Magnet Schools and Districts of Choice, is that low-income and minority students are not able to access to benefits of the program due to a lack of transportation and other program challenges. For example, an analysis of the District of Choice program observed that lack of transportation services for disadvantaged students was resulting in the program essentially segregating portions of California public school districts. The Committee should consider requiring the state school to be required to provide transportation to pupils who are eligible for free and reduced priced meals, upon the student's request.
- 7) ***Technical amendment.*** As currently drafted, subdivision (o) of Section 59170 of the bill references various provisions of the Education Code (EC) and other provisions that the state school must comply with. Staff recommends that this bill be amended to strike reference to EC section 49010 and insert EC section 49011, which prohibits any public school from charging pupil fees.

SUPPORT

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OPPOSITION

California Teachers Association

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