

Common Core Integrated Action Team (IAT) Legislative Update
October 30, 2012
Presented by Government Affairs Division

AB 1246 (Brownley) – Instructional Materials

This bill will continue the work of implementing the common core academic content standards by authorizing the adoption of common core instructional materials for mathematics by 2014 and providing districts flexibility in the selection of instructional materials. Specifically, the bill:

1. Authorizes the State Board of Education (SBE) to adopt K–8 mathematics instructional materials that will be aligned to new Common Core State Standards (CCSS), no later than March 30, 2014. To fund the review process, the California Department of Education (CDE) will charge fees to any publisher submitting instructional materials.
2. Authorizes the SSPI in addition to the Instructional Quality Commission to provide recommendations to the SBE.
3. Ensures flexibility in the use of state funds to purchase standards aligned instructional materials and allows districts to meet sufficiency requirements with either instructional materials aligned to the prior California standards or the Common Core State Standards for English language arts and mathematics.
4. Extends the deadline for SBE to adopt a revised curriculum framework for mathematics from May 2013 to November 30, 2013.
5. Authorizes the SBE to adopt evaluation criteria for mathematics by March 31, 2013.

The SSPI was the sponsor of this bill.

AB 1246 was signed by the Governor on September 27th (Chapter 668, 2012).

AB 1719 (Fuentes) – Supplemental Instructional Materials: English Language Development

This bill requires the CDE to develop a list of supplemental instructional materials for kindergarten through eighth grade that provide a bridge to the new English Language Development Standards for the SBE to approve by June 30, 2014. Additionally, AB 1719 would authorize a school board to approve supplemental instructional materials other than those approved by the SBE if the school board determines the supplemental instructional materials are aligned to the revised English Language Development Standards.

AB 1719 would also extend the timeline for the CDE and the SBE to complete a supplemental materials list for mathematics as required by SB 140 (Chapter 623, 2011).

The SSPI had a “**Support**” position on this bill.

AB 1719 was signed by the Governor on September 27th (Chapter 636, 2012).

SB 1200 (Hancock) – Standards Clean-up

Provides a mechanism for the SSPI to recommend, and the State Board of Education to adopt the following changes to the California Common Core Standards:

1. Adopt the college and career ready anchor standards originally included the Common Core State Standards for English Language Arts.
2. Modify the California additions to mathematics standards, consult with an expert panel on the modifications, and ensure one set of standards per grade level in grades K-8, and Algebra 1. is based on the Common Core standards by March, 2013.
3. Extend the deadline on the adoption of Next Generation Science Standards from July to November, 2013.

The SSPI was the sponsor of this bill.

SB 1200 was signed by the Governor on September 27th (Chapter 654, 2012).

SB 1540 (Hancock) – History Social Science Frameworks

This bill would authorize the SBE to consider the adoption of a revised curriculum framework and evaluation criteria for instructional materials in history-social science only after it has completed work related to the development of curriculum frameworks for common core content standards.

The SSPI had a “**Support**” position on this bill.

SB 1540 was signed by the Governor on September 8th (Chapter 288, 2012).



CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

November 16, 2012

Dear County and District Superintendents and Charter School Administrators:

Implementation of Assembly Bill (AB) 1575

On September 29, 2012, Governor Jerry Brown signed into law AB 1575, Pupil Fees, which restates existing law prohibiting a school from requiring a pupil to pay a fee, deposit or other charge not specifically authorized by law, for participation in an educational activity.

Beginning January 1, 2013, AB 1575 provides that a complaint regarding pupil fees may be filed with the principal of a school under the Uniform Complaint Procedures (UCP). The complaint may be filed anonymously. If a public school finds merit in the complaint, then AB 1575 requires the public school to provide a remedy to all affected pupils, parents and guardians that, where applicable, includes reasonable efforts to ensure full reimbursement, subject to regulations to be adopted by the State Board. A complainant who is dissatisfied with a local educational agency's (LEA's) Decision may appeal the Decision to the California Department of Education (CDE). The complainant shall receive a written appeal decision within 60 days of the CDE's receipt of the appeal.

AB 1575 requires public schools to establish local policies and procedures to implement the provisions of AB 1575 on or before March 1, 2013. LEAs must update their UCP Annual Notice to include pupil fees information and must distribute an updated notice to employees, pupils, parents/guardians, advisory committee members, private school officials and other interested parties. Starting on July 1, 2014, and every 3 years thereafter, the CDE will provide guidance to LEAs regarding pupil fees and will provide this information on the CDE Web site at <http://www.cde.ca.gov>.

Attached is a copy of AB 1575 for your information. I appreciate your help in making pupils, teachers, and members of your community aware of AB 1575. Thank you for all you do to prepare California's pupils to succeed in school and beyond.

Sincerely,

Amy Bisson Holloway, General Counsel
Legal, Audits, and Compliance Branch

ABH:car
Attachments

cc: Categorical Programs Directors
Uniform Complaint Procedures Coordinators

Assembly Bill No. 1575

CHAPTER 776

An act to add Article 5.5 (commencing with Section 49010) to Chapter 6 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 905 of the Government Code, relating to pupil fees.

[Approved by Governor September 29, 2012. Filed with
Secretary of State September 29, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1575, Lara. Pupil fees.

(1) Existing law requires the Legislature to provide for a system of common schools by which a free school is required to be kept up and supported in each district. Existing law prohibits a pupil enrolled in school from being required to pay a fee, deposit, or other charge not specifically authorized by law.

This bill would prohibit a pupil enrolled in a public school from being required to pay a pupil fee, as defined, for participation in an educational activity, as defined, as specified. The bill would provide that this prohibition is not to be interpreted to prohibit solicitation of voluntary donations, voluntary participation in fundraising activities, or school districts, schools, and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities. The bill would specify that these provisions apply to all public schools, including, but not limited to, charter schools and alternative schools, are declarative of existing law, and should not be interpreted to prohibit the imposition of a fee, deposit, or other charge otherwise allowed by law.

The bill would require the State Department of Education, commencing with the 2014–15 fiscal year, and every 3 years thereafter, to develop and distribute guidance for county superintendents of schools, district superintendents, and charter school administrators regarding the imposition of pupil fees for participation in educational activities in public schools. The bill would require the department to post the guidance on its Internet Web site and would provide that the guidance does not constitute a regulation subject to specified law.

(2) Existing regulations establish uniform complaint procedures that require each local educational agency to adopt policies and procedures for the investigation and resolution of complaints regarding violations of state and federal laws and regulations governing educational programs.

This bill would authorize a complaint of noncompliance with the provisions of this bill to be filed with the principal of a school under those uniform complaint procedures. The bill would authorize a complaint to be filed anonymously if specified circumstances exist. The bill would authorize

a complainant not satisfied with a public school's decision to appeal that decision to the State Department of Education and receive a written appeal decision within 60 days of the department's receipt of the appeal. If merit is found in either the complaint or appeal, the bill would require the public school to provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by the public school to ensure full reimbursement. The bill would require information regarding the requirements of this bill to be included in a specified annual notification. The bill would require public schools to establish local policies and procedures to implement these complaint procedures by March 1, 2013. By imposing new requirements on local educational agencies, the bill would impose a state-mandated local program.

(3) Existing law excepts certain claims from the requirement that all claims for money or damages against local public entities be presented in accordance with specified law.

This bill would additionally except specified claims for reimbursement of pupil fees for participation in educational activities.

(4) 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.

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. Article 5.5 (commencing with Section 49010) is added to Chapter 6 of Part 27 of Division 4 of Title 2 of the Education Code, to read:

Article 5.5. Pupil Fees

49010. For purposes of this article, the following terms have the following meanings:

(a) "Educational activity" means an activity offered by a school, school district, charter school, or county office of education that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.

(b) "Pupil fee" means a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of Section 49011 and Section 5 of Article IX of the California Constitution, which require educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers, as provided for in *Hartzell v. Connell* (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:

(1) A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular

activity, regardless of whether the class or activity is elective or compulsory, or is for credit.

(2) A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform, or other materials or equipment.

(3) A purchase that a pupil is required to make to obtain materials, supplies, equipment, or uniforms associated with an educational activity.

49011. (a) A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.

(b) All of the following requirements apply to the prohibition identified in subdivision (a):

(1) All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge.

(2) A fee waiver policy shall not make a pupil fee permissible.

(3) School districts and schools shall not establish a two-tier educational system by requiring a minimal educational standard and also offering a second, higher educational standard that pupils may only obtain through payment of a fee or purchase of additional supplies that the school district or school does not provide.

(4) A school district or school shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods or services from a pupil or a pupil's parents or guardians, and a school district or school shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil's parents or guardians did not or will not provide money or donations of goods or services to the school district or school.

(c) This article shall not be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or school districts, schools, and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities.

(d) This article applies to all public schools, including, but not limited to, charter schools and alternative schools.

(e) This article is declarative of existing law and shall not be interpreted to prohibit the imposition of a fee, deposit, or other charge otherwise allowed by law.

49012. (a) Commencing with the 2014–15 fiscal year, and every three years thereafter, the department shall develop and distribute guidance for county superintendents of schools, district superintendents, and charter school administrators regarding the imposition of pupil fees for participation in educational activities in public schools. The department shall post the guidance on the department's Internet Web site.

(b) The guidance developed pursuant to subdivision (a) shall not constitute a regulation subject to the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

49013. (a) A complaint of noncompliance with the requirements of this article may be filed with the principal of a school under the Uniform

Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.

(b) A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements of this article.

(c) A complainant not satisfied with the decision of a public school may appeal the decision to the department and shall receive a written appeal decision within 60 days of the department's receipt of the appeal.

(d) If a public school finds merit in a complaint, or the department finds merit in an appeal, the public school shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by the public school to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.

(e) Information regarding the requirements of this article shall be included in the annual notification distributed to pupils, parents and guardians, employees, and other interested parties pursuant to Section 4622 of Title 5 of the California Code of Regulations.

(f) Public schools shall establish local policies and procedures to implement the provisions of this section on or before March 1, 2013.

SEC. 2. Section 905 of the Government Code is amended to read:

905. There shall be presented in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) all claims for money or damages against local public entities except any of the following:

(a) Claims under the Revenue and Taxation Code or other statute prescribing procedures for the refund, rebate, exemption, cancellation, amendment, modification, or adjustment of any tax, assessment, fee, or charge or any portion thereof, or of any penalties, costs, or charges related thereto.

(b) Claims in connection with which the filing of a notice of lien, statement of claim, or stop notice is required under any law relating to liens of mechanics, laborers, or materialmen.

(c) Claims by public employees for fees, salaries, wages, mileage, or other expenses and allowances.

(d) Claims for which the workers' compensation authorized by Division 4 (commencing with Section 3200) of the Labor Code is the exclusive remedy.

(e) Applications or claims for any form of public assistance under the Welfare and Institutions Code or other provisions of law relating to public assistance programs, and claims for goods, services, provisions, or other assistance rendered for or on behalf of any recipient of any form of public assistance.

(f) Applications or claims for money or benefits under any public retirement or pension system.

(g) Claims for principal or interest upon any bonds, notes, warrants, or other evidences of indebtedness.

(h) Claims that relate to a special assessment constituting a specific lien against the property assessed and that are payable from the proceeds of the assessment, by offset of a claim for damages against it or by delivery of any warrant or bonds representing it.

(i) Claims by the state or by a state department or agency or by another local public entity or by a judicial branch entity.

(j) Claims arising under any provision of the Unemployment Insurance Code, including, but not limited to, claims for money or benefits, or for refunds or credits of employer or worker contributions, penalties, or interest, or for refunds to workers of deductions from wages in excess of the amount prescribed.

(k) Claims for the recovery of penalties or forfeitures made pursuant to Article 1 (commencing with Section 1720) of Chapter 1 of Part 7 of Division 2 of the Labor Code.

(l) Claims governed by the Pedestrian Mall Law of 1960 (Part 1 (commencing with Section 11000) of Division 13 of the Streets and Highways Code).

(m) Claims made pursuant to Section 340.1 of the Code of Civil Procedure for the recovery of damages suffered as a result of childhood sexual abuse. This subdivision shall apply only to claims arising out of conduct occurring on or after January 1, 2009.

(n) Claims made pursuant to Section 701.820 of the Code of Civil Procedure for the recovery of money pursuant to Section 26680.

(o) Claims made pursuant to Section 49013 of the Education Code for reimbursement of pupil fees for participation in educational activities.

SEC. 3. 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.