



October 17, 2011

Governor's Actions on 2011 State Legislation

Governor Brown has taken action on a wide array of bills impacting K-12 schools. Below is a list of the actions taken by the Governor that includes summaries of the bills and veto messages.

Bills signed

AB 250 (Brownley) & SB 140 (Lowenthal) – Instructional Materials

AB 250 establishes a process for the full implementation of the common core academic content standards through the development of curricular frameworks, instructional materials, and professional development aligned with the common core standards. This bill provides that the Department of Education shall use federal carryover funds received pursuant to Title I of the federal No Child Left Behind Act (Act) of 2001 (20 U.S.C. Sec. 6301 et seq.), and any other available state and federal funds.

AB 250 will require the State Board of Education to develop the frameworks in a timely manner. The existing process to review and update the curriculum framework in one subject area typically takes 24 months. This bill requires the SBE to adopt frameworks, and criteria for the evaluation of instructional materials, that are aligned to the common core standards in mathematics by May 30, 2013 and in English language arts by May 30, 2014. The existing process used to review and adopt instructional materials in one subject typically takes 30 months.

SB 140 requires the California Department of Education (CDE) to develop a list of supplemental instructional materials aligned to the new California Common Core standards adopted by the state in August 2010. SB 140 further requires the CDE to maintain on its Internet Web site a portal for local educational agencies (LEAs) to share information about instructional materials that are aligned to common core academic standards which will be a cost effective approach to obtaining quality resources.

SB 140 is a cost effective approach to allow educators to use currently adopted standards aligned instructional materials with a "supplement" to create a bridge between current California standards and the new California Common Core standards. This will help school districts during the interim between the instructional material adoptions in mathematics and English language arts which will not resume until at the earliest, 2014 and 2016 respectively.

AB 124 (Fuentes) & SB 753 (Padilla) – ELD and CELDT Reforms

AB 124 would establish a 13 member English Language Development Standards Advisory Committee to work cooperatively with the Superintendent of Public Instruction to update, revise, and align the state's English Language Development Standards and to present the changes to the State Board of Education for adoption.

While California has an existing set of ELD standards, they are in need of improvement and alignment. Currently, there is no mechanism that provides teachers direction to link English language development and English language arts content standards to ensure fully integrated lessons based on the level of a student's English language proficiency.

SB 753 requires that the California English Language Development Test (CELDT) be administered annually during a three-month test period commencing with the day upon which 55 percent of the instructional year is completed and establishes new requirements for the California Department of Education related to the CELDT, including reporting the test results to parents. This bill is sponsored by the Los Angeles Unified School District which hopes that this new CELDT timeline will make this data far more useable by assessing and placing EL students.

AB 130 (Cedillo) & AB 131 (Cedillo) – Student Financial Aid: Eligibility & Nonresident Tuition: Dream Act

AB 130 would allow students that meet the in-state tuition requirements to apply for and receive scholarships derived from non-state funds. AB 130 goes into effect January 1, 2011.

Eligible students (AB 540 students) are those who may qualify for in-state tuition at public colleges and universities in California (California Education Code §68130.5) and meet the following requirements:

- 1) Must have attended a California high school for 3 or more full academic years (between grades 9 through 12, inclusive and does not need to be consecutive years.
- 2) Must have or will graduate from a California high school or have attained a G.E.D. or received a passing mark on the California High School Proficiency Exam (CHSPE)
- 3) Must register or is currently enrolled at an accredited institution of public higher education in California.
- 4) If undocumented, the filing of an affidavit with the college or university stating that they have applied for a lawful immigration status or will apply as soon as they are eligible to do so.

AB 131 would allow students that meet the in-state tuition requirements to apply and receive financial aid at California public colleges and universities. The types of financial aid these students would be eligible for include:

- 1) Board of Governors (BOG) Fee Waiver
- 2) Institutional Student Aid: Student aid program administered by the attending college or university (i.e. State University Grant, UC Grant)
- 3) Cal Grants. These students would not be eligible to apply or receive any Competitive Cal Grants unless funding remains available after all California resident students have received Competitive awards they are eligible for.

AB 131 would not become operative until January 1, 2013.

The 2012-2013 school year would be the first where AB 540 students will be eligible for all parts of the Dream Act.

AB 189 (Eng) – Education Finance

AB 189 modifies requirements local education agencies (LEAs) must adhere to in order to participate in categorical flexibility. Specifically, this bill: (1) requires LEAs to hold the regularly scheduled public hearing prior to and independent of a meeting where the school district or the governing board of the county office of education adopts a budget, and (2) authorizes the governing board of a school district to charge for a class in English and citizenship until July 1, 2015.

AB 194 (Beall) – Public Postsecondary Education: Priority Enrollment

AB 194 requires each campus of the California State University (CSU) and the California Community Colleges (CCC), and requests the University of California (UC), to give priority in enrollment in classes to any foster youth or former foster youth. AB 194 sunsets these provisions as of July 1, 2017.

AB 815 (Brownley) – Instructional Programs: State Seal of Biliteracy

AB 815 establishes the State Seal of Biliteracy to be voluntarily affixed to the diploma or transcript of a high school graduate who has attained functional proficiency in speaking, reading, and writing skills in one or more languages, in addition to English.

Bills Vetoed

AB 532 (Perez) – Pupil Assessment

This bill, beginning July 1, 2012, would have modified the state's assessment and accountability system as it pertains to English learner students.

Governor's Veto Message: The State has recently embarked on the implementation of Common Core standards and a related assessment system which will become operational in 2014-15. This new system is expected to provide important and useful information about student achievement in math and English. This bill would require that similar tests be developed, administered and scored for students for whom English is not their primary language. These requirements would result in major new test development and administration costs which we can ill afford. The assessments required by this bill for just one language are estimated to cost as much as \$50 million; the total costs for covering all 55 languages spoken by California students is unknown but obviously substantial.

AB 1116 (Fong) - Limited English Proficiency Populations Student Fees

AB 1116 would have required the Secretary of California Emergency Management to consider the multiple languages and needs of populations who have limited proficiency in the English language during emergency preparedness planning, response, and recovery.

Governor's Veto Message: This bill would require the California Emergency Management Agency (Cal EMA) to consider multiple languages and needs of populations who have limited English language proficiency during emergency preparedness planning, response, and recovery.

This bill is unnecessary. Cal EMA already considers the needs of limited English proficiency populations when revising and preparing emergency preparedness materials. Moreover, I will direct Cal EMA to review local plans to account for populations that do not speak English when alerts for evacuation are issued or when emergency medical care is required at shelters.

SB 547 (Steinberg) – Education Quality Index

SB 547 would have provided for a major overhaul of the current API accountability system, replacing it with a new Education Quality Index (EQI). The new EQI would include graduation rates, college preparedness, and career readiness, in addition to test scores. The bill would leave the details of those metrics to a task force headed by the state superintendent of public instruction and ultimately with adoption by the State Board of Education. While this bill picked up supporters, including CSBA, as it moved through the legislature, the Governor's Office had been sending signals that it is not yet ready to take action on this sweeping reform and would prefer the bill be held until next year.

Governor's Veto Message: This bill is yet another siren song of school reform. It renames the Academic Performance Index (API) and reduces its significance by adding three other quantitative measures. While I applaud the author's desire to improve the API, I don't believe that this bill would make our state's accountability regime either more probing or more fair. This bill requires a new collection of indices called the "Education Quality Index" (EQI), consisting of "multiple indicators," many of which are ill-defined and some impossible to design. These "multiple indicators" are expected to change over time, causing measurement instability and muddling the picture of how schools perform. SB 547 would also add significant costs and confusion to the implementation of the newly-adopted Common Core standards which must be in place by 2014. This bill would require us to introduce a whole new system of accountability at the same time we are required to carry out extensive revisions to school curriculum, teaching materials and tests. That doesn't make sense. Finally, while SB 547 attempts to improve the API, it relies on the same quantitative and standardized paradigm at the heart of the current system. The criticism of the API is that it has led schools to focus too narrowly on tested subjects and ignore other subjects and matters that are vital to a well-rounded education. SB 547 certainly would add more things to measure, but it is doubtful that it would actually improve our schools. Adding more speedometers to a broken car won't turn it into a high-performance machine. Over the last 50 years, academic "experts" have subjected California to unceasing pedagogical change and experimentation. The current fashion is to collect endless quantitative data to populate ever-changing indicators of performance to distinguish the educational "good" from the educational "bad." Instead of recognizing that perhaps we have reached testing nirvana, editorialists and academics alike call for ever more measurement "visions and revisions." A sign hung in Albert Einstein's office read "Not everything that counts can be counted, and not everything that can be counted counts."

SB 745 (Hernandez) – Pupils: School attendance: school districts of choice

SB 745 would have established second tier priorities for attendance in a district of choice to include English learners, pupils who are individuals with exceptional needs, and pupils who are eligible for free and reduced-price meals.

Governor's Veto Message: While I support the author's intent to protect students from potentially disparate admissions treatment under district of choice programs, current law already contains appropriate

safeguards and I have not been presented with evidence that demonstrates that a problem exists that warrants a statewide directive.