

November 1, 2011

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

VIA FEDEX

Office of the Attorney General
State of California
Attention: Initiative Coordinator
1300 I Street
Sacramento, California 95814

Re: Request for Title and Summary of Proposed Initiative
California Student Bill of Rights Act

Dear Initiative Coordinator:

Pursuant to Section 10(d) of Article II of the California Constitution, and Section 9001 of the California Elections Code, I am submitting a proposed statewide statutory initiative measure, entitled the "California Student Bills of Right Act," and requesting that your office prepare and title and summary of the measure as provided by law.

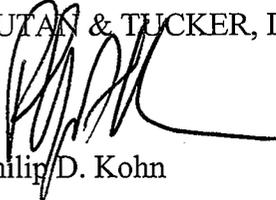
I have also included with this letter (1) the text of the proposed measure, (2) a check in the amount of \$200.00 as required by Section 9001(c) of the Elections Code, and (3) the signed statement required by Sections 9001(b) and 9608 of the Elections Code, after which is set forth the address at which I am registered to vote.

Should you have any questions or require additional information, please do not hesitate to contact me.

Thank you for your attention to this matter.

Very truly yours,

RUTAN & TUCKER, LLP


Philip D. Kohn

Enclosures

Text of Proposed Law

THE CALIFORNIA STUDENT BILL OF RIGHTS ACT

STATUTORY AMENDMENT

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the California Constitution.

This initiative adds provisions to, amends and repeals provisions of the Education Code. New provisions proposed to be added are printed in *italic type* to indicate they are new. Existing provisions proposed to be amended are printed in ~~striketrough type~~ to indicate provisions that are deleted and in *italic type* to indicate provisions that are new.

SECTION 1. Title. This measure shall be known and may be cited as the "California Student Bill of Rights Act."

SECTION 2. Findings and declarations. The people find and declare as follows:

(a) Education is a paramount responsibility of the state, and the state must therefore act quickly and efficiently to ensure that California K-12 education returns to its world-class levels of student attainment and equity of opportunity.

(b) The California Constitution recognizes that a general diffusion of knowledge and intelligence is essential to the preservation of the rights and liberties of the people, and that the promotion of intellectual, scientific, moral and agricultural improvement should be encouraged by all suitable means.

(c) The economic and social viability of California depends on a well-educated citizenry that possesses the skill set demanded by careers in a globally competitive society. California employers recognize that the knowledge and skills needed for success in college are a competitive advantage for the workplace now and in the future.

(d) A study conducted by the University of California, Los Angeles, found that nearly 40% of high school students in California attend schools that do not offer sufficient numbers of courses required for entrance to the state's university systems.

(e) Citizens of the state need to be assured that their taxpayer dollars are being invested in an equitable educational system in which all schools are performing well and are providing California students with high-quality educational opportunities that allow each to develop to his or her potential.

(f) The public school finance system must be modified to support the use of currently available school funding to provide unrestricted access to high-quality educational opportunities without creating new taxes or increasing existing taxes.

(g) All California students should have unrestricted access to the courses necessary to complete requirements for admission to the University of California and the California State University, including college preparation and advance placement courses, through a variety of approved means and opportunities offered both inside and outside of their school of residence.

(h) The provision of a broader range of educational options, in combination with the continued utilization of existing educational structures and technological resources, will help all California students, regardless of their area of residence, to improve their academic achievement and prepare them for higher education and a globally competitive workplace.

(i) All California students are entitled to have unrestricted access to a high-quality education – the established clear pathway to higher education and the world of work. This should include access to online learning opportunities and digital devices and materials, both within and outside their school or school district of record, especially for such coursework as is required for admission to the University of California and the California State University.

(j) In order to ensure that all students have an equitable opportunity to meet college entrance requirements regardless of their school of residence, a statewide California Diploma should be established to recognize high school students who have successfully completed the high-quality education courses required for admission to the University of California and the California State University.

SECTION 3. Addition of Section 46300.3 of Education Code. Section 46300.3 is hereby added to the Education Code to read in its entirety as follows:

Under the policy direction of the State Board of Education and the administrative leadership of the Superintendent of Public Instruction, the State Department of Education shall do the following:

(a) In cooperation with the Department of Finance, create and implement procedures and related processes that will enable state funding to be apportioned in a manner that corresponds proportionally to each course enrolled in and completed by the student, including in circumstances where a student is enrolled in more than one education institution.

(b) Establish a means for students to earn course credit that is unrestricted by time and place barriers, including without limitation demonstration of competency on end-of-course examinations.

SECTION 4. Addition of Section 46300.8 of Education Code.

Section 46300.8 is hereby added to the Education Code to read in its entirety as follows:

(a) Commencing with the 2013-14 fiscal year, a school district, charter school or county office of education may claim one day of attendance or apportioned fraction of one day of attendance toward average daily attendance on the basis of a student's attendance at a classroom-based, blended-learning and/or online class or classes, if all of the following apply:

(1) The student is enrolled in a California public school.

(2) The student is enrolled in classes that include one or more classroom-based or blended-learning courses and/or one or more online courses offered through an accredited school.

(3) Each course in which the student is enrolled is a high-quality course.

(b) For the purposes of this section, a "high-quality course" means a course that meets all of the following requirements:

(1) The classroom-based, blended-learning, or online course is approved by the relevant governing board and relevant high school courses meet course quality criteria established by the University of California.

(2) *The classroom-based, blended-learning, or online course is certified, through board resolution, by the relevant governing board to meet these requirements.*

(3) *The teacher of a classroom-based, blended-learning, or online course is accessible to the student to respond to student queries, assign tasks, and dispense information, though the teacher's interaction with the student may be asynchronous or synchronous in nature.*

(4) *The subject matter content in blended-learning and online courses is substantially similar in quality and quantity to the curriculum presented in the comparable classroom-based course.*

(5) *The teacher holds the appropriate subject matter credential or its equivalent at the community college, four-year college, or university level.*

(6) *A student is not assigned to an online course pursuant to this section unless the student voluntarily elects to participate in the online course.*

(7) *The parent or guardian of the student provides consent before the student participates in an online course.*

(8) *The school district of a school that offers blended-learning and online classroom programs pursuant to this section verifies that students take proctored examinations, or other reliable methods, to ensure academic integrity and that there is a clear record of student work, using a functional equivalent of the method of documentation and assessment as in a classroom-based course.*

(9) *All California public education institutions and other approved providers of high-quality courses in accordance with this section shall maintain records relating to students' learning activities and performance on end-of-course examinations.*

(c) *A school district offering a high-quality course in accordance with this section may contract with another California public education institution or other approved provider of such courses for the purpose of delivering courses to students in the offering school district's schools. Contract terms shall be determined by mutual agreement of the parties. Providers of high-quality courses for the purposes of this section shall contract directly with the school district of the school offering the course. This subdivision is not intended to prohibit or restrict providers of high-quality courses to contract with a student, or a student's parent or guardian, where the cost of the course is the sole responsibility of the student, or the student's parent or guardian.*

(d) *Attendance accounted for pursuant to subdivision (a) and compliance with the requirements of subdivision (b) shall be subject to the audit conducted pursuant to Section 41020.*

(e) *No provision of this section may be waived unless the waiver is specifically authorized in statute.*

SECTION 5. Addition of Article 6 (commencing with Section 51460) to Chapter 3 of Part 28, Division 4, Title 2 of Education Code. Article 6 (commencing with Section 51460) is hereby added to Chapter 3 of Part 28, Division 4, Title 2 the Education Code to read in its entirety as follows:

Article 6. California Diploma

51460. The California Diploma is hereby established as a diploma to recognize high school students who have successfully completed all of the high quality courses required for admission to the University of California and the California State University. Notwithstanding any provision of the Education Code to the contrary, the State Board of Education and the Superintendent of Public Instruction are authorized to and shall award jointly a California Diploma to each qualifying high school student in accordance with the provisions of this article.

51461. A student who completes, with a grade sufficient for meeting applicable requirements, all courses required for admission to the University of California and

the California State University shall qualify for a California Diploma. Alternative competency-based methods for completing courses or course requirements shall not be excluded.

51462. Under the policy direction of the State Board of Education and the administrative leadership of the Superintendent of Public Instruction, the State Department of Education shall do the following:

(a) Create and implement a procedure and related processes to ensure tracking of and access to information relating to course completion and performance on end-of-course examinations, including a record of transcripts, for students attending school programs in addition to those offered by their school district of residence, and to ensure the timely reporting of such information to the State Department of Education.

(b) Ensure the timely provision of notification to school districts of the names of students who have met the requirements for and been awarded a California Diploma.

(c) Prepare and distribute to qualifying students a California Diploma that has been jointly awarded by the State Board of Education and the Superintendent of Public Instruction.

(d) Consider whether it would be appropriate and feasible to provide any additional awards to recipients of a California Diploma.

SECTION 6. Addition of Chapter 19 to Part 28, Division 4, Title 1 of Education Code. Chapter 19 (commencing with Section 53350) is hereby added to Part 28, Division 4, Title 1 of the Education Code to read in its entirety as follows:

*Chapter 19. Equity of Access to Courses and Materials
Necessary to Meet Requirements for Admission to the
University of California and the California State
University*

53350. California students have the right of unrestricted access to courses and materials necessary to meet requirements for admissions to the University of

California and the California State University, including college preparation and advance placement courses.

53351. Every school, school district, unified school district, charter school, and county office of education shall make high-quality learning opportunities accessible to students. Such opportunities shall consist of the ability of every student to enroll in and complete approved courses regardless of the student's school or district of residence.

53352. For the purposes of this chapter, an "approved course" at the high school level means a course of instruction that meets the requirements for admission to the University of California and the California State University, including college preparation and advance placement courses, for which the course and the course provider are approved by the University of California and the school offering the course is accredited by the Western Association of Schools and Colleges. For non-high school level courses, approval and certification of the relevant governing board shall be required to establish an "approved course." Students enrolled in any approved course shall be required to demonstrate competency by proctored examination, or other reliable methods, to ensure academic integrity.

53353. Every school, school district, unified school district, charter school, and county office of education shall make approved courses accessible to students by one or more of the following means:

(a) A classroom-based, blended learning, or online course at the school in which the student is enrolled for regular classroom purposes;

(b) A classroom-based, blended learning, or online course within the school district in which the student is enrolled for regular purposes;

(c) A classroom-based, blended learning, or online course at any other publicly-funded school, community college, college or university; or

(d) A blended learning or online course offered by an accredited online school in which the student, instructor

and resources are in different locations and interact through the use of information and communications technologies.

53354. No student shall be denied access to any online course or the opportunity to enroll in an accredited online school because of the student's county of residence.

53355. No student who resides in the State of California shall incur or be charged a fee or cost for participating in an approved course at a publicly-funded school. This section is not intended to prohibit or restrict the ability of a provider of an approved course to charge a fee or cost to a student who is not a resident of the State of California and who is not enrolled in a California public school.

53356. No provision of this chapter is intended to prohibit or restrict the ability of a school, school district, unified school district, charter school, or county office of education from contracting with providers of approved courses that the school, school district, unified school district, charter school, or county office of education determines to be needed to meet the rights of students conferred by this chapter.

SECTION 7. Amendment of Section 60010 of Education Code.

Section 60010 of the Education Code is hereby amended to read in its entirety as follows:

For purposes of this part, the following terms have the following meanings unless the context in which they appear clearly requires otherwise:

(a) "Basic instructional materials" means instructional materials that are designed for use by pupils as a principal learning resource and that meet in organization and content the basic requirements of the intended course.

(b) "Commission" means the Curriculum Development and Supplemental Materials Commission.

(c) "Curriculum framework" means an outline of the components of a given course of study designed to provide state direction to school districts in the provision of instructional programs.

(d) "District board" means the board of education or governing board of a county, city and county, city, or other district that has the duty to provide for the education of the children in its county, city and county, city, or district.

(e) "Elementary school" means all public schools in which instruction is given through grade 8 or in any one or more of those grades.

(f) "Governing boards" means the state board and any one or more district boards.

(g) "High school" means all public schools other than elementary schools in which instruction is given through grade 12, or in any one or more of those grades.

(h) "Instructional materials" means all materials that are designed for use by pupils and their teachers as a learning resource and help pupils to acquire facts, skills, or opinions or to develop cognitive processes. Instructional materials may be in any format, including without limitation printed or digital, and may include textbooks, technology-based materials, other educational materials, and tests.

(i) "Nonpublic school" means a school that both satisfies the requirements of Section 48222, and is exempt from taxation under Section 214 of the Revenue and Taxation Code.

(j) "School official" means a member of a governing board, a city, county, city and county, or district superintendent of schools, and a principal, teacher, or other employee under his or her charge.

(k) "State board" means the State Board of Education.

(l) "Supplementary instructional materials" means instructional materials designed to serve, but not be limited to, one or more of the following purposes, for a given subject, at a given grade level:

(1) To provide more complete coverage of a subject or subjects included in a given course.

(2) To provide for meeting the various learning ability levels of pupils in a given age group or grade level.

(3) To provide for meeting the diverse educational needs of pupils with a language disability in a given age group or grade level.

(4) To provide for meeting the diverse educational needs of pupils reflective of a condition of cultural pluralism.

(5) To use current, relevant technology that further engages interactive learning in the classroom and beyond.

(m) (1) "Technology-based materials" means basic or supplemental instructional materials that are designed for use by pupils and teachers as learning resources and that require the availability of electronic equipment in order to be used as a learning resource. Technology-based materials include, but are not limited to, software programs, video disks, compact disks, optical disks, video and audiotapes, lesson plans, and databases, *and the electronic equipment required to make use of those materials as a learning resource.*

~~(2) Technology based materials do not include the electronic equipment required to make use of those materials, unless that equipment is to be used by pupils and teachers as a learning resource. However, this shall not be construed to authorize a school district to replace computers or related equipment in an existing computer lab or allow a school district to establish a new computer lab.~~

(32) Nothing in this subdivision shall be construed to relieve a school district of the obligation to provide pupils with sufficient textbooks or instructional materials pursuant to paragraph (1) of subdivision (c) of Section 60119. If a county office of education determines that a school district is out of compliance with paragraph (1) of subdivision (c) of Section 60119, that school district is not authorized to procure electronic equipment pursuant to paragraph (21) of this subdivision.

(n) "Test" means a device used to measure the knowledge or achievement of pupils.

SECTION 8. Effective date. The California Student Bill of Rights Act and all provisions thereof shall, unless otherwise expressly herein provided, take effect and become operative on the date the Secretary of State certifies the results of the election at which the California Student Bill of Rights Act was approved.

SECTION 9. Further implementation. The Legislature shall pass all laws necessary to carry out the provisions of the California Student Bill of Rights Act.

SECTION 10. Amendment. The California Student Bill of Rights Act may be amended only by a vote of two-thirds of the membership of both houses of the Legislature. All amendments to the California Student Bill of Rights Act shall be to further the California Student Bill of Rights Act and must be consistent with its purposes.

SECTION 11. Liberal construction. The provisions of the California Student Bill of Rights Act shall be liberally construed to effectuate its purposes of providing unrestricted and equitable access of all students to a high-quality education sufficient to meet the requirements for admission to the University of California and the California State University.

SECTION 12. Severability. If any provision of the California Student Bill of Rights Act, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of the California Student Bill of Rights Act are severable.