

School Site Council and Advisory Committee Legal Citations

CALIFORNIA EDUCATION CODE:

32281. School Safety Plans: Comprehensive school safety plans; contents; disaster procedures; development *No change*

(a) Each school district and county office of education is responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 to 12, inclusive.

(b) (1) Except as provided in subdivision (d) with regard to a small school district, the schools site council established pursuant to former Section 52012, as it existed before July 1, 2005, or Section 52852 shall write and develop a comprehensive school safety plan relevant to the needs and resources of that particular school.

(2) The schools site council may delegate this responsibility to a school safety planning committee made up of the following members: (A) The principal or the principal's designee. (B) One teacher who is a representative of the recognized certificated employee organization. (C) One parent whose child attends the school. (D) One classified employee who is a representative of the recognized classified employee organization. (E) Other members, if desired.

(3) The schools site council shall consult with a representative from a law enforcement agency in the writing and development of the comprehensive school safety plan.

(4) In the absence of a schools site council, the members specified in paragraph (2) shall serve as the school safety planning committee.

(c) Nothing in this article shall limit or take away the authority of school boards as guaranteed under this code.

(d) (1) Subdivision (b) shall not apply to a small school district, as defined in paragraph (2), if the small school district develops a districtwide comprehensive school safety plan that is applicable to each schoolsite. As used in this article, "small school district" means a school district that has fewer than 2,501 units of average daily attendance at the beginning of each fiscal year.

(e) (1) When a principal or his or her designee verifies through local law enforcement officials that a report has been filed of the occurrence of a violent crime on the schoolsite of an elementary or secondary school at which he or she is the principal, the principal or the principal's designee may send to each pupil's parent or legal guardian and each school employee a written notice of the occurrence and general nature of the crime. If the principal or his or her designee chooses to send the written notice, the Legislature encourages the notice be sent no later than the end of business on the second regular work day after the verification. If, at the time of verification, local law enforcement officials determine that notification of the violent crime would hinder an ongoing investigation, the notification authorized by this subdivision shall be made within a reasonable period of time, to be determined by the local law enforcement agency and the school district. For purposes of this section, an act that is considered a "violent crime" shall meet the definition of Section 67381 and be an act for which a pupil could or would be expelled pursuant to Section 48915.

(2) Nothing in this subdivision shall create any liability in a school district or its employees for complying with paragraph (1).

(f) (1) Notwithstanding subdivision (b), a school district or county office of education may, in consultation with law enforcement officials, elect to not have its schools site council develop and write those portions of its comprehensive school safety plan that include tactical responses to criminal incidents that may result in death or serious bodily injury at the schoolsite. The portions of a school safety plan that include tactical responses to criminal incidents may be developed by administrators of the school district or county office of education in consultation with law enforcement officials and with a representative of an exclusive bargaining unit of employees of that school district or county office of education, if he or she chooses to participate. The school district or county office of education may elect not to disclose those portions of the comprehensive school safety plan that include tactical responses to criminal incidents.

(2) As used in this article, "tactical responses to criminal incidents" means steps taken to safeguard pupils and staff, to secure the affected school premises, and to apprehend the criminal perpetrator or perpetrators.

(3) Nothing in this subdivision precludes the governing board of a school district or county office of education from conferring in a closed session with law enforcement officials pursuant to Section 54957 of the Government Code to approve a tactical response plan developed in consultation with those officials pursuant to this subdivision. Any vote to approve the tactical response plan shall be announced in open session following the closed session.

(4) Nothing in this subdivision shall be construed to reduce or eliminate the requirements of Section 32282.

35147 Governing Boards: Open meeting law exceptions and application; notice; agenda; conduct; materials *Green Act addressed in section (c)**

(a) Except as specified in this section, any meeting of the councils or committees specified in subdivision (b) is exempt from the provisions of this article, the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Division 3 of Title 2 of the Government Code), and the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of the Government Code).

(b) The councils and school site advisory committees established pursuant to Sections 52012, 52065, 52176, and 52852, subdivision (b) of Section 54425, Sections 54444.2, 54724, and 62002.5, and committees formed pursuant to Section 11503 or Section 2604 of Title 25 of the United States Code, are subject to this section.

*(c) Any meeting held by a council or committee specified in subdivision (b) shall be open to the public and any member of the public shall be able to address the council or committee during the meeting on any item within the subject matter jurisdiction of the council or committee. Notice of the meeting shall be posted at the school site, or other appropriate place accessible to the public, at least 72 hours before the time set for the meeting. The notice shall specify the date, time, and location of the meeting and contain an agenda describing each item of business to be discussed or acted upon. The council or committee may not take any action on any item of business unless that item appeared on the posted agenda or unless the council or committee members present, by unanimous

vote, find that there is a need to take immediate action and that the need for action came to the attention of the council or committee subsequent to the posting of the agenda. Questions or brief statements made at a meeting by members of the council, committee, or public that do not have a significant effect on pupils or employees in the school or school district or that can be resolved solely by the provision of information need not be described on an agenda as items of business. If a council or committee violates the procedural meeting requirements of this section and upon demand of any person, the council or committee shall reconsider the item at its next meeting, after allowing for public input on the item.

(d) Any materials provided to a school site council shall be made available to any member of the public who requests the materials pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

52062 Superintendent shall Review SPSAs

(a) Before the governing board of a school district considers the adoption of a local control and accountability plan or an annual update to the local control and accountability plan, all of the following shall occur:

(4) The superintendent of the school district shall review school plans submitted pursuant to Section 64001 for schools within the school district and ensure that the specific actions included in the local control and accountability plan or annual update to the local control and accountability plan are consistent with strategies included in the school plans submitted pursuant to Section 64001.

52176 Bilingual Education: Advisory Committees

(a) Each school district with more than 50 pupils of limited English proficiency shall establish a districtwide advisory committee on bilingual education. Parents or guardians, or both, of pupils of limited English proficiency who are not employed by the district shall constitute a majority of the committee, unless the district designates for this purpose an existing districtwide advisory committee on which parents or guardians, or both, of pupils of limited English proficiency have membership in at least the same percentage as their children and wards represent of the total number of pupils in the district, provided that a subcommittee on bilingual-bicultural education on which parents or guardians, or both, of pupils of limited English proficiency constitute a majority is established. The district advisory committee and subcommittee, if applicable, shall be responsible for at least six specific tasks. These tasks shall be to advise the district governing board regarding all of the following:

(1) Establishment of a timetable for development of a district master plan for bilingual education.

(2) Districtwide needs assessment on a school-by-school basis.

(3) Establishment of district program goals and objectives in bilingual education.

(4) A plan to ensure district compliance with the provisions of Section 52178.

(5) Administration of the annual language census.

(b) Each school with more than 20 pupils of limited English proficiency shall establish a school level advisory committee on which parents or guardians, or both, of such pupils constitute membership in at least the same percentage as their children and wards represent of the total number of pupils in the school. The school may designate for this

purpose an existing school level advisory committee, or subcommittee of such an advisory committee, if the advisory committee, or subcommittee where appropriate, meets the criteria stated above.

(c) Each school advisory committee maintained pursuant to this section shall be responsible for advising the principal and staff in the development of a detailed master plan for bilingual education for the individual school and submitting the plan to the governing board for consideration for inclusion in the district master plan. It shall also be responsible for assisting in the development of the school needs assessment, language census, and ways to make parents aware of the importance of regular school attendance.

The Department of Education shall develop guidelines for the selection of advisory committees established or maintained pursuant to this section by May 1, 1981.

52852. School-Based Program Coordination Act: School site council: composition
Repealed by AB 716; composition requirements moved to 65000

A school site council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school. At the elementary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) parents or other community members selected by parents. At the secondary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) equal numbers of parents, or other community members selected by parents, and pupils. At both the elementary and secondary levels, classroom teachers shall comprise the majority of persons represented under category (a). Existing schoolwide advisory groups or school support groups may be utilized as the school site council if those groups conform to this section. The Superintendent of Public Instruction shall provide several examples of selection and replacement procedures that may be considered by school site councils. An employee of a school who is also a parent or guardian of a pupil who attends a school other than the school of the parent's or guardian's employment, is not disqualified by virtue of this employment from serving as a parent representative on the school site council established for the school that his or her child or ward attend

52852.5. School-Based Program Coordination Act: Duties of governing board of school district
Repealed by AB 716

The governing board of each school district shall:

(a) Ensure that the principal of every school receives information covering the provisions of this article, and provides such information to teachers, other school personnel, parents, and, in secondary schools, pupils.

(b) Adopt policies to ensure that, prior to a school beginning to develop a plan pursuant to Section 52853, a school site council as described in Section 52852 is established at the school site to consider whether or not it wishes the local school to participate in the school-based coordination program. The board shall ensure that all interested persons,

including, but not limited to, the principal, teachers, other school personnel, parents, and, in secondary schools, pupils have an opportunity to meet in public to establish the council.

(c) Ensure that funds coordinated pursuant to this article are used to supplement, not supplant, existing state and local fiscal efforts and that schools which receive the funds shall have base expenditures comparable to nonparticipating schools.

52853. School-Based Program Coordination Act: Contents of school plan; annual review of modification; new budget *Repealed by AB 716; addressed in 64001*

(a) The school site council shall develop a school plan which shall include all of the following:

(1) Curricula, instructional strategies and materials responsive to the individual needs and learning styles of each pupil.

(2) Instructional and auxiliary services to meet the special needs of non-English-speaking or limited-English-speaking pupils, including instruction in a language these pupils understand; educationally disadvantaged pupils; gifted and talented pupils; and pupils with exceptional needs.

(3) A staff development program for teachers, other school personnel, paraprofessionals, and volunteers, including those participating in special programs. Staff development programs may include the use of program guidelines that have been developed by the superintendent for specific learning disabilities, including dyslexia, and other related disorders. The strategies included in the guidelines and instructional materials that focus on successful approaches for working with pupils who have been prenatally substance exposed, as well as other at-risk pupils, may also be provided to teachers.

(4) Ongoing evaluation of the educational program of the school.

(5) Other activities and objectives as established by the council.

(6) The proposed expenditures of funds available to the school through the programs described in Section 52851. For purposes of this subdivision, proposed expenditures of funds available to the school through the programs described in Section 52851 shall include, but not be limited to, salaries and staff benefits for persons providing services for those programs.

(7) The proposed expenditure of funds available to the school through the federal Improving America's Schools Act of 1994 (IASA) (20 U.S.C. Sec. 6301 et seq.) and its amendments. If the school operates a state-approved schoolwide program pursuant to Section 6314 of Title 20 of the United States Code in a manner consistent with the expenditure of funds available to the school pursuant to Section 52851, employees of the schoolwide program may be deemed funded by a single cost objective.

(b) The school site council shall annually review the school plan, establish a new budget, and if necessary, make other modifications in the plan to reflect changing needs and priorities.

52855. School-Based Program Coordination Act: Review and approval or disapproval; modifications *Repealed by AB 716; moved to 64001(i)*

The school district governing board shall review and approve or disapprove school plans. A school plan shall not be approved unless it was developed and recommended by the school site council. If a plan is not approved by the governing board, specific reasons for that action shall be communicated to the council. Modifications to any school plan shall be developed, recommended and approved or disapproved in the same manner.

52858.5. School-Based Program Coordination Act: Inclusion of funds allocated pursuant to educationally disadvantaged youth programs; consultation with bilingual advisory committee *Repealed by AB 716; included in 64001(c)*

If the school district and school site council choose to include funds allocated pursuant to Chapter 1 (commencing with Section 54000) of Part 29, the school site council shall consult with any school level bilingual advisory committee required by law prior to submitting a school plan pursuant to this article. If the bilingual advisory committee objects to the plan, written copies of the committee's objections shall be attached to the plan when it is transmitted to the local governing board and the State Board of Education. However, the school site council and the school district shall make the final determination as to the content of the school plan and the content of any waiver request.

52863 School-Based Program Coordination Act: Waiver of provision of article; request; duration *Repealed by AB 716 (amended waiver provisions in 33050)*

Any governing board, on behalf of a school site council, may request the State Board of Education to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. If the State Board of Education approves a waiver request, the waiver shall apply only to the school or schools which requested the waiver and shall be effective for no more than two years. The State Board of Education may renew a waiver request.

52870 School-Based Program Coordination Act: Consolidation *Repealed by AB 716*

(a) Notwithstanding any other provisions of this chapter, if a school district and school participate in the school-based program coordination, any school site advisory committee may elect to designate the school site council to function as that advisory committee for all purposes required by statute or regulations for a period of up to two years.

(b) If the governing board of a school district adopts a policy that establishes a schoolwide decision-making body at each school to promote continuous improvement through a single planning process that coordinates federal and state programs and services, then that body may be designated as a single decision making or coordinating body, if the composition of the body meets the requirements of Section 52852.

(c) It is the intent of the Legislature that, to the extent possible, the members of the school site council represent the composition of the school's pupil population.

62002.5 Evaluation and sunseting of programs: Parent advisory committees and school site councils; continuation of functions and responsibilities

Parent advisory committees and school site councils which are in existence pursuant to statutes or regulations as of January 1, 1979, shall continue subsequent to the termination

of funding for the programs sunsetted by this chapter. Any school receiving funds from Economic Impact Aid or Bilingual Education Aid subsequent to the sunset of these programs as provided in this chapter, shall establish a school site council in conformance with the requirements in Section 52012. The functions and responsibilities of such advisory committees and school site councils shall continue as prescribed by the appropriate law or regulation in effect as of January 1, 1979.

64001. School Plans for categorical programs; School Plan for Pupil Achievement or School Plan for Student Achievement; onsite review; submission of plans; funding requirements *Amended by AB 716*

(a) Notwithstanding any other provision of law, school districts shall not be required to submit to the department, as part of the consolidated application, school plans for categorical programs subject to this part. School districts shall assure, in the consolidated application, that the School Plan for Pupil Achievement established pursuant to subdivision (d) has been prepared in accordance with law, that school site councils have developed and approved a plan, to be known as the School Plan for Pupil Achievement for schools participating in programs funded through the consolidated application process, and any other school program they choose to include, and that school plans were developed with the review, certification, and advice of any applicable school advisory committees. The School Plan for Pupil Achievement may also be referred to as the School Plan for Student Achievement. The consolidated application shall also include certifications by appropriate district advisory committees that the application was developed with review and advice of those committees.

For any consolidated application that does not include the necessary certifications or assurances, the department shall initiate an investigation to determine whether the consolidated application and School Plan for Pupil Achievement were developed in accordance with law and with the involvement of applicable advisory committees and school site councils.

(b) Onsite school and district compliance reviews of categorical programs shall continue, and school plans shall be required and reviewed as part of these onsite visits and compliance reviews...

(c) A school district shall submit school plans whenever the department requires the plans in order to effectively administer any categorical program subject to this part. The department may require submission of the school plan for any school that is the specific subject of a complaint involving any categorical program or service subject to this part...

(d) Notwithstanding any other provision of law, as a condition of receiving state funding for a categorical program pursuant to Section 64000, and in lieu of the information submission requirements that were previously required by this section prior to the amendments that added this subdivision and subdivisions (e) to (i), inclusive, school districts shall ensure that each school in a district that operates any categorical programs subject to this part consolidates any plans that are required by those programs into a single plan. Schools may consolidate any plans that are required by federal programs subject to this part into this plan, unless otherwise prohibited by federal law. That plan shall be known as the School Plan for Pupil Achievement or may be referred to as the School Plan for Student Achievement.

(e) Plans developed pursuant to subdivision (d) of Section 52054, and Section 6314 and following of Title 20 of the United States Code, shall satisfy this requirement.

(f) Notwithstanding any other provision of law, the content of a School Plan for Pupil Achievement shall be aligned with school goals for improving pupil achievement. School goals shall be based upon an analysis of verifiable state data, including the Academic Performance Index developed pursuant to Section 52052 and the English Language Development test developed pursuant to Section 60810, and may include any data voluntarily developed by districts to measure pupil achievement. The School Plan for Pupil Achievement shall, at a minimum, address how funds provided to the school through any of the sources identified in Section 64000 will be used to improve the academic performance of all pupils to the level of the performance goals, as established by the Academic Performance Index developed pursuant to Section 52052. The plan shall also identify the schools' means of evaluating progress toward accomplishing those goals and how state and federal law governing these programs will be implemented.

(g) The plan required by this section shall be reviewed annually and updated, including proposed expenditure of funds allocated to the school through the consolidated application, by the school site council, or, if the school does not have a school site council, by schoolwide advisory groups or school support groups that conform to the requirements of Section 52852. The plans shall be reviewed and approved by the governing board of the local education agency at a regularly scheduled meeting whenever there are material changes that affect the academic programs for students covered by programs identified in Section 64000.

(h) The school plan and subsequent revisions shall be reviewed and approved by the governing board of the school district. School district governing boards shall certify that, to the extent allowable under federal law, plans developed for purposes of this section are consistent with district local improvement plans that are required as a condition of receiving federal funding.

(i) Nothing in this act may be construed to prevent a school district, at its discretion, from conducting an independent review pursuant to subdivision (c) of Section 64001 as that section read on January 1, 2001.

NEW EDUCATION CODE BASED ON AB 716; EFFECTIVE 1/1/19

64000 Consolidated Application *Amended by AB 716*

(a) For purposes of this part, Part 37 (commencing with Section 64001), and Part 38 (commencing with Section 65000), a local educational agency is defined as a county office of education, school district, or charter school.

(b) Each local educational agency that elects to apply for funds under this part may submit to the department for approval by the state board a single consolidated application for approval or continuance of those federal categorical programs subject to this part.

(c) This part shall apply to applications for funds under the following programs:

(1) Federal funds provided to the state through the federal Elementary and Secondary Education Act of 1965 (ESEA) (Public Law 89-10), as amended by the federal Every Student Succeeds Act (ESSA) (Public Law 114-95). These funds exclude those

congressional acts funded other than ESEA or ESSA that are provided through federal acts or grants separate from ESEA or ESSA and those ESSA funds that are allocated separately from the consolidated application process.

(2) State categorical programs that are not funded through the local control funding formula. Carryover funds from state categorical programs that have a sunset under their own provisions shall be subject to this part.

(d) The consolidated application shall include annual certifications by the school district English learner parent advisory committee, if one has been established pursuant to Section 52063, that the application was developed with the review and advice of that committee.

64001 School Plans for Student Achievement *Amended by AB 716*

that each school of the local educational agency that operates any programs subject to Part 36 (commencing with Section 64000) consolidates any plans that are required by those programs into a single plan, unless otherwise prohibited by law. That plan shall be known as the School Plan for Student Achievement (SPSA). In the case that a plan is not required by a program subject to Part 36 (commencing with Section 64000), the governing board or body of a local educational agency may require any school that receives funding from the consolidated application to develop a SPSA.

(b) A local educational agency shall not be required to submit the SPSA to the department as part of the consolidated application.

(c) A local educational agency shall ensure, in the consolidated application, that the SPSA has been prepared in accordance with law, that schoolsite councils have developed and approved a SPSA for each school participating in programs funded through the consolidated application process, and that SPSAs were developed with the review, certification, and advice of the school English learner advisory committee, if required.

(d) The department shall monitor and review to ensure that the consolidated application and the SPSA were developed in accordance with law and with the involvement of applicable advisory committees and schoolsite councils.

(e) Onsite school and district compliance reviews of categorical programs shall continue, and SPSAs shall be required and reviewed as part of these onsite visits and compliance reviews. The Superintendent shall monitor such compliance. To that end, the Superintendent shall develop monitoring instruments and establish the process and frequency for conducting reviews of district achievement and compliance with state and federal categorical program requirements. The state board shall review the content of these instruments for consistency with state board policy.

(f) (1) A complaint that a local educational agency has not complied with the requirements of Part 36 (commencing with Section 64000), this part, or Part 38 (commencing with Section 65000) may be filed with a local educational agency pursuant to 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.

(2) The department may require submission of the SPSA for any school that is the specific subject of a complaint involving any program or service subject to this part.

(3) The department may require a local educational agency to submit other data or information as may be necessary for the department to effectively administer any program subject to this part.

(g) (1) Notwithstanding any other law, the schoolsite council shall develop the content of the SPSA. SPSAs shall be reviewed in accordance with paragraph (4) of subdivision (a) of Section 52062.

(2) The development of the SPSA shall include both of the following actions:

(A) Administration of a comprehensive needs assessment pursuant to Section 1114(b)(6) of the federal Every Student Succeeds Act (Public Law 114-95) that forms the basis of the school's goals contained in the SPSA. The comprehensive needs assessment shall include an analysis of verifiable state data, consistent with all state priorities as noted in Sections 52060 and 52066, and informed by all indicators described in Section 1111(c)(4)(B) of the federal Every Student Succeeds Act, including pupil performance against state-determined long-term goals. The school may include any data voluntarily developed by districts to measure pupil outcomes. In the case that the plan is required by the local governing board or body of the local educational agency only, the local governing board or body of the local educational agency may determine the extent to which the needs assessment is applicable.

(B) Identification of the process for evaluating and monitoring the implementation of the SPSA and progress towards accomplishing the goals set forth in the SPSA.

(3) The SPSA shall include all of the following:

(A) Goals set to improve pupil outcomes, including addressing the needs of pupil groups as identified through the needs assessment in subparagraph (A) of paragraph (2).

(B) Evidence-based strategies, actions, or services.

(C) Proposed expenditures, based on the projected resource allocation from the governing board or body of the local educational agency, to address the findings of the needs assessment consistent with the state priorities, including identifying resource inequities, which may include a review of the local educational agency's budgeting, its local control and accountability plan, and school-level budgeting, if applicable.

(h) SPSAs created under this part may serve as school improvement plans required under federal law for schools identified for targeted support as described in Section 1003(e)(1)(A) of the federal Every Student Succeeds Act (Public Law 114-95) or comprehensive support as described in Section 1003(e)(1)(B) of the federal Every Student Succeeds Act, as long as the SPSAs also meet the requirements as established by the federal Elementary and Secondary Education Act of 1965 (Public Law 89-10), as amended by the federal Every Student Succeeds Act. A local educational agency may utilize the schoolsite council to meet the stakeholder requirements established in Section 1111(d)(1)(B) and Section 1111(d)(2)(B) of the federal Every Student Succeeds Act.

(i) The SPSA required by this section shall be reviewed annually and updated, including proposed expenditure of funds allocated to the school through the consolidated application and the local control and accountability plan, if any, by the schoolsite council. The SPSAs shall be reviewed and approved by the governing board or body of the local educational agency at a regularly scheduled meeting whenever there are material changes that affect the academic programs for pupils covered by programs identified in this part. If a SPSA is not approved by the governing board or body of the local educational agency, specific reasons for that action shall be communicated to the schoolsite council. Modifications to any SPSA shall be developed, recommended, and approved or disapproved by the governing board or body of the local educational agency in the same manner.

(j) Single school districts and charter schools may utilize the local control and accountability plan to serve as the SPSA, provided that the local control and accountability plan meets federal school planning requirements and the stakeholder requirements established in subdivision (a) of Section 52062.

65000 Schoolsite Councils *New code section per AB 716; previously in 52852*

(a) It is the intent of the Legislature that, to the extent possible, the members of the schoolsite council represent the composition of the school's pupil population. It is also the intent of the Legislature that, notwithstanding the size of the school, the composition of the schoolsite council ensure parity between the groups referenced in paragraphs (1) and (2) of subdivision (c).

(b) A school that operates a program that requires a School Plan for Student Achievement, pursuant to Section 64001, shall establish a schoolsite council.

(c) (1) At an elementary school, the schoolsite council shall consist of both of the following groups:

(A) The principal of the school or his or her designee; classroom teachers employed at the school, selected by classroom teachers employed at the school; and school personnel employed at the school who are not teachers, selected by school personnel employed at the school who are not teachers. The classroom teachers selected pursuant to this subparagraph shall constitute a majority of the persons selected pursuant to this subparagraph.

(B) Parents of pupils attending the school, or other members of the school community, selected by parents of pupils attending the school. The number of persons selected pursuant to this subparagraph shall equal the number of persons selected pursuant to subparagraph (A).

(2) At a secondary school, the schoolsite council shall consist of both of the following groups:

(A) The principal of the school or his or her designee; classroom teachers employed at the school, selected by classroom teachers employed at the school; and school personnel employed at the school who are not teachers, selected by school personnel employed at the school who are not teachers. The classroom teachers selected pursuant to this subparagraph shall constitute a majority of the persons selected pursuant to this subparagraph.

(B) Parents of pupils attending the school, or other members of the school community, selected by parents of pupils attending the school; and pupils attending the school, selected by pupils who are attending the school. The number of persons selected pursuant to this subparagraph shall equal the number of persons selected pursuant to subparagraph (A).

(d) An employee of a school who is also a parent or guardian of a pupil who attends a school other than the school of the parent's or guardian's employment is not disqualified by this employment from serving as a parent representative on the schoolsite council established for the school that his or her child or ward attends.

65000 Composition/Exceptions for small schools and schools with common administration *Required waiver prior to AB 716*

- (a) Schools with a common site administration may operate a shared schoolsite council if the schoolsite has a pupil population of less than 300.
- (b) Up to three schools with a combined pupil population of less than 1,000 may operate a shared schoolsite council if the schools have at least one of the following characteristics:
- (1) A shared campus.
 - (2) Geographic proximity to one another with similar pupil populations.
- (c) In the case of a shared schoolsite council, each elementary school shall have representation as indicated in paragraph (1) of subdivision (c) of Section 65000, and each secondary school shall have representation as indicated in paragraph (2) of subdivision (c) of Section 65000.
- (d) A school with a population of fewer than 300 pupils may operate a schoolsite council that has the representation of at least one member of each group identified in paragraph (1) of subdivision (c) of Section 65000 as long as it maintains parity with the representation of the groups referenced in paragraph (2) of subdivision (c) of Section 65000, and the local governing board or body of the local educational agency has obtained approval from its local bargaining unit, if applicable.
- (e) The state board may grant a waiver of any provision of this part to a school district or county office of education. A school district governing board or county board of education, on behalf of a schoolsite council, may request that the state board grant a waiver of any provision of this part.
- (f) The state board may adopt rules and regulations as necessary to implement the provisions of this part.

FORMER CALIFORNIA EDUCATION CODE:

52001(a) "Other school personnel" means persons who work directly and on a regular basis with pupils, including administrative employees, as defined in subdivision (e) of Section 33150, pupil services employees, as defined in subdivision (c) of Section 33150, and classified employees.

33150 (b) "Teacher" means an employee of a school district, employed in a position requiring certification qualifications and whose duties require him to provide direct instruction to pupils in the schools of that district for the full time for which he is employed. "Teacher" shall include, but not be limited to, teacher of special classes, teachers of exceptional children, teachers of physically handicapped minors, teachers of mentally retarded minors, substitute teachers, instructional television teachers, specialist mathematics teachers, specialist reading teachers, home and hospital teachers, and learning disability group teachers.

52001(b) "Community member" means a person who is neither in the employment of the school district, nor the parent or guardian of a pupil attending the participating school.

CALIFORNIA CODE OF REGULATIONS, TITLE 5:

§ 4000. Classroom Teacher.

“Classroom teacher” means all teachers as defined in former Education Code Section 33150(b) except those included in the definition of “other school personnel” as defined in former Education Code Section 52001(a).

§ 4002. Parent Eligible for Membership on the School-Site Council.

“Parent eligible for membership on the school site council” means a person who is the mother, father, or legal guardian, or one acting in loco parentis of a pupil attending the particular school but who is not employed at the school attended by such pupil.

§ 4001. Parity.

“Parity” of membership between various groups of persons identified in former Education Code section 52012 and Education Code section 52852 means equal numbers of persons.

§4423. State Compensatory Education: Advisory Councils

Each participating school district shall establish a district advisory council and shall also establish a school advisory council at each participating school. Advisory councils established pursuant to this article shall comply with the ESEA, Title I, law and regulations pertaining to advisory councils. These councils shall include broad representation of the parent population served by this district or school respectively including socio-economic and ethnic groups represented in the district or school attendance area.

(a) If Title I services are provided to students in nonpublic schools, each nonpublic school system with such students must be given the opportunity to submit the name of a candidate(s) for the election of the district advisory council.

(b) A nonpublic system may establish advisory councils at its schools which receive Title I services.

(c) Applications for funds under this chapter must contain a certification of participation in the Title I/SCE planning process as follows:

(1) District Application -the district advisory council chairperson;

(2) School-level plans -the school advisory council chairperson;

(3) The District Application -Nonpublic Schools section -a representative for the Nonpublic Schools.

§11308. English Language Learner Education: Advisory Committees

(a) School district advisory committees on programs and services for English learners shall be established in each school district with more than 50 English learners in attendance. School advisory committees on education programs and services for English learners shall be established in each school with more than 20 English learners in attendance. Both school district and school advisory committees shall be established in accordance with Education Code section 62002.5.

(b) The parents or guardians of English learners shall elect the parent members of the school advisory committee (or subcommittee, if appropriate). The parents shall be

provided the opportunity to vote in the election. Each school advisory committee shall have the opportunity to elect at least one member to the School District Advisory Committee, except that school districts with more than 30 school advisory committees may use a system of proportional or regional representation.

(c) School District Advisory Committees shall advise the school district governing board on at least the following tasks:

(1) Development of a district master plan for education programs and services for English learners. The district master plan will take into consideration the school site master plans.

(2) Conducting of a district wide needs assessment on a school-by-school basis.

(3) Establishment of district program, goals, and objectives for programs and services for English learners.

(4) Development of a plan to ensure compliance with any applicable teacher and/or teacher aide requirements.

(5) Administration of the annual language census.

(6) Review and comment on the school district reclassification procedures.

(7) Review and comment on the written notifications required to be sent to parents and guardians pursuant to this subchapter.

(d) School districts shall provide all members of school district and school advisory committees with appropriate training materials and training which will assist them in carrying out their responsibilities pursuant to subsection (c). Training provided advisory committee members in accordance with this subsection shall be planned in full consultation with the members, and funds provided under this chapter may be used to meet the costs of providing the training to include the costs associated with the attendance of the members at training sessions.