

**The Education Bill of Rights:
Ensuring All California Students a High Quality Education**

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As policymakers explore new ideas for reforming California's public schools, they would do well to reconsider a bold piece of legislation proposed in 2002. Assemblymember Judy Chu introduced the "California Educational Bill of Rights and Responsibilities" to formalize the legislature's commitment to a high quality education for all. The legislation aimed to accomplish three goals. First, it sought to instantiate the principle of reciprocal accountability: state and local officials should be responsible for ensuring quality learning conditions and students and parents should be responsible for investing the effort and commitment required to promote educational achievement. Second, it aimed to specify exactly what students and parents should expect from their schools. Third, it attempted to create an information system through which educational shortcomings could be identified, publicized, and (ultimately) addressed.

Five years ago, the California Educational Bill of Rights and Responsibilities" was derailed by the Appropriations Committee before the full Legislature could debate its merits. For 2008 to be the "year of education," policy makers and the public will need to grapple with questions posed by this Bill: What does California owe to students in its public schools? What do students and parents owe in return? What—specifically—should California's public schools provide to each student? How do we know when these conditions are not met? Who is responsible for remedying shortcomings?

The text of the Bill copied below provides a set of answers to these questions. We offer this text not so much to highlight these particular responses (though we find them generally compelling), but rather to encourage a broad and robust public conversation around these fundamental questions.



BILL NUMBER: AB 2236

AMENDED IN ASSEMBLY APRIL 11, 2002

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares the following:

(a) In furtherance of the fundamental right of every California pupil to an elementary and secondary education, it is the intent of the State of California to develop and operate a public education system that will insure that every pupil has a reasonable opportunity to graduate from high school qualified to enter a four-year state university, to obtain a living wage job, and to actively participate in civic life.

(b) Pupils, parents or guardians, and members of the community at large have a right to know what they may expect of California's system of public education in providing for each pupil in California, and the degree to which those objectives are currently being met.

(c) To improve public education it is necessary that more specific goals for public education be established, and that the public education system make available to pupils, parents or guardians, and the public better information regarding the degree to which those goals are being met.

(d) It is further necessary that pupils, parents or guardians, and the public be informed of the identity of those officials responsible for insuring that specific goals are met, and, if necessary, that these officials provide an explanation of why these goals have not been achieved. SEC. 2. Article 4 (commencing with Section 40) is added to Chapter 1 of Part 1 of the Education Code, to read:

Article 4. California Educational Bill of Rights and Responsibilities

40. It shall be the goal of California It is the intent of the Legislature to develop and operate a system of public schools that provides the high quality educational opportunities necessary for all pupils throughout the state to acquire the proficiencies specified in the content standards adopted pursuant to Section 60605. These opportunities for learning shall include all of the following:

(a) Fully qualified and adequately trained teachers and counselors, as specified in subdivision (a) of Section 41.

(b) Adequate textbooks and other learning materials and resources, as specified in subdivision (b) of Section 41.

(c) A suitable learning environment and school classrooms and facilities that promote learning and health, as specified in subdivision (c) of Section 41.

(d) A supportive learning environment free from harassment and violence, as specified in subdivision (d) of Section 41.

(e) A clear statement of academic standards that define what each pupil is expected to know at each grade level and the conditions for learning necessary to achieve these standards, as specified in subdivision (e) of Section 41.

(f) A course of instruction and supplementary academic services that provide every pupil the opportunity to compete for admission to California's public universities and to enter the workforce adequately prepared for gainful employment, as specified in subdivision (f) of Section 41.

(g) A course of instruction that incorporates the home language of the pupil to the degree necessary to access curriculum and meet grade level expectations, as specified in subdivision (g) of Section 41.

(h) Fair and authentic assessment of pupil achievement, as specified in subdivision (h) of Section 41.

(i) Access by pupils and parents or guardians to timely and accurate information regarding the degree to which individual pupils have been provided learning opportunities necessary to high achievement, as specified in subdivision (i) of Section 41.

(j) Access by pupils, parents or guardians, and members of the public at large to information essential to assessing the performance of schools, school districts, and the state system of public education, including information regarding the identities of those public employees charged with the responsibility of insuring the delivery of those educational opportunities referred to in this section, as specified in subdivision (j) of Section 41.

41. The It is the intent of the Legislature that the educational opportunities described in Section 40 shall include the following:

(a) High-quality teachers and counselors, including all of the following:

(1) Teachers adequately trained in the subject matter taught.

(2) Teachers who receive ongoing professional development and training.

(3) Teachers who have sufficient time to devote to each pupil's development and who teach classes of reasonable size.

(4) Counselors available to meet with pupils at regular intervals to advise pupils regarding educational requirements and choices

(b) Adequate learning materials and resources, including all of the following:

(1) Materials necessary to support the instructional program at each level recommended or required by the content standards adopted pursuant to Section 60605.

(2) Individual textbooks, workbooks, and other instructional materials for use in and out of the classroom.

(3) Access to reasonably current information technology and the Internet.

(4) Necessary equipment for rigorous science and mathematics instruction.

(5) Suitable chairs, desks, and other classroom equipment.

(c) A suitable learning environment and school classrooms, buildings, and facilities that enable learning and health, including all of the following:

(1) School facilities located within a reasonable commuting distance of a pupil's home.

(2) Clean, uncrowded, well-lit classrooms and other instructional spaces with adequate ventilation and necessary heating and air-conditioning, reasonably maintained and free of vermin, mold, and other health hazards.

(3) Adequate laboratories and studios for pupils to complete rigorous work in science and the arts.

(4) Bathrooms and sanitary facilities that are unlocked, accessible, well-stocked, and maintained in decent, safe, and sanitary condition.

(5) Outdoor space sufficient for exercise and sports.

(6) Adequate school nursing services.

(d) A safe and supportive school environment, including all of the following:

(1) Protection from harassment or abuse of any kind from any person.

(2) A fair and nondiscriminatory disciplinary system.

(e) A clear statement of the academic standards that both define what pupils are expected to know and accomplish at every educational level and specify the basic conditions for learning that pupils and families have a right to expect from the public education system.

(f) A course of instruction that will enable all pupils to compete for admission to any public university in the state, to compete for a high-quality job, and to participate actively in California's civic life, including all of the following:

(1) Access to challenging curriculum in elementary and middle school that prepares pupils to succeed in college preparatory curriculum.

(2) Access to any sequence or combination of courses required for entry into the state's public universities.

(3) Access to advanced placement courses or other courses that offer some advantage to applicants seeking admission to the state's public universities.

(4) Access to the full array of curricular and extracurricular options offered across the entire school calendar, such that no pupil is denied access to any program offered in school because of their assignment to a particular track in a year-round school.

(5) Access to essential supplementary academic services that provide pupils with a meaningful opportunity to learn the curriculum and progress towards their academic goals.

(g) Instruction that allows pupils with differing language capabilities to access the curriculum and to maintain proficiency in their native language.

(h) A fair and accurate assessment system used to measure and improve the quality of education and supplementary educational services that respond to identified pupil needs, including all of the following:

(1) Measures that are sensitive to the diversity of pupils and of school communities.

(2) Multiple measures that allow pupils to demonstrate their competence accurately for the purpose of graduation, state scholarship funds, and college eligibility.

(3) Measures that enable teachers to guide pupils and design further learning opportunities and that provide parents or guardians and pupils with accurate information regarding the pupil's progress toward being prepared to compete for entry into a public university and for entry into the workforce.

(4) Full disclosure of the uses to which pupil assessment information will be made.

(i) Easily understood, current, and reliable information provided to parents or guardians and pupils regarding individual pupil achievement and the performance of the pupil's school in providing each of the learning opportunities enumerated in this section, including the individual pupil's preparation for, and completion of, requirements for college eligibility and preparation to enter the workforce.

(j) Easily understood, current, and reliable information provided to parents or guardians, pupils, and the public regarding the performance of each school, each school district, and the state, in providing those learning opportunities specified in this section.

This information shall be provided both in the aggregate and as to any statistically significant subgroups, defined as any racial or ethnic group comprising more than 15 percent of a school's pupils and by socioeconomic status, to the extent that this information is already known to the school, and including all of the following information:

(1) The quality of services provided to pupils, including the degree to which pupils are prepared for and have completed requirements for college eligibility.

(2) Disciplinary actions taken by the school, including suspensions and expulsions.

(3) Accurate information regarding pupils who have dropped out or withdrawn from the school and not enrolled in any other school in the state.

(k) Nothing in this article shall be construed to create any new right of any pupil, parent, guardian, or other person to sue any public official or employee for failure to provide any learning opportunities specified in this article. Nothing in this article shall be construed as limiting any other right or remedy of any pupil, parent, guardian, or other person under the California Constitution and other laws of the state.

42. To maximize the opportunities that the state is required to provide, each pupil and the parent, guardian, or other person charged with the care and supervision of each minor pupil shall be responsible to ensure that:

(a) The pupil attends school regularly.

(b) The pupil follows the reasonable educational instructions of his or her teachers.

(c) The pupil adheres to those administrative and behavioral rules established for the school.

(d) The pupil gives his or her best effort at taking advantage of those opportunities provided.

(e) The pupil treats his or her fellow pupils with respect.

(f) The parent, guardian, or other adult responsible for the care and supervision of each minor pupil is informed of the educational instructions of the pupils teachers and the administrative and behavioral rules established for that school.

(g) The parent, guardian, or other adult responsible for the care and supervision of each minor pupil provides, to the maximum degree feasible, further guidance and supervision to promote educational success.

43. In order to provide better information to pupils, parents or guardians, and the public as specified in subdivisions (i) and (j) of Section 40, and to increase the accountability of public officials for providing, to the maximum feasible extent, those opportunities for learning specified in subdivisions (a) to (h), inclusive, of Section 40 the following activities shall be conducted:

(a) The principal or other person primarily responsible for the administration of each school shall identify the employee primarily responsible for insuring the provision of each such learning opportunity to pupils in the school.

(b) In each school district, the superintendent or other person principally responsible for the administration of the school district shall identify the school district employee primarily responsible for insuring the provision of each such learning opportunity to pupils in the schools within the district.

(c) The Superintendent of Public Instruction shall identify the state official primarily responsible for insuring the provision of each such learning opportunity to pupils in the schools within the state.

(d) As used in this section, "identify" means to provide the name, address, telephone number, and e-mail address of the official. The directory information shall allow the individual to receive information regarding the learning conditions for which he or she is responsible.

44. (a) In each school, the principal or other person responsible for the administration of each school shall ensure that a copy of Sections 40, 41 and 42, together with the name, business address, telephone number, and e-mail address of each person identified pursuant to Section 43 is posted in a prominent location within each classroom in the school.

(b) In each school, the principal or other person principally responsible for the administration of each school shall ensure that on an annual basis, the parents or legal guardian of each pupil is provided with a copy of Sections 40, 41 and 42 in the primary language of that parent or guardian, as specified in subdivision (c).

(c) The Superintendent of Public Instruction shall ensure the public availability, via the Internet or otherwise, of translations of Sections 40, 41 and 42, in the language that is the primary language of any group comprising more than 100,000 residents of California.

45. (a) In each school, the principal or other person responsible for the administration of the school shall transmit to the superintendent of the district, no less than annually, a report including the following:

(1) A summary of those complaints received by school personnel regarding the failure of the school to deliver any of those learning opportunities listed in Sections 40 and 41.

(2) A summary of those complaints that have been or can be remedied at the school level without additional assistance or resources from the district.

(3) A summary of those complaints that have not or cannot be remedied at the school level without additional assistance or resources from the district.

(4) A statement summarizing the progress the school has made during the preceding year in providing high quality educational opportunities to all pupils as specified in Section 41.

(b) In each school district, the superintendent or other person principally responsible for the administration of the school district shall transmit, on an annual basis, to the governing board of the school district a report including the following:

(1) A summary of those complaints received from school principals regarding the failure of the schools within the district to deliver any of those learning opportunities enumerated in Sections 40 and 41.

(2) A summary of those complaints that have been or can be remedied at the district level without additional assistance or resources from the state.

(3) A summary of those complaints that have not or cannot be remedied at the district level without additional assistance or resources from the state.

(4) A statement summarizing the progress the district has made during the preceding year in providing high quality educational opportunities to all pupils as specified in Section 41.

(c) In each school district, the governing board of the school district shall transmit, on an annual basis, to the Superintendent of Public Instruction a report including the following:

(1) A summary of those complaints received by the board regarding the failure of the schools within the district to deliver any of those learning opportunities listed in Sections 40 and 41.

(2) A summary of those complaints that have been or can be remedied at the district level without additional assistance or resources from the state.

(3) A summary of those complaints that have not or cannot be remedied at the district level without additional assistance or resources from the state.

(4) A statement summarizing the progress the district has made during the preceding year in providing high quality educational opportunities to all pupils as specified in Section 41.

(d) The Superintendent of Public Instruction shall transmit, on an annual basis, a report to the Governor and Legislature including the following:

(1) A summary of information received by Superintendent of Public Instruction regarding the failure of the schools within the state to deliver any of those learning opportunities listed in Sections 40 and 41.

(2) A summary of those deficiencies in the schools within the state that can, in the opinion of the Superintendent of Public Instruction, be remedied without further action by the Legislature, the Governor, or the people.

(3) A summary of those deficiencies in the schools within the state that have not or cannot be remedied without further action by the Legislature, the Governor, or the people.

46. Not later than _____, the Superintendent of Public Instruction shall report to the Legislature on the feasibility and anticipated cost of conducting an audit of the public schools, to include all of the following:

(a) The number and geographical location of pupils who are being deprived of those rights set forth in Section 40 and 41, or as those rights may be carried out by regulation.

(b) An inventory of school district facilities, together with a projected cost estimate of compliance with subdivision (c) of Section 40 and subdivision (c) of Section 41, or as they may be further carried out by regulation.

(c) An inventory of available teaching resources and their distribution by school, together with an estimate of the current shortage of teachers and teacher training necessary to comply with subdivision (a) of Section 40, if any.

(d) An assessment of the availability of textbooks and instructional materials with an estimate of the shortage of textbooks and instructional materials necessary to comply with subdivision (b) of Section 40, if any.