

AMENDED IN ASSEMBLY MARCH 27, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 804**

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**Introduced by Committee on Education (Strom-Martin (Chair),  
Alquist, Calderon, Correa, Goldberg, Liu, Pavley, Salinas,  
Vargas, Wyland, and Zettel)**

February 22, 2001

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An act to amend Sections 8208, 8242, 8264.5, 8278.3, ~~8402, 8448, 11023, 11024.5, 17150, 17584, 32228, 32228.1, 32296.7, 32296.9, 35756.5, 41409, 42260, 42261, 42262, 42263, 42850, 44503, 52334, 53029, 53083, 54022, 54023, 54030, 54031, 60061, 60240, 60313, 63051, and 63052~~ of, to amend and renumber Sections 42266 and 42269 of, to amend and repeal Section 10554 of, to add Section 17071.50 to, to repeal Sections 42265, 42267, and 42268 of, to repeal Article 19 (commencing with Section 8420) of, Article 19.5 (commencing with Section 8430) of, and Article 23 (commencing with Section 8485) of, Chapter 2 of Part 6 of, the Education Code, to amend 11023, 11024.5, 17150, 32228, 32228.1, 35756.5, 41409, 42850, 44503, 52334, 53029, 53083, 60061, 60240, and 60313 of, and to repeal Article 19 (commencing with Section 8420) and Article 19.5 (commencing with Section 8430) of Chapter 2 of Part 6 of, the Education Code, to amend Section 27316 of the Vehicle Code, and to amend Section 42 of Chapter 71 of the Statutes of 2000, relating to education, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 804, as amended, Strom-Martin. Education.

(1) Existing law authorizes programs previously funded under the Alternative Child Care Act and for new programs funded pursuant to the Child Care and Development Services Act to operate pursuant to the regulations for child day care facilities under the California Community Care Facilities Act, and does not require those programs to be subject to specified regulations and related laws under certain circumstances.

This bill would delete those provisions.

(2) Under existing law, the Child Care Facilities Revolving Fund is established in the State Treasury to provide funding for the renovation, repair, or improvement of an existing building to make the building suitable for licensure for child care and development services and for the purchase of new relocatable child care facilities for lease to school districts and contracting agencies who provide child care and development services.

This bill would specify that school districts and county offices of education that operate a California School Age Families Education Program are eligible to apply for and receive funding from the fund.

~~(3) Existing law requires the State Department of Education to provide an independent appeal procedure to each contracting agency providing child care and development services. Existing law requires the procedure to be conducted by the Office of Administrative Hearing upon petition of the contracting agency under 3 specified circumstances.~~

~~This bill would revise 2 of those circumstances under which the Office of Administrative Hearing must conduct the appeal procedure.~~

~~(4) Under existing law, the Child Care and Employment Act establishes a child care fund in each local service delivery area to provide child care services for the children of parents in the service delivery area's job training and placement programs.~~

This bill would repeal the act.

~~(5)~~

(4) Existing law establishes a 3-year pilot project on infant home care for the purposes of developing and evaluating a model program for the recruitment, training, and monitoring of a network of infant care providers.

This bill would repeal the pilot project.

~~(6) Under existing law, the Child Care and Development Services Act requires that any contractor for child care and development programs and other specified programs that receives less than \$25,000~~



~~per year from any state agency to be audited biennially, unless otherwise specified.~~

~~This bill would increase the amount required for a biennial audit to \$300,000.~~

~~(7) Existing law authorizes the governing board of any school district conducting instruction for pupils in any grade level up to, and including, the completion of junior high school, to establish a program of affordably priced supervision for children before and after school and apply to the State Department of Education for a grant for each program of up to \$4,000.~~

~~This bill would repeal the authorization for these child supervision programs and accompanying grants.~~

~~(8) Under existing law, the Educational Telecommunications Fund is established to provide funding for a governing board to establish telecommunication standards that will support the efficient sharing of school business and other matters. Under existing law, the fund becomes inoperative as of January 1, 2002.~~

~~This bill would extend the provisions relating to the fund until January 1, 2006.~~

~~(9)~~

(5) Existing law authorizes local educational agencies to submit proposals to the Superintendent of Public Instruction to fund activities that will increase the percentage of pupils at qualifying high schools that meet the requirements for admission to the California State University or the University of California. Existing law requires the Superintendent of Public Instruction to recommend, and the State Board of Education to approve, a plan for the comprehensive evaluation of programs authorized pursuant to the grant program. Existing law requires the superintendent to complete the evaluation and submit it to the board by July 1, 2003, and the board to submit the final evaluation and report to the Legislature by December 31, 2003. Existing law requires the act to become inoperative on July 1, 2004, and repealed as of January 1, 2005.

This bill would extend the dates of submission for those reports for one year and extend the inoperative and repeal dates of the act for one year.

~~(10) Existing law, the Leroy F. Greene School Facilities Act of 1998 (Green Act), provides funding to school districts to finance the construction and modernization of school facilities. Existing law requires the existing school building capacity in an applicant school~~



~~district or, where appropriate, in the attendance area, at the time of initial application to be calculated pursuant to a prescribed formula that multiplies all permanent teaching stations existing in the district or attendance area by the assumed capacity of each calculated teaching station.~~

~~This bill would require that for purposes of multitrack year-round education programs implemented pursuant to the Year Round School Grant Program, all teaching stations be counted using the assumed capacity provided in the Greene Act.~~

~~(11) Existing law requires the State Allocation Board to apportion from the State School Deferred Maintenance Fund to school districts an amount based upon a formula that utilizes the district's current year revenue limit average daily attendance and units of average daily attendance.~~

~~This bill would base the amount on a formula that instead utilizes the district's 2nd prior fiscal year revenue limit average daily attendance and 2nd prior fiscal year average daily attendance.~~

~~(12)~~

~~(6) Under existing law, the Carl Washington School Safety and Violence Prevention Act states the intent of the Legislature that public schools serving pupils in kindergarten or any of grades 1 to 12, inclusive, have access to supplemental resources to establish programs and strategies that promote school safety and emphasize violence prevention among children and youth in the public schools. Existing law requires the Superintendent of Public Instruction to provide funds to school districts serving the specified pupils.~~

~~This bill would make the act applicable to public schools and school districts serving pupils in any of grades 8 to 12, inclusive.~~

~~(13) Under the School Community Policing Partnership Act of 1988, the School/Law Enforcement Partnership is required to award grants to a school district, county office of education, or consortium to pay the costs for programs that apply a community policing approach to school crime and safety. Existing law provides that the grants shall be awarded for no more than \$300,000 for the 3-year grant period.~~

~~This bill would increase the grant period to 5 years.~~

~~(14)~~

~~(7) Under existing law, in the case of transfer of territory from one school district to another, the territory in which the election for reorganization is held must include the entire territory of the districts opposing the transfer if the transfer is opposed by the governing boards~~



of one or more of the districts affected with an average daily attendance of 900 or less. Existing law requires that each of these opposing districts bear the additional cost of holding the election in that portion of its territory not otherwise included in the election.

This bill would instead require these procedures to take place if the transfer is opposed by the governing boards or one of more of the districts affected with an average daily attendance of 2,500 or less.

~~(15) Existing law establishes the Year-Round Grant Program to provide financial assistance to school districts implementing new multitrack year-round educational programs and districts that currently operate those programs. Existing law requires the Superintendent of Public Instruction to establish criteria for the selection of implementation grant applicants to be funded, including the severity of school district overcrowding in excess of State Allocation Board or court-mandated pupil loading standards.~~

This bill would instead require the criteria to pertain to severity of district overcrowding in excess of specified pupil loading standards or class size reduction ratios.

~~Existing law authorizes a school district, commencing in the 1990-91 fiscal year, to apply for a year-round school grant under the program if, among other things, there is substantial overcrowding in the district or its high school attendance areas, as demonstrated by current enrollment, capacity of facilities, and growth projections.~~

~~This bill would authorize a district to apply for a year-round school grant commencing in the 2002-03 fiscal year, as demonstrated by enrollment of 115% of the capacity of facilities.~~

~~Existing law makes a school district eligible to construct new facilities under the Greene Act absent the use of multitrack year-round educational programs.~~

~~This bill would delete this eligibility.~~

~~Existing law makes implementation grants under the program available on a one-time basis for each new multitrack year-round schoolsite, subject to application approval, in an amount up to \$25 per pupil currently enrolled in the site planned for year-round operation.~~

~~This bill would increase the amount available per pupil to \$50.~~

~~Existing law requires, commencing in the 1990-91 fiscal year, that year-round school grants be awarded annually for the operation of multitrack year-round education programs to school districts that meet specified criteria.~~



~~The bill would require the grants to be awarded annually, commencing in the 2002-03 fiscal year.~~

~~Existing law requires a school district to make a certification for each fiscal year, based on prescribed standards, for each schoolsite for which a school district applies for funding under the program and establishes certain funding eligibility requirements.~~

~~This bill would require the district to make its certification by January 31 based on the second period attendance report and revises the funding eligibility requirements.~~

~~Existing law requires the Superintendent of Public Instruction to allocate to an applicant school district, for each qualifying schoolsite, an amount equal to the district's share of the product of the statewide average cost avoided per pupil and establishes the calculations for determining a district's share of funds.~~

~~This bill would require the superintendent to allocate funds to an applicant school district in an amount equal to the district's share of the product of the statewide average for multitrack educational support costs per pupil and revise certain calculations for determining a district's share of funds.~~

~~Existing law requires the State Allocation Board to make certain calculations pertaining to the statewide average cost per pupil.~~

~~This bill would delete the requirements imposed on the State Allocation Board to calculate the statewide average cost per pupil.~~

~~Existing law provides that for the 1990-91 and 1991-92 fiscal years, the statewide average cost avoided per pupil is \$1,151.~~

~~This bill would provide that for the 2002-03 fiscal year, the statewide average for multitrack education support costs per pupil is \$650 plus any cost of living provided to support the program.~~

~~Existing law requires that, commencing with the 1991-92 fiscal year, the entire amount of funding to be allocated for each fiscal year pursuant to the program be allocated no later than December 31 of that fiscal year.~~

~~This bill would instead require, commencing with the 2002-03 fiscal year, that the entire amount of funding be allocated no later than March 1 of the following fiscal year.~~

~~Existing law requires that each school district that receives funding for a schoolsite under a year-round school grant, as specified, report on specified information to the Superintendent of Public Instruction no later than June 30 of that fiscal year. Existing law requires the superintendent to annually report certain information to the State Allocation Board.~~



~~This bill would delete these reporting requirements.~~

~~(16)~~

(8) Existing law authorizes the governing board of any school district to establish a retiree benefit fund for specified purposes.

This bill would instead authorize the board to establish a pension plan and other employee benefits fund for those same purposes.

~~(17) Existing law requires the Superintendent of Public Instruction to calculate district entitlements for economic impact aid based, in part, on the number of schoolage children from families that receive Aid to Families with Dependent Children. Existing law also requires school districts with low concentrations of economically disadvantaged pupils to allocate funds pursuant to a specified schedule.~~

~~This bill would instead base the calculations, in part, on the number of schoolage children who are eligible for free and reduced priced meals. The bill would also make a revision to the schedule for the allocation of funds by school districts with low concentrations of economically disadvantaged pupils.~~

~~(18)~~

(9) Existing law requires a publisher or manufacturer of instructional materials to comply with specified requirements for materials offered for adoption or sale in the state, including the right of the state to transcribe, reproduce, and distribute the material for deaf pupils and pupils with visual disabilities.

This bill would also require a publisher or manufacturer to provide the state with the right to transcribe, reproduce, modify, and distribute the materials for pupils with other disabilities that prevent the use of standard instructional materials. The bill would also require a publisher or manufacturer to provide computer files or other electronic versions of the materials to the state within 30 days of adoption and require the state to request those materials as needed for specified purposes. ~~The bill would require the state to certify to the publisher or manufacturer that it will comply with certain restrictions relating to the use and duplication of the electronic copies and printed instructional materials.~~

~~(19)~~

(10) Existing law establishes the State Instructional Materials Fund in the State Treasury as a means of annually funding the acquisition of instructional materials. Existing law requires the State Board of Education to encumber part of the fund to pay for accessible instructional materials to accommodate pupils with visual disabilities.



This bill would instead require the state board to encumber the fund to pay for those materials to accommodate pupils who are visually impaired or who have disabilities and are unable to access the general curriculum.

~~(20)~~

(11) Existing law requires the Superintendent of Public Instruction to maintain a central clearinghouse-depository and duplication center for accessible versions of instructional materials and assistive devices and materials for visually impaired pupils.

This bill would also require that the depository and duplication center maintain accessible versions of instructional materials for pupils with other disabilities. The bill would also require that assistive devices in the depository to consist of items designed for use by pupils with visual impairments.

~~(21) Existing law establishes the Pilot Project for Categorical Program Flexibility under which a school district selected to participate in the pilot project shall have the flexibility in the expenditure of the funding the district receives for specified categorical education programs. Existing law requires a participant school district to receive the same amount of funds for those specified programs constituting the school improvement and staff development cluster, the alternative and compensatory education cluster, or the school district improvement cluster while participating in the pilot project as the district received for those programs in the year prior to participation in the pilot project, plus growth and cost-of-living adjustments if approved in the annual Budget Act. Existing law also suspends funding for certain programs for the duration of a district's pilot program participation.~~

~~This bill would instead require school districts participating in the pilot project to continue to receive funding for those specified categorical education programs for which the district received funding in the 1999-2000 fiscal year. The bill would also suspend expansion funding, as defined, for certain programs for the duration of a district's pilot program participation.~~

~~(22)~~

(12) Existing law requires all schoolbuses manufactured on or after January 1, 2002, and purchased or leased for use in the state to be equipped at all designated seating positions with a combination pelvic and upper torso passenger restraint system, unless otherwise prohibited, as specified.



This bill would instead require schoolbuses manufactured on or after January 1, 2004, to be equipped with the restraint system.

~~(23)~~

(13) Existing law appropriates the sum of \$15,761,000 from the General Fund to the Superintendent of Public Instruction in accordance with a specified schedule, including \$62,000 to the Hilmar Unified School District for street access at Hilmar High School.

The bill would clarify that the funds are to be used for the purposes of street access at Hilmar Middle School *to the extent that funding remains available*.

~~(24)~~

(14) This bill would make technical and clarifying changes in other provisions of the Education Code.

~~(25)~~

(15) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 8208 of the Education Code is amended  
2 to read:

3 8208. As used in this chapter:

4 (a) “Alternative payments” includes payments that are made  
5 by one child care agency to another agency or child care provider  
6 for the provision of child care and development services, and  
7 payments that are made by an agency to a parent for the parent’s  
8 purchase of child care and development services.

9 (b) “Alternative payment program” means a local government  
10 agency or nonprofit organization that has contracted with the  
11 department pursuant to Section 8220.2 to provide alternative  
12 payments and to provide support services to parents and providers.

13 (c) “Applicant or contracting agency” means a school district,  
14 community college district, college or university, county  
15 superintendent of schools, county, city, public agency, private  
16 nontax-exempt agency, private tax-exempt agency, or other entity  
17 that is authorized to establish, maintain, or operate services  
18 pursuant to this chapter. Private agencies and parent cooperatives,  
19 duly licensed by law, shall receive the same consideration as any



1 other authorized entity with no loss of parental decisionmaking  
2 prerogatives as consistent with the provisions of this chapter.

3 (d) “Assigned reimbursement rate” is that rate established by  
4 the contract with the agency and is derived by dividing the total  
5 dollar amount of the contract by the minimum child day of average  
6 daily enrollment level of service required.

7 (e) “Attendance” means the number of children present at a  
8 child care and development facility. “Attendance,” for the  
9 purposes of reimbursement, includes excused absences by  
10 children because of illness, quarantine, illness or quarantine of  
11 their parent, family emergency, or to spend time with a parent or  
12 other relative as required by a court of law or that is clearly in the  
13 best interest of the child.

14 (f) “Capital outlay” means the amount paid for the renovation  
15 and repair of child care and development facilities to comply with  
16 state and local health and safety standards, and the amount paid for  
17 the state purchase of relocatable child care and development  
18 facilities for lease to qualifying contracting agencies.

19 (g) “Caregiver” means a person who provides direct care,  
20 supervision, and guidance to children in a child care and  
21 development facility.

22 (h) “Child care and development facility” means any  
23 residence or building or part thereof in which child care and  
24 development services are provided.

25 (i) “Child care and development programs” means those  
26 programs that offer a full range of services for children from  
27 infancy to 14 years of age, for any part of a day, by a public or  
28 private agency, in centers and family child care homes. These  
29 programs include, but are not limited to, all of the following:

30 (1) Campus child care and development.

31 (2) General child care and development.

32 (3) Intergenerational child care and development.

33 (4) Migrant worker child care and development.

34 (5) *Child care provided by the California School Age Families*  
35 *Education Program* (Article 7.1 (commencing with Section  
36 54740) of Chapter 9 of Part 29.

37 (6) State preschool.

38 (7) Resource and referral.

39 (8) Severely handicapped.

40 (9) Family day care.



1 (10) Alternative payment.

2 (11) Child abuse protection and prevention services.

3 (12) Schoolage community child care.

4 (j) “Child care and development services” means those  
5 services designed to meet a wide variety of needs of children and  
6 their families, while their parents or guardians are working, in  
7 training, seeking employment, incapacitated, or in need of respite.  
8 These services may include direct care and supervision,  
9 instructional activities, resource and referral programs, and  
10 alternative payment arrangements.

11 (k) “Children at risk of abuse, neglect, or exploitation” means  
12 children who are so identified in a written referral from a legal,  
13 medical, or social service agency, or emergency shelter.

14 (l) “Children with exceptional needs” means children who  
15 have been determined to be eligible for special education and  
16 related services by an individualized education program team  
17 according to the special education requirements contained in Part  
18 30 (commencing with Section 56000), and meeting eligibility  
19 criteria described in Section 56026 and Sections 56333 to 56338,  
20 inclusive, and Sections 3030 and 3031 of Title 5 of the California  
21 Code of Regulations. These children have an active individualized  
22 education program, and are receiving appropriate special  
23 education and services, unless they are under three years of age and  
24 permissive special education programs are available. These  
25 children may be developmentally disabled, hard-of-hearing, deaf,  
26 speech impaired, visually handicapped, seriously emotionally  
27 disturbed, orthopedically impaired, other health impaired,  
28 deaf-blind, multihandicapped, or children with specific learning  
29 disabilities, who require the special attention of adults in a child  
30 care setting.

31 (m) “Children with special needs” includes infants and  
32 toddlers under the age of three years;  
33 limited-English-speaking-proficient children; children with  
34 exceptional needs; limited-English-proficient handicapped  
35 children; and children at risk of neglect, abuse, or exploitation.

36 (n) “Closedown costs” means reimbursements for all  
37 approved activities associated with the closing of operations at the  
38 end of each growing season for migrant child development  
39 programs only.



1 (o) “Cost” includes, but is not limited to, expenditures that are  
2 related to the operation of child care and development programs.  
3 “Cost” may include a reasonable amount for state and local  
4 contributions to employee benefits, including approved retirement  
5 programs, agency administration, and any other reasonable  
6 program operational costs. “Cost” may also include amounts for  
7 licensable facilities in the community served by the program,  
8 including lease payments or depreciation, down payments, and  
9 payments of principal and interest on loans incurred to acquire,  
10 rehabilitate, or construct licensable facilities, but these costs shall  
11 not exceed fair market rents existing in the community in which  
12 the facility is located. “Reasonable and necessary costs” are costs  
13 that, in nature and amount, do not exceed what an ordinary prudent  
14 person would incur in the conduct of a competitive business.

15 (p) “Elementary school,” as contained in Section 425 of Title  
16 20 of the United States Code (the National Defense Education Act  
17 of 1958, Public Law 85-864, as amended), includes early  
18 childhood education programs and all child development  
19 programs, for the purpose of the cancellation provisions of loans  
20 to students in institutions of higher learning.

21 (q) “Health services” include, but are not limited to, all of the  
22 following:

23 (1) Referral, whenever possible, to appropriate health care  
24 providers able to provide continuity of medical care.

25 (2) Health screening and health treatment, including a full  
26 range of immunization recorded on the appropriate state  
27 immunization form to the extent provided by the Medi-Cal Act  
28 (Chapter 7 (commencing with Section 14000) of Part 3 of Division  
29 9 of the Welfare and Institutions Code) and the Child Health and  
30 Disability Prevention Program (Article 6 (commencing with  
31 Section 124025) of Chapter 3 of Part 2 of Division 106 of the  
32 Health and Safety Code), but only to the extent that ongoing care  
33 cannot be obtained utilizing community resources.

34 (3) Health education and training for children, parents, staff,  
35 and providers.

36 (4) Followup treatment through referral to appropriate health  
37 care agencies or individual health care professionals.

38 (r) “Higher educational institutions” means the Regents of the  
39 University of California, the Trustees of the California State  
40 University, the Board of Governors of the California Community



1 Colleges, and the governing bodies of any accredited private  
2 nonprofit institution of postsecondary education.

3 (s) “Intergenerational staff” means persons of various  
4 generations.

5 (t) “Limited-English-speaking-proficient and  
6 non-English-speaking-proficient children” means children who  
7 are unable to benefit fully from an English-only child care and  
8 development program as a result of either of the following:

9 (1) Having used a language other than English when they first  
10 began to speak.

11 (2) Having a language other than English predominantly or  
12 exclusively spoken at home.

13 (u) “Parent” means any person living with a child who has  
14 responsibility for the care and welfare of the child.

15 (v) “Program director” means a person who, pursuant to  
16 Sections 8244 and 8360.1, is qualified to serve as a program  
17 director.

18 (w) “Proprietary child care agency” means an organization or  
19 facility providing child care, which is operated for profit.

20 (x) “Resource and referral programs” means programs that  
21 provide information to parents, including referrals and  
22 coordination of community resources for parents and public or  
23 private providers of care. Services frequently include, but are not  
24 limited to: technical assistance for providers, toy-lending libraries,  
25 equipment-lending libraries, toy- and equipment-lending  
26 libraries, staff development programs, health and nutrition  
27 education, and referrals to social services.

28 (y) “Severely handicapped children” are children who require  
29 instruction and training in programs serving pupils with the  
30 following profound disabilities: autism, blindness, deafness,  
31 severe orthopedic impairments, serious emotional disturbance, or  
32 severe developmental disability. These children, ages birth to 21  
33 years, inclusive, may be assessed by public school special  
34 education staff, regional center staff, or another appropriately  
35 licensed clinical professional.

36 (z) “Short-term respite child care” means child care service to  
37 assist families whose children have been identified through  
38 written referral from a legal, medical, or social service agency, or  
39 emergency shelter as being neglected, abused, exploited, or  
40 homeless, or at risk of being neglected, abused, exploited, or



1 homeless. Child care is provided for less than 24 hours per day in  
2 child care centers, treatment centers for abusive parents, family  
3 child care homes, or in the child's own home.

4 (aa) (1) "Site supervisor" means a person who, regardless of  
5 his or her title, has operational program responsibility for a child  
6 care and development program at a single site. A site supervisor  
7 shall hold a permit issued by the Commission on Teacher  
8 Credentialing that authorizes supervision of a child care and  
9 development program operating in a single site. The  
10 Superintendent of Public Instruction may waive the requirements  
11 of this subdivision if the superintendent determines that the  
12 existence of compelling need is appropriately documented.

13 (2) In respect to state preschool programs, a site supervisor may  
14 qualify under any of the provisions in this subdivision, or may  
15 qualify by holding an administrative credential or an  
16 administrative services credential. A person who meets the  
17 qualifications of a site supervisor under both Section 8244 and  
18 subdivision (e) of Section 8360.1 is also qualified under this  
19 subdivision.

20 (ab) "Standard reimbursement rate" means that rate  
21 established by the Superintendent of Public Instruction pursuant  
22 to Section 8265.

23 (ac) "Startup costs" means those expenses an agency incurs in  
24 the process of opening a new or additional facility prior to the full  
25 enrollment of children.

26 (ad) "State preschool services" means part-day educational  
27 programs for low-income or otherwise disadvantaged  
28 prekindergarten-age children.

29 (ae) "Support services" means those services which, when  
30 combined with child care and development services, help promote  
31 the healthy physical, mental, social, and emotional growth of  
32 children. Support services include, but are not limited to:  
33 protective services, parent training, provider and staff training,  
34 transportation, parent and child counseling, child development  
35 resource and referral services, and child placement counseling.

36 (af) "Teacher" means a person with the appropriate permit  
37 issued by the Commission on Teacher Credentialing who provides  
38 program supervision and instruction which includes supervision  
39 of a number of aides, volunteers, and groups of children.



1 (ag) “Underserved area” means a county or subcounty area,  
2 including, but not limited to, school districts, census tracts, or ZIP  
3 Code areas, where the ratio of publicly subsidized child care and  
4 development program services to the need for these services is low,  
5 as determined by the Superintendent of Public Instruction.

6 (ah) “Workday” means the time that the parent requires  
7 temporary care for a child for any of the following reasons:

8 (1) To undertake training in preparation for a job.

9 (2) To undertake or retain a job.

10 (3) To undertake other activities that are essential to  
11 maintaining or improving the social and economic function of the  
12 family, are beneficial to the community, or are required because of  
13 health problems in the family.

14 SEC. 2. Section 8242 of the Education Code is amended to  
15 read:

16 8242. If there are no facilities in the area able to meet the  
17 special needs of particular children, then the department may,  
18 upon request, waive its regulations for staffing and group size  
19 ratios under Title 5 of the California Administrative Code and the  
20 laws upon which those regulations are promulgated for programs  
21 in which subsidized children comprise a majority of the  
22 enrollment.

23 SEC. 3. Section 8264.5 of the Education Code is amended to  
24 read:

25 8264.5. The Superintendent of Public Instruction may waive  
26 or modify child development requirements in order to enable child  
27 development programs to serve combinations of eligible children  
28 in areas of low population. The child development programs for  
29 which the superintendent may grant waivers shall include, but  
30 need not be limited to, state preschool programs, *child care*  
31 *provided by the California School Age Families Education*  
32 *Program* (Article 7.1 (commencing with Section 54740) of  
33 Chapter 9 of Part 29), infant care and development services,  
34 migrant child care and development programs, campus child care  
35 and development programs, and general child care and  
36 development programs.

37 SEC. 4. Section 8278.3 of the Education Code is amended to  
38 read:

39 8278.3. (a) (1) The Child Care Facilities Revolving Fund is  
40 hereby established in the State Treasury to provide funding for the



1 renovation, repair, or improvement of an existing building to make  
2 the building suitable for licensure for child care and development  
3 services and for the purchase of new relocatable child care  
4 facilities for lease to school districts and contracting agencies who  
5 provide child care and development services, pursuant to this  
6 chapter. The Superintendent of Public Instruction may transfer  
7 state funds appropriated for child care facilities into this fund for  
8 allocation to school districts and contracting agencies, as  
9 specified, for the purchase, transportation, and installation of  
10 facilities for replacement and expansion of capacity. School  
11 districts and contracting agencies using facilities made available  
12 by the use of these funds shall be charged a leasing fee, either at  
13 a fair market value for those facilities or at an amount sufficient to  
14 amortize the cost of purchase and relocation, whichever is lower,  
15 over a 10-year period. Upon full repayment of the purchase and  
16 relocation costs, title shall transfer from the State of California to  
17 the school district or contracting agency. The Superintendent of  
18 Public Instruction shall deposit all revenue derived from the lease  
19 payments into the Child Care Facilities Revolving Fund.

20 (2) Notwithstanding Section 13340 of the Government Code,  
21 all moneys in the fund, including moneys deposited from lease  
22 payments, shall be continuously appropriated, without regard to  
23 fiscal year, to the Superintendent of Public Instruction for  
24 expenditure pursuant to this article.

25 (b) On or before November 30, 2000, the Superintendent of  
26 Public Instruction shall submit a plan to the Office of the Secretary  
27 for Education, the Department of Finance, and the Legislative  
28 Analyst's Office. This plan shall specify the application  
29 procedures to request funding for the renovation, repair, or  
30 improvement of an existing building to make the building suitable  
31 for licensure for child care and development services, the  
32 allowable uses of the funds, and the form of the agreement,  
33 including, but not necessarily limited to, provisions to protect the  
34 state's interest, including provisions relating to maintenance and  
35 the event of contract termination.

36 (c) On or before August 1, 1998, and on or before August 1 of  
37 each fiscal year thereafter, the Superintendent of Public  
38 Instruction shall submit to the Office of the Secretary for  
39 Education, the Department of Finance, and the Legislative  
40 Analyst's Office a report detailing the number of funding requests



1 received and their purpose, the types of agencies which received  
2 this facilities funding, the increased capacity that these facilities  
3 generated, a description of how the facilities are being used, and  
4 a projection of the lease payments collected and the funds available  
5 for future use.

6 (d) School districts and county offices of education that operate  
7 a Cal-SAFE program pursuant to Article 7.1 (commencing with  
8 Section 54740) of Chapter 9 of Part 29 are eligible to apply for and  
9 receive funding pursuant to this section.

10 ~~SEC. 5. Section 8402 of the Education Code is amended to~~  
11 ~~read:~~

12 ~~8402. The State Department of Education shall provide an~~  
13 ~~independent appeal procedure to each contracting agency~~  
14 ~~providing child care and development services pursuant to Section~~  
15 ~~8262. Prior to filing an appeal petition, the contracting agency~~  
16 ~~shall have submitted all previously required standard monthly or~~  
17 ~~quarterly reporting forms to the State Department of Education.~~  
18 ~~The appeal procedure shall be conducted by the Office of~~  
19 ~~Administrative Hearings and shall be provided upon petition of the~~  
20 ~~contracting agency in any of the following circumstances:~~

21 ~~(a) Termination or suspension of a contracting agency's~~  
22 ~~contract.~~

23 ~~(b) Denial of more than 8 percent or fifty thousand dollars~~  
24 ~~(\$50,000), whichever is more, of a local contracting agency's~~  
25 ~~contracted payment for services schedule.~~

26 ~~(c) Demand for remittance of an overpayment of more than 8~~  
27 ~~percent or fifty thousand dollars (\$50,000), whichever is more, of~~  
28 ~~a local contracting agency's annual contract.~~

29 ~~SEC. 6. Article 19 (commencing with Section 8420) of~~  
30 ~~Chapter 2 of Part 6 of the Education Code is repealed.~~

31 ~~SEC. 7.~~

32 ~~SEC. 6. Article 19.5 (commencing with Section 8430) of~~  
33 ~~Chapter 2 of Part 6 of the Education Code is repealed.~~

34 ~~SEC. 8. Section 8448 of the Education Code is amended to~~  
35 ~~read:~~

36 ~~8448. As used in this article:~~

37 ~~(a) "Financial and compliance audit" means a systematic~~  
38 ~~review or appraisal to determine each of the following:~~

39 ~~(1) Whether the financial statements of an audited organization~~  
40 ~~fairly present the financial position and the results of financial~~



1 ~~operations in accordance with generally accepted accounting~~  
2 ~~principles.~~

3 ~~(2) Whether the organization has complied with laws and~~  
4 ~~regulations that may have a material effect upon the financial~~  
5 ~~statements.~~

6 ~~(b) “Public accountants” means certified public accountants,~~  
7 ~~or state licensed public accountants.~~

8 ~~(c) “Independent auditors” means public accountants who~~  
9 ~~have no direct or indirect relationship with the functions or~~  
10 ~~activities being audited or with the business conducted by any of~~  
11 ~~the officials or contractors being audited.~~

12 ~~(d) “Generally accepted auditing standards” means the~~  
13 ~~auditing standards set forth in the financial and compliance~~  
14 ~~element of the “Standards for Audit of Governmental~~  
15 ~~Organization, Programs, Activities, and Functions” issued by the~~  
16 ~~Comptroller General of the United States and incorporating the~~  
17 ~~audit standards of the American Institute of Certified Public~~  
18 ~~Accountants.~~

19 ~~(e) “Direct service contract” means any contract with any~~  
20 ~~public or private entity for child care and development programs,~~  
21 ~~resource and referral programs, and programs contracting to~~  
22 ~~provide support services as defined in Section 8208.~~

23 ~~(f) “Nonprofit organization” means an organization described~~  
24 ~~in Section 501(c)(3) of the Internal Revenue Code of 1954 which~~  
25 ~~is exempt from taxation under Section 501(a) of that code, or any~~  
26 ~~nonprofit, scientific, or educational organization qualified under~~  
27 ~~Section 23701d of the Revenue and Taxation Code.~~

28 ~~(g) Annually, there shall be a single independent financial and~~  
29 ~~compliance audit of organizations that contract with the state~~  
30 ~~under a direct service contract. Any such audit shall include an~~  
31 ~~evaluation of the accounting and control systems of the direct~~  
32 ~~service contractor and of the activities by the contractor to comply~~  
33 ~~with the financial requirements of direct service contracts received~~  
34 ~~by the contractor from the state agency. The financial and~~  
35 ~~compliance requirements to be reviewed during the audit shall be~~  
36 ~~those developed and published by the State Department of~~  
37 ~~Education in consultation with the Department of Finance and the~~  
38 ~~Auditor General. Audits carried out pursuant to this section shall~~  
39 ~~be audits of the contractor rather than audits of individual contracts~~  
40 ~~or programs. In the case of any contractor that receives less than~~



1 ~~three hundred thousand dollars (\$300,000) per year from any state~~  
2 ~~agency, the audit required by this section shall be conducted~~  
3 ~~biennially, unless there is evidence of fraud or other violation of~~  
4 ~~state law in connection with the direct service contract. The cost~~  
5 ~~of the audit may be included in direct service contracts.~~

6 ~~The organization receiving funds from the state shall be~~  
7 ~~responsible for obtaining the required financial and compliance~~  
8 ~~audits of the organization and any subcontractors, except for direct~~  
9 ~~service subcontracts and other subcontracts exempt from State~~  
10 ~~Department of Education review, as agreed to by the Departments~~  
11 ~~of Finance and General Services. The audits shall be made by~~  
12 ~~independent auditors in accordance with generally accepted~~  
13 ~~auditing standards. The audit shall be completed by the 15th day~~  
14 ~~of the fifth month following the end of the contractor's fiscal year.~~  
15 ~~A copy of the required audit will be filed with the State Department~~  
16 ~~of Education upon its completion. In the event an audit is not filed,~~  
17 ~~the State Department of Education will notify the organization of~~  
18 ~~the contract violation. The audit report filed will be an integral part~~  
19 ~~of the direct service contract file.~~

20 ~~(i) (1) Nothing in this article limits the authority of the State~~  
21 ~~Department of Education to make audits of direct service~~  
22 ~~contracts. However, if independent audits arranged for by direct~~  
23 ~~service contractors meet generally accepted auditing standards,~~  
24 ~~the State Department of Education shall rely on those audits and~~  
25 ~~any additional audit work shall build upon the work already done.~~

26 ~~(2) Nothing in this article precludes the state from conducting,~~  
27 ~~or contracting for the conduct of, contract performance audits~~  
28 ~~which are not financial and compliance audits.~~

29 ~~(3) Nothing in this article limits the state's responsibility or~~  
30 ~~authority to enforce state law or regulations, procedures, or~~  
31 ~~reporting requirements arising pursuant thereto.~~

32 ~~(4) Nothing in this article limits the responsibility of the State~~  
33 ~~Department of Education to provide an independent appeal~~  
34 ~~procedure according to the provisions of the Administrative~~  
35 ~~Procedure Act (Chapter 5 (commencing with Section 11500) of~~  
36 ~~Part 1 of Division 3 of Title 2 of the Government Code.~~

37 ~~SEC. 9. Article 23 (commencing with Section 8485) of~~  
38 ~~Chapter 2 of Part 6 of the Education Code is repealed.~~

39 ~~SEC. 10. Section 10554 of the Education Code is amended to~~  
40 ~~read:~~



1 10554. ~~(a) In order for the governing board to carry out its~~  
2 ~~responsibilities pursuant to this chapter, there is hereby established~~  
3 ~~the Educational Telecommunication Fund. The amount of moneys~~  
4 ~~to be deposited in the fund shall be the amount of any offset made~~  
5 ~~to the principal apportionments made pursuant to Sections 1909,~~  
6 ~~2558, 42238, 52616, Article 1.5 (commencing with Section~~  
7 ~~52335) of Chapter 9 of Part 28, and Chapter 7.2 (commencing with~~  
8 ~~Section 56836) of Part 30, based on a finding that these~~  
9 ~~apportionments were not in accordance with law. The maximum~~  
10 ~~amount that may be annually deposited in the fund from the offset~~  
11 ~~shall be ten million dollars (\$10,000,000). The Controller shall~~  
12 ~~establish an account to receive and expend moneys in the fund. The~~  
13 ~~placement of the moneys in the fund shall occur only upon a~~  
14 ~~finding by the Superintendent of Public Instruction and the~~  
15 ~~Director of Finance that the principal apportionments made~~  
16 ~~pursuant to Sections 1909, 2558, 42238, 52616, and Article 1.5~~  
17 ~~(commencing with Section 52335) of Chapter 9 of Part 28, and~~  
18 ~~Chapter 7.2 (commencing with Section 56836) of Part 30 were not~~  
19 ~~in accordance with existing law and were so identified pursuant to~~  
20 ~~Sections 1624, 14506, 41020, 41020.2, 41320, 42127.2, and~~  
21 ~~42127.3, or an independent audit that was approved by the State~~  
22 ~~Department of Education.~~

23 ~~(b) Moneys in the fund established pursuant to subdivision (a)~~  
24 ~~shall only be available for expenditure upon appropriation by the~~  
25 ~~Legislature in the Budget Act.~~

26 ~~(c) The moneys in the fund established pursuant to subdivision~~  
27 ~~(a) may be expended by the governing board to carry out the~~  
28 ~~purposes of this chapter, including for the following purposes:~~

29 ~~(1) To support the activities of the team established pursuant to~~  
30 ~~subdivision (e) of Section 10551.~~

31 ~~(2) To assist the school districts and county superintendents of~~  
32 ~~schools in purchasing both hardware and software to allow school~~  
33 ~~districts, county superintendents of schools, and the State~~  
34 ~~Department of Education to be linked for school business and~~  
35 ~~administrative purposes. The governing board shall establish a~~  
36 ~~matching share requirement that applicant school districts and~~  
37 ~~county superintendents of schools must fulfill to receive those~~  
38 ~~funds. It is the intent of the Legislature to encourage the~~  
39 ~~distribution of grants to school districts and county~~  
40 ~~superintendents of schools to the widest extent possible.~~



1 ~~(3) To provide technical assistance through county offices of~~  
2 ~~education to school districts in implementing the standards~~  
3 ~~established pursuant to subdivision (a) of Section 10552.~~

4 ~~(d) This section shall remain in effect only until January 1,~~  
5 ~~2006, and as of that date is repealed, unless a later enacted statute,~~  
6 ~~that is enacted before January 1, 2006, deletes or extends that date.~~

7 ~~SEC. 11.~~

8 *SEC. 7.* Section 11023 of the Education Code is amended to  
9 read:

10 11023. The Superintendent of Public Instruction, shall  
11 recommend, and the State Board of Education shall approve, a  
12 plan for the comprehensive evaluation of the program authorized  
13 in this chapter. The Superintendent of Public Instruction shall  
14 complete the evaluation and submit it to the State Board of  
15 Education by July 1, 2004. The State Board of Education shall  
16 submit the final evaluation and report to the Legislature by  
17 December 31, 2004, on all of the following:

18 (a) Changes in the number and percent of pupils who took  
19 nationally-normed, standardized tests used for college admission  
20 decisions.

21 (b) Changes in the school-wide average score on  
22 nationally-normed, standardized tests used for college admission  
23 decisions.

24 (c) Changes in the number and percentage of pupils who  
25 complete the A-F or college preparatory course requirements with  
26 at least a "C" grade.

27 (d) Changes in the number and percentage of pupils who  
28 complete advanced placement courses and received a score of "3"  
29 or above.

30 (e) Changes in the number of advanced placement courses  
31 taken by pupils.

32 (f) Changes in the number and percentage of parents or  
33 guardians of 8th grade pupils who were notified of the course  
34 requirements that are a prerequisite for admission to the California  
35 State University or the University of California.

36 (g) The college participation rates at qualifying schools before  
37 and after the implementation of program activities pursuant to this  
38 chapter.

39 (h) Recommendations for changes to this chapter that could  
40 further increase the percentage of high school pupils eligible for



1 admission to the California State University or the University of  
 2 California upon graduation from high school.

3 ~~SEC. 12.~~

4 *SEC. 8.* Section 11024.5 of the Education Code is amended to  
 5 read:

6 11024.5. This chapter shall become inoperative on July 1,  
 7 2005, and, as of January 1, 2006, is repealed, unless a later enacted  
 8 statute that is enacted before January 1, 2005, deletes or extends  
 9 the dates on which it becomes inoperative and is repealed.

10 ~~SEC. 13.~~ ~~Section 17071.50 is added to the Education Code,~~  
 11 ~~to read:~~

12 ~~17071.50.~~ ~~For purposes of multitrack year-round education~~  
 13 ~~programs implemented pursuant to Section 42260, all teaching~~  
 14 ~~stations shall be counted using the assumed capacity, as established~~  
 15 ~~pursuant to paragraph (2) of subdivision (a) of Section 17071.25.~~  
 16 ~~For purposes of this section, “teaching station” means any space~~  
 17 ~~that was constructed or reconstructed to serve as an area in which~~  
 18 ~~to provide pupil instruction, including rented, leased, or~~  
 19 ~~lease-purchased portables and classrooms that are less than 700~~  
 20 ~~interior square feet.~~

21 ~~SEC. 14.~~

22 *SEC. 9.* Section 17150 of the Education Code is amended to  
 23 read:

24 17150. (a) Upon the approval by the governing board of the  
 25 school district to proceed with the issuance of certificates of  
 26 participation revenue bonds or to enter into any agreement for  
 27 financing school construction pursuant to Chapter 18  
 28 (commencing with Section 17170), the school district shall notify  
 29 the county superintendent of schools and the county auditor. The  
 30 superintendent of the school district shall provide the repayment  
 31 schedules for that debt obligation, and evidence of the ability of the  
 32 school district to repay that obligation, to the county auditor, the  
 33 county superintendent, the governing board, and the public.  
 34 Within 15 days of the receipt of the information, the county  
 35 superintendent of schools and the county auditor may comment  
 36 publicly to the governing board of the school district regarding the  
 37 capability of the school district to repay that debt obligation.

38 (b) Upon the approval by the county board of education to  
 39 proceed with the issuance of certificates of participation or  
 40 revenue bonds or to enter into any agreement for financing



1 pursuant to Chapter 18 (commencing with Section 17170), the  
2 county superintendent of schools or superintendent of a school  
3 district for which the county board serves as governing board shall  
4 notify the Superintendent of Public Instruction. The county  
5 superintendent of schools or the superintendent of a school district  
6 for which the county board serves as the governing board shall  
7 provide the repayment schedules for that debt obligation and  
8 evidence of the ability of the county office of education or school  
9 district to repay that obligation, to the Superintendent of Public  
10 Instruction, the governing board, and the public. Within 15 days  
11 of the receipt of the information the Superintendent of Public  
12 Instruction may comment publicly to the county board of  
13 education regarding the capability of the county office of  
14 education or school district to repay that debt obligation.

15 (c) Prior to delivery of the notice required by subdivision (a)  
16 neither the county nor any of its officers shall have any  
17 responsibility for the administration of the school district's  
18 indebtedness. Failure to comply with the requirements of this  
19 section will not affect the validity of the indebtedness.

20 ~~SEC. 15.—Section 17584 of the Education Code is amended to~~  
21 ~~read:~~

22 ~~17584.—(a) Whenever, in any given fiscal year, a school~~  
23 ~~district has budgeted, exclusive of state matching funds and~~  
24 ~~district funds previously matched pursuant to subdivision (b), in~~  
25 ~~its deferred maintenance fund established pursuant to Section~~  
26 ~~17582 an amount equal to, or greater than, that amount the district~~  
27 ~~expended from its general fund for major maintenance, repair, or~~  
28 ~~modernization of existing school buildings, as specified in Section~~  
29 ~~17582, exclusive of categorical aid funds and any proceeds from~~  
30 ~~the sale of district property which were expended for the purpose~~  
31 ~~of the district deferred maintenance account, in either the 1978–79~~  
32 ~~or 1979–80 fiscal year, adjusted annually to the current fiscal year~~  
33 ~~in conformance with the percentage change in the district revenue~~  
34 ~~limit computed pursuant to Section 42237 or 42238, the~~  
35 ~~Superintendent of Public Instruction shall so certify to the State~~  
36 ~~Allocation Board.~~

37 ~~(b) The State Allocation Board shall apportion, from the State~~  
38 ~~School Deferred Maintenance Fund, to school districts an amount~~  
39 ~~equal to one dollar (\$1) for each one dollar (\$1) of local funds up~~  
40 ~~to a maximum of 1/2 percent of the district's second prior fiscal year~~



1 ~~revenue limit average daily attendance multiplied by the average,~~  
2 ~~per unit of second prior fiscal year average daily attendance, of the~~  
3 ~~total expenditures and ending fund balances of the total general~~  
4 ~~funds and adult education funds for districts of similar size and~~  
5 ~~type, as defined in subdivision (b) of Section 42238.4, for the~~  
6 ~~second prior fiscal year, exclusive of any amounts expended for~~  
7 ~~capital outlay or debt service, to the extent of funds available.~~

8 ~~(c) Notwithstanding subdivision (a), in order to be eligible to~~  
9 ~~receive state aid pursuant to subdivision (b), no district shall be~~  
10 ~~required to budget from local district funds an amount greater than~~  
11 ~~1/2 percent of the district's current-year revenue limit average daily~~  
12 ~~attendance, multiplied by the average, per unit of average daily~~  
13 ~~attendance, of the total expenditures and ending fund balances of~~  
14 ~~the total general funds and adult education funds for districts of~~  
15 ~~similar size and type, as defined in subdivision (b) of Section~~  
16 ~~42238.4 for the second prior fiscal year, exclusive of any amounts~~  
17 ~~expended for capital outlay or debt service.~~

18 ~~SEC. 16.~~

19 *SEC. 10.* Section 32228 of the Education Code is amended to  
20 read:

21 32228. (a) It is the intent of the Legislature that public  
22 schools serving pupils in any of grades 8 to 12, inclusive, have  
23 access to supplemental resources to establish programs and  
24 strategies that promote school safety and emphasize violence  
25 prevention among children and youth in the public schools.

26 (b) It is also the intent of the Legislature that public schools  
27 have access to supplemental resources to combat bias on the basis  
28 of race, color, religion, ancestry, national origin, disability, gender,  
29 or sexual orientation, as defined in subdivision (q) of Section  
30 12926 of the Government Code, and to prevent and respond to acts  
31 of hate violence and bias related incidents. Sexual orientation shall  
32 not include pedophilia.

33 (c) It is further the intent of the Legislature that schoolsites  
34 receiving funds pursuant to this article accomplish all of the  
35 following goals:

36 (1) Teach pupils techniques for resolving conflicts without  
37 violence.

38 (2) Train school staff and administrators to support and  
39 promote conflict resolution and mediation techniques for  
40 resolving conflicts between and among pupils.



1 (3) Reduce incidents of violence at the schoolsite with an  
2 emphasis on prevention and early detection.

3 ~~SEC. 17.~~

4 *SEC. 11.* Section 32228.1 of the Education Code is amended  
5 to read:

6 32228.1. (a) The School Safety and Violence Prevention Act  
7 is hereby established. This statewide program shall be  
8 administered by the Superintendent of Public Instruction, who  
9 shall provide funds to school districts serving pupils in any of  
10 grades 8 to 12, inclusive, for the purpose of promoting school  
11 safety and reducing schoolsite violence. As a condition of  
12 receiving funds pursuant to this article, an eligible school district  
13 shall certify, on forms and in a manner required by the  
14 Superintendent of Public Instruction, that the funds will be used  
15 as described.

16 (b) From funds appropriated in the annual Budget Act or any  
17 other measure, funds shall be allocated to school districts on the  
18 basis of prior year enrollment, as reported by the California Basic  
19 Educational Data System, of pupils in any of grades 8 to 12,  
20 inclusive, for any one or more of the following purposes:

21 (1) Providing schools with personnel, including, but not  
22 limited to, licensed or certificated school counselors, school social  
23 workers, school nurses, and school psychologists, who are trained  
24 in conflict resolution. Any law enforcement personnel hired  
25 pursuant to this article shall be trained and sworn peace officers.

26 (2) Providing effective and accessible on-campus  
27 communication devices and other school safety infrastructure  
28 needs.

29 (3) Establishing an in-service training program for school staff  
30 to learn to identify at-risk pupils, to communicate effectively with  
31 those pupils, and to refer those pupils to appropriate counseling.

32 (4) Establishing cooperative arrangements with local law  
33 enforcement agencies for appropriate school-community  
34 relationships.

35 (5) Preventing and responding to acts of hate violence and bias  
36 related incidents, including implementation of programs and  
37 instructional curricula consistent with the goals set forth in this  
38 section and guidelines developed pursuant to paragraph (1) of  
39 subdivision (b) of Section 233.



1 (6) For any other purpose that the school or school district  
2 determines that would materially contribute to meeting the goals  
3 and objectives of current law in providing for safe schools and  
4 preventing violence among pupils.

5 ~~SEC. 18. Section 32296.7 of the Education Code is amended~~  
6 ~~to read:~~

7 ~~32296.7. The School/Law Enforcement Partnership shall~~  
8 ~~award grants to a school district, county office of education, or a~~  
9 ~~consortium to pay the costs of establishing and operating, on~~  
10 ~~behalf of one or more qualifying schools within the school district,~~  
11 ~~county office of education, or consortium, programs that apply a~~  
12 ~~community policing approach to school crime and safety, as~~  
13 ~~follows:~~

14 ~~(a) Grants may be awarded to school districts, county offices of~~  
15 ~~education, or consortia that have demonstrated readiness to begin~~  
16 ~~operation of a program or to expand existing programs. Grants~~  
17 ~~shall supplement, not supplant, existing programs.~~

18 ~~(b) Grants shall be awarded for no more than three hundred~~  
19 ~~thousand dollars (\$300,000) for up to a five-year grant period.~~

20 ~~(c) Recipients of grants may also receive one-time startup~~  
21 ~~grants, in addition to the base grant, that may be used, among other~~  
22 ~~things, for purchasing equipment, hiring staff, designing a~~  
23 ~~program evaluation, or hiring a program or evaluation consultant.~~  
24 ~~Startup grants shall be awarded for not more than one hundred~~  
25 ~~thousand dollars (\$100,000).~~

26 ~~(d) All grants awarded under this article shall be matched by the~~  
27 ~~participating local educational agency or consortium and its~~  
28 ~~cooperating agencies with one dollar (\$1) for each four dollars~~  
29 ~~(\$4) awarded. The match shall be contributed in cash or as services~~  
30 ~~or resources of comparable value. It is the intent of the Legislature~~  
31 ~~that participants seek and utilize funds or resources for this~~  
32 ~~purpose. The School/Law Enforcement Partnership may waive~~  
33 ~~the match requirement upon verifying that the local educational~~  
34 ~~agency or consortium made a substantial effort to secure a match~~  
35 ~~but was unable to secure the required match.~~

36 ~~(e) Pursuant to this article, the School/Law Enforcement~~  
37 ~~Partnership shall award competitive grants to school districts and~~  
38 ~~county offices of education or consortia in urban, suburban, and~~  
39 ~~rural areas of northern, central, and southern California.~~



1 ~~(f) Grants shall be awarded for programs that demonstrate the~~  
2 ~~greatest need and meet the criteria for the program pursuant to~~  
3 ~~Section 32296.5 for a school safety grant under this article. The~~  
4 ~~School/Law Enforcement Partnership shall consider the latest~~  
5 ~~school crime data for the school or schools in which the program~~  
6 ~~will operate when determining that need.~~

7 ~~(g) Commencing in the 1998-99 fiscal year, and each~~  
8 ~~subsequent year for which funding is available, grants shall be~~  
9 ~~awarded according to the following schedule:~~

10 ~~(1) The School/Law Enforcement Partnership shall issue~~  
11 ~~requests for applications on or before November 1.~~

12 ~~(2) Grant applications shall be submitted to the School/Law~~  
13 ~~Enforcement Partnership on or before March 1.~~

14 ~~(3) The School/Law Enforcement Partnership shall award~~  
15 ~~grants on or before May 15.~~

16 ~~SEC. 19. Section 32296.9 of the Education Code is amended~~  
17 ~~to read:~~

18 ~~32296.9. It is the intent of the Legislature that funding for the~~  
19 ~~School Community Policing Partnership Grant Program~~  
20 ~~established pursuant to this article shall be provided through the~~  
21 ~~annual Budget Act and that grants shall be for a period of five~~  
22 ~~years.~~

23 ~~SEC. 20.~~

24 ~~SEC. 12. Section 35756.5 of the Education Code is amended~~  
25 ~~to read:~~

26 ~~35756.5. In the case of the transfer of territory from one~~  
27 ~~district to another, if the transfer is opposed by the governing~~  
28 ~~boards of one or more of the districts affected with an average daily~~  
29 ~~attendance of 2,500 or less, the territory in which the election is~~  
30 ~~held shall include the entire territory of the districts opposing the~~  
31 ~~transfer. Each district with an average daily attendance of 2,500 or~~  
32 ~~less which is included in an election because of the objection of its~~  
33 ~~governing board to the transfer shall bear the additional cost of~~  
34 ~~holding the election in that portion of its territory not otherwise~~  
35 ~~included in the election. When a majority of the votes cast in the~~  
36 ~~school district opposing the transfer and a majority of the votes~~  
37 ~~cast in the entire territory in which the election is held are in favor~~  
38 ~~of the reorganization, the proposal carries.~~

39 ~~SEC. 21.~~



1 SEC. 13. Section 41409 of the Education Code is amended to  
2 read:

3 41409. (a) Commencing with the 1988–89 fiscal year, and  
4 annually thereafter, the Superintendent of Public Instruction shall  
5 determine the statewide average percentage of school district  
6 expenditures that are allocated to the salaries of administrative  
7 personnel, as that term is defined in accounts 1200, 1300, 1700,  
8 1800, and 2200 in Part I of the California School Accounting  
9 Manual published by the State Department of Education. For  
10 school districts using the Standardized Account Code Structure,  
11 the term salaries of administrative personnel are defined in object  
12 accounts 1300 and 2300 in Part II of the California School  
13 Accounting Manual. The Superintendent of Public Instruction  
14 also shall determine the statewide average percentage of school  
15 district expenditures that are allocated to the salaries of teachers,  
16 as defined in account 1100 in Parts I and II of the California School  
17 Accounting Manual. The statewide averages shall be calculated  
18 for the following types and sizes of school districts:

District	ADA
21 Elementary . . . . .	less than 1,000
22 Elementary . . . . .	1,000 to 4,999
23 Elementary . . . . .	5,000 and greater
24 High School . . . . .	less than 1,000
25 High School . . . . .	1,000 to 3,999
26 High School . . . . .	4,000 and greater
27 Unified . . . . .	less than 1,500
28 Unified . . . . .	1,500 to 4,999
29 Unified . . . . .	5,000 to 9,999
30 Unified . . . . .	10,000 to 19,999
31 Unified . . . . .	20,000 and greater

32  
33 (b) Commencing with the 1988–89 fiscal year, and annually  
34 thereafter, the Superintendent of Public Instruction shall  
35 determine the statewide average salary, by size and type of district,  
36 for the following:

- 37 (1) Beginning, mid-range, and highest salary paid to teachers.
- 38 (2) Schoolsite principals.
- 39 (3) District superintendents.



1 (c) The statewide averages calculated pursuant to subdivisions  
2 (a) and (b) shall be provided annually to each school district for use  
3 in the school accountability report card. A copy of the state  
4 summary information shall be submitted annually to the  
5 Legislature, the Governor, the Department of Finance, and the  
6 office of the Legislative Analyst.

7 ~~SEC. 22.—Section 42260 of the Education Code is amended to~~  
8 ~~read:~~

9 ~~42260.—(a) There is hereby established the Year Round~~  
10 ~~School Grant Program to provide financial assistance to both~~  
11 ~~school districts implementing new multitrack year-round~~  
12 ~~educational programs and school districts that currently operate~~  
13 ~~those programs.~~

14 ~~(b) The grant program shall be administered by the~~  
15 ~~Superintendent of Public Instruction. The superintendent shall~~  
16 ~~award grants separately under this article for the implementation~~  
17 ~~of multitrack year-round school programs and for year-round~~  
18 ~~operation purposes.~~

19 ~~(c) The Superintendent of Public Instruction shall establish~~  
20 ~~criteria for the selection of implementation grant applicants to be~~  
21 ~~funded. The criteria shall include, but not be limited to, all of the~~  
22 ~~following:~~

23 ~~(1) Severity of school district overcrowding in excess of the~~  
24 ~~pupil loading standards of 25 pupils for each teaching station for~~  
25 ~~kindergarten and grades 1 to 6, inclusive, 27 pupils for each~~  
26 ~~teaching station for grades 7 to 12, inclusive, and 9 pupils with~~  
27 ~~severe disabilities and 13 pupils with nonsevere disabilities for~~  
28 ~~each teaching station for special education programs for~~  
29 ~~kindergarten and grades 1 to 12, inclusive, or the class size~~  
30 ~~reduction ratio of 20 pupils to 1 teacher with a resolution passed~~  
31 ~~by the school district stating that the ratio is exceeded.~~

32 ~~(2) The amount of overcrowding that would be alleviated by~~  
33 ~~the implementation of multitrack year-round educational~~  
34 ~~programs, as proposed in the school district's grant application~~  
35 ~~proposal.~~

36 ~~(3) The lack of other educationally sound alternatives to~~  
37 ~~multitrack year-round educational programs to reduce~~  
38 ~~overcrowding in the applicant school district.~~



1 ~~(d) For the purposes of this section, “multitrack year-round~~  
2 ~~school” means a school that the applicant district demonstrates has~~  
3 ~~satisfied both of the following criteria:~~

4 ~~(1) The pupils are divided into three or more groups or tracks~~  
5 ~~that rotate attendance so that for a majority of the schooldays~~  
6 ~~during the school year, at least one group or track is not in~~  
7 ~~attendance at the school while all other groups or tracks are in~~  
8 ~~attendance.~~

9 ~~(2) The operation of the school on a multitrack year-round~~  
10 ~~calendar has increased the enrollment capacity of the school.~~

11 ~~SEC. 23. Section 42261 of the Education Code is amended to~~  
12 ~~read:~~

13 ~~42261. Commencing in the 2002-03 fiscal year, a school~~  
14 ~~district may apply for a year-round school grant pursuant to this~~  
15 ~~article, if the school district demonstrates to the Superintendent of~~  
16 ~~Public Instruction all of the following:~~

17 ~~(a) There is substantial overcrowding in the school district or~~  
18 ~~its high school attendance areas, as demonstrated by enrollment of~~  
19 ~~115 percent of the capacity of facilities.~~

20 ~~(b) The school district will use the grant to implement or~~  
21 ~~operate multitrack year-round educational programs in one or~~  
22 ~~more of its schools in order to increase the capacity of its facilities.~~

23 ~~SEC. 24. Section 42262 of the Education Code is amended to~~  
24 ~~read:~~

25 ~~42262. (a) Year-round school grants awarded under this~~  
26 ~~article for purposes of the implementation of multitrack~~  
27 ~~year-round school programs shall be expended for the following~~  
28 ~~purposes:~~

29 ~~(1) Planning, including community activities, necessary for~~  
30 ~~that implementation.~~

31 ~~(2) One-time minor capital outlay and equipment associated~~  
32 ~~with converting school facilities to multitrack year-round~~  
33 ~~operation.~~

34 ~~(3) Deferred maintenance on facilities proposed for multitrack~~  
35 ~~year-round operation.~~

36 ~~(4) Other necessary activities associated with conversion to~~  
37 ~~multitrack year-round operations, including, but not limited to,~~  
38 ~~curriculum revision and scheduling changes and staff~~  
39 ~~development.~~



1 ~~(b) These implementation grants are available on a one-time~~  
2 ~~basis for each new multitrack year-round schoolsite, subject to~~  
3 ~~application approval, in an amount up to fifty dollars (\$50) per~~  
4 ~~pupil currently enrolled in the site planned for year-round~~  
5 ~~operation, as that pupil enrollment is identified in the CBEDS~~  
6 ~~report transmitted to the State Department of Education by the~~  
7 ~~school district.~~

8 For purposes of this subdivision, “CBEDS report” means the  
9 report transmitted by school districts to the State Department of  
10 Education for purposes of the California Basic Education Data  
11 System that exists within the department and is based upon a single  
12 annual collection of data about school staff and pupil enrollment  
13 conducted by the department for reporting, program management,  
14 and planning purposes.

15 The superintendent may approve all or any portion of an  
16 application for an implementation grant, as described in  
17 subdivision (a) of this section, up to a maximum of one hundred  
18 thousand dollars (\$100,000) per schoolsite. If the applications  
19 submitted exceed the appropriations available for this purpose, the  
20 amount per pupil shall be prorated by an equal amount.

21 ~~(c) If a schoolsite does not operate on a multitrack year-round~~  
22 ~~basis in the second subsequent fiscal year following receipt of a~~  
23 ~~year-round implementation grant pursuant to this section, the~~  
24 ~~school district shall repay the implementation grant received for~~  
25 ~~that schoolsite, plus interest that the repayment amount would~~  
26 ~~have earned in the Pooled Money Investment Fund, within one~~  
27 ~~year following the date on which the schoolsite was to begin to~~  
28 ~~operate on a multitrack year-round basis. If the grant, plus interest,~~  
29 ~~is not repaid within the one-year period, the Superintendent of~~  
30 ~~Public Instruction shall withhold the total amount owed pursuant~~  
31 ~~to this subdivision from the apportionment to be made to that~~  
32 ~~district calculated pursuant to Section 42238.~~

33 SEC. 25.—Section 42263 of the Education Code is amended to  
34 read:

35 42263.—(a) Commencing in the 2002-03 fiscal year,  
36 year-round school grants, in addition to those grants authorized  
37 under Section 42262, shall be awarded annually for the operation  
38 of multitrack year-round education programs to school districts  
39 that meet the criteria specified in this section, in addition to the  
40 criteria otherwise applicable under this article.



1 ~~(b) For each fiscal year, for each schoolsite for which a school~~  
 2 ~~district applies for funding under this article, the district shall~~  
 3 ~~certify by January 31 the number of pupils in excess of the capacity~~  
 4 ~~of each schoolsite, as determined by the second period (P2)~~  
 5 ~~attendance report, in accordance with paragraph (1) of subdivision~~  
 6 ~~(e) of Section 42260, for which the district elects to claim funding~~  
 7 ~~under this article. The excess pupil capacity calculated for~~  
 8 ~~purposes of this subdivision shall reflect only the additional~~  
 9 ~~capacity that has been generated as a result of operation on a~~  
 10 ~~multitrack year-round basis, and shall not reflect increased~~  
 11 ~~capacity generated by any other means. A school district shall be~~  
 12 ~~eligible for funding under this section only as to any schoolsite for~~  
 13 ~~which the pupil population certified by the district exceeds the~~  
 14 ~~capacity of the schoolsite by not less than 15 percent.~~

15 ~~(c) To the extent funding is made available for the purposes of~~  
 16 ~~this section, the Superintendent of Public Instruction shall allocate~~  
 17 ~~to an applicant school district, for each schoolsite that qualifies for~~  
 18 ~~funding under subdivision (b), an amount equal to the district's~~  
 19 ~~share of the product of the statewide average for multitrack~~  
 20 ~~educational support costs per pupil, as established under~~  
 21 ~~subdivision (e), and the number of pupils certified by the district~~  
 22 ~~under subdivision (b). For purposes of this subdivision, a district's~~  
 23 ~~share shall be determined according to the percentage by which the~~  
 24 ~~number of certified pupils reflects an increase in the capacity of the~~  
 25 ~~schoolsite, as follows:~~

26		
27		District's Share
28	1. Less than 15%	0%
29	2. Equal to or great than 15% but	
30	— less than 20%	75%
31	3. Equal to or greater than 20% but	
32	— less than 25%	85%
33	4. Equal to or greater than 25%	90%

34  
 35 ~~(d) If the applications submitted exceed the appropriations~~  
 36 ~~available for the purposes of subdivision (c), the amount for~~  
 37 ~~multitrack educational support costs per pupil shall be prorated to~~  
 38 ~~provide an equal amount for each pupil.~~

39 ~~(e) For the 2002-03 fiscal year, the "statewide average for~~  
 40 ~~multitrack education support costs per pupil," for purposes of this~~



1 ~~section, shall be six hundred and fifty dollars (\$650) plus any~~  
2 ~~cost of living adjustment (COLA) provided to this support~~  
3 ~~program. For the 1992-93 fiscal year, and each fiscal year~~  
4 ~~thereafter, the “statewide average cost avoided per pupil” shall be~~  
5 ~~established by the statute that appropriates funding for the~~  
6 ~~purposes of this section for that fiscal year.~~

7 ~~SEC. 26.—Section 42265 of the Education Code is repealed.~~

8 ~~SEC. 27.—Section 42266 of the Education Code is amended~~  
9 ~~and renumbered to read:~~

10 ~~42265.—(a) The funding allocated by the Superintendent of~~  
11 ~~Public Instruction pursuant to Section 42263 shall be allocated in~~  
12 ~~accordance with paragraph (5) of subdivision (a) of Section~~  
13 ~~14041.~~

14 ~~(b) Commencing with the 2002-03 fiscal year, the entire~~  
15 ~~amount of funding to be allocated pursuant to Section 42262 for~~  
16 ~~each fiscal year shall be allocated no later than March 1 of the~~  
17 ~~following fiscal year.~~

18 ~~SEC. 28.—Section 42267 of the Education Code is repealed.~~

19 ~~SEC. 29.—Section 42268 of the Education Code is repealed.~~

20 ~~SEC. 30.—Section 42269 of the Education Code is amended~~  
21 ~~and renumbered to read:~~

22 ~~42266.—(a) The State Department of Education shall, in~~  
23 ~~consultation with school districts, the Department of Finance, the~~  
24 ~~Legislative Analyst’s Office, and any other affected parties,~~  
25 ~~conduct a study of the grant program established pursuant to this~~  
26 ~~article to develop an equitable method of phasing out the program~~  
27 ~~over a multiyear period.~~

28 ~~(b) The study conducted pursuant to subdivision (a) shall~~  
29 ~~include, but not necessarily be limited to, all of the following:~~

30 ~~(1) Findings regarding the challenges that school districts face~~  
31 ~~in implementing a longer school year, mandatory summer school~~  
32 ~~reform, and other educational reforms in conjunction with a~~  
33 ~~multitrack year-round educational program.~~

34 ~~(2) Analyze the need for school facilities in school districts that~~  
35 ~~receive funding pursuant to this article.~~

36 ~~(3) Determine the eligibility of school districts offering a~~  
37 ~~multitrack year-round educational program for participation in the~~  
38 ~~Leroy F. Greene School Facilities Act of 1998.~~

39 ~~(4) Identify options for eliminating the grant program~~  
40 ~~established pursuant to this article.~~



1 ~~(5) Identify options to help school districts offering a~~  
2 ~~multitrack year-round educational program provide the school~~  
3 ~~facilities necessary to implement educational reforms.~~

4 ~~(e) The State Department of Education shall complete the study~~  
5 ~~conducted pursuant to this section and present its findings to the~~  
6 ~~Legislature on or before July 1, 2000.~~

7 ~~SEC. 31.~~

8 *SEC. 14.* Section 42850 of the Education Code is amended to  
9 read:

10 42850. The governing board of any school district may  
11 establish a pension plan and other employee benefits fund to  
12 accumulate restricted moneys from salary reduction agreements,  
13 other contributions for employee retirement benefit payments, or  
14 both. Moneys may be transferred to the fund from other funds by  
15 periodic expense charges, in amounts based on existing and future  
16 obligation requirements. Payments from the pension plan and  
17 other employee benefits fund for insurance, annuities,  
18 administrative costs, or any other authorized purpose shall be  
19 made in accordance with all warrant approval requirements  
20 applicable under this code.

21 ~~SEC. 32.~~

22 *SEC. 15.* Section 44503 of the Education Code is amended to  
23 read:

24 44503. (a) The governing board of a school district that  
25 accepts state funds for purposes of this article agrees to negotiate  
26 the development and implementation of the program with the  
27 exclusive representative of the certificated employees in the  
28 school district, if the certificated employees in the district are  
29 represented by an exclusive representative. In a school district in  
30 which the certificated employees are not represented, the school  
31 district shall develop a Peer Assistance and Review Program for  
32 Teachers consistent with this article in order to be eligible to  
33 receive funding under this article.

34 (b) Functions performed pursuant to this article by certificated  
35 employees employed in a bargaining unit position shall not  
36 constitute either management or supervisory functions as defined  
37 by subdivisions (g) and (m) of Section 3540.1 of the Government  
38 Code.

39 (c) Teachers who provide assistance and review shall have the  
40 same protection from liability and access to appropriate defense as



1 other public school employees pursuant to Division 3.6  
2 (commencing with Section 810) of Title 1 of the Government  
3 Code.

4 (d) It is the intent of the Legislature that school districts be  
5 allowed to combine, by mutual agreement, their programs of peer  
6 assistance and review with those of other school districts.

7 (e) Not more than 5 percent of the funds received by a school  
8 district for the Peer Assistance and Review Program for Teachers  
9 may be expended for administrative expenses. For the purposes of  
10 this article, administrative expenses shall include expenditures for  
11 the personnel costs of program administration and coordination,  
12 the cost of consulting teacher selection, and indirect costs  
13 associated with the Peer Assistance and Review Program for  
14 Teachers.

15 ~~SEC. 33.~~

16 *SEC. 16.* Section 52334 of the Education Code is amended to  
17 read:

18 52334. Indirect costs charged to regional occupational centers  
19 and programs may not exceed that of the school district or county  
20 office of education, as appropriate, prior year indirect cost rate as  
21 approved by the State Department of Education.

22 The indirect costs charged by county offices of education and  
23 school districts that provide regional occupational centers and  
24 programs services on behalf of the county office of education or  
25 joint powers authority, when added together, may not exceed the  
26 indirect cost rate approved by the State Department of Education  
27 for the county office of education or the school district, whichever  
28 is higher.

29 Revenue limit funds apportioned to a county office of education  
30 or school district for regional occupational centers and programs  
31 must be expended on programs and services offered by the  
32 regional occupational centers and programs.

33 ~~SEC. 34.~~

34 *SEC. 17.* Section 53029 of the Education Code is amended to  
35 read:

36 53029. (a) Except as provided in subdivision (b), intensive  
37 reading instruction provided pursuant to this article shall be  
38 offered four hours per day for six continuous weeks during the  
39 summer or when school is not regularly in session.



1 (b) Due to facilities constraints or for other educational  
 2 reasons, a school district may offer intensive reading instruction  
 3 before school, after school, on Saturdays, or during intersession,  
 4 or in a combination of summer school, before school, after school,  
 5 Saturday, or intersession instruction. Services may be provided to  
 6 pupils during the regular instructional day if the instruction is  
 7 delivered by a certificated employee, provided that the employee  
 8 is not the pupil’s regular classroom teacher, and does not result in  
 9 the pupil being removed from regular classroom instruction.  
 10 Instruction provided pursuant to this section shall fulfill the  
 11 requirements of subdivision (a) of Section 44830 and of Section  
 12 44831. Other service providers should have appropriate training  
 13 in the teaching of reading.

14 (c) Notwithstanding Section 49550 or any other provision of  
 15 law, a school district that operates a program pursuant to this article  
 16 is not required to provide a meal or snack to pupils participating  
 17 in the program.

18 ~~SEC. 35.~~

19 *SEC. 18.* Section 53083 of the Education Code is amended to  
 20 read:

21 53083. (a) (1) Except as provided in paragraph (2),  
 22 intensive prealgebra and algebra instruction provided pursuant to  
 23 this chapter shall be offered four hours per day for six continuous  
 24 weeks during the summer or when school is not regularly in  
 25 session.

26 (2) Due to facilities constraints or for other educational  
 27 reasons, a school district may offer intensive prealgebra and  
 28 algebra instruction before school, after school, on Saturdays, or  
 29 during intersession, or in a combination of summer school, before  
 30 school, after school, Saturday, or intersession instruction.

31 (b) Instruction provided pursuant to this chapter shall fulfill the  
 32 requirements of subdivision (a) of Section 44830 and of Section  
 33 44831.

34 (c) Notwithstanding Section 49550 or any other provision of  
 35 law, a school district that operates a program pursuant to this  
 36 chapter is not required to provide a meal or snack to pupils  
 37 participating in the program.

38 ~~SEC. 36.~~ ~~Section 54022 of the Education Code is amended to~~  
 39 ~~read:~~



1 ~~54022. — For entitlements of the 1989–90 fiscal year and each~~  
2 ~~year thereafter, the Superintendent of Public Instruction shall~~  
3 ~~calculate state gross need by multiplying the state index of need by~~  
4 ~~the average excess cost of education for impact aid.~~

5 ~~The state index of need shall be: number of children aged 5 to~~  
6 ~~17 years, inclusive, who are eligible for free and reduced price~~  
7 ~~meals.~~

8 ~~The average excess cost of education for impact aid shall be five~~  
9 ~~hundred sixty five dollars and thirty six cents (\$565.36) in the~~  
10 ~~1989–90 fiscal year and shall be adjusted annually by the amount~~  
11 ~~of the percentage increase determined under subdivision (b) of~~  
12 ~~Section 42238.1.~~

13 ~~SEC. 37. — Section 54023 of the Education Code is amended to~~  
14 ~~read:~~

15 ~~54023. — For each eligible school district, the Superintendent of~~  
16 ~~Public Instruction shall compute a share of the state gross need~~  
17 ~~defined in Section 54022. To determine such shares he shall, for~~  
18 ~~each district, compute the product of:~~

19 ~~(a) A factor which shall be one third the sum of the following~~  
20 ~~three terms which shall be computed utilizing data from the three~~  
21 ~~most recently available fiscal years:~~

22 ~~(1) A ratio of “potential impact of bilingual-bicultural pupils”~~  
23 ~~determined by dividing the percent of pupils in the district with~~  
24 ~~Spanish and Asian surnames, and Indian pupils, as determined by~~  
25 ~~the most recent ethnic survey conducted by the Department of~~  
26 ~~Education, by the statewide average percentage of such pupils for~~  
27 ~~unified, elementary, or high school districts, as appropriate.~~

28 ~~(2) A ratio of the district’s “index of family poverty,” defined~~  
29 ~~as the average of; the number of school age children in poverty as~~  
30 ~~determined by the United States census and the number of school~~  
31 ~~age children who are eligible for free and reduced price meals,~~  
32 ~~divided by its average daily attendance, divided in turn by the state~~  
33 ~~average index of family poverty for unified, elementary, or high~~  
34 ~~school districts, as appropriate.~~

35 ~~(3) A ratio of the district’s “index of pupil transiency,”~~  
36 ~~computed as the difference between 1 and the district’s average~~  
37 ~~daily attendance divided by its total annual enrollment, divided by~~  
38 ~~the state average index of pupil transiency for unified, elementary,~~  
39 ~~or high school districts, as appropriate.~~



1 ~~(b) The district's average of; the number of school age children~~  
2 ~~in poverty as determined by the United States census and the~~  
3 ~~number of school age children in families receiving aid for~~  
4 ~~dependent children support.~~

5 ~~(c) A constant figure as determined by the Superintendent of~~  
6 ~~Public Instruction so that the sum of all district shares will not~~  
7 ~~exceed the state gross need.~~

8 ~~SEC. 38. Section 54030 of the Education Code is amended to~~  
9 ~~read:~~

10 ~~54030. For the purposes of this article, economically~~  
11 ~~disadvantaged pupils shall be defined as the sum of the number of~~  
12 ~~children aged 5 to 17, inclusive, who are eligible for free and~~  
13 ~~reduced price meals and the number of pupils of limited English~~  
14 ~~proficiency, as identified pursuant to Section 52163.~~

15 ~~SEC. 39. Section 54031 of the Education Code is amended to~~  
16 ~~read:~~

17 ~~54031. Notwithstanding Section 54026, school districts with~~  
18 ~~low concentrations of economically disadvantaged pupils shall be~~  
19 ~~allocated funds pursuant to the following schedule:~~

21	Number of economically	
22	disadvantaged pupils	Amount
23	0	None
24	1-10	\$4,000
25	11 or more	at least \$6,000

26  
27 ~~SEC. 40.~~

28 ~~SEC. 19. Section 60061 of the Education Code is amended to~~  
29 ~~read:~~

30 ~~60061. (a) A publisher or manufacturer shall do all of the~~  
31 ~~following:~~

32 ~~(1) Furnish the instructional materials offered by the publisher~~  
33 ~~at a price in this state that, including all costs of transportation to~~  
34 ~~that place, does not exceed the lowest price at which the publisher~~  
35 ~~offers those instructional materials for adoption or sale to any state~~  
36 ~~or school district in the United States.~~

37 ~~(2) Automatically reduce the price of those instructional~~  
38 ~~materials to any governing board to the extent that reductions are~~  
39 ~~made elsewhere in the United States.~~



1 (3) Provide any instructional materials free of charge in this  
2 state to the same extent as that received by any state or school  
3 district in the United States.

4 (4) Guarantee that all copies of any instructional materials sold  
5 in this state are at least equal in quality to the copies of those  
6 instructional materials that are sold elsewhere in the United States,  
7 and are kept revised, free from all errors, and up to date as may be  
8 required by the state board.

9 (5) Not in any way, directly or indirectly, become associated or  
10 connected with any combination in restraint of trade in  
11 instructional materials, or enter into any understanding,  
12 agreement, or combination to control prices or restrict competition  
13 in the sale of instructional materials for use in this state.

14 (6) Maintain a representative, office, or depository in the State  
15 of California or arrange with an independently owned and  
16 operated depository in the State of California to receive and fill  
17 orders for instructional materials.

18 (7) Provide to the state, at no cost, computer files or other  
19 electronic versions of each state-adopted literary title and the right  
20 to transcribe, reproduce, modify, and distribute the material in  
21 Braille, large print if the publisher does not offer a large print  
22 edition, recordings, American Sign Language videos for the deaf,  
23 or other specialized accessible media exclusively for use by pupils  
24 with visual disabilities or other disabilities that prevent use of  
25 standard instruction materials. Computer files or other electronic  
26 versions shall be provided within 30 days of adoption and shall be  
27 requested by the state as needed for the following purposes:

28 (A) Computer files or other electronic versions of literary titles  
29 shall maintain the structural integrity of the standard instruction  
30 materials, be compatible with commonly used Braille translation  
31 and speech synthesis software, and include corrections and  
32 revisions as may be necessary.

33 (B) Computer files or other electronic versions of nonliterary  
34 titles, including science and mathematics, shall be provided when  
35 technology is available to convert those materials to a format that  
36 maintains the structural integrity of the standard instructional  
37 materials and is compatible with Braille translation and speech  
38 synthesis software.

39 ~~(8)~~



1 (b) Upon the willful failure of the publisher or manufacturer to  
2 comply with the requirements of this section, *the publisher or*  
3 *manufacturer* be liable to the governing board in the amount of  
4 three times the total sum that the publisher or manufacturer was  
5 paid in excess of the price required under paragraphs (1), (2), and  
6 (5) of subdivision (a), and in the amount of three times the total  
7 value of the instructional materials and services that the governing  
8 board is entitled to receive free of charge under subdivision (a).

9 ~~(b) The state shall certify all of the following to the publisher~~  
10 ~~or manufacturer:~~

11 ~~(1) Electronic copies of printed material in any specialized~~  
12 ~~format provided to the state pursuant to this section shall be used~~  
13 ~~solely for pupils who have disabilities that prevent the use of~~  
14 ~~standard instructional materials.~~

15 ~~(2) Printed instructional materials provided to the state~~  
16 ~~pursuant to this section may not be copied or duplicated for use by~~  
17 ~~any person other than a pupil who has a disability that prevents the~~  
18 ~~use of standard instructional materials or a person providing~~  
19 ~~instruction to the pupil.~~

20 ~~(3) If a pupil is permitted to use an electronic version of an~~  
21 ~~instructional material, the disk or file shall be copy protected or~~  
22 ~~other reasonable precautions shall be taken to ensure that~~  
23 ~~instructional material is not copied or distributed in violation of the~~  
24 ~~federal copyright law contained in Title 17 of the United States~~  
25 ~~Code.~~

26 ~~SEC. 41.~~

27 *SEC. 20.* Section 60240 of the Education Code is amended to  
28 read:

29 60240. (a) The State Instructional Materials Fund is hereby  
30 continued in existence in the State Treasury. The fund shall be a  
31 means of annually funding the acquisition of instructional  
32 materials as required by the Constitution of the State of California.  
33 Notwithstanding Section 13340 of the Government Code, all  
34 money in the fund is continuously appropriated to the State  
35 Department of Education without regard to fiscal years for  
36 carrying out the purposes of this part. It is the intent of the  
37 Legislature that the fund shall provide for flexibility of  
38 instructional materials.

39 (b) The State Department of Education shall administer the  
40 fund under policies established by the state board.



1 (c) (1) The state board shall encumber part of the fund to pay  
2 for accessible instructional materials to accommodate pupils who  
3 are visually impaired pursuant to Sections 60312 and 60313 or  
4 have other disabilities and are unable to access the general  
5 curriculum.

6 (2) The state board may encumber funds, in an amount not to  
7 exceed two hundred thousand dollars (\$200,000), for replacement  
8 of instructional materials, obtained by a school district with its  
9 allowance that are lost or destroyed by reason of fire, theft, natural  
10 disaster, or vandalism.

11 (3) The state board may encumber funds for the costs of  
12 warehousing and transporting instructional materials it has  
13 acquired.

14 ~~SEC. 42.~~

15 *SEC. 21.* Section 60313 of the Education Code is amended to  
16 read:

17 60313. (a) The Superintendent of Public Instruction shall  
18 maintain a central clearinghouse-depository and duplication  
19 center for the design, production, modification, and distribution of  
20 Braille, large print, special recordings, ~~American Sign Language~~  
21 ~~videos~~, and other accessible versions of instructional materials for  
22 use by pupils with visual impairments or other disabilities who are  
23 enrolled in the public schools of California.

24 (b) Assistive devices placed in the depository shall consist of  
25 items designed for use by pupils with visual impairments.

26 (c) The instructional materials in specialized media shall be  
27 available to other pupils with disabilities enrolled in the public  
28 schools of California who are unable to progress in the general  
29 curriculum, using conventional print copies of textbooks and other  
30 study materials.

31 (d) The specialized textbooks, reference books, recordings,  
32 study materials, tangible apparatus, equipment, and other similar  
33 items shall be available for use by students with visual  
34 impairments enrolled in the public community colleges, the  
35 California State University, and the University of California.

36 ~~SEC. 43.~~ ~~Section 63051 of the Education Code is amended to~~  
37 ~~read:~~

38 ~~63051.~~ ~~(a) The Superintendent of Public Instruction, with the~~  
39 ~~approval of the State Board of Education, shall select not more~~



1 than 75 school districts that apply to participate in the pilot project  
2 established pursuant to this chapter.

3 (b) Each school district that applies to participate in the pilot  
4 project established pursuant to this chapter shall submit a project  
5 budget with the application. The project budget shall specify how  
6 categorical program funding will be allocated or reallocated under  
7 the pilot project. No school district may participate in the pilot  
8 project unless the district's proposed plan is approved by the State  
9 Board of Education.

10 (c) The superintendent shall determine the 25 largest school  
11 districts in the state on the basis of pupil enrollment as of October  
12 1999. From this list, the superintendent shall select no more than  
13 one school district from the largest five school districts and no  
14 more than four school districts from the remaining 20 largest  
15 school districts to participate in the pilot project. If more than one  
16 of the largest five school districts applies, or more than four school  
17 districts from the remaining 20 school districts applies, the  
18 superintendent shall select those school districts to participate in  
19 the pilot project by lottery.

20 (d) After making selections pursuant to subdivision (b), the  
21 superintendent may select up to 70 additional participants from  
22 applicant school districts. The superintendent shall ensure that  
23 participating school districts are broadly representative of the  
24 state, including small school districts, urban school districts, rural  
25 school districts, suburban school districts, elementary school  
26 districts, high school districts, and unified school districts.

27 (e) A school district approved for participation shall have a  
28 minimum of five years of expenditure flexibility as described in  
29 this chapter commencing on and after the 2000-01 fiscal year.

30 SEC. 44.—Section 63052 of the Education Code is amended to  
31 read:

32 63052.—(a) A school district participating in the pilot project  
33 is exempt from the program requirements and regulations for those  
34 categorical education programs listed in Section 63050.

35 (b) While participating in the pilot project, school districts  
36 shall continue to receive funding for those programs listed in  
37 Section 63050 for which the school district received funding in the  
38 1999-2000 fiscal year. Funding shall be determined pursuant to  
39 statutes governing the programs prior to participation in the pilot  
40 project, except that nothing in this section shall be construed to



1 ~~allow program expansion for any of the categorical programs~~  
2 ~~contained in the clusters specified in Section 63050 that are also~~  
3 ~~included in subdivision (b) of Section 63051. All expansion~~  
4 ~~funding for those programs is suspended for the duration of the~~  
5 ~~district's pilot program participation. Expansion funding shall be~~  
6 ~~defined as additions to the program beyond any growth and~~  
7 ~~cost of living adjustments approved for the program in the annual~~  
8 ~~Budget Act.~~

9 ~~(c) A school district participating in the pilot project shall not~~  
10 ~~be entitled to receive, and may not receive, funding in replacement~~  
11 ~~of categorical funds that have been redirected or otherwise reduced~~  
12 ~~pursuant to this chapter. This subdivision may not be construed to~~  
13 ~~prevent a school district from receiving funds that the district is~~  
14 ~~otherwise eligible to receive for cost of living adjustments, or~~  
15 ~~growth adjustments that are allocated in accordance with this code,~~  
16 ~~unless otherwise provided for in the annual budget process.~~

17 ~~SEC. 45.~~

18 *SEC. 22.* Section 27316 of the Vehicle Code is amended to  
19 read:

20 27316. (a) Unless specifically prohibited by the National  
21 Highway Transportation Safety Administration, all schoolbuses  
22 manufactured on or after January 1, 2004, and purchased or leased  
23 for use in California shall be equipped at all designated seating  
24 positions with a combination pelvic and upper torso passenger  
25 restraint system.

26 (b) For purposes of this section, a "passenger restraint system"  
27 is a restraint system that is in compliance with Federal Motor  
28 Vehicle Safety Standard 209, for a type 2 seatbelt assembly, and  
29 with Federal Motor Vehicle Safety Standard 210, as those  
30 standards were in effect on the date the schoolbus was  
31 manufactured.

32 (c) No person, school district, or organization, with respect to  
33 a schoolbus equipped with passenger restraint systems pursuant to  
34 this section, may be charged for a violation of this code or any  
35 regulation adopted thereunder requiring a passenger to use a  
36 passenger restraint system, if a passenger on the schoolbus fails to  
37 use or improperly uses the passenger restraint system.

38 (d) It is the intent of the Legislature that, in implementing this  
39 section, school pupil transportation providers work to prioritize  
40 the allocation of schoolbuses purchased, leased, or contracted for



1 after January 1, 2004, to ensure that elementary-level schoolbus  
2 passengers receive first priority for new schoolbuses whenever  
3 feasible.

4 ~~SEC. 46.~~

5 *SEC. 23.* Section 42 of Chapter 71 of the Statutes of 2000, as  
6 amended by Section 129 of Chapter 1058 of the Statutes of 2000,  
7 is amended to read:

8 Sec. 42. (a) The sum of fifteen million seven hundred  
9 sixty-one thousand dollars (\$15,761,000) is hereby appropriated  
10 from the General Fund to the Superintendent of Public Instruction  
11 in accordance with the following schedule:

12 (1) One hundred thousand dollars (\$100,000) for allocation on  
13 a one-time basis to the Hispanic Media Education Group for an  
14 evaluation of the Cada Cabeza Es Un Mundo Latino-Chicano High  
15 School Dropout Prevention Program.

16 (2) One hundred ten thousand dollars (\$110,000) for allocation  
17 on a one-time basis to the Orange County Department of  
18 Education for kitchen facilities at the Katharine Irvine Day  
19 School.

20 (3) Eighty thousand dollars (\$80,000) for allocation on a  
21 one-time basis to the Santa Ana Unified School District for  
22 playground equipment for the Romero Cruz Elementary School.

23 (4) One hundred fifty-five thousand dollars (\$155,000) for  
24 allocation on a one-time basis to the Centralia Elementary School  
25 District for playground equipment for the San Marino and  
26 Danbrook elementary schools.

27 (5) Two hundred thousand dollars (\$200,000) for allocation on  
28 a one-time basis to the Long Beach Unified School District for  
29 renovation of the swimming pool at Jordan High School.

30 (6) Four hundred thousand dollars (\$400,000) for allocation on  
31 a one-time basis to the Culver City Unified School District to  
32 repair the track at Culver City High School.

33 (7) Fifteen thousand dollars (\$15,000) for allocation on a  
34 one-time basis to Raisin City Elementary School District for the  
35 Raisin City library.

36 (8) Fifty thousand dollars (\$50,000) for allocation on a  
37 one-time basis to the El Nido Elementary School District for  
38 air-conditioning at El Nido Elementary.



- 1 (9) Sixty-two thousand dollars (\$62,000) on a one-time basis  
2 to the Hilmar Unified School District for street access at Hilmar  
3 Middle School, *to the extent that this funding remains available.*  
4 (10) Seventy-five thousand dollars (\$75,000) for allocation on  
5 a one-time basis to the Wasco Union High School District for  
6 air-conditioning for the Wasco High School auditorium.  
7 (11) One hundred thirty thousand dollars (\$130,000) for  
8 allocation on a one-time basis to the San Diego City Unified  
9 School District for an ADA Tot Lot upgrade at the Alcott  
10 Elementary School.  
11 (12) One hundred thirty-nine thousand dollars (\$139,000) for  
12 allocation on a one-time basis to the Las Deltas Unified School  
13 District for a water well.  
14 (13) Two hundred fifty thousand dollars (\$250,000) for  
15 allocation on a one-time basis to the Compton Unified School  
16 District for a pool at Compton High School.  
17 (14) Three hundred fifty thousand dollars (\$350,000) for  
18 allocation on a one-time basis to the Fremont Union High School  
19 District for a swimming pool at Fremont High School.  
20 (15) Five hundred thousand dollars (\$500,000) for allocation  
21 on a one-time basis to the Baldwin Park Unified School District for  
22 the DREAM project.  
23 (16) Two hundred thousand dollars (\$200,000) for allocation  
24 on a one-time basis to Montebello Unified School District for  
25 natural gas powered delivery trucks and a natural gas fueling  
26 station.  
27 (17) Two hundred thousand dollars (\$200,000) for allocation  
28 on a one-time basis to the Burbank Unified School District to  
29 continue an innovative literacy program.  
30 (18) Three hundred thousand dollars (\$300,000) for allocation  
31 on a one-time basis to the Temple City Unified School District Arts  
32 Academy.  
33 (19) One hundred fifty thousand dollars (\$150,000) for  
34 allocation on a one-time basis to the Pasadena Unified School  
35 District for the Pasadena Multipurpose Athletic Field.  
36 (20) Three hundred sixty thousand dollars (\$360,000) for  
37 allocation on a one-time basis to the Santa Barbara High School  
38 District for soccer and baseball fields.  
39 (21) Five million dollars (\$5,000,000) for allocation on a  
40 one-time basis to the Alvord Unified School District for



1 construction costs associated with the Center for Primary  
2 Education.

3 (22) Five hundred thousand dollars (\$500,000) for allocation  
4 on a one-time basis to the Gonzales Unified School District for  
5 slough repair costs.

6 (23) Two hundred seventy thousand dollars (\$270,000) for  
7 allocation on a one-time basis to the Madera Unified School  
8 District for the Madera Safe Schools and Recreation Route.

9 (24) Two hundred eighty-five thousand dollars (\$285,000) for  
10 allocation on a one-time basis to the Chatom Union Elementary  
11 School District to offset declining average daily attendance  
12 funding and to purchase school buses.

13 (25) Six hundred thousand dollars (\$600,000) for allocation on  
14 a one-time basis to the Orinda Union Elementary School District  
15 to improve pedestrian and vehicle safety.

16 (26) Four hundred seventy-five thousand dollars (\$475,000)  
17 for allocation on a one-time basis to the Millbrae Elementary  
18 School District for declining enrollment.

19 (27) Four hundred thousand dollars (\$400,000) for allocation  
20 on a one-time basis to the Los Angeles Unified School District to  
21 renovate Olive Vista Middle School.

22 (28) Fifty thousand dollars (\$50,000) for allocation on a  
23 one-time basis to the Escalon Unified School District for a new  
24 swimming pool.

25 (29) One hundred five thousand dollars (\$105,000) for  
26 allocation on a one-time basis to the Borrego Springs Unified  
27 School District for a football field facility at the Borrego Springs  
28 High School.

29 (30) Four hundred fifty thousand dollars (\$450,000) for  
30 allocation on a one-time basis to the Del Norte County Unified  
31 School District for construction of the Mountain School  
32 multipurpose building.

33 (31) One hundred thousand dollars (\$100,000) for allocation  
34 on a one-time basis to the L.A.'s Best for afterschool programs.

35 (32) Three million seven hundred thousand dollars  
36 (\$3,700,000) for allocation on a one-time basis to the Clovis and  
37 Fresno Unified School Districts for the Center for Advanced  
38 Research and Technology.

39 (b) For purposes of making the computations required by  
40 Section 8 of Article XVI of the California Constitution, the



1 appropriation made by subdivision (a), except the amount  
 2 specified in paragraph (1), shall be deemed to be “General Fund  
 3 revenues appropriated to school districts,” as defined in  
 4 subdivision (c) of Section 41202 of the Education Code for the  
 5 1999–2000 fiscal year and included within the “total allocations  
 6 to school districts and community college districts from General  
 7 Fund proceeds of taxes appropriated pursuant to Article XIII B”  
 8 as defined in subdivision (e) of Section 41202 of the Education  
 9 Code, for the 1999–2000 fiscal year.

10 ~~SEC. 47.~~

11 *SEC. 24.* This act is an urgency statute necessary for the  
 12 immediate preservation of the public peace, health, or safety  
 13 within the meaning of Article IV of the Constitution and shall go  
 14 into immediate effect. The facts constituting the necessity are:

15 In order to ensure that the various programs affected by this act  
 16 are properly implemented, pursuant to the clarifying, technical,  
 17 and other changes made by this act, it is necessary that this act take  
 18 effect immediately.

19 \_\_\_\_\_

20 CORRECTIONS

21 **Heading — Line 2.**

22 \_\_\_\_\_

23

