

AMENDED IN SENATE AUGUST 22, 2001

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AMENDED IN SENATE JULY 2, 2001

AMENDED IN ASSEMBLY MARCH 27, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 804

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

February 22, 2001

An act to amend Sections 8208, 8264.5, 8278.3, 8951, 10901, 11023, 11024.5, 17070.75, 17150, ~~17584~~ 17582, 17584, 22303.5, 32228, 32228.1, 33533, 37220.6, ~~37252~~, 41374, 41409, 42239.15, 42239.2, 42650, 42850, 44503, 46190, ~~47773~~, 51210, 51220, 51224.5, 51511, 51810, 51874, 52066, ~~52067~~, 52314, 52314.6, 52334, 52523, 52761, 53029, 54746, 54749, ~~56026~~, ~~56029~~, 56200, 56207, 56366, 56366.1, 56391, 56836.02, 60061, 60240, 60313, 60400, 63051, 63052, 78300, 89230, and 99223 of, to amend the heading of Chapter 17 (commencing with 53081) of Part 28 of, to amend and renumber Sections 53081, 53082, 53083, and 53084 of, to ~~add Sections 42238.146, 46201.2 and 47661.5 to, to repeal Section~~ *add Sections 44395.5, 46201.2, 47661.5, and 54746.5 to, to add Article 3.7 (commencing with Section 56055) to Chapter 1 of Part 30 of, to repeal Section 56044 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, and to amend* Section 3450.2 of the Government Code, ~~and to amend~~



~~Section 42 of Chapter 71 of, and Section 3 of Chapter 1024 of, the Statutes of 2000, relating to education, making an appropriation therefor, 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) Existing law establishes the Child Care Facilities Revolving Fund 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. Existing law requires the Superintendent of Public Instruction to submit a plan to Office of the Secretary for Education, the Department of Finance, and the Legislative Analyst specifying the application procedures to request funding, allowable uses of the funds, and the form of agreement to be used.

This bill *would recast provisions authorizing use of this funding for renovation, repair, or improvement of an existing building, and* 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. The bill would delete the requirement that the Superintendent of Public Instruction submit a plan.

(3) 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.

(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.

(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.

(6) Existing law requires a school district applying for funding under the Leroy F. Greene School Facilities Act of 1998 to establish a restricted account within the school district's general fund for the exclusive purpose of providing funds for ongoing and major maintenance of school buildings and requires that a school district deposit into the account in each fiscal year for 20 years after receiving funds under the act, a minimum amount equal to 3% of the district's general fund budget for that fiscal year.

This bill would require the minimum amount to be equal to 3% of the applicant of the district's total general fund expenditures, including other financing uses, for the fiscal year and would allow a school district that serves as the administrative unit for a special education local plan area exclude from its total general fund expenditures, for purposes of calculating the minimum amount to deposit in the restricted account, the distribution of revenues that are passed through to participating members of the special education local plan area.

(7) Existing law requires the State Allocation Board to apportion funds from the State School Deferred Maintenance Fund to school districts based on local one-to-one match up to a maximum amount based in part on the district's total expenditures and certain ending fund balances, excluding amounts expended for capital outlay or debt service.



This bill would allow a school district that serves as the administrative unit for a special education local plan area to also exclude revenues that are passed through to participating members of the special education local plan area from its total expenditures for purposes of calculating the maximum amount of funds that may be apportioned to it from the State School Deferred Maintenance Fund.

(8) *Existing law requires the State Teachers Retirement Board to offer a midcareer retirement information for members, including but not limited to, development and delivery of prescribed information to members.*

This bill would require the board to provide active and retired members with notice pertaining to time constraints and requirements for passing the state basic skills proficiency tests.

(9) 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.

~~(9)~~

(10) Existing law creates the Cesar Chavez Day of Service and Learning program and authorizes the California Commission on Improving Life Through Service to make grants to local and state operated Americorps or Conservation Corps programs that submit proposals to engage pupils through their schools and school districts in community service that qualifies as instructional time on Cesar Chavez Day and that honors the life and work of Cesar Chavez.

This bill would authorize the grants to be made based on proposals selected through a competitive process and would include National Senior Service Corps and Learn and Serve with the Americorps and Conservation Corps as programs that may submit proposals for grants.

~~(10) Existing law requires the governing board of each school district that maintains any or all of grades 7 to 12, inclusive, to offer supplemental instructional programs for pupils enrolled in grades 7 to 12, inclusive, who do not demonstrate sufficient progress toward passing the high school exit examination.~~



~~This bill would allow these school districts to offer supplemental instructional programs also to pupils who do not demonstrate sufficient progress toward attaining core academic skills and credits required for graduation.~~

(11) Existing law requires the Superintendent of Public Instruction to determine the statewide average percentage of school district expenditures that are allocated to the salaries of administrative personnel, teachers, and district superintendents and to submit a copy of this information annually to the Legislature, the Governor, the Department of Finance, and the office of the Legislative Analyst.

This bill would delete the requirement regarding submission of the information to the Legislature, the Governor, the Department of Finance, and the office of the Legislative Analyst.

~~(12) Existing law requires the Controller during each fiscal year to transfer from the General Fund to Section A of the State School Fund certain sums, as certified by the Superintendent of Public Instruction, for apportionment during the fiscal year.~~

~~This bill would require the Superintendent of Public Instruction to certify to the Controller amounts that do not exceed amounts needed to fund the revenue limits of school districts and county superintendents of schools and the revenue limit portion of charter school operational funding, as those amounts are determined by specified statutes.~~

~~(13)~~

(12) Existing law requires the Superintendent of Public Instruction to allocate a minimum amount of funds for supplemental summer school programs for school districts that have an enrollment of less than 500 and offer at least 1,500 hours of supplemental summer school instruction. Existing law prohibits the State Board of Education and the Superintendent of Public Instruction from waiving this provision.

This bill would similarly require an allocation of a minimum amount of funds for the Elementary School Intensive Reading Programs and Intensive Algebra Instructional Academies for school districts that have an enrollment of less than 500 and 333, respectively, and offer at least 1,500 hours of elementary school intensive reading instruction and intensive algebra instruction, respectively. The bill would delete the prohibition against waiving these provisions and the provision regarding supplemental summer school instruction.

(13) *Existing law establishes a program to award grants to school districts and teachers as incentives for teachers who are assigned to*



teach to attain certification from the National Board for Professional Teaching Standards.

This bill would define “assigned to teach” for this purpose.

(14) Existing law prohibits a student in classes for adults from being credited with more than 15 clock hours of attendance per school week except for students enrolled in certain classes.

This bill would extend the exemption also to students in classes for adults with disabilities.

(15) Existing law provides financial incentives to school districts for a longer instructional day and year and reduces the base revenue limit per unit of average daily attendance for a fiscal year if a school district reduces the length of its instructional day or year. Existing law prohibits the State Board of Education from waiving the provisions governing this incentive program.

This bill would allow the State Board of Education to waive the penalties associated with reducing the length of an instructional day and year under certain circumstances.

(16) Existing law sets forth a method for calculating the average daily attendance of school districts that sponsor charter schools to take into account the attendance of charter school pupils.

This bill would allow for an increase in a school district’s average daily attendance when a school within the district becomes a charter school for one year and then returns to being a noncharter school the following year.

(17) *Existing law requires the State Department of Education to develop an evaluation design for the high-risk youth education and public safety program that will assess the effectiveness of program implementation and operation and to report to the Legislature by March 1, 2002.*

This bill would require an interim report by March 1, 2002, and a final report by May 1, 2004.

(18) Existing law requires the adopted course of study for grades 7 to 12, inclusive, to include algebra as part of the mathematics area of study. Existing law requires, commencing with the 2003–04 school year, the mathematics requirement for graduation to be met by a course or courses that meet or exceed the State Board of Education adopted content standards for Algebra I. Existing law deems the mathematics requirement for graduation to be satisfied if at any time in any of grades 7 to 12, inclusive, a pupil completes coursework that meets or exceeds adopted content standards for Algebra I in less than 2 courses. Existing



law states the intent of the Legislature that any modification of coursework required by these provisions be incorporated into the other coursework that the governing board of a school district may by rule specify as required for high school graduation.

This bill would apply towards satisfaction of the mathematics requirement for graduation coursework a pupil at any time in any of grades 7 to 12, inclusive, that meets or exceeds adopted content standards for Algebra I. The bill would state the intent of the Legislature that any modification of coursework required by these provisions be incorporated instead into the 2 courses of mathematics required for graduation.

~~(18)~~

(19) Existing law requires the State Department of Education to establish the California Technology Assistance Project to administer a regionalized network of technical assistance to schools and school districts on the implementation of education technology. Existing law repeals this and related provisions on January 1, 2004.

This bill would extend the repeal date to January 1, 2005.

~~(19)~~

(20) Existing law establishes the American Indian Early Childhood Education Program and requires the State Department of Education to prepare a request for proposal to contract for an independent evaluation for the program to be performed on or before December 31, 2000, *and repeal these provisions on December 31, 2001.*

This bill would instead require the evaluation to be performed on or before December 31, 2001, *and would extend the repeal date to January 1, 2004.*

~~(20)~~

(21) *Existing law, the California School Age Families Education Program (Cal-SAFE), to provide state funding and assistance to school districts or county superintendents of schools for the purpose of establishing comprehensive, continuous, community linked, school-based programs that focus on youth development, and dropout prevention for pregnant and parenting pupils and child care and development services for their children, if prescribed conditions are met.*

This bill would permit applicant agencies that are not in full compliance to submit a timeline and corrective action and be granted, on a case-by-case basis, for an extension until no later than June 30, 2002, of waivers from implementation of prescribed requirements.



(22) Existing law defines “referral for assessment” for the purposes of special education and related services to be a request for assessment made by a parent, teacher, or other service provider.

This bill would include within that definition a request by a foster parent, and would set forth the rights of a foster parent in that regard.

(23) Existing law makes pupils under 16 years of age eligible to attend a regional occupational center or program under certain conditions, including the referral of those pupils.

This bill would require the approval of a referral to be in writing and would prohibit the State Board of Education from waiving the provisions governing eligibility to attend a regional occupational center or program.

~~(21)~~

(24) Existing law limits the amount of average daily attendance that may be claimed for pupils under 16 years of age who are enrolled pursuant to a referral in a regional occupational center or program to 3% of the greater of the average daily attendance funded in the prior year for the center or program or an amount based in part on the enrollment of pupils under 16 years of age in the regional occupational center or program in the 1982–83 fiscal year.

This bill would increase the amount of average daily attendance that may be claimed for pupils under 16 years of age who are enrolled in a regional occupational center or program to 10% and would delete the alternative calculation based on the enrollment of pupils under 16 years of age in the regional occupational center or program in the 1982–83 fiscal year.

~~(22)~~

(25) Existing law establishes the Intensive Algebra Instruction Academies Program.

This bill would renumber the provisions governing that program.

~~(23)~~

(26) Existing law provides for the development of a master contract with alternative nonpublic, nonsectarian schools or agencies that provide alternative special education services to districts, special education local plan areas, county offices, and parents. ~~If the county superintendent is not participating in the local plan involved in the contract, and the contract has not been finalized after 60 days, and either party appeals to the superintendent, the superintendent or his or her designee, is required to mediate the formulation of the contract.~~



~~This bill would require the superintendent, instead of mediating the contract, to render a decision that would be the final administrative decision.~~

~~(24)~~ Existing law requires *the* nonpublic, nonsectarian schools or agencies to file an application for certification with the Superintendent of Public Instruction between January 1 and June 30.

This bill would allow applications to be filed all year.

~~(25)~~

(27) Existing law requires the governing board of a school district maintaining one or more high schools to adopt textbooks for use in the high schools and authorizes only textbooks of publishers who comply with certain requirements to be adopted.

This bill would require the adoption of instructional materials, defined to include textbooks and other materials that are designed for use by pupils and their teachers as a learning resource, and would authorize only the instructional materials of publishers who comply with certain requirements to be adopted.

~~(26)~~

(28) 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.

~~(27)~~

(29) 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.

~~(28)~~

(30) 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.

~~(29)~~

(31) 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.

~~(30)~~

(32) Existing law establishes the Pilot Project for Categorical Education Program Flexibility under which selected school districts have flexibility in the expenditure of funding for categorical programs that are grouped into 3 clusters. Existing law requires a school district participating in the pilot project to receive the same amount of funds for the categorical programs constituting the 3 clusters while participating in the pilot project and prohibits program expansion for any of the categorical programs contained in the clusters.

This bill would delete the prohibition regarding program expansion and would provide that a school district would receive the same amount of funds for certain categorical programs if the funding for those programs is allocated directly from the state to the county treasurer on behalf of the participating school district. If funds for those programs are allocated from a nonstate entity, that entity and the school district would determine whether to include the funding for those programs in a cluster.

~~(31)~~

(33) Existing law requires a school district that has a qualified or negative certification regarding its ability to meet its financial obligations to allow the county office of education at least 6 working days to review and comment on any proposed agreement made between the exclusive representative of the employees of the school district and the public school employer.



This bill would impose a similar requirement on a county office of education that has a qualified or negative certification except that the Superintendent of Public Instruction would review and comment on the proposed agreement.

~~(32)~~

(34) 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~~ *reappropriate* the funds ~~are to be used~~ for the purposes of street access at Hilmar Middle School to the extent that funding remains available.

~~(33)~~

(35) Existing law defines the arts, for purposes of the Summer School for the Arts, as including drama and includes drama as an instructional related activity in the California State University system. Existing law includes references in various provisions to music, drama, art, and the fine arts.

This bill would refer to theatre instead of drama and to the visual and performing arts and would include dance, music, theatre, and visual arts in the visual and performing arts.

~~(34)~~

(36) This bill would make technical and clarifying changes and update cross-references in other provisions of the Education Code.

~~(35)~~

(37) Existing law established the Class Size Reduction Program and provides for state apportionments to implement a class size reduction program for K-3.

This bill would, notwithstanding other provisions of law, set the total apportionment for class size reduction for the Compton Unified School District at \$9,695,028 for the 1999–2000 fiscal year.

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

Vote: ²/₃. Appropriation: ~~no~~—yes. 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:



1 8208. As used in this chapter:

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

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

11 (c) “Applicant or contracting agency” means a school district,
12 community college district, college or university, county
13 superintendent of schools, county, city, public agency, private
14 nontax-exempt agency, private tax-exempt agency, or other entity
15 that is authorized to establish, maintain, or operate services
16 pursuant to this chapter. Private agencies and parent cooperatives,
17 duly licensed by law, shall receive the same consideration as any
18 other authorized entity with no loss of parental decisionmaking
19 prerogatives as consistent with the provisions of this chapter.

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

24 (e) “Attendance” means the number of children present at a
25 child care and development facility. “Attendance,” for the
26 purposes of reimbursement, includes excused absences by
27 children because of illness, quarantine, illness or quarantine of
28 their parent, family emergency, or to spend time with a parent or
29 other relative as required by a court of law or that is clearly in the
30 best interest of the child.

31 (f) “Capital outlay” means the amount paid for the renovation
32 and repair of child care and development facilities to comply with
33 state and local health and safety standards, and the amount paid for
34 the state purchase of relocatable child care and development
35 facilities for lease to qualifying contracting agencies.

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



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

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

9 (1) Campus child care and development.

10 (2) General child care and development.

11 (3) Intergenerational child care and development.

12 (4) Migrant worker child care and development.

13 (5) Child care provided by the California School Age Families
14 Education Program (Article 7.1 (commencing with Section
15 54740) of Chapter 9 of Part 29.

16 (6) State preschool.

17 (7) Resource and referral.

18 (8) Severely handicapped.

19 (9) Family day care.

20 (10) Alternative payment.

21 (11) Child abuse protection and prevention services.

22 (12) Schoolage community child care.

23 (j) “Child care and development services” means those
24 services designed to meet a wide variety of needs of children and
25 their families, while their parents or guardians are working, in
26 training, seeking employment, incapacitated, or in need of respite.
27 These services may include direct care and supervision,
28 instructional activities, resource and referral programs, and
29 alternative payment arrangements.

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

33 (l) “Children with exceptional needs” means children who
34 have been determined to be eligible for special education and
35 related services by an individualized education program team
36 according to the special education requirements contained in Part
37 30 (commencing with Section 56000), and meeting eligibility
38 criteria described in Section 56026 and Sections 56333 to 56338,
39 inclusive, and Sections 3030 and 3031 of Title 5 of the California
40 Code of Regulations. These children have an active individualized



1 education program, and are receiving appropriate special
2 education and services, unless they are under three years of age and
3 permissive special education programs are available. These
4 children may be developmentally disabled, hard-of-hearing, deaf,
5 speech impaired, visually handicapped, seriously emotionally
6 disturbed, orthopedically impaired, other health impaired,
7 deaf-blind, multihandicapped, or children with specific learning
8 disabilities, who require the special attention of adults in a child
9 care setting.

10 (m) “Children with special needs” includes infants and
11 toddlers under the age of three years;
12 limited-English-speaking-proficient children; children with
13 exceptional needs; limited-English-proficient handicapped
14 children; and children at risk of neglect, abuse, or exploitation.

15 (n) “Closedown costs” means reimbursements for all
16 approved activities associated with the closing of operations at the
17 end of each growing season for migrant child development
18 programs only.

19 (o) “Cost” includes, but is not limited to, expenditures that are
20 related to the operation of child care and development programs.
21 “Cost” may include a reasonable amount for state and local
22 contributions to employee benefits, including approved retirement
23 programs, agency administration, and any other reasonable
24 program operational costs. “Cost” may also include amounts for
25 licensable facilities in the community served by the program,
26 including lease payments or depreciation, down payments, and
27 payments of principal and interest on loans incurred to acquire,
28 rehabilitate, or construct licensable facilities, but these costs shall
29 not exceed fair market rents existing in the community in which
30 the facility is located. “Reasonable and necessary costs” are costs
31 that, in nature and amount, do not exceed what an ordinary prudent
32 person would incur in the conduct of a competitive business.

33 (p) “Elementary school,” as contained in Section 425 of Title
34 20 of the United States Code (the National Defense Education Act
35 of 1958, Public Law 85-864, as amended), includes early
36 childhood education programs and all child development
37 programs, for the purpose of the cancellation provisions of loans
38 to students in institutions of higher learning.

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



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

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

12 (3) Health education and training for children, parents, staff,
13 and providers.

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

16 (r) “Higher educational institutions” means the Regents of the
17 University of California, the Trustees of the California State
18 University, the Board of Governors of the California Community
19 Colleges, and the governing bodies of any accredited private
20 nonprofit institution of postsecondary education.

21 (s) “Intergenerational staff” means persons of various
22 generations.

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

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

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

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

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

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

38 (x) “Resource and referral programs” means programs that
39 provide information to parents, including referrals and
40 coordination of community resources for parents and public or



1 private providers of care. Services frequently include, but are not
2 limited to: technical assistance for providers, toy-lending libraries,
3 equipment-lending libraries, toy- and equipment-lending
4 libraries, staff development programs, health and nutrition
5 education, and referrals to social services.

6 (y) “Severely handicapped children” are children who require
7 instruction and training in programs serving pupils with the
8 following profound disabilities: autism, blindness, deafness,
9 severe orthopedic impairments, serious emotional disturbance, or
10 severe developmental disability. These children, ages birth to 21
11 years, inclusive, may be assessed by public school special
12 education staff, regional center staff, or another appropriately
13 licensed clinical professional.

14 (z) “Short-term respite child care” means child care service to
15 assist families whose children have been identified through
16 written referral from a legal, medical, or social service agency, or
17 emergency shelter as being neglected, abused, exploited, or
18 homeless, or at risk of being neglected, abused, exploited, or
19 homeless. Child care is provided for less than 24 hours per day in
20 child care centers, treatment centers for abusive parents, family
21 child care homes, or in the child’s own home.

22 (aa) (1) “Site supervisor” means a person who, regardless of
23 his or her title, has operational program responsibility for a child
24 care and development program at a single site. A site supervisor
25 shall hold a permit issued by the Commission on Teacher
26 Credentialing that authorizes supervision of a child care and
27 development program operating in a single site. The
28 Superintendent of Public Instruction may waive the requirements
29 of this subdivision if the superintendent determines that the
30 existence of compelling need is appropriately documented.

31 (2) In respect to state preschool programs, a site supervisor may
32 qualify under any of the provisions in this subdivision, or may
33 qualify by holding an administrative credential or an
34 administrative services credential. A person who meets the
35 qualifications of a site supervisor under both Section 8244 and
36 subdivision (e) of Section 8360.1 is also qualified under this
37 subdivision.

38 (ab) “Standard reimbursement rate” means that rate
39 established by the Superintendent of Public Instruction pursuant
40 to Section 8265.



1 (ac) “Startup costs” means those expenses an agency incurs in
2 the process of opening a new or additional facility prior to the full
3 enrollment of children.

4 (ad) “State preschool services” means part-day educational
5 programs for low-income or otherwise disadvantaged
6 prekindergarten-age children.

7 (ae) “Support services” means those services which, when
8 combined with child care and development services, help promote
9 the healthy physical, mental, social, and emotional growth of
10 children. Support services include, but are not limited to:
11 protective services, parent training, provider and staff training,
12 transportation, parent and child counseling, child development
13 resource and referral services, and child placement counseling.

14 (af) “Teacher” means a person with the appropriate permit
15 issued by the Commission on Teacher Credentialing who provides
16 program supervision and instruction which includes supervision
17 of a number of aides, volunteers, and groups of children.

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

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

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

26 (2) To undertake or retain a job.

27 (3) To undertake other activities that are essential to
28 maintaining or improving the social and economic function of the
29 family, are beneficial to the community, or are required because of
30 health problems in the family.

31 SEC. 2. Section 8264.5 of the Education Code is amended to
32 read:

33 8264.5. The Superintendent of Public Instruction may waive
34 or modify child development requirements in order to enable child
35 development programs to serve combinations of eligible children
36 in areas of low population. The child development programs for
37 which the superintendent may grant waivers shall include, but
38 need not be limited to, state preschool programs, child care
39 provided by the California School Age Families Education
40 Program (Article 7.1 (commencing with Section 54740) of



1 Chapter 9 of Part 29), infant care and development services,
2 migrant child care and development programs, campus child care
3 and development programs, and general child care and
4 development programs.

5 SEC. 3. Section 8278.3 of the Education Code is amended to
6 read:

7 8278.3. (a) (1) The Child Care Facilities Revolving Fund is
8 hereby established in the State Treasury to provide funding for the
9 ~~renovation, repair, or improvement of an existing building to make~~
10 ~~the building suitable for licensure for child care and development~~
11 ~~services and for the purchase of new relocatable child care~~
12 facilities for lease to school districts and contracting agencies who
13 provide child care and development services, pursuant to this
14 chapter. The Superintendent of Public Instruction may transfer
15 state funds appropriated for child care facilities into this fund for
16 allocation to school districts and contracting agencies, as
17 specified, for the purchase, transportation, and installation of
18 facilities for replacement and expansion of capacity. School
19 districts and contracting agencies using facilities made available
20 by the use of these funds shall be charged a leasing fee, either at
21 a fair market value for those facilities or at an amount sufficient to
22 amortize the cost of purchase and relocation, whichever is lower,
23 over a 10-year period. Upon full repayment of the purchase and
24 relocation costs, title shall transfer from the State of California to
25 the school district or contracting agency. The Superintendent of
26 Public Instruction shall deposit all revenue derived from the lease
27 payments into the Child Care Facilities Revolving Fund.

28 (2) *The Child Care Facilities Revolving Fund may provide for*
29 *the renovation, repair, or improvement of an existing building,*
30 *owed by the contracting agency, to expand child care and*
31 *development services pursuant to this chapter. School districts and*
32 *the contracting agencies using facilities renovated, repaired, or*
33 *improved by the use of these funds shall repay the loan in an*
34 *amount to fully amortize the cost of renovation, repair, or*
35 *improvement over a period not to exceed 10 years. Agencies*
36 *receiving a revolving fund loan shall obtain, at their own expense,*
37 *a title search, title and liability insurance, plans, permits,*
38 *inspections, and a bond to protect the state's interest until the loan*
39 *is fully repaid. If the contract for child care and development*
40 *services is terminated or nonrenewed, the remaining amount on*



1 *the loan shall be repaid in full by the contractor or the bond shall*
2 *be forfeited. The Superintendent of Public Instruction shall deposit*
3 *all revenue derived loan payments into the Child Care Facilities*
4 *Revolving Fund.*

5 (3) Notwithstanding Section 13340 of the Government Code,
6 all moneys in the fund, including moneys deposited from lease
7 payments, shall be continuously appropriated, without regard to
8 fiscal year, to the Superintendent of Public Instruction for
9 expenditure pursuant to this article.

10 (b) On or before August 1, 1998, and on or before August 1 of
11 each fiscal year thereafter, the Superintendent of Public
12 Instruction shall submit to the Office of the Secretary for
13 Education, the Department of Finance, and the Legislative
14 Analyst’s Office a report detailing the number of funding requests
15 received and their purpose, the types of agencies which received
16 this facilities funding, the increased capacity that these facilities
17 generated, a description of how the facilities are being used, and
18 a projection of the lease payments collected and the funds available
19 for future use.

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

24 SEC. 4. Article 19 (commencing with Section 8420) of
25 Chapter 2 of Part 6 of the Education Code is repealed.

26 SEC. 5. Article 19.5 (commencing with Section 8430) of
27 Chapter 2 of Part 6 of the Education Code is repealed.

28 SEC. 6. Section 8951 of the Education Code is amended to
29 read:

30 8951. As used in this chapter, “arts” includes, but is not
31 limited to, all of the following: dance; theatre; music; folk art;
32 creative writing; visual arts, including painting, sculpture,
33 photography, and craft arts; design, including graphic arts,
34 computer graphics, and costume design; film; and video.

35 SEC. 7. Section 10901 of the Education Code is amended to
36 read:

37 10901. The following terms, wherever used or referred to in
38 this chapter have the following meanings, respectively, unless a
39 different meaning clearly appears from the context:



1 (a) “Public authority” means any city of any class, city and
2 county, county of any class, public corporation or district having
3 powers to provide recreation, or school district in the state.

4 (b) “Governing body” means, in the case of a city, the city
5 council, municipal council, or common council; in the case of a
6 county or city and county, the board of supervisors; in the case of
7 a public corporation or district, the governing board of the public
8 corporation or district; and in the case of a school district, the
9 governing board of the school district.

10 (c) “Recreation” means any activity, voluntarily engaged in,
11 which contributes to the physical, mental, or moral development
12 of the individual or group participating therein, and includes any
13 activity in the fields of visual and performing arts, handicraft,
14 science, literature, nature study, nature contacting, aquatic sports,
15 and athletics, or any of them, and any informal play incorporating
16 any such activity.

17 (d) “Community recreation” and “public recreation” mean
18 the recreation as may be engaged in under direct control of a public
19 authority, or any camping or outdoor recreation activity which is
20 (1) sponsored by a nonprofit organization, (2) for the benefit of
21 disadvantaged or handicapped schoolage children, and (3) in a
22 county with a population less than or equal to 45,000 according to
23 the most recent federal census.

24 (e) “Nonprofit organization” means those nonprofit
25 organizations which, as determined by the governing board of the
26 school district, are unable to pay for the private transportation of
27 disadvantaged or handicapped schoolage children to recreation
28 activities.

29 (f) “Recreation center” means a place, structure, area, or other
30 facility under the jurisdiction of a governing body of a public
31 authority used for community recreation whether or not it may be
32 used primarily for other purposes, playgrounds, playing fields or
33 courts, beaches, lakes, rivers, swimming pools, gymnasiums,
34 auditoriums, libraries, parks adjacent to school sites, recreational
35 community gardens, rooms for arts and crafts, camps, and meeting
36 places.

37 Playgrounds, outdoor playing fields or courts, swimming pools,
38 and camps, with necessary equipment and appurtenances for their
39 operation, under the jurisdiction of a governing board of a public
40 authority used for community recreation shall be considered



1 recreation centers within the meaning of this chapter whether or
2 not they may be used primarily for other purposes.

3 SEC. 8. Section 11023 of the Education Code is amended to
4 read:

5 11023. The Superintendent of Public Instruction, shall
6 recommend, and the State Board of Education shall approve, a
7 plan for the comprehensive evaluation of the program authorized
8 in this chapter. The Superintendent of Public Instruction shall
9 complete the evaluation and submit it to the State Board of
10 Education by July 1, 2004. The State Board of Education shall
11 submit the final evaluation and report to the Legislature by
12 December 31, 2004, on all of the following:

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

16 (b) Changes in the school-wide average score on
17 nationally-normed, standardized tests used for college admission
18 decisions.

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

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

25 (e) Changes in the number of advanced placement courses
26 taken by pupils.

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

31 (g) The college participation rates at qualifying schools before
32 and after the implementation of program activities pursuant to this
33 chapter.

34 (h) Recommendations for changes to this chapter that could
35 further increase the percentage of high school pupils eligible for
36 admission to the California State University or the University of
37 California upon graduation from high school.

38 SEC. 9. Section 11024.5 of the Education Code is amended to
39 read:



1 11024.5. This chapter shall become inoperative on July 1,
2 2005, and, as of January 1, 2006, is repealed, unless a later enacted
3 statute that is enacted before January 1, ~~2005~~ 2006, deletes or
4 extends the dates on which it becomes inoperative and is repealed.

5 SEC. 10. Section 17070.75 of the Education Code is amended
6 to read:

7 17070.75. (a) The board shall require the school district to
8 make all necessary repairs, renewals, and replacements to ensure
9 that a project is at all times kept in good repair, working order, and
10 condition. All costs incurred for this purpose shall be borne by the
11 school district.

12 (b) In order to ensure compliance with subdivision (a) and to
13 encourage school districts to maintain all buildings under their
14 control, the board shall require an applicant school district to do
15 all of the following prior to the approval of a project:

16 (1) Establish a restricted account within the school district's
17 general fund for the exclusive purpose of providing moneys for
18 ongoing and major maintenance of school buildings, according to the
19 highest priority to funding for the purposes set forth in subdivision
20 (a).

21 (2) Agree to deposit into the account established pursuant to
22 paragraph (1), in each fiscal year for 20 years after receipt of funds
23 under this chapter, a minimum amount equal to or greater than 3
24 percent of the applicant school district's total general fund
25 expenditures, including other financing uses, for that fiscal year.
26 For the 1998–99 fiscal year and the 1999–2000 fiscal year, a
27 school district may phase in this requirement by agreeing to certify
28 the deposit of no less than 2 percent for the 1998–99 fiscal year and
29 no less than 2¹/₂ percent for the 1999–2000 fiscal year. Annual
30 deposits to the fund established pursuant to paragraph (1) in excess
31 of 2¹/₂ percent of the district general fund budget may count
32 towards the district's matching funds requirement necessary to
33 receive apportionments from the State School Deferred
34 Maintenance Fund pursuant to Section 17584 to the extent that
35 funds are used for purposes that qualify for funding under that
36 section. In addition, any district contribution to this fund may be
37 provided in lieu of meeting the ongoing maintenance requirements
38 pursuant to Section 17014 to the extent the funds are used for
39 purposes established in that section. A school district that serves
40 as the administrative unit for a special education local plan area



1 may elect to exclude from its total general fund expenditures, for
2 purposes of this paragraph, the distribution of revenues that are
3 passed through to participating members of the special education
4 local plan area. This paragraph is applicable only to the following
5 school districts:

6 (A) High school districts with an average daily attendance
7 greater than 300 pupils.

8 (B) Elementary school districts with an average daily
9 attendance greater than 900 pupils.

10 (C) Unified school districts with an average daily attendance
11 greater than 1,200 pupils.

12 (3) Certify that it has publicly approved an ongoing and major
13 maintenance plan that outlines the use of the funds deposited, or
14 to be deposited, pursuant to paragraph (2). The plan may provide
15 that the district need not expend all of its annual allocation for
16 ongoing and major maintenance in the year in which it is deposited
17 if the cost of major maintenance requires that the allocation be
18 carried over into another fiscal year. However, any state funds
19 carried over into a subsequent year shall not be counted toward the
20 annual minimum contribution by the district. A plan developed in
21 compliance with this section shall be deemed to meet the
22 requirements of Section 17585.

23 (c) A district to which paragraph (2) of subdivision (b) does not
24 apply shall certify to the board that it can reasonably maintain its
25 facilities with a lesser level of maintenance.

26 (d) For the purposes of calculating a county office of education
27 requirement pursuant to this section, the 3 percent maintenance
28 requirement shall be calculated based upon the county office of
29 education general fund less any restricted accounts.

30 SEC. 11. Section 17150 of the Education Code is amended to
31 read:

32 17150. (a) Upon the approval by the governing board of the
33 school district to proceed with the issuance of certificates of
34 participation revenue bonds or to enter into any agreement for
35 financing school construction pursuant to Chapter 18
36 (commencing with Section 17170), the school district shall notify
37 the county superintendent of schools and the county auditor. The
38 superintendent of the school district shall provide the repayment
39 schedules for that debt obligation, and evidence of the ability of the
40 school district to repay that obligation, to the county auditor, the



1 county superintendent, the governing board, and the public.
2 Within 15 days of the receipt of the information, the county
3 superintendent of schools and the county auditor may comment
4 publicly to the governing board of the school district regarding the
5 capability of the school district to repay that debt obligation.

6 (b) Upon the approval by the county board of education to
7 proceed with the issuance of certificates of participation or
8 revenue bonds or to enter into any agreement for financing
9 pursuant to Chapter 18 (commencing with Section 17170), the
10 county superintendent of schools or superintendent of a school
11 district for which the county board serves as governing board shall
12 notify the Superintendent of Public Instruction. The county
13 superintendent of schools or the superintendent of a school district
14 for which the county board serves as the governing board shall
15 provide the repayment schedules for that debt obligation and
16 evidence of the ability of the county office of education or school
17 district to repay that obligation, to the Superintendent of Public
18 Instruction, the governing board, and the public. Within 15 days
19 of the receipt of the information the Superintendent of Public
20 Instruction may comment publicly to the county board of
21 education regarding the capability of the county office of
22 education or school district to repay that debt obligation.

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

28 *SEC. 11.5. Section 17582 of the Education Code is amended*
29 *to read:*

30 17582. (a) The governing board of each school district may
31 establish a restricted fund to be known as the "district deferred
32 maintenance fund" for the purpose of major repair or replacement
33 of plumbing, heating, air conditioning, electrical, roofing, and
34 floor systems, the exterior and interior painting of school
35 buildings, the inspection, sampling, and analysis of building
36 materials to determine the presence of asbestos-containing
37 materials, the encapsulation or removal of asbestos-containing
38 materials, and any other items of maintenance approved by the
39 State Allocation Board. Funds deposited in the district deferred
40 maintenance fund may be received from any source whatsoever,



1 and shall be accounted for separately from all other funds and
2 accounts and retained in the district deferred maintenance fund for
3 purposes of this section. *The term “school building” as used in this*
4 *article has the same meaning as set forth in Section 17283, and*
5 *includes, but is not limited to, any facility exempted by law from*
6 *complying with any of the requirements of the Field Act, as defined*
7 *in Section 17281.*

8 (b) Funds deposited in the district deferred maintenance fund
9 shall only be expended for maintenance purposes as provided
10 pursuant to subdivision (a).

11 (c) The governing board of each school district shall have
12 complete control over the funds and earnings of funds once
13 deposited in the district deferred maintenance fund, provided that
14 no funds deposited in the district deferred maintenance fund
15 pursuant to subdivision (a) or (b) of Section 17584 may be
16 expended by the governing board for any purpose except those
17 specified in subdivision (a) of this section.

18 SEC. 12. Section 17584 of the Education Code is amended to
19 read:

20 17584. (a) Whenever, in any given fiscal year, a school
21 district has budgeted, exclusive of state matching funds and
22 district funds previously matched pursuant to subdivision (b), in
23 its deferred maintenance fund established pursuant to Section
24 17582 an amount equal to, or greater than, that amount the district
25 expended from its general fund for major maintenance, repair, or
26 modernization of existing school buildings, as specified in Section
27 17582, exclusive of categorical aid funds and any proceeds from
28 the sale of district property which were expended for the purpose
29 of the district deferred maintenance account, in either the 1978–79
30 or 1979–80 fiscal year, adjusted annually to the current fiscal year
31 in conformance with the percentage change in the district revenue
32 limit computed pursuant to Section 42237 or 42238, the
33 Superintendent of Public Instruction shall so certify to the State
34 Allocation Board.

35 (b) The State Allocation Board shall apportion, from the State
36 School Deferred Maintenance Fund, to school districts an amount
37 equal to one dollar (\$1) for each one dollar (\$1) of local funds up
38 to a maximum of $\frac{1}{2}$ percent of the district’s current-year revenue
39 limit average daily attendance multiplied by the average, per unit
40 of average daily attendance, of the total expenditures and ending



1 fund balances of the total general funds and adult education funds
2 for districts of similar size and type, as defined in subdivision (b)
3 of Section 42238.4, for the second prior fiscal year, exclusive of
4 any amounts expended for capital outlay, debt service, or revenues
5 that are passed through to other local education agencies, to the
6 extent of funds available.

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

18 *SEC. 12.5. Section 22303.5 of the Education Code is*
19 *amended to read:*

20 22303.5. (a) Notwithstanding any other provision of law, the
21 board shall offer a midcareer retirement information program for
22 the benefit of all members.

23 (b) In implementing this section, the board shall develop plans
24 for the development and delivery of information to enhance
25 awareness of the features and benefits of the Defined Benefit
26 Program, and services of the system, federal Social Security Act
27 programs and benefits as they apply to members, and awareness
28 of personal planning responsibilities. This information shall be
29 provided to assist members in understanding the importance of
30 financial, legal, estate, and personal planning, and how choices
31 and options offered by the system may impact retirement.

32 (c) The board, at a public meeting, may assess a participation
33 fee for the recovery of all startup and ongoing expenses of the
34 midcareer information program.

35 (d) *The board shall provide both active and retired members*
36 *with notice pertaining to paragraph (1) of subdivision (c) of*
37 *Section 44830 and pertaining to Section 44252.5, making all*
38 *members aware of the time constraints and possible requirement*
39 *for passing the state basic skills proficiency test if the individual*
40 *wants to return to the classroom after 39 months. The methods for*



1 *providing the notice may include, but are not limited to, any of the*
2 *following:*

- 3 (1) *Inclusion in annual member publications.*
- 4 (2) *Inclusion within packets of information provided to*
5 *members upon or prior to retirement.*
- 6 (3) *Inclusion as an attachment to any warrants issued to*
7 *members.*

8 SEC. 13. Section 32228 of the Education Code is amended to
9 read:

10 32228. (a) It is the intent of the Legislature that public
11 schools serving pupils in any of grades 8 to 12, inclusive, have
12 access to supplemental resources to establish programs and
13 strategies that promote school safety and emphasize violence
14 prevention among children and youth in the public schools.

15 (b) It is also the intent of the Legislature that public schools
16 have access to supplemental resources to combat bias on the basis
17 of race, color, religion, ancestry, national origin, disability, gender,
18 or sexual orientation, as defined in subdivision (q) of Section
19 12926 of the Government Code, and to prevent and respond to acts
20 of hate violence and bias related incidents. Sexual orientation shall
21 not include pedophilia.

22 (c) It is further the intent of the Legislature that schoolsites
23 receiving funds pursuant to this article accomplish all of the
24 following goals:

- 25 (1) Teach pupils techniques for resolving conflicts without
26 violence.
- 27 (2) Train school staff and administrators to support and
28 promote conflict resolution and mediation techniques for
29 resolving conflicts between and among pupils.
- 30 (3) Reduce incidents of violence at the schoolsite with an
31 emphasis on prevention and early detection.

32 SEC. 14. Section 32228.1 of the Education Code is amended
33 to read:

34 32228.1. (a) The School Safety and Violence Prevention Act
35 is hereby established. This statewide program shall be
36 administered by the Superintendent of Public Instruction, who
37 shall provide funds to school districts serving pupils in any of
38 grades 8 to 12, inclusive, for the purpose of promoting school
39 safety and reducing schoolsite violence. As a condition of
40 receiving funds pursuant to this article, an eligible school district



1 shall certify, on forms and in a manner required by the
2 Superintendent of Public Instruction, that the funds will be used
3 as described.

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

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

14 (2) Providing effective and accessible on-campus
15 communication devices and other school safety infrastructure
16 needs.

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

20 (4) Establishing cooperative arrangements with local law
21 enforcement agencies for appropriate school-community
22 relationships.

23 (5) Preventing and responding to acts of hate violence and bias
24 related incidents, including implementation of programs and
25 instructional curricula consistent with the goals set forth in this
26 section and guidelines developed pursuant to paragraph (1) of
27 subdivision (b) of Section 233.

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

32 SEC. 15. Section 33533 of the Education Code is amended to
33 read:

34 33533. The Superintendent of Public Instruction and the State
35 Board of Education shall consider for membership on the
36 commission persons representing subjects commonly taught in
37 public schools, including:

38 (a) English.

39 (b) Social sciences.

40 (c) Foreign languages.



- 1 (d) Science.
- 2 (e) Mathematics.
- 3 (f) Visual and performing arts.
- 4 (g) Applied arts.
- 5 (h) Conservation education.

6 SEC. 16. Section 37220.6 of the Education Code is amended
7 to read:

8 37220.6. (a) There is hereby created the Cesar Chavez Day
9 of Service and Learning program to promote service to the
10 communities of California in honor of the life and work of Cesar
11 Chavez. The program shall be administered by the California
12 Commission on Improving Life Through Service in collaboration
13 with the California Conservation Corps.

14 (b) The California Commission on Improving Life Through
15 Service may make grants based on proposals selected through a
16 competitive process from local and state operated Americorps,
17 National Senior Service Corps, Learn and Serve, or Conservation
18 Corps programs that submit proposals to engage pupils through
19 their schools and school districts in community service that
20 qualifies as instructional time on Cesar Chavez Day, pursuant to
21 Section 37220.5, and that honors the life and work of Cesar
22 Chavez. The programs shall be created and organized in
23 consultation with community groups. The Americorps, National
24 Senior Service Corps, Learn and Serve, or Conservation Corps
25 programs may implement or administer the programs in
26 collaboration with community groups and nonprofit
27 organizations. The proposals shall demonstrate all of the
28 following:

29 (1) The ways and extent to which the program will be a
30 collaborative effort between schools and the Americorps, National
31 Senior Service Corps, Learn and Serve, or Conservation Corps
32 program.

33 (2) The ways that the service will be connected to instruction
34 on the life and work of Cesar Chavez provided on Cesar Chavez
35 Day.

36 (3) The way in which the service provided will make a
37 meaningful contribution to the community.

38 (c) Grants made pursuant to subdivision (b) shall be in the
39 amount of one dollar (\$1) for each participating pupil, or two
40 hundred fifty dollars (\$250) for each school, whichever is greater.



1 The California Commission on Improving Life Through Service
2 may, at its discretion, adjust the grant amount to account for school
3 district size, the size of the project, and the demand on existing
4 funding. Under no circumstances may the amount granted exceed
5 the amount of funding appropriated to carry out this section.

6 (d) In order for the community service performed under this
7 program to be counted as instructional time, the service shall be
8 performed under the supervision of a teacher, as defined in
9 subdivision (a) of Section 46300.

10 (e) The Superintendent of Public Instruction shall develop or
11 revise, as needed, a model curriculum on the life and work of Cesar
12 Chavez and submit the model curriculum to the State Board of
13 Education for adoption pursuant to subdivision (b) of Section
14 37220.5. Upon adoption, the Superintendent of Public Instruction
15 shall distribute the model curriculum to each school.

16 (f) It is the intent of the Legislature that nothing in this section,
17 or in the act that adds this section, shall be construed to impose a
18 mandate on school districts.

19 (g) For the purposes of this section, “school district” includes
20 school districts, charter schools, and county offices of education.

21 ~~SEC. 17.—Section 37252 of the Education Code is amended to~~
22 ~~read:~~

23 ~~37252.—(a) The governing board of each district maintaining~~
24 ~~any or all of grades 7 to 12, inclusive, shall offer, and a charter~~
25 ~~school may offer, supplemental instructional programs for pupils~~
26 ~~enrolled in grades 7 to 12, inclusive, who do not demonstrate~~
27 ~~sufficient progress toward passing the exit examination required~~
28 ~~for high school graduation pursuant to Chapter 8 (commencing~~
29 ~~with Section 60850) of Part 33 or do not demonstrate sufficient~~
30 ~~progress toward attaining core academic skills and credits required~~
31 ~~for graduation.~~

32 ~~(b) Sufficient progress, as described in subdivision (a), shall be~~
33 ~~determined on the basis of either of the following:~~

34 ~~(1) The results of the assessments administered pursuant to~~
35 ~~Article 4 (commencing with Section 60640) of Chapter 5 of Part~~
36 ~~33 and the minimum levels of proficiency recommended by the~~
37 ~~State Board of Education pursuant to Section 60648.~~

38 ~~(2) The pupils’ grades and other indicators of academic~~
39 ~~achievement designated by the district.~~



1 ~~(c) For purposes of this section, a pupil shall be considered to~~
2 ~~be enrolled in a grade immediately upon completion of the~~
3 ~~preceding grade. Supplemental instruction may also be offered to~~
4 ~~a pupil who was enrolled in grade 12 during the prior school year.~~

5 ~~(d) For the purposes of this section, pupils who do not possess~~
6 ~~sufficient English language skills to be assessed, as set forth in~~
7 ~~Sections 60850 and 60853, shall be considered pupils who do not~~
8 ~~demonstrate sufficient progress towards passing the exit~~
9 ~~examination required for high school graduation and shall receive~~
10 ~~supplemental instruction designed to assist the pupils succeed on~~
11 ~~the high school exit examination.~~

12 ~~(e) Instructional programs may be offered pursuant to this~~
13 ~~section during the summer, before school, after school, on~~
14 ~~Saturday, or during intersession, or in any combination of summer,~~
15 ~~before school, after school, Saturday, or intersession instruction;~~
16 ~~but shall be in addition to the regular schoolday. Any minor pupil~~
17 ~~whose parent or guardian informs the school district that the pupil~~
18 ~~is unable to attend a Saturday school program for religious~~
19 ~~reasons, or any pupil 18 years of age or older who states that he or~~
20 ~~she is unable to attend a Saturday school program for religious~~
21 ~~reasons, shall be given priority for enrollment in supplemental~~
22 ~~instruction offered at a time other than Saturday over a pupil who~~
23 ~~is not unable to attend a Saturday school program for religious~~
24 ~~reasons.~~

25 ~~(f) A school district or charter school offering supplemental~~
26 ~~instructional programs pursuant to this section shall receive~~
27 ~~funding as described in Section 42239 and in the annual Budget~~
28 ~~Act.~~

29 ~~(g) Notwithstanding any other provision of law, neither the~~
30 ~~State Board of Education nor the Superintendent of Public~~
31 ~~Instruction may waive any provision of this section.~~

32 ~~SEC. 18.—~~

33 *SEC. 17.* Section 41374 of the Education Code is amended to
34 read:

35 41374. Notwithstanding any other provision of law to the
36 contrary, Section 41372 shall not apply to any elementary school
37 district, high school district, or unified school district, which
38 maintains no individual class session with pupils in attendance
39 exceeding the numbers, for the particular grade levels, following:

40 (a) An elementary school district—twenty-eight (28) pupils.



1 (b) A high school district—twenty-five (25) pupils.

2 (c) A unified school district—twenty-eight (28) pupils in
3 respect to grades kindergarten through 8, inclusive; and
4 twenty-five (25) pupils in respect to grades 9 through 12,
5 inclusive.

6 As used in this section the phrase “individual class session”
7 shall not include any class session held in grades kindergarten
8 through 8, inclusive, in courses in visual and performing arts,
9 industrial arts, and physical education. The phrase shall not
10 include any class session held in grades 9 through 12, inclusive, in
11 courses in commercial arts, visual and performing arts, industrial
12 arts, vocational arts, and physical education. The phrase
13 “individual class session” shall not include any class session held
14 in grades 9 through 12, inclusive, for which two or more individual
15 class groups which come within the descriptions specified by the
16 first paragraph of this section and subdivision (a) or (b), or both,
17 are assembled together in the same room for joint lectures or
18 demonstrations.

19 Notwithstanding the provisions of subdivisions (b) and (c),
20 grades 7, 8, and 9 of a junior high school shall be deemed to be high
21 school grades for purposes of this section.

22 ~~SEC. 19.—~~

23 *SEC. 18.* Section 41409 of the Education Code is amended to
24 read:

25 41409. (a) Commencing with the 1988–89 fiscal year, and
26 annually thereafter, the Superintendent of Public Instruction shall
27 determine the statewide average percentage of school district
28 expenditures that are allocated to the salaries of administrative
29 personnel, as that term is defined in accounts 1200, 1300, 1700,
30 1800, and 2200 in Part I of the California School Accounting
31 Manual published by the State Department of Education. For
32 school districts using the Standardized Account Code Structure,
33 the term salaries of administrative personnel are defined in object
34 accounts 1300 and 2300 in Part II of the California School
35 Accounting Manual. The Superintendent of Public Instruction
36 also shall determine the statewide average percentage of school
37 district expenditures that are allocated to the salaries of teachers,
38 as defined in account 1100 in Parts I and II of the California School
39 Accounting Manual. The statewide averages shall be calculated
40 for the following types and sizes of school districts:



District	ADA
Elementary	less than 1,000
Elementary	1,000 to 4,999
Elementary	5,000 and greater
High School	less than 1,000
High School	1,000 to 3,999
High School	4,000 and greater
Unified	less than 1,500
Unified	1,500 to 4,999
Unified	5,000 to 9,999
Unified	10,000 to 19,999
Unified	20,000 and greater

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

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

(c) The statewide averages calculated pursuant to subdivisions (a) and (b) shall be provided annually to each school district for use in the school accountability report card.

~~SEC. 20.—Section 42238.146 is added to the Education Code, immediately following Section 42238.145, to read:~~

~~42238.146.—Notwithstanding any other provision of law, for purposes of Sections 14002, 14004, and 41301, for the 2000–01 fiscal year and each fiscal year thereafter, the Superintendent of Public Instruction shall certify to the Controller amounts that do not exceed the amounts needed to fund the revenue limits of school districts, as determined pursuant to Section 42238, the revenue limits of county superintendents of schools, as determined pursuant to Section 2558, and the revenue limit portion of charter school operational funding, as determined pursuant to Section 47633.~~

~~SEC. 21.—~~

~~SEC. 19.~~ Section 42239.15 of the Education Code is amended to read:

42239.15. (a) For the 2000–01 fiscal year and each fiscal year thereafter, each school district and charter school shall be



1 eligible for reimbursement for hours of pupil attendance claimed
2 for intensive algebra instruction academies offered pursuant to
3 Chapter 18 (commencing with Section 53091) of Part 28 in an
4 amount up to 6 percent of the total enrollment in grades 7 and 8 of
5 the school district or charter school for the prior fiscal year
6 multiplied by 120 hours, multiplied by the hourly rate for the
7 current fiscal year determined pursuant to subdivision (c) of
8 Section 42239. This amount shall be provided in addition to the
9 amount provided pursuant to Section 42239.

10 (b) When expending funds received pursuant to this section, a
11 school district shall give first priority for the purpose specified in
12 paragraph (1) of subdivision (d) of Section 53082.

13 ~~SEC. 22.—~~

14 *SEC. 20.* Section 42239.2 of the Education Code is amended
15 to read:

16 42239.2. (a) The Superintendent of Public Instruction shall
17 allocate a minimum of six thousand seven hundred sixty-six
18 dollars (\$6,766) for supplemental summer school programs
19 ~~established pursuant to Article 4 (commencing with Section~~
20 ~~37252) of Chapter 2 of Part 22, from funds appropriated therefor~~
21 *established pursuant to Section 37253, from funds appropriated*
22 *therefor* in each school district for which the prior fiscal year
23 enrollment was less than 500 and that offers at least 1,500 hours
24 of supplemental summer school instruction. A school district for
25 which the prior fiscal year enrollment was less than 500 that offers
26 less than 1,500 hours of supplemental summer school offerings
27 shall receive a proportionately reduced allocation.

28 (b) The Superintendent of Public Instruction shall allocate a
29 minimum of six thousand seven hundred sixty-six dollars (\$6,766)
30 for the Elementary School Intensive Reading Programs
31 established pursuant to Article 1 (commencing with Section
32 53025) of Chapter 16 of Part 28, from funds appropriated therefor
33 in each school district for which the prior fiscal year enrollment
34 was less than 500 and that offers at least 1,500 hours of elementary
35 school intensive reading instruction. A school district for which
36 the prior fiscal year enrollment was less than 500 that offers less
37 than 1,500 hours of elementary school intensive reading
38 instruction shall receive a proportionately reduced allocation.

39 (c) The Superintendent of Public Instruction shall allocate a
40 minimum of six thousand seven hundred sixty-six dollars (\$6,766)



1 for Intensive Algebra Instructional Academies established
2 pursuant to Chapter 18 (commencing with Section 53091) of Part
3 28, from funds appropriated therefor in each school district for
4 which the prior fiscal year enrollment in grades 7 and 8 was less
5 than 333 and that offers at least 1,500 hours of intensive algebra
6 instruction. A school district for which the prior fiscal year
7 enrollment in grades 7 and 8 was less than 333 that offers less than
8 1,500 hours of intensive algebra instruction shall receive a
9 proportionately reduced allocation.

10 (d) Minimum allocations for supplemental summer school
11 programs required pursuant to subdivision (a) shall be adjusted for
12 inflation in the 2000–01 fiscal year, and each fiscal year thereafter,
13 in accordance with Section 42238.1.

14 (e) For purposes of this section a charter school is a schoolsite
15 and is not a school district.

16 (f) Notwithstanding any other provision of law, neither the
17 State Board of Education nor the Superintendent of Public
18 Instruction may waive any provision of this section.

19 ~~SEC. 23.—~~

20 *SEC. 21.* Section 42650 of the Education Code is amended to
21 read:

22 42650. With the approval of the county superintendent of
23 schools, the governing board of a school district may cause
24 warrants to be drawn on the county treasury against designated
25 funds, except debt service, of the district in the county treasury in
26 the payment of expenses of the district. The warrants for salary and
27 other types of claims designated by the county superintendent shall
28 be issued by a person designated as the district disbursing officer
29 for the school district on the county treasury in favor of the persons
30 entitled thereto in payment of all claims in designated categories
31 chargeable against the district which have been legally examined,
32 allowed, and ordered paid by the governing board. The district
33 disbursing officer shall issue warrants, using procedures
34 prescribed by the county auditor, on the county treasury for all
35 debts and demands, within categories designated by the county
36 superintendent, against the district when amounts are legally
37 approved. The form of the warrant shall be prescribed by, and
38 approved by, the county auditor or county treasurer having
39 jurisdiction.



1 The cost of printing warrants may be charged to the district.
2 Notwithstanding Section 41000, except for assessing and tax
3 collecting, the county auditor and county treasurer may charge
4 those districts that draw their own warrants for the cost of all fiscal
5 services.

6 Notwithstanding Section 27005 of the Government Code, or
7 any other provision of law requiring orders for warrants or
8 warrants to be signed by the county superintendent of schools or
9 the county auditor, or both, the county superintendent and county
10 auditor may prescribe alternative procedures for districts to issue
11 warrants. The district disbursing officer shall not be considered a
12 deputy county superintendent of schools or a deputy county
13 auditor. The county treasurer shall pay the warrant in the
14 designated category, if district funds are available.

15 County officers shall not be responsible for providing reports,
16 statements, or other data relating to, or based on, the designated
17 payments of expenses of the district. Those districts issuing
18 warrants, as provided by this section, shall provide the county
19 superintendent of schools, in the form prescribed by him, with the
20 data necessary to make retirement reports and other reports
21 required of him by law. All warrants, vouchers, and supporting
22 documents shall be kept by school districts that draw their own
23 warrants in those designated categories.

24 The county superintendent shall provide for a periodic review
25 of the districts' financial transactions and internal control pursuant
26 to Section 1241.5.

27 County superintendents of schools may provide fiscal,
28 budgetary, and data-processing services through contractual
29 agreements to school districts that have been determined to be
30 fiscally accountable under the provisions of this section.

31 The person authorized by the governing board of the district to
32 issue warrants, pursuant to this section, shall execute an official
33 bond in an amount fixed by the governing board conditioned upon
34 the faithful performance of his duties under this section. A county
35 superintendent or county auditor shall not be liable under the terms
36 of their bonds or otherwise for any warrant issued pursuant to this
37 section. This section shall not be construed as impairing the
38 obligation of any contract in the bond of such officer in effect on
39 January 1, 1977.



1 A listing of the warrants issued under this section by each school
2 district shall be forwarded to the county auditor having
3 jurisdiction, upon his request, and to the county superintendent of
4 schools having jurisdiction over the district on the same day
5 warrants are issued. The listing, which may be magnetic tape,
6 punched cards, or in other form, shall report, among other things,
7 the warrant number, date of the warrant, amount of the warrant, the
8 name of the payee, and the fund on which drawn. The form and
9 content of the warrant listing shall be as prescribed by the county
10 auditor or county superintendent and approved by the county
11 auditor or county superintendent having jurisdiction.

12 Each district which issues warrants pursuant to this section shall
13 furnish monthly to the county superintendent of schools and the
14 county auditor of the county of jurisdiction, upon his request, a
15 statement showing for the current fiscal year to date, for each
16 required expenditure classification, the amount budgeted, actual
17 expenditures, encumbrances and unencumbered balances.

18 In order to obtain the approval of the county superintendent of
19 schools and county auditor for fiscally accountable status, the
20 governing board of a school district shall file a written application
21 with the county superintendent of schools and county auditor
22 having jurisdiction on forms which the county superintendent
23 shall prescribe. Upon receipt of an application from the district, the
24 county superintendent shall cause an audit to be made of the
25 district's management and accounting controls, in accordance
26 with standards prescribed by him, by an independent certified
27 public accountant or public accountant approved by the county
28 superintendent, who shall report his findings and
29 recommendations to the county superintendent and to the
30 applicant district. The audit report may include Department of
31 Finance guidelines and other assessments of fiscal management as
32 required by the county superintendent or the audit may be the
33 report of the annual district audit pursuant to Section 41020 if that
34 is acceptable to the county superintendent of schools. The cost of
35 the audit required in support of a district's application for fiscal
36 accountability shall be borne by the applicant district.

37 The county superintendent and county auditor shall review the
38 district's application and report of financial management and
39 control and may approve the application if they find the
40 management and accounting controls of the district to be adequate.



1 If the county superintendent and county auditor determine that
2 such management and accounting controls are inadequate, they
3 shall disapprove the application.

4 A district that applies for fiscal accountability status shall file its
5 written application with the county superintendent of schools on
6 or before September 1. The required audit of financial
7 management and accounting controls shall be filed on or before
8 January 1. When a district's application for fiscal accountability
9 status has been approved by the county superintendent of schools
10 and county auditor, the issuance of warrants by the district
11 pursuant to this section shall be effective at the beginning of a
12 fiscal year, provided that approval had been made prior to the
13 preceding first day in March. If disapproved, the county
14 superintendent of schools shall state the specific steps which must
15 be taken by the applicant school district to receive approval and
16 these changes shall be certified as completed by an independent
17 certified public accountant or public accountant before the county
18 superintendent shall approve the application. If at any time the
19 county superintendent of schools or the county auditor determines
20 that the financial management or accounting controls of the
21 district have become inadequate, either such officer may revoke
22 approval for fiscal accountability status effective immediately.

23 ~~SEC. 24.—~~

24 *SEC. 22.* Section 42850 of the Education Code is amended to
25 read:

26 42850. The governing board of any school district may
27 establish a pension plan and other employee benefits fund to
28 accumulate restricted moneys from salary reduction agreements,
29 other contributions for employee retirement benefit payments, or
30 both. Moneys may be transferred to the fund from other funds by
31 periodic expense charges, in amounts based on existing and future
32 obligation requirements. Payments from the pension plan and
33 other employee benefits fund for insurance, annuities,
34 administrative costs, or any other authorized purpose shall be
35 made in accordance with all warrant approval requirements
36 applicable under this code.

37 ~~SEC. 25.—~~

38 *SEC. 23.* Section 44395.5 is added to the Education Code, to
39 read:



1 44395.5. For the purposes of paragraph (1) of subdivision (a)
2 of Section 44395, “assigned to teach” as used in subdivision (a)
3 of that section may include, but is not limited to, a teacher
4 leadership role as a peer assistance and review coach, mentor, or
5 other teacher support provider, if the position does not require an
6 administrative credential. In order to be eligible for an award
7 pursuant to paragraph (1) of subdivision (a) of Section 44395, a
8 teacher shall be assigned to teach for at least 50 percent of a
9 full-time position.

10 SEC. 24. Section 44503 of the Education Code is amended to
11 read:

12 44503. (a) The governing board of a school district that
13 accepts state funds for purposes of this article agrees to negotiate
14 the development and implementation of the program with the
15 exclusive representative of the certificated employees in the
16 school district, if the certificated employees in the district are
17 represented by an exclusive representative. In a school district in
18 which the certificated employees are not represented, the school
19 district shall develop a Peer Assistance and Review Program for
20 Teachers consistent with this article in order to be eligible to
21 receive funding under this article.

22 (b) Functions performed pursuant to this article by certificated
23 employees employed in a bargaining unit position shall not
24 constitute either management or supervisory functions as defined
25 by subdivisions (g) and (m) of Section 3540.1 of the Government
26 Code.

27 (c) Teachers who provide assistance and review shall have the
28 same protection from liability and access to appropriate defense as
29 other public school employees pursuant to Division 3.6
30 (commencing with Section 810) of Title 1 of the Government
31 Code.

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

35 (e) Not more than 5 percent of the funds received by a school
36 district for the Peer Assistance and Review Program for Teachers
37 may be expended for administrative expenses. For the purposes of
38 this article, administrative expenses shall include expenditures for
39 the personnel costs of program administration and coordination,
40 the cost of consulting teacher selection, and indirect costs



1 associated with the Peer Assistance and Review Program for
2 Teachers.

3 ~~SEC. 26.—~~

4 *SEC. 25.* Section 46190 of the Education Code is amended to
5 read:

6 46190. In classes for adults, a day of attendance is 180
7 minutes of attendance but no student shall be credited with more
8 than 15 clock hours of attendance per school week,
9 proportionately reduced for those school weeks having weekday
10 holidays on which classes are not held unless he or she is enrolled
11 in a class in elementary subjects, a class for which high school
12 credit is given, a class in English as a second language, a class in
13 citizenship, a class in a trade or industrial subject as trade or
14 industrial subject is defined by the State Board of Education for
15 grades 7 to 12, inclusive, or a class for adults with disabilities.

16 ~~SEC. 27.—~~

17 *SEC. 26.* Section 46201.2 is added to the Education Code, to
18 read:

19 46201.2. Notwithstanding any provision of this code, the
20 State Board of Education may waive the penalties contained in
21 subdivision (c) of Section 46201 for any school district with a
22 minimum instructional time requirement calculated pursuant to
23 paragraph (1) of subdivision (b) of that section. The waiver may
24 be granted only if the school district returns to the minimum time
25 requirements within one year of discovering that it had not met the
26 minimum instructional time requirement.

27 ~~SEC. 28.—~~

28 *SEC. 27.* Section 47661.5 is added to the Education Code, to
29 read:

30 47661.5. (a) Notwithstanding any other provision of law, the
31 prior year average daily attendance for a school district determined
32 pursuant to subdivision (b) of Section 47661 shall be increased by
33 the prior year second principal apportionment average daily
34 attendance of district residents only of any school that meets the
35 following description:

36 (1) The school was a district noncharter school in any year prior
37 to the prior year.

38 (2) The school was operated as a district-approved charter
39 school in the prior year.



1 (3) The school is again operated as a district noncharter school
2 in the current year.

3 (b) An adjustment to prior year average daily attendance
4 pursuant to this section may not be made for the attendance of
5 pupils who were not residents of the school district in the prior
6 year.

7 (c) This section applies to the 2000–01 fiscal year and
8 subsequent fiscal years.

9 *SEC. 28. Section 47773 of the Education Code is amended to*
10 *read:*

11 47773. (a) The State Department of Education, in
12 collaboration with the Board of Corrections, shall create an
13 evaluation design for the program that will assess the effectiveness
14 of program implementation and operation.

15 (b) The State Department of Education shall contract with an
16 independent evaluator to assess the overall success of the program.

17 (c) Participating county offices of education and school
18 districts shall collect and report outcome measure data to the State
19 Department of Education and any other data to indicate the effect
20 of intervention strategies and program operations on the risk
21 factors used to identify the high-risk youth. The Superintendent of
22 Public Instruction shall annually summarize the data reported. The
23 Superintendent of Public Instruction shall also develop an analysis
24 of the program and suggest recommendations in a *final* report to
25 be submitted to the Legislature on or before *May 1, 2004, and shall*
26 *provide an interim report to the Legislature by March 1, 2002.*

27 *SEC. 29. Section 51210 of the Education Code is amended to*
28 *read:*

29 51210. The adopted course of study for grades 1 to 6,
30 inclusive, shall include instruction, beginning in grade 1 and
31 continuing through grade 6, in the following areas of study:

32 (a) English, including knowledge of, and appreciation for
33 literature and the language, as well as the skills of speaking,
34 reading, listening, spelling, handwriting, and composition.

35 (b) Mathematics, including concepts, operational skills, and
36 problem solving.

37 (c) Social sciences, drawing upon the disciplines of
38 anthropology, economics, geography, history, political science,
39 psychology, and sociology, designed to fit the maturity of the
40 pupils. Instruction shall provide a foundation for understanding



1 the history, resources, development, and government of California
2 and the United States of America; the development of the
3 American economic system including the role of the entrepreneur
4 and labor; the relations of persons to their human and natural
5 environment; eastern and western cultures and civilizations;
6 contemporary issues; and the wise use of natural resources.

7 (d) Science, including the biological and physical aspects, with
8 emphasis on the processes of experimental inquiry and on the place
9 of humans in ecological systems.

10 (e) Visual and performing arts, including instruction in the
11 subjects of dance, music, theatre, and visual arts, aimed at the
12 development of aesthetic appreciation and the skills of creative
13 expression.

14 (f) Health, including instruction in the principles and practices
15 of individual, family, and community health.

16 (g) Physical education, with emphasis upon the physical
17 activities for the pupils that may be conducive to health and vigor
18 of body and mind, for a total period of time of not less than 200
19 minutes each 10 schooldays, exclusive of recesses and the lunch
20 period.

21 (h) Other studies that may be prescribed by the governing
22 board.

23 SEC. 30. Section 51220 of the Education Code is amended to
24 read:

25 51220. The adopted course of study for grades 7 to 12,
26 inclusive, shall offer courses in the following areas of study:

27 (a) English, including knowledge of and appreciation for
28 literature, language, and composition, and the skills of reading,
29 listening, and speaking.

30 (b) Social sciences, drawing upon the disciplines of
31 anthropology, economics, geography, history, political science,
32 psychology, and sociology, designed to fit the maturity of the
33 pupils. Instruction shall provide a foundation for understanding
34 the history, resources, development, and government of California
35 and the United States of America; instruction in our American
36 legal system, the operation of the juvenile and adult criminal
37 justice systems, and the rights and duties of citizens under the
38 criminal and civil law and the State and Federal Constitutions; the
39 development of the American economic system, including the role
40 of the entrepreneur and labor; the relations of persons to their



1 human and natural environment; eastern and western cultures and
2 civilizations; human rights issues, with particular attention to the
3 study of the inhumanity of genocide, slavery, and the Holocaust,
4 and contemporary issues.

5 (c) Foreign language or languages, beginning not later than
6 grade 7, designed to develop a facility for understanding,
7 speaking, reading, and writing the particular language.

8 (d) Physical education, with emphasis given to physical
9 activities that are conducive to health and to vigor of body and
10 mind.

11 (e) Science, including the physical and biological aspects, with
12 emphasis on basic concepts, theories, and processes of scientific
13 investigation and on the place of humans in ecological systems,
14 and with appropriate applications of the interrelation and
15 interdependence of the sciences.

16 (f) Mathematics, including instruction designed to develop
17 mathematical understandings, operational skills, and insight into
18 problemsolving procedures.

19 (g) Visual and performing arts, including dance, music, theatre,
20 and visual arts, with emphasis upon development of aesthetic
21 appreciation and the skills of creative expression.

22 (h) Applied arts, including instruction in the areas of consumer
23 and homemaking education, industrial arts, general business
24 education, or general agriculture.

25 (i) Career technical education designed and conducted for the
26 purpose of preparing youth for gainful employment in the
27 occupations and in the numbers that are appropriate to the
28 personnel needs of the state and the community served and
29 relevant to the career desires and needs of the pupils.

30 (j) Automobile driver education, designed to develop a
31 knowledge of the provisions of the Vehicle Code and other laws
32 of this state relating to the operation of motor vehicles, a proper
33 acceptance of personal responsibility in traffic, a true appreciation
34 of the causes, seriousness and consequences of traffic accidents,
35 and to develop the knowledge and attitudes necessary for the safe
36 operation of motor vehicles. A course in automobile driver
37 education shall include education in the safe operation of
38 motorcycles.

39 (k) Other studies as may be prescribed by the governing board.



1 SEC. 31. Section 51224.5 of the Education Code is amended
2 to read:

3 51224.5. (a) The adopted course of study for grades 7 to 12,
4 inclusive, shall include algebra as part of the mathematics area of
5 study pursuant to subdivision (f) of Section 51220.

6 (b) Commencing with the 2003–04 school year and each year
7 thereafter, at least one course, or a combination of the two courses
8 in mathematics required to be completed pursuant to subparagraph
9 (B) of paragraph (1) of subdivision (a) of Section 51225.3 by
10 pupils while in grades 9 to 12, inclusive, prior to receiving a
11 diploma of graduation from high school, shall meet or exceed the
12 rigor of the content standards for Algebra I, as adopted by the State
13 Board of Education pursuant to Section 60605.

14 (c) If at any time, in any of grades 7 to 12, inclusive, or in any
15 combination of those grades, a pupil completes coursework that
16 meets or exceeds the academic content standards for Algebra.
17 Those courses shall apply towards satisfying the requirements of
18 subparagraph (B) of paragraph (1) of subdivision (a) of Section
19 51225.3.

20 SEC. 32. Section 51511 of the Education Code is amended to
21 read:

22 51511. Nothing in this code shall be construed to prevent, or
23 exclude from the public schools, references to religion or
24 references to or the use of religious literature, dance, music,
25 theatre, and visual arts or other things having a religious
26 significance when such references or uses do not constitute
27 instruction in religious principles or aid to any religious sect,
28 church, creed, or sectarian purpose and when such references or
29 uses are incidental to or illustrative of matters properly included
30 in the course of study.

31 SEC. 33. Section 51810 of the Education Code is amended to
32 read:

33 51810. The governing board of any school district
34 maintaining secondary schools is authorized without the approval
35 of the State Department of Education to establish and maintain
36 community service classes in civic, vocational, literacy, health,
37 homemaking, technical and general education, including but not
38 limited to classes in the fields of dance, music, theatre, visual arts,
39 handicraft, science, literature, nature study, nature contacting,
40 aquatic sports and athletics. Such classes shall be designed to



1 provide instruction and to contribute to the physical, mental,
2 moral, economic, or civic development of the individuals or
3 groups enrolled therein.

4 SEC. 34. Section 51874 of the Education Code is amended to
5 read:

6 51874. Sections 51871, 51872, 51873, this section, and the
7 heading of this article shall remain in effect only until January 1,
8 2005, and as of that date is repealed, unless a later enacted statute,
9 that is enacted before January 1, 2005, deletes or extends that date.

10 SEC. 35. Section 52066 of the Education Code is amended to
11 read:

12 52066. The State Department of Education shall prepare a
13 request for proposal in consultation with an advisory committee
14 consisting of a representative of one or more American Indian
15 organizations, the Department of Finance, and the Legislative
16 Analyst to contract for an independent evaluation of this program
17 to be performed on or before December 31, 2001.

18 *SEC. 35.5. Section 52067 of the Education Code is amended*
19 *to read:*

20 52067. This chapter shall remain in effect only until
21 ~~December 31, 2001~~ *January 1, 2004*, and as of that date is
22 repealed, unless a later enacted statute, that is enacted before
23 ~~December 31, 2001~~ *January 1, 2004*, deletes or extends that date.

24 SEC. 36. Section 52314 of the Education Code is amended to
25 read:

26 52314. (a) Except as provided in subdivision (b), any pupil
27 eligible to attend a high school or adult school in a school district
28 subject to the jurisdiction of a county superintendent of schools
29 operating a regional occupational center or regional occupational
30 program, and who resides in a school district which by itself or in
31 cooperation with other school districts, has not established a
32 regional occupational center, or regional occupational program, is
33 eligible to attend a regional occupational center or regional
34 occupational program maintained by the county superintendent of
35 schools. Any school district which in cooperation with other
36 school districts maintains a regional occupational center, or
37 regional occupational program, or any such cooperating school
38 districts may admit to the center, or program, any pupil, otherwise
39 eligible, who resides in the district or in any of the cooperating
40 districts. Any school district which by itself maintains a regional



1 occupational center, or regional occupational program, may admit
2 to the center, or program, any pupil, otherwise eligible, who
3 resides in the district. No pupil, including adults under Section
4 52610 shall be admitted to a regional occupational center, or
5 regional occupational program, unless the county superintendent
6 of schools or governing board of the district or districts
7 maintaining the center, or program, as the case may be, determines
8 that the pupil will benefit therefrom and approves of his or her
9 admission to the regional occupational center or regional
10 occupational program.

11 A pupil may be admitted on a full-time or part-time basis, as
12 determined by the county superintendent of schools or governing
13 board of the school district or districts maintaining the center, or
14 program, as the case may be.

15 (b) No pupil shall be eligible to be admitted to a regional
16 occupational center or program, nor may his or her attendance be
17 credited to a regional occupational center or program, until he or
18 she has attained the age of 16 years, unless the pupil meets one or
19 more of the following conditions:

20 (1) The pupil is enrolled in grade 11 or a higher grade.

21 (2) The pupil received a referral and all of the following
22 conditions are met:

23 (A) The pupil is referred to a regional occupational center or
24 program by a school counselor, school administrator, or classroom
25 teacher. The referral shall include a written statement of the
26 reasons why the pupil's educational needs cannot be met without
27 the pupil being enrolled in a regional occupational center or
28 program.

29 Pupils under 16 years of age eligible for enrollment in regional
30 occupational centers and programs under this paragraph include,
31 but are not necessarily limited to, pupils for whom there is a high
32 probability that they will leave school prior to graduation.

33 (B) The referral is reviewed and approved in writing by the
34 principal or designated administrator of the school in which the
35 pupil is enrolled.

36 (C) The referral is reviewed and approved in writing by the
37 director or designated administrator of the regional occupational
38 center or program to which the pupil has been referred.



1 (D) The pupil is enrolled in a high school, which, for purposes
2 of this requirement, means a school that maintains any of grades
3 9 to 12, inclusive.

4 (3) The pupil's individualized education program adopted
5 pursuant to the requirements of Chapter 2 (commencing with
6 Section 56300) of Part 30 prescribes occupational training for
7 which his or her enrollment in a regional occupational center or
8 program is deemed appropriate.

9 (c) (1) Each school district, county superintendent of schools,
10 or joint powers agency which maintains a regional occupational
11 center or regional occupational program shall submit to the State
12 Department of Education, at the time and in the manner prescribed
13 by the Superintendent of Public Instruction, the enrollment and
14 average daily attendance for each grade level and the enrollment
15 and average daily attendance for each exemption set forth in
16 subdivision (b).

17 (2) The State Department of Education shall submit this
18 information to the Legislature and to the Director of Finance by
19 April 1 of each year for the preceding school year.

20 (d) The State Board of Education may not waive this section.

21 SEC. 37. Section 52314.6 of the Education Code is amended
22 to read:

23 52314.6. The average daily attendance claimed for pupils
24 enrolled in a regional occupational center or program pursuant to
25 paragraph (2) of subdivision (b) of Section 52314 shall not exceed
26 10 percent of the average daily attendance funded in the prior year
27 for the center or program.

28 SEC. 38. Section 52334 of the Education Code is amended to
29 read:

30 52334. Indirect costs charged to regional occupational centers
31 and programs may not exceed that of the school district or county
32 office of education, as appropriate, prior year indirect cost rate as
33 approved by the State Department of Education.

34 The indirect costs charged by county offices of education and
35 school districts that provide regional occupational centers and
36 programs services on behalf of the county office of education or
37 joint powers authority, when added together, may not exceed the
38 indirect cost rate approved by the State Department of Education
39 for the county office of education or the school district, whichever
40 is higher.



1 Revenue limit funds apportioned to a county office of education
2 or school district for regional occupational centers and programs
3 must be expended on programs and services offered by the
4 regional occupational centers and programs.

5 SEC. 39. Section 52523 of the Education Code is amended to
6 read:

7 52523. Adult education programs, courses, and classes shall
8 not be used to supplant the regular high school curriculum for high
9 school pupils enrolled in adult education. Adult education shall
10 supplement and enrich the high school pupil's educational
11 experiences. Therefore, adult education, at a minimum, shall meet
12 the following criteria:

13 (a) All programs, courses, and classes conducted as adult
14 education shall be open to adults and listed in the district's catalog
15 of adult education classes provided to the public and shall be under
16 the supervision and jurisdiction of the adult education
17 administrator as determined by the school district governing
18 board. Adults shall have priority over other students for admission
19 to any adult education class if those adults enroll not later than the
20 regular enrollment period for those classes. The enrollment period
21 shall be published in the course catalog. No course required by the
22 school district for high school graduation or necessary for pupils
23 to maintain satisfactory academic progress shall be offered
24 exclusively through the adult education program. An adult for
25 purposes of this section is a person 18 years of age or older or other
26 person who is not concurrently enrolled in a regular high school
27 program.

28 (b) Each adult education teacher, whether part time or full time,
29 under contract status or in an hourly position, shall be part of the
30 adult school faculty and shall be under the direct supervision of the
31 authorized adult education administrator.

32 (c) Enrollment of high school pupils shall be voluntary on the
33 part of the pupil taking the class. Prior to enrollment by a high
34 school pupil in an adult education program, class, or course, the
35 pupil shall have documentation of the counseling session held
36 pursuant to subdivision (b) of Section 52500.1.

37 (d) Enrollment of a high school pupil in an adult education
38 program, course, or class shall be for sound educational purposes,
39 including, but not limited to, the following:



1 (1) The adult education program, course, or class is not offered
2 in the regular high school curriculum.

3 (2) The adult education program, course, or class is needed by
4 the pupil to make up deficient credits for graduation from high
5 school.

6 (3) The adult education program, course, or class allows the
7 pupil to gain vocational and technical skills beyond that provided
8 by the regular high school's vocational and technical education
9 program.

10 (4) The adult education program, course, or class, supplements
11 and enriches the high school pupil's educational experience.

12 (e) A high school pupil shall not be enrolled for apportionment
13 purposes in an adult education program, course, or class that would
14 be considered any of the following:

15 (1) Physical education.

16 (2) Driver's training and education.

17 (3) Visual and performing arts.

18 (4) Band.

19 (5) Preparation of a school yearbook or school newspaper.

20 (6) Training for, or participation in, athletic camps,
21 cheerleading or spirit organizations, student government, or
22 extracurricular student clubs.

23 The Superintendent of Public Instruction shall issue a program
24 advisory that further defines the purposes set forth in subdivision
25 (d) and the courses set forth in subdivision (e). The superintendent
26 is authorized to issue, at any time, rules and regulations instead of
27 the program advisory.

28 SEC. 40. Section 52761 of the Education Code is amended to
29 read:

30 52761. (a) Each elementary school and junior high school or
31 middle school participating in the project shall submit to the
32 superintendent a proposal, which shall include all of the following:

33 (1) A description of the plant, animal, river, creek, wetlands, or
34 other natural area that the pupils have selected.

35 (2) A description of strategies that the pupils plan to use to
36 educate other pupils and members of the community about the
37 various benefits of a specific local wildlife species, river, creek,
38 wetland, or other natural area and to identify any impacts to that
39 natural resource. Strategies may include, but need not be limited
40 to, exhibits, public education forums, media events, oral



1 presentations, dance, music, theatre, visual arts, and writing
2 projects.

3 (3) An action plan designed to monitor and promote the
4 conservation of the selected wildlife species or natural area, while
5 seeking collaborative ways to resolve the identified impacts.

6 (b) Each participating school shall select a wildlife species or
7 natural area based on the close proximity of the plant, animal,
8 river, creek, wetlands, or other natural area, the feasibility of
9 studying it, and the effectiveness of the course of action that might
10 occur to preserve the species or area.

11 (c) Pupils shall be encouraged to use appropriate local and state
12 resources, including science faculty and students in postsecondary
13 education institutions and educational materials that are balanced
14 and objective in their coverage of the current scientific and
15 economic research on environmental and conservation issues, to
16 obtain information to assist them in the selection of wildlife
17 species or natural areas and the development of their proposals.

18 (d) School faculty and any advisers to pupils engaged in a
19 wildlife or natural area conservation project pursuant to the Life
20 Sciences and Conservation Education Project of 1998 shall ensure
21 that pupils gain a full understanding and appreciation of the rights
22 and responsibilities of public and private property owners under
23 the Constitutions of the United States and California. Any projects
24 or strategies undertaken pursuant to the Life Sciences and
25 Conservation Education Project of 1998 shall respect the rights of
26 private landowners and shall strive to build cooperative
27 relationships within the community to protect local wildlife
28 populations or natural areas.

29 (e) Pupils participating in the Life Sciences and Conservation
30 Education Project of 1998 shall not as part of the project engage
31 in activities for the purposes of influencing legislative or
32 administrative action.

33 SEC. 41. Section 53029 of the Education Code is amended to
34 read:

35 53029. (a) Except as provided in subdivision (b), intensive
36 reading instruction provided pursuant to this article shall be
37 offered four hours per day for six continuous weeks during the
38 summer or when school is not regularly in session.

39 (b) Due to facilities constraints or for other educational
40 reasons, a school district may offer intensive reading instruction



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

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

16 SEC. 42. The heading of Chapter 17 (commencing with
17 Section 53081) of Part 28 of the Education Code, as added by
18 Chapter 404 of the Statutes of 2000, is amended to read:

19

20 CHAPTER 18. INTENSIVE ALGEBRA INSTRUCTION ACADEMIES
21 PROGRAM

22

23 SEC. 43. Section 53081 of the Education Code, as added by
24 Chapter 404 of Statutes of 2000, is amended and renumbered to
25 read:

26 53091. This chapter shall be known and may be cited as the
27 Intensive Algebra Instruction Academies Program.

28 SEC. 44. Section 53082 of the Education Code, as added by
29 Chapter 404 of Statutes of 2000, is amended and renumbered to
30 read:

31 53092. (a) A school district or charter school that maintains
32 grade 7 or 8, or both, may operate a program that provides
33 multiple, intensive opportunities for pupils in either of these
34 grades to practice skills in prealgebra, algebra, or both. Funding
35 for the program established pursuant to this chapter shall be
36 provided pursuant to Section 42239.15.

37 (b) As a condition of receiving funding for this program, a
38 school district or charter school in which one or more teachers
39 participate in the program authorized by Section 99223 is required
40 to offer instruction as described in subdivision (a), to be provided



1 by the teachers attending that program. These school districts and
2 charter schools shall offer this instruction only after those teachers
3 have completed the program authorized by Section 99223.
4 Nothing in this subdivision shall be interpreted as precluding
5 teachers in these school districts who have not participated in the
6 program authorized by Section 99223 from providing instruction
7 as described in subdivision (a).

8 (c) Pupils shall remain eligible for participation in the program
9 established pursuant to this chapter for three calendar months after
10 completing grade 8.

11 (d) The purposes of the program established by this chapter
12 include, but are not limited to, both of the following:

13 (1) To provide pupils who are experiencing difficulty learning
14 prealgebra and algebra with increased instructional opportunities.

15 (2) To provide stimulating and enriching opportunities for
16 pupils to increase their prealgebra and algebra skills.

17 (e) (1) Instruction provided pursuant to this program shall
18 include all of the following components:

19 (A) Mathematics principles generally used in a prealgebra
20 course or an introductory algebra course.

21 (B) Ongoing diagnostic techniques that inform teaching and
22 assessment.

23 (C) Early intervention techniques.

24 (2) Instruction provided pursuant to this chapter shall be
25 consistent with state-adopted academic content standards and with
26 the curriculum framework on mathematics adopted by the State
27 Board of Education for kindergarten and grades 1 to 12, inclusive.

28 SEC. 45. Section 53083 of the Education Code, as added by
29 Chapter 404 of Statutes of 2000, is amended and renumbered to
30 read:

31 53093. (a) (1) Except as provided in paragraph (2),
32 intensive prealgebra and algebra instruction provided pursuant to
33 this chapter shall be offered four hours per day for six continuous
34 weeks during the summer or when school is not regularly in
35 session.

36 (2) Due to facilities constraints or for other educational
37 reasons, a school district may offer intensive prealgebra and
38 algebra instruction before school, after school, on Saturdays, or
39 during intersession, or in a combination of summer school, after
40 school, Saturday, or intersession instruction.



1 (b) Instruction provided pursuant to this chapter shall fulfill the
2 requirements of subdivision (a) of Section 44830 and of Section
3 44831.

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

8 SEC. 46. Section 53084 of the Education Code, as added by
9 Chapter 404 of Statutes of 2000, is amended and renumbered to
10 read:

11 53094. The Superintendent of Public Instruction shall
12 provide for an evaluation of the program established pursuant to
13 this chapter on or before November 1, 2002. If funds are needed
14 for this purpose, it is the intent of the Legislature that funds be
15 appropriated for this purpose in the annual Budget Act.

16 SEC. 47. Section 54746 of the Education Code is amended to
17 read:

18 54746. (a) In meeting the goals of the program and
19 responding to the individual needs and differences of pupils and
20 their children to be served, the funded agency shall complete an
21 intake procedure regarding each pupil and child upon entry into the
22 program and periodically as needed thereafter.

23 (b) Based upon the information provided during the intake
24 procedure pursuant to subdivision (a), the funded agency shall
25 determine appropriate levels and types of services to be provided.
26 These services may not duplicate services currently provided to
27 the pupil by a local Adolescent Family Life Program or Cal-Learn
28 program. In addition to an academic program that meets district
29 standards, necessary support services for pupils shall be funded by
30 the calculation pursuant to paragraph (1) of subdivision (a) of
31 Section 54749. Allowable expenditures for support services are as
32 follows:

- 33 (1) Parenting education and life skills class.
- 34 (2) Perinatal education and care, including childbirth
35 preparation.
- 36 (3) Safe home-to-school transportation.
- 37 (4) Case management services.
- 38 (5) Comprehensive health education including reproductive
39 health care.
- 40 (6) Nutrition education, counseling, and meal supplements.



- 1 (7) School safety and violence prevention strategies targeted to
2 pregnant and parenting teens and their children.
- 3 (8) Academic support and youth development services, such as
4 tutoring, mentoring, and community service internships.
- 5 (9) Career counseling, preemployment skills, and job training.
- 6 (10) Substance abuse prevention education, counseling, and
7 treatment services.
- 8 (11) Mental health assessment, interventions, and referrals.
- 9 (12) Crisis intervention counseling services, including suicide
10 prevention.
- 11 (13) Peer support groups and counseling.
- 12 (14) Family support and development services, including
13 individual and family counseling.
- 14 (15) Child and domestic abuse prevention education,
15 counseling, and services.
- 16 (16) Enrichment and recreational activities, as appropriate.
- 17 (17) Services that facilitate transition to postsecondary
18 education, training, or employment.
- 19 (18) Support services for grandparents, siblings, and fathers of
20 babies who are not enrolled in the Cal-SAFE program.
- 21 (19) Outreach activities to identify eligible pupils and to
22 educate the community about the realities of teen pregnancy and
23 parenting.
- 24 (c) The funded agency shall provide child care and
25 development program services located on or near the schoolsite for
26 the children of teen parents enrolled in the Cal-SAFE program.
27 Program services shall be funded by the revenue generated
28 pursuant to paragraph (4) of subdivision (a) of Section 54749.
- 29 (1) Participation in the child care and development component
30 of the Cal-SAFE program shall be voluntary.
- 31 (2) There is no minimum age for enrollment, but the child shall
32 be eligible for enrollment in the child care and development
33 component until the age of five years or the child is enrolled in
34 kindergarten, whichever occurs first, as long as the teen parent is
35 enrolled in the Cal-SAFE program.
- 36 (3) Each child shall have a health evaluation form signed by a
37 physician, or his or her designee, before the child is allowed on the
38 school campus or is enrolled in the child care and development
39 program. Health screening and immunizations shall not be
40 required when the custodial parent annually files a written request



1 as provided for in Section 49451 and Section 120365 of the Health
2 and Safety Code.

3 (4) A developmental profile shall be maintained for each
4 infant, toddler, and child. This development profile shall be
5 utilized by the program staff to design a program that meets the
6 infant's, toddler's, or child's developmental needs.

7 (5) The arrangement of the child care site environment shall be
8 safe, healthy, and comfortable for children and staff, easily
9 maintained, and appropriate for meeting the developmental needs
10 of the individual child. Child care sites shall meet the health and
11 safety requirements specified in Chapter 1 (commencing with
12 Section 101151) of, and Subchapter 2 (commencing with Section
13 101351) of, Division 12 of Title 22 of the California Code of
14 Regulations.

15 (6) The child care and development component of the
16 Cal-SAFE program shall operate pursuant to applicable sections
17 of Chapter 2 (commencing with Section 8200) of Part 6. In
18 addition to meeting the requirements of Section 8360, teachers
19 shall have at least three semester units, or the equivalent number
20 of quarter units, of coursework related to the care of infants and
21 toddlers.

22 (7) The child care site shall be available as a laboratory for
23 parenting or related courses that are offered by the funded agency
24 with priority given to pupils enrolled in the Cal-SAFE program.

25 (d) Inservice training for school staff on teen pregnancy and
26 parenting-related issues may be funded from revenue generated
27 pursuant to paragraphs (1) and (4) of subdivision (a) of Section
28 54749. However, use of these funds for this purpose shall
29 supplement and, not supplant, existing resources in these areas.

30 (e) The data base required pursuant to paragraph (14) of
31 subdivision (c) of Section 54745 may be funded from revenue
32 appropriated for purposes of subdivision (a) of Section 54749.

33 *SEC. 47.5. Section 54746.5 is added to the Education Code,*
34 *to read:*

35 *54746.5. (a) Local education agencies that are applying to*
36 *operate a CalSAFE Program pursuant to Section 54749 but which*
37 *are not in full compliance, may submit a timeline and a corrective*
38 *action plan for approval by the Superintendent of Public*
39 *Instruction on a case-by-case basis to extend, to no later than June*
40 *30, 2002, a waiver from implementation of the child care and*



1 *development requirements set forth in paragraph (7) of*
2 *subdivision (c) of Section 54745 and in subdivision (c) of Section*
3 *54746.*

4 *(b) Local education agencies that are applying to operate a*
5 *CalSAFE Program pursuant to Section 2551.3 but are not in full*
6 *compliance may submit a timeline and a corrective action plan for*
7 *approval by the Superintendent of Public Instruction on a*
8 *case-by-case basis to extend, to no later than June 30, 2002, a*
9 *waiver from implementation of the child care and development*
10 *physical environment requirements pursuant to paragraph (5) of*
11 *subdivision (c) of Section 54746, and as set forth in subdivision (d)*
12 *of Section 101238 of, Section 101238.2 of, subdivision (a) of*
13 *Section 101238.3 of, subdivisions (b) and (c) of Section 101238.4*
14 *of, subdivisions (e), (h), and (j) of Section 101239 of, and*
15 *paragraph (2) of subdivision (a) of Section 101239.2 of, Title 22*
16 *of the California Code of Regulations.*

17 *(c) If the Superintendent of Public Instruction finds that a local*
18 *education agency that has submitted a timeline and a corrective*
19 *action plan pursuant to this section has not complied with all*
20 *provisions of the corrective action plan as approved by the*
21 *Superintendent of Public Instruction, the local education agency*
22 *shall be ineligible for any funding pursuant to Section 2551.3 after*
23 *the date of mailing of the written notification of noncompliance to*
24 *the local education agency.*

25 *(d) For teachers in CalSAFE child care programs operated*
26 *pursuant to Section 54749, the Superintendent of Public*
27 *Instruction may waive the qualification requirements of*
28 *paragraph (6) of subdivision (c) of Section 54746 for the 2001-02*
29 *fiscal year, if the superintendent determines that the existence of*
30 *compelling need is appropriately documented and the applicant is*
31 *making satisfactory progress toward securing a permit issued by*
32 *the Commission on Teacher Credentialing.*

33 *(e) For teachers in CalSAFE child care programs operated*
34 *pursuant to Section 2551.3, the Superintendent of Public*
35 *Instruction may waive the qualification requirements of*
36 *paragraph (6) of subdivision (c) of Section 54746 until June 30,*
37 *2002, if the superintendent determines that the existence of*
38 *compelling need is appropriately documented and the applicant is*
39 *making satisfactory progress toward securing a permit issued by*
40 *the Commission of Teacher Credentialing.*



1 SEC. 48. Section 54749 of the Education Code is amended to
2 read:

3 54749. (a) For the 2000–01 fiscal year and each fiscal year
4 thereafter, a school district or county superintendent of schools
5 participating in Cal-SAFE shall be eligible for state funding from
6 funds appropriated for services provided for the purposes of the
7 program as follows:

8 (1) A support services allowance of two thousand two hundred
9 thirty-seven dollars (\$2,237) for each unit of average daily
10 attendance generated by each pupil who has completed the intake
11 process pursuant to subdivision (a) of Section 54746 and is
12 receiving services pursuant to subdivision (b) of Section 54746.
13 This allowance shall be adjusted annually by the inflation factor
14 set forth in subdivision (b) of Section 42238.1. In no event shall
15 more than one support service allowance be generated by any pupil
16 concurrently enrolled in more than one educational program.

17 This allowance may not be claimed for units of average daily
18 attendance reported pursuant to the following:

19 (A) Subdivision (b) of Section 1982 for pupils attending
20 county community schools operated pursuant to Chapter 6.5 of
21 Part 2 (commencing with Section 1980).

22 (B) Pupils attending juvenile court schools operated pursuant
23 to Article 2.5 (commencing with Section 48645) of Chapter 4 of
24 Part 27.

25 (C) Pupils attending community day schools operated pursuant
26 to Article 3 (commencing with Section 48660) of Chapter 4 of Part
27 27.

28 (D) Pupils attending county operated Cal-SAFE programs
29 pursuant to this article whose attendance is reported pursuant to
30 Section 2551.3.

31 (2) Average daily attendance and revenue limit funding for
32 pupils receiving services in the Cal-SAFE program shall be
33 computed pursuant to provisions and regulations applicable to the
34 educational program or programs that each pupil attends, except
35 as provided in paragraph (3).

36 (3) For attendance not claimed pursuant to paragraph (2),
37 county offices of education may claim the statewide average
38 revenue limit per unit of average daily attendance for high school
39 districts, payable from Section A of the State School Fund, for the
40 attendance of pupils receiving services in the Cal-SAFE program,



1 provided that no other revenue limit funding is claimed for the
2 same pupil and pupil attendance of no less than 240 minutes per
3 day and is computed and maintained pursuant to Section 46300.

4 (4) Except as provided in subdivision (c) of Section 54749.5,
5 operators of Cal-SAFE programs shall be reimbursed in
6 accordance with the amount specified in subdivision (b) of Section
7 8265 and the amounts specified in subdivisions (a) and (b) of
8 Section 8265.5 for each child receiving services pursuant to the
9 Cal-SAFE program who is the child of teen parents enrolled in the
10 Cal-SAFE program. To be eligible for funding pursuant to this
11 paragraph, the operational days of child care and development
12 programs shall be only those necessary to provide child care
13 services to children of pupils participating in Cal-SAFE.

14 (5) Notwithstanding paragraph (1), pupils for whom
15 attendance is reported pursuant to subdivision (b) of Section 1982,
16 pupils attending juvenile court schools, and pupils attending
17 community day schools may complete the intake process for the
18 Cal-SAFE program and, if the intake process is completed, shall
19 receive services pursuant to subdivision (b) of Section 54746. The
20 children of pupils receiving services in the Cal-SAFE program
21 pursuant to subdivision (b) of Section 54746 and attending
22 juvenile court schools, county community schools, or community
23 day schools shall be eligible for funding pursuant to paragraph (4)
24 and no other provisions of this section.

25 (b) Funds allocated pursuant to paragraph (1) of subdivision (a)
26 shall be maintained in a separate account and shall be expended
27 only to provide the supportive services enumerated in subdivisions
28 (b) of Section 54746, in service training as specified in subdivision
29 (d) of Section 54746, and expenditures enumerated in subdivision
30 (d) of this section, to pupils enrolled in the Cal-SAFE program as
31 determined pursuant to Section 54746.

32 (c) Funds allocated pursuant to paragraph (4) of subdivision (a)
33 shall be maintained in a separate account and shall be expended
34 only to provide developmentally appropriate child care and
35 development services pursuant to subdivision (c) of Section 54746
36 and staff development of child development program staff
37 pursuant to subdivision (d) of Section 54746 for children of teen
38 parents enrolled in the Cal-SAFE program for the purpose of
39 promoting the children's development comparable to age norms,



1 access to health and preventive services, and enhanced school
2 readiness.

3 (d) Funds generated pursuant to Section 2551.3, subdivision
4 (b) of Section 54749.5, and this section shall be maintained in a
5 separate account and shall be expended only to provide the
6 services enumerated in Section 54746 and the following
7 expenditures as defined by the California State School Accounting
8 Manual:

9 (1) Expenditures defined as direct costs of instructional
10 programs.

11 (2) Expenditures defined as documented direct support costs.

12 (3) Expenditures defined as allocated direct support costs.

13 (4) Expenditures for indirect charges.

14 (5) Expenditures defined as facility costs, including the costs
15 of renting, leasing, lease purchase, remodeling, or improving
16 buildings.

17 (e) Indirect costs shall not exceed the lesser of the approved
18 indirect cost rate or 10 percent.

19 (f) Expenditures that represent contract payments to
20 community-based organizations and other governmental agencies
21 pursuant to paragraph (10) of subdivision (b) of Section 54745 for
22 the operation of a Cal-SAFE program shall be included in the
23 Cal-SAFE program account.

24 (g) To the extent permitted by federal law, any funding made
25 available to a school district or county superintendent of schools
26 shall be subject to all of the following conditions:

27 (1) The program is open to all eligible pupils without regard to
28 any pupil's religious beliefs or any other factor related to religion.

29 (2) No religious instruction is included in the program.

30 (3) The space in which the program is operated is not used in
31 any manner to foster religion during the time used for operation of
32 the program.

33 (h) A school district or county superintendent of schools
34 implementing a Cal-SAFE program may establish a claims
35 process to recover federal funds available for any services
36 provided that are Medi-Cal eligible.

37 (i) For purposes of serving pupils enrolled in the Cal-SAFE
38 program in a summer school program or enrolled in a school
39 program operating more than 180 days, eligibility for child care
40 services pursuant to subdivision (c) of Section 54746 shall be



1 determined by the parent’s hours of enrollment and shall be for
2 only those hours necessary to further the completion of the parent’s
3 educational program.

4 (j) To meet startup costs for the opening of child care and
5 development sites, as defined in subdivision (ac) of Section 8208,
6 and applicable regulations, a school district or county office of
7 education may apply for a one-time 15-percent service level
8 exemption within the amount appropriated in the annual Budget
9 Act for the purposes of paragraph (4) of subdivision (a) for each
10 site meeting the provision of subdivision (ac) of Section 8208. To
11 the extent that Budget Act funding is insufficient to cover the full
12 costs of Cal-SAFE child care, reimbursements to all participating
13 programs shall be reduced on a pro rata basis. A school district or
14 county office of education shall submit claims pursuant to this
15 subdivision with other claims submitted pursuant to this section.
16 Funding provided for startup costs shall be utilized for approvable
17 startup costs enumerated in subdivision (a) of Section 8275.

18 (k) Notwithstanding any other provision of this article, its
19 implementation of this article is contingent upon appropriations in
20 the annual Budget Act for the purpose of its administration and
21 evaluation by the State Department of Education.

22 (l) Notwithstanding any other provision of law, a charter school
23 may apply for funding pursuant to this article and shall meet the
24 requirements of this article to be eligible for funding pursuant to
25 this section.

26 *SEC. 48.4. Section 56026 of the Education Code is amended*
27 *to read:*

28 56026. “Individuals with exceptional needs” means those
29 persons who satisfy all the following:

30 (a) Identified by an individualized education program team as
31 a child with a disability, as that phrase is defined in ~~clause (ii) of~~
32 subparagraph (A) of paragraph (3) of Section 1401 of Title 20 of
33 the United States Code.

34 (b) Their impairment, as described by subdivision (a), requires
35 instruction, services, or both, which cannot be provided with
36 modification of the regular school program.

37 (c) Come within one of the following age categories:

38 (1) Younger than three years of age and identified by the
39 district, the special education local plan area, or the county office



1 as requiring intensive special education and services, as defined by
2 the State Board of Education.

3 (2) Between the ages of three to five years, inclusive, and
4 identified by the district, the special education local plan area, or
5 the county office pursuant to Section 56441.11.

6 (3) Between the ages of five and 18 years, inclusive.

7 (4) Between the ages of 19 and 21 years, inclusive; enrolled in
8 or eligible for a program under this part or other special education
9 program prior to his or her 19th birthday; and has not yet
10 completed his or her prescribed course of study or who has not met
11 proficiency standards prescribed pursuant to Sections 51215 and
12 51216.

13 (A) Any person who becomes 22 years of age during the
14 months of January to June, inclusive, while participating in a
15 program under this part may continue his or her participation in the
16 program for the remainder of the current fiscal year, including any
17 extended school year program for individuals with exceptional
18 needs established pursuant to regulations adopted by the State
19 Board of Education, pursuant to Article 1 (commencing with
20 Section 56100) of Chapter 2.

21 (B) Any person otherwise eligible to participate in a program
22 under this part shall not be allowed to begin a new fiscal year in
23 a program if he or she becomes 22 years of age in July, August, or
24 September of that new fiscal year. However, if a person is in a
25 year-round school program and is completing his or her
26 individualized education program in a term that extends into the
27 new fiscal year, then the person may complete that term.

28 (C) Any person who becomes 22 years of age during the
29 months of October, November, or December while participating
30 in a program under this act shall be terminated from the program
31 on December 31 of the current fiscal year, unless the person would
32 otherwise complete his or her individualized education program at
33 the end of the current fiscal year.

34 (D) No school district, special education local plan area, or
35 county office of education may develop an individualized
36 education program that extends these eligibility dates, and in no
37 event may a pupil be required or allowed to attend school under the
38 provisions of this part beyond these eligibility dates solely on the
39 basis that the individual has not met his or her goals or objectives.



1 (d) Meet eligibility criteria set forth in regulations adopted by
2 the board, including, but not limited to, those adopted pursuant to
3 Article 2.5 (commencing with Section 56333) of Chapter 4.

4 (e) Unless disabled within the meaning of subdivisions (a) to
5 (d), inclusive, pupils whose educational needs are due primarily to
6 limited English proficiency; a lack of instruction in reading or
7 mathematics; temporary physical disabilities; social
8 maladjustment; or environmental, cultural, or economic factors
9 are not individuals with exceptional needs.

10 SEC. 48.6. Section 56029 of the Education Code is amended
11 to read:

12 56029. “Referral for assessment” means any written request
13 for assessment to identify an individual with exceptional needs
14 made by ~~a parent, teacher, or other service provider.~~ *any of the*
15 *following:*

16 (a) *A parent or guardian of the individual.*

17 (b) *A teacher or other service provider of the individual.*

18 (c) *A foster parent of the individual, consistent with the*
19 *limitations contained in federal law.*

20 SEC. 49. Section 56044 of the Education Code is repealed.

21 SEC. 50. *Article 3.7 (commencing with Section 56055) is*
22 *added to Chapter 1 of Part 30 of the Education Code, to read:*

23

24

Article 3.7. Foster Parents

25

26 56055. (a) (1) *Except as provided in subdivision (b), a foster*
27 *parent shall, to the extent permitted by federal law, including, but*
28 *not limited to, Section 300.20 of Title 34 of the Code of Federal*
29 *Regulations, have the rights related to his or her foster child’s*
30 *education that a parent has under Title 20 (commencing with*
31 *Section 1400) of the United States Code and pursuant to Part 300*
32 *(commencing with Section 300.1) of Title 34 of the Code of Federal*
33 *Regulations. The foster parent may represent the foster child for*
34 *the duration of the foster parent-foster child relationship in*
35 *matters relating to identification, assessment, instructional*
36 *planning and development, educational placement, reviewing and*
37 *revising an individualized education program, if necessary, and in*
38 *all other matters relating to the provision of a free appropriate*
39 *public education of the child. Notwithstanding any other provision*
40 *of law, this representation shall include the provision of written*



1 *consent to the individualized education program including*
2 *nonemergency medical services, mental health treatment services,*
3 *and occupational or physical therapy services pursuant to this*
4 *chapter. The foster parent may sign any consent relating to*
5 *individualized education program purposes.*

6 (2) *A foster parent exercising rights relative to a foster child*
7 *under this section may consult with the parent or guardian of the*
8 *child to ensure continuity of health, mental health, or other*
9 *services.*

10 (b) *A foster parent who had been excluded by court order from*
11 *making educational decisions on behalf of a pupil shall not have*
12 *the rights relative to the pupil set forth in subdivision (a).*

13 SEC. 51. Section 56200 of the Education Code is amended to
14 read:

15 56200. Each local plan submitted to the superintendent under
16 this part shall contain all the following:

17 (a) Compliance assurances, including general compliance with
18 the Individuals with Disabilities Education Act (20 U.S.C. Sec.
19 1400 et seq.), Section 504 of the Rehabilitation Act of 1973 (29
20 U.S.C. Sec. 794), and this part.

21 (b) A description of services to be provided by each district and
22 county office. This description shall demonstrate that all
23 individuals with exceptional needs shall have access to services
24 and instruction appropriate to meet their needs as specified in their
25 individualized education programs.

26 (c) (1) A description of the governance and administration of
27 the plan, including the role of county office and district governing
28 board members.

29 (2) Multidistrict plans, submitted pursuant to subdivision (b) or
30 (c) of Section 56195.1, shall specify the responsibilities of each
31 participating county office and district governing board in the
32 policymaking process, the responsibilities of the superintendents
33 of each participating district and county in the implementation of
34 the plan, and the responsibilities of district and county
35 administrators of special education in coordinating the
36 administration of the local plan.

37 (d) Copies of joint powers agreements or contractual
38 agreements, as appropriate, for districts and counties that elect to
39 enter into those agreements pursuant to subdivision (b) or (c) of
40 Section 56195.1.



1 (e) An annual budget plan to allocate instructional personnel
2 service units, support services, and transportation services directly
3 to entities operating those services and to allocate regionalized
4 services funds to the county office, responsible local agency, or
5 other alternative administrative structure. The annual budget plan
6 shall be adopted at a public hearing held by the district, special
7 education local plan area, or county office, as appropriate. Notice
8 of this hearing shall be posted in each school in the local plan area
9 at least 15 days prior to the hearing. The annual budget plan may
10 be revised during the fiscal year, and these revisions may be
11 submitted to the superintendent as amendments to the allocations
12 set forth in the plan. However, the revisions shall, prior to
13 submission to the superintendent, be approved according to the
14 policymaking process, established pursuant to paragraph (2) of
15 subdivision (c).

16 (f) Verification that the plan has been reviewed by the
17 community advisory committee and that the committee had at least
18 30 days to conduct this review prior to submission of the plan to
19 the superintendent.

20 (g) A description of the identification, referral, assessment,
21 instructional planning, implementation, and review in compliance
22 with Chapter 4 (commencing with Section 56300).

23 (h) A description of the process being utilized to meet the
24 requirements of Section 56303.

25 (i) A description of the process being utilized to meet the
26 requirements of the California Early Intervention Services Act,
27 Title 14 (commencing with Section 95000) of the Government
28 Code.

29 (j) A description of the process being utilized to oversee and
30 evaluate placements in nonpublic, nonsectarian schools and the
31 method for ensuring that all requirements of each pupil's
32 individualized education program are being met. This description
33 shall include a method for evaluating whether the pupil is making
34 appropriate educational progress.

35 ~~SEC. 51.—~~

36 *SEC. 52.* Section 56207 of the Education Code is amended to
37 read:

38 56207. (a) No educational programs and services already in
39 operation in school districts or a county office of education
40 pursuant to Part 30 (commencing with Section 56000) shall be



1 transferred to another school district or a county office of
2 education or from a county office of education to a school district
3 unless the special education local plan area has developed a plan
4 for the transfer which addresses, at a minimum, all of the
5 following:

6 (1) Pupil needs.

7 (2) The availability of the full continuum of services to affected
8 pupils.

9 (3) The functional continuation of the current individualized
10 education programs of all affected pupils.

11 (4) The provision of services in the least restrictive
12 environment from which affected pupils can benefit.

13 (5) The maintenance of all appropriate support services.

14 (6) The assurance that there will be compliance with all federal
15 and state laws and regulations and special education local plan area
16 policies.

17 (7) The means through which parents and staff were
18 represented in the planning process.

19 (b) The date on which the transfer will take effect may be no
20 earlier than the first day of the second fiscal year beginning after
21 the date on which the sending or receiving agency has informed the
22 other agency and the governing body or individual identified in
23 subparagraph (A) of paragraph (12) of subdivision (a) of Section
24 56205, unless the governing body or individual identified in
25 subparagraph (A) of paragraph (12) of subdivision (a) of Section
26 56205 unanimously approves the transfer taking effect on the first
27 day of the first fiscal year following that date.

28 (c) If either the sending or receiving agency disagree with the
29 proposed transfer, the matter shall be resolved by the alternative
30 resolution process established pursuant to paragraph (5) of
31 subdivision (b) of Section 56205.

32 (d) Notwithstanding Section 56208, this section shall apply to
33 all special education local plan areas commencing on July 1, 1998,
34 whether or not a special education local plan area has submitted a
35 revised local plan for approval or has an approved revised local
36 plan pursuant to Section 56836.03.

37 ~~SEC. 52.—Section 56366 of the Education Code is amended to~~
38 ~~read:~~

39 ~~56366.—It is the intent of the Legislature that the role of the~~
40 ~~nonpublic, nonsectarian school or agency shall be maintained and~~



1 continued as an alternative special education service available to
2 districts, special education local plan areas, county offices, and
3 parents.

4 (a) The master contract for nonpublic, nonsectarian school or
5 agency services shall be developed in accordance with the
6 following provisions:

7 (1) The master contract shall specify the general administrative
8 and financial agreements between the nonpublic, nonsectarian
9 school or agency and the district, special education local plan area,
10 or county office to provide the special education and designated
11 instruction and services, as well as transportation specified in the
12 pupil's individualized education program. The administrative
13 provisions of the contract also shall include procedures for
14 recordkeeping and documentation, and the maintenance of school
15 records by the contracting district, special education local plan
16 area, or county office to ensure that appropriate high school
17 graduation credit is received by the pupil. The contract may allow
18 for partial or full-time attendance at the nonpublic, nonsectarian
19 school.

20 (2) (A) The master contract shall include an individual
21 services agreement for each pupil placed by a district, special
22 education local plan area, or county office that will be negotiated
23 for the length of time for which nonpublic, nonsectarian school or
24 agency special education and designated instruction and services
25 are specified in the pupil's individualized education program.

26 (B) The master contract shall include a description of the
27 process being utilized by the school district, county office of
28 education, or special education local plan area to oversee and
29 evaluate placements in nonpublic, nonsectarian schools. This
30 description shall include a method for evaluating whether the pupil
31 is making appropriate educational progress.

32 (3) Changes in educational instruction, services, or placement
33 provided under contract may only be made on the basis of
34 revisions to the pupil's individualized education program.

35 At any time during the term of the contract or individual services
36 agreement, the parent, nonpublic, nonsectarian school or agency,
37 or district, special education local plan area, or county office may
38 request a review of the pupil's individualized education program
39 by the individualized education program team. Changes in the
40 administrative or financial agreements of the master contract that



1 ~~do not alter the individual services agreement that outlines each~~
2 ~~pupil's educational instruction, services, or placement may be~~
3 ~~made at any time during the term of the contract as mutually agreed~~
4 ~~by the nonpublic, nonsectarian school or agency and the district,~~
5 ~~special education local plan area, or county office.~~

6 ~~(4) The master contract or individual services agreement may~~
7 ~~be terminated for cause. The cause shall not be the availability of~~
8 ~~a public class initiated during the period of the contract unless the~~
9 ~~parent agrees to the transfer of the pupil to a public school~~
10 ~~program. To terminate the contract either party shall give 20 days'~~
11 ~~notice.~~

12 ~~(5) The nonpublic, nonsectarian school or agency shall provide~~
13 ~~all services specified in the individualized education program,~~
14 ~~unless the nonpublic, nonsectarian school or agency and the~~
15 ~~district, special education local plan area, or county office agree~~
16 ~~otherwise in the contract or individualized services agreement.~~

17 ~~(6) Related services provided pursuant to a nonpublic,~~
18 ~~nonsectarian agency master contract shall only be provided during~~
19 ~~the period of the child's regular or extended school year program,~~
20 ~~or both, unless otherwise specified by the pupil's individualized~~
21 ~~education program.~~

22 ~~(7) The nonpublic, nonsectarian school or agency shall report~~
23 ~~attendance of pupils receiving special education and designated~~
24 ~~instruction and services as defined by Section 46307 for purposes~~
25 ~~of submitting a warrant for tuition to each contracting district,~~
26 ~~special education local plan area, or county office.~~

27 ~~(b) The master contract or individual services agreement shall~~
28 ~~not include special education transportation provided through the~~
29 ~~use of services or equipment owned, leased, or contracted by a~~
30 ~~district, special education local plan area, or county office for~~
31 ~~pupils enrolled in the nonpublic, nonsectarian school or agency~~
32 ~~unless provided directly or subcontracted by that nonpublic,~~
33 ~~nonsectarian school or agency.~~

34 ~~The superintendent shall withhold 20 percent of the amount~~
35 ~~apportioned to a school district or county office for costs related~~
36 ~~to the provision of nonpublic, nonsectarian school or agency~~
37 ~~placements if the superintendent finds that the local education~~
38 ~~agency is in noncompliance with this subdivision. This amount~~
39 ~~shall be withheld from the apportionments in the fiscal year~~
40 ~~following the superintendent's finding of noncompliance. The~~



1 ~~superintendent shall take other appropriate actions to prevent~~
2 ~~noncompliant practices from occurring and report to the~~
3 ~~Legislature on those actions.~~

4 ~~(e) (1) If the pupil is enrolled in the nonpublic, nonsectarian~~
5 ~~school or agency with the approval of the district, special~~
6 ~~education local plan area, or county office prior to agreement to a~~
7 ~~contract or individual services agreement, the district, special~~
8 ~~education local plan area, or county office shall issue a warrant,~~
9 ~~upon submission of an attendance report and claim, for an amount~~
10 ~~equal to the number of creditable days of attendance at the per diem~~
11 ~~tuition rate agreed upon prior to the enrollment of the pupil. This~~
12 ~~provision shall be allowed for 90 days during which time the~~
13 ~~contract shall be consummated.~~

14 ~~(2) If after 60 days the master contract or individual services~~
15 ~~agreement has not been finalized as prescribed in paragraph (1) of~~
16 ~~subdivision (a), either party may appeal to the county~~
17 ~~superintendent of schools, if the county superintendent is not~~
18 ~~participating in the local plan involved in the nonpublic,~~
19 ~~nonsectarian school or agency contract, or the superintendent, if~~
20 ~~the county superintendent is participating in the local plan~~
21 ~~involved in the contract, to negotiate the contract. Within 30 days~~
22 ~~of receipt of this appeal, the county superintendent, or his or her~~
23 ~~designee, shall render a decision that shall be the final~~
24 ~~administrative decision which shall be binding upon both parties.~~

25 ~~(d) No master contract for special education and related~~
26 ~~services provided by a nonpublic, nonsectarian school or agency~~
27 ~~shall be authorized under this part unless the school or agency has~~
28 ~~been certified as meeting those standards relating to the required~~
29 ~~special education and specified related services and facilities for~~
30 ~~individuals with exceptional needs. The certification shall result~~
31 ~~in the school's or agency's receiving approval to educate pupils~~
32 ~~under this part for a period no longer than four years from the date~~
33 ~~of the approval.~~

34 ~~(e) By September 30, 1998, the procedures, methods, and~~
35 ~~regulations for the purposes of contracting for nonpublic,~~
36 ~~nonsectarian school and agency services pursuant to this section~~
37 ~~and for reimbursement pursuant to Sections 56836.16 and~~
38 ~~56836.20 shall be developed by the superintendent in consultation~~
39 ~~with statewide organizations representing providers of special~~
40 ~~education and designated instruction and services. The regulations~~



1 ~~shall be established by rules and regulations issued by the board.~~

2

3 SEC. 53. Section 56366.1 of the Education Code is amended
4 to read:

5 56366.1. (a) A nonpublic, nonsectarian school or agency that
6 seeks certification shall file an application with the superintendent
7 on forms provided by the department and include the following
8 information on the application:

9 (1) A description of the special education and designated
10 instruction and services provided to individuals with exceptional
11 needs if the application is for nonpublic, nonsectarian school
12 certification.

13 (2) A description of the designated instruction and services
14 provided to individuals with exceptional needs if the application
15 is for nonpublic, nonsectarian agency certification.

16 (3) A list of appropriately qualified staff, a description of the
17 credential, license, or registration that qualifies each staff member
18 to render special education or designated instruction and services,
19 and copies of their credentials, licenses, or certificates of
20 registration with the appropriate state or national organization that
21 has established standards for the service rendered.

22 (4) An annual operating budget.

23 (5) Affidavits and assurances necessary to comply with all
24 applicable federal, state, and local laws and regulations which
25 include criminal record summaries required of all nonpublic
26 school or agency personnel having contact with minor children
27 under Section 44237.

28 (b) If the applicant operates a facility or program on more than
29 one site, each site shall be certified.

30 (c) If the applicant is part of a larger program or facility on the
31 same site, the superintendent shall consider the effect of the total
32 program on the applicant. A copy of the policies and standards for
33 the nonpublic, nonsectarian school or agency and the larger
34 program shall be available to the superintendent.

35 (d) Prior to certification, the superintendent shall conduct an
36 onsite review of the facility and program for which the applicant
37 seeks certification. The superintendent may be assisted by
38 representatives of the special education local plan area in which the
39 applicant is located and a nonpublic, nonsectarian school or
40 agency representative who does not have a conflict of interest with



1 the applicant. The superintendent shall conduct an additional
2 onsite review of the facility and program within four years of the
3 certification effective date, unless the superintendent
4 conditionally certifies the school or agency or unless the
5 superintendent receives a formal complaint against the school or
6 agency. In the latter two cases, the superintendent shall conduct an
7 onsite review at least annually.

8 (e) The superintendent shall make a determination on an
9 application within 120 days of receipt of the application and shall
10 certify, conditionally certify, or deny certification to the applicant.
11 If the superintendent fails to take one of these actions within 120
12 days, the applicant is automatically granted conditional
13 certification for a period terminating on August 31, of the current
14 school year. If certification is denied, the superintendent shall
15 provide reasons for the denial. The superintendent may certify the
16 school or agency for a period of not longer than four years.

17 (f) Certification becomes effective on the date the nonpublic,
18 nonsectarian school or agency meets all the application
19 requirements and is approved by the superintendent. Certification
20 may be retroactive if the school or agency met all the requirements
21 of this section on the date the retroactive certification is effective.
22 Certification expires on December 31 of the terminating year.

23 (g) The superintendent shall annually review the certification
24 of each nonpublic, nonsectarian school and agency. For this
25 purpose, a certified school or agency shall annually update its
26 application between August 1 and October 31, unless the board
27 grants a waiver pursuant to Section 56101. The superintendent
28 may conduct an onsite review as part of the annual review.

29 (h) The superintendent may monitor a nonpublic, nonsectarian
30 school or agency onsite at any time without prior notice when there
31 is substantial reason to believe that there is an immediate danger
32 to the health, safety, or welfare of a child. The superintendent shall
33 document the concern and submit it to the nonpublic, nonsectarian
34 school or agency at the time of the onsite monitoring. The
35 superintendent shall require a written response to any
36 noncompliance or deficiency found.

37 (i) (1) Notwithstanding any other provision of law, the
38 superintendent may not certify a nonpublic, nonsectarian school
39 or agency that proposes to initiate or expand services to pupils
40 currently educated in the immediate prior fiscal year in a juvenile



1 court program, community school pursuant to Section 56150, or
2 other nonspecial education program, including independent study
3 or adult school, or both, unless the nonpublic, nonsectarian school
4 or agency notifies the county superintendent of schools and the
5 special education local plan area in which the proposed new or
6 expanded nonpublic, nonsectarian school or agency is located of
7 its intent to seek certification.

8 (2) The notification shall occur no later than the December 1
9 prior to the new fiscal year in which the proposed or expanding
10 school or agency intends to initiate services. The notice shall
11 include the following:

12 (A) The specific date upon which the proposed nonpublic,
13 nonsectarian school or agency is to be established.

14 (B) The location of the proposed program or facility.

15 (C) The number of pupils proposed for services, the number of
16 pupils currently served in the juvenile court, community school,
17 or other nonspecial education program, the current school services
18 including special education and related services provided for these
19 pupils, and the specific program of special education and related
20 services to be provided under the proposed program.

21 (D) The reason for the proposed change in services.

22 (E) The number of staff that will provide special education and
23 designated instruction and services and hold a current valid
24 California credential or license in the service rendered or
25 certificate of registration to provide occupational therapy.

26 (3) In addition to the requirements in subdivisions (a) through
27 (e), inclusive, the superintendent shall require and consider the
28 following in determining whether to certify a nonpublic,
29 nonsectarian school or agency as described in this subdivision:

30 (A) A complete statement of the information required as part
31 of the notice under paragraph (1).

32 (B) Documentation of the steps taken in preparation for the
33 conversion to a nonpublic, nonsectarian school or agency,
34 including information related to changes in the population to be
35 served and the services to be provided pursuant to each pupil's
36 individualized education program.

37 ~~(4) Unless the board grants a waiver pursuant to Section 56101,~~
38 ~~a new or expanded nonpublic, nonsectarian school or agency shall~~
39 ~~file an application for certification between January 1 and June 30~~
40 ~~of each year prior to the fiscal year. Before certifying the school~~



1 ~~or agency, the superintendent shall determine that certification of~~
2 ~~the new or expanding school or agency program is necessary for~~
3 ~~the provision of a free appropriate special education program to the~~
4 ~~affected pupils in the least restrictive environment.~~

5 ~~(5)–~~

6 (4) Notwithstanding any other provision of law, the
7 certification becomes effective no earlier than July 1, if the school
8 or agency provided the notification required pursuant to paragraph
9 (1).

10 (j) The school or agency shall be charged a reasonable fee for
11 certification. The superintendent may adjust the fee annually
12 commensurate with the statewide average percentage inflation
13 adjustment computed for revenue limits of unified school districts
14 with greater than 1,500 units of average daily attendance if the
15 percentage increase is reflected in the district revenue limit for
16 inflation purposes. For purposes of this section, the base fee shall
17 be the following:

18		
19	(1) 1– 5 pupils	\$ 150
20	(2) 6–10 pupils	250
21	(3) 11–24 pupils	500
22	(4) 25–75 pupils	750
23	(5) 76 pupils and over	1,000
24		

25 The school or agency shall pay this fee when it applies for
26 certification and when it updates its application for annual review
27 by the superintendent. The superintendent shall use these fees to
28 conduct onsite reviews, which may include field experts. No fee
29 shall be refunded if the application is withdrawn or is denied by the
30 superintendent.

31 (k) (1) Notwithstanding any other provision of law, only those
32 nonpublic, nonsectarian schools and agencies that provide special
33 education and designated instruction and services utilizing staff
34 who hold, or are receiving training under the supervision of staff
35 who hold, a current valid California credential or license in the
36 service rendered shall be eligible to receive certification. Only
37 those nonpublic, nonsectarian schools or agencies located outside
38 of California that employ staff who hold a current valid credential
39 or license to render special education and related services as
40 required by that state shall be eligible to be certified.



1 (2) Nothing in this subdivision restricts student teachers,
2 interns, or other staff who are enrolled in training programs that
3 lead to a license or credential that authorize the holder to render
4 services to special education pupils and who are under the direct
5 supervision of a staff member who holds a current valid California
6 credential, license, or certificate of registration document.

7 (3) A nonpublic, nonsectarian school or agency that employs
8 only persons who hold a valid California credential authorizing
9 substitute teaching pursuant to Section 56060 shall not be
10 certified. At least one full-time person with a current valid
11 California credential, license, or certificate of registration in the
12 area of service to be rendered, or a current valid credential, license,
13 or certificate of registration for appropriate special education and
14 related services rendered that is required in another state, shall be
15 required for purposes of certification under subdivision (d) of
16 Section 56366.

17 (4) A nonpublic, nonsectarian school or agency that employs
18 persons holding a valid emergency credential shall document
19 efforts of recruiting appropriately credentialed, licensed, or
20 registered personnel for the special education and related services
21 rendered as a condition of renewing certification.

22 (5) Not later than August 1, 1997, the State Board of Education
23 shall issue emergency regulations to implement the subdivision.
24 The emergency regulations shall be developed by the
25 Superintendent of Public Instruction, in collaboration with the
26 Commission on Teacher Credentialing and other public agencies
27 responsible for issuing licenses or certificates of registration to
28 individuals providing designated instruction and services to
29 individuals with exceptional needs. The regulations also shall be
30 developed in consultation with statewide organizations
31 representing public and nonpublic, nonsectarian schools or
32 agencies that provide special education and designated instruction
33 and services. The emergency regulations shall include, but shall
34 not be necessarily limited to, all of the following:

35 (A) Requirements for minimum personnel qualifications for
36 credentials to provide special education to individuals with
37 exceptional needs issued by the Commission on Teacher
38 Credentialing pursuant to this code and applicable federal laws.

39 (B) Requirements for minimum personnel qualifications for
40 licenses or certifications of registration to provide designated



1 instruction and services to individuals with exceptional needs
2 issued by the California Board of Medical Quality Assurance, the
3 Board of Behavioral Science Examiners, the Board of Consumer
4 Affairs, and other state licensure agencies that are authorized
5 under the Business and Professions Code to grant licenses or
6 certificates of registration that may be applicable to the provision
7 of designated instruction and services to individuals with
8 exceptional needs.

9 (C) Requirements for personnel who are not licensed or
10 credentialed to provide special education or designated instruction
11 and services to pupils under the supervision of a credentialed or
12 licensed professional in the service rendered, including direct and
13 nondirect supervision requirements established by this code and
14 the Business and Professions Code, and related regulations.

15 (D) Requirements for the certification of nonpublic,
16 nonsectarian schools and agencies to provide individual and group
17 designated instruction and services to individuals with exceptional
18 needs.

19 (6) For purposes of the Administrative Procedure Act, the
20 Legislature declares that the regulations issued pursuant to
21 paragraph (5) shall be deemed to be in response to an emergency
22 and necessary for the immediate preservation of the public peace,
23 health and safety, or general welfare by ensuring that all personnel
24 providing special education and designated instruction and
25 services to individuals with exceptional needs are appropriately
26 qualified to provide the services specified by a pupil's
27 individualized education program.

28 (l) The superintendent shall establish guidelines for the
29 implementation of subdivision (a) in consultation with statewide
30 organizations representing providers of special education and
31 designated instruction and services. The State Board of Education
32 shall approve the standards not later than August 1, 1997.

33 (m) (1) By September 30, 1998, the superintendent shall, in
34 consultation with statewide organizations representing providers
35 of special education and designated instruction and services,
36 develop the procedures, methods, and areas of certification,
37 including, but not limited to, the following:

38 (A) Information required for purposes of the application
39 specified in subdivision (a).



1 (B) Procedures for conducting onsite reviews of the nonpublic,
2 nonsectarian school or agency program.

3 (C) Provisions specific to minimum staff qualifications to
4 provide special education and designated instruction and services
5 that are required for certification.

6 (D) Provisions specific to the provision of special education
7 and related services to individuals with exceptional needs from
8 birth to preschool.

9 (2) The board shall issue as rules and regulations the
10 procedures, methods, and areas of certification developed
11 pursuant to paragraph (1).

12 (n) In addition to meeting the standards adopted by the board,
13 a nonpublic, nonsectarian school or agency shall provide written
14 assurances that it meets all applicable standards relating to fire,
15 health, sanitation, and building safety.

16 SEC. 54. Section 56391 of the Education Code is amended to
17 read:

18 56391. An individual with exceptional needs who meets the
19 criteria for a certificate or document described in Section 56390
20 shall be eligible to participate in any graduation ceremony and any
21 school activity related to graduation in which a pupil of similar age
22 without disabilities would be eligible to participate. The right to
23 participate in graduation ceremonies does not equate a certificate
24 or document described in Section 56390 with a regular high school
25 diploma.

26 SEC. 55. Section 56836.02 of the Education Code is amended
27 to read:

28 56836.02. (a) The superintendent shall apportion funds from
29 Section A of the State School Fund to districts and county offices
30 of education in accordance with the allocation plan adopted
31 pursuant to Section 56836.05, unless the allocation plan specifies
32 that funds be apportioned to the administrative unit of the special
33 education local plan area. If the allocation plan specifies that funds
34 be apportioned to the administrative unit of the special education
35 local plan area, the administrator of the special education local
36 plan area shall, upon receipt, distribute the funds in accordance
37 with the method adopted pursuant to subdivision (i) of Section
38 56195.7. The allocation plan shall, prior to submission to the
39 superintendent, be approved according to the local policymaking
40 process established by the special education local plan area.



1 (b) The superintendent shall apportion funds for regionalized
2 services and program specialists from Section A of the State
3 School Fund to the administrative unit of each special education
4 local plan area. Upon receipt, the administrator of a special
5 education local plan area shall direct the administrative unit of the
6 special education local plan area to distribute the funds in
7 accordance with the budget plan adopted pursuant to paragraph (1)
8 of subdivision (b) of Section 56205.

9 SEC. 56. Section 60061 of the Education Code is amended to
10 read:

11 60061. (a) A publisher or manufacturer shall do all of the
12 following:

13 (1) Furnish the instructional materials offered by the publisher
14 at a price in this state that, including all costs of transportation to
15 that place, does not exceed the lowest price at which the publisher
16 offers those instructional materials for adoption or sale to any state
17 or school district in the United States.

18 (2) Automatically reduce the price of those instructional
19 materials to any governing board to the extent that reductions are
20 made elsewhere in the United States.

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

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

29 (5) Not in any way, directly or indirectly, become associated or
30 connected with any combination in restraint of trade in
31 instructional materials, or enter into any understanding,
32 agreement, or combination to control prices or restrict competition
33 in the sale of instructional materials for use in this state.

34 (6) Maintain a representative, office, or depository in the State
35 of California or arrange with an independently owned and
36 operated depository in the State of California to receive and fill
37 orders for instructional materials.

38 (7) Provide to the state, at no cost, computer files or other
39 electronic versions of each state-adopted literary title and the right
40 to transcribe, reproduce, modify, and distribute the material in



1 Braille, large print if the publisher does not offer a large print
2 edition, recordings, American Sign Language videos for the deaf,
3 or other specialized accessible media exclusively for use by pupils
4 with visual disabilities or other disabilities that prevent use of
5 standard instruction materials. Computer files or other electronic
6 versions of instructional materials adopted for kindergarten and
7 grades 1 to 8, inclusive, and for grades 9 to 12, inclusive, shall be
8 provided within 30 days of a request by the state as needed for the
9 following purposes:

10 (A) Computer files or other electronic versions of literary titles
11 shall maintain the structural integrity of the standard instruction
12 materials, be compatible with commonly used Braille translation
13 and speech synthesis software, and include corrections and
14 revisions as may be necessary.

15 (B) Computer files or other electronic versions of nonliterary
16 titles, including science and mathematics, shall be provided when
17 technology is available to convert those materials to a format that
18 maintains the structural integrity of the standard instructional
19 materials and is compatible with Braille translation and speech
20 synthesis software.

21 (b) Upon the willful failure of the publisher or manufacturer to
22 comply with the requirements of this section, the publisher or
23 manufacturer be liable to the governing board in the amount of
24 three times the total sum that the publisher or manufacturer was
25 paid in excess of the price required under paragraphs (1), (2), and
26 (5) of subdivision (a), and in the amount of three times the total
27 value of the instructional materials and services that the governing
28 board is entitled to receive free of charge under subdivision (a).

29 SEC. 57. Section 60240 of the Education Code is amended to
30 read:

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



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

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

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

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

16 SEC. 58. Section 60313 of the Education Code is amended to
17 read:

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

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

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

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

38 SEC. 59. Section 60400 of the Education Code is amended to
39 read:



1 60400. The governing board of each school district
2 maintaining one or more high schools shall adopt instructional
3 materials for use in the high schools under its control. Only
4 instruction materials of those publishers who comply with the
5 requirements of Article 3 (commencing with Section 60040) and
6 Article 4 (commencing with Section 60060) of Chapter 1 of this
7 part and of Section 60226 may be adopted by the district board.

8 SEC. 60. Section 63051 of the Education Code is amended to
9 read:

10 63051. (a) The Superintendent of Public Instruction, with the
11 approval of the State Board of Education, shall select not more
12 than 75 school districts that apply to participate in the pilot project
13 established pursuant to this chapter.

14 (b) Each school district that applies to participate in the pilot
15 project established pursuant to this chapter shall submit a project
16 budget with the application. The project budget shall specify how
17 categorical program funding will be allocated or reallocated under
18 the pilot project. No school district may participate in the pilot
19 project unless the district's proposed plan is approved by the State
20 Board of Education.

21 (c) The superintendent shall determine the 25 largest school
22 districts in the state on the basis of pupil enrollment as of October
23 1999. From this list, the superintendent shall select no more than
24 one school district from the largest five school districts and no
25 more than four school districts from the remaining 20 largest
26 school districts to participate in the pilot project. If more than one
27 of the largest five school districts applies, or more than four school
28 districts from the remaining 20 school districts applies, the
29 superintendent shall select those school districts to participate in
30 the pilot project by lottery.

31 (d) After making selections pursuant to subdivision (b), the
32 superintendent may select up to 70 additional participants from
33 applicant school districts. The superintendent shall ensure that
34 participating school districts are broadly representative of the
35 state, including small school districts, urban school districts, rural
36 school districts, suburban school districts, elementary school
37 districts, high school districts, and unified school districts.

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



1 SEC. 61. Section 63052 of the Education Code is amended to
2 read:

3 63052. (a) A school district participating in the pilot project
4 is exempt from the program requirements and regulations for those
5 categorical education programs listed in Section 63050.

6 (b) Notwithstanding any other provision of law, a school
7 district participating in the pilot project shall receive the same
8 amount of funds for the following categorical programs while
9 participating in the pilot project as the school district received for
10 those programs in the year prior to participation in the pilot project,
11 plus growth and cost-of-living adjustments if approved in the
12 annual Budget Act, if the funding for the categorical program is
13 allocated directly from the state to the county treasurer on behalf
14 of the participating school district. For categorical programs from
15 the following list that are allocated to the participating school
16 district from a county office of education or some other nonstate
17 entity, the participating school district and nonstate entity may
18 determine whether the participating school district may include
19 funding for those programs in a cluster pursuant to the provisions
20 of this chapter:

21 (1) Administrator training and education as set forth in Article
22 3 (commencing with Section 44681) of Chapter 3.1 of Part 25.

23 (2) Agricultural vocational education incentives as set forth in
24 Article 7.5 (commencing with Section 52460) of Chapter 9 of Part
25 28.

26 (3) Bilingual Teacher Training and Assistance as set forth in
27 Article 4 (commencing with Section 52180) of Chapter 7 of Part
28 28.

29 (4) California Indian education centers as set forth in Article 6
30 (commencing with Section 33380) of Chapter 3 of Part 20.

31 (5) Demonstration programs in intensive instruction as set
32 forth in Chapter 4 (commencing with Section 58600) of Part 31.

33 (6) Dropout prevention as set forth in Article 6 (commencing
34 with Section 52890) of, and Article 7 (commencing with Section
35 52900) of Chapter 12 of Part 28, Article 7 (commencing with
36 Section 54720) of Chapter 9 of Part 29, and Chapter 3.5
37 (commencing with Section 58550) of Part 31.

38 (7) Early Intervention for School Success as set forth in Article
39 4.5 (commencing with Section 58685) of Chapter 9 of Part 29.

40 (8) Intersegmental Staff Development.



- 1 (9) High school coach training as set forth in Article 4.5
2 (commencing with Section 35179) of Chapter 2 of Part 21.
- 3 (10) Home-to-school transportation as set forth in Article 10
4 (commencing with Section 41850) of Chapter 5 of, and Article 4.5
5 (commencing with Section 42290) of Chapter 7 of Part 24.
- 6 (11) Reader services for the blind as set forth in Article 8.5
7 (commencing with Section 45370) of Chapter 5 of Part 25.
- 8 (12) Resource consortia as set forth in Article 2 (commencing
9 with Section 44680) of Chapter 3.1 of Part 25.
- 10 (13) School-based management and advanced career
11 opportunities for classroom teachers as set forth in Article 12
12 (commencing with Section 44666) of Chapter 3 of Part 25.
- 13 (14) Specialized secondary program grants as set forth in
14 Chapter 6 (commencing with Section 58800) of Part 31.
- 15 (15) Student vocational education organizations as set forth in
16 subdivision (b) of Section 19632 of the Business and Professions
17 Code.
- 18 (16) Voluntary desegregation as set forth in Section 42247 and
19 42249.
- 20 (17) Year-round school grants as set forth in Article 3
21 (commencing with Section 42260) of Chapter 7 of Part 24.
- 22 (c) A school district participating in the pilot project not
23 receiving funds for any of the categorical programs listed in
24 subdivision (b), may apply for funding while participating in the
25 pilot project subject to the application and eligibility requirements
26 of those programs. If the school district is approved to receive
27 funding, the school district shall comply with the statutory and
28 regulatory requirements of those programs for the first fiscal year
29 the school district receives funds for the programs, and the funds
30 shall not be included in the appropriate cluster described in Section
31 63050. The school district may choose to include the funds in the
32 appropriate cluster in the following fiscal year and each
33 subsequent fiscal year for the life of the pilot project.
- 34 (d) For a school district participating in the pilot project,
35 funding for the following categorical programs shall be
36 determined according to statutes and regulations governing the
37 allocation of funds for these programs:
- 38 (1) Economic Impact Aid (Article 2 (commencing with
39 Section 54020) of Chapter 1 of Part 29).



1 (2) Foster youth programs as set forth in Chapter 11.3
2 (commencing with Section 42920) of Part 24.

3 (3) Gifted and Talented Pupils (Chapter 8 (commencing with
4 Section 52200) of Part 28).

5 (4) Improvement of elementary and secondary education as set
6 forth in Chapter 6 (commencing with Section 52000) of Part 28.

7 (5) Miller-Unruh Basic Reading Act of 1965 (Chapter 2
8 (commencing with Section 54100) of Part 29).

9 (6) Opportunity classes and programs as set forth in Article 2.3
10 (commencing with Section 48643) of Chapter 4 of Part 27.

11 (7) School development plans as set forth in Article 1
12 (commencing with Section 44670.1) of Chapter 3.1 of Part 25.

13 (8) Tenth grade counseling as set forth in Sections 48431.6 and
14 48431.7.

15 (e) A school district participating in the pilot project shall not
16 be entitled to receive, and may not receive, funding in replacement
17 of categorical funds that have been redirected or otherwise reduced
18 pursuant to this chapter. This subdivision may not be construed to
19 prevent a school district from receiving funds that the district is
20 otherwise eligible to receive for cost-of-living adjustments, or
21 growth adjustments that are allocated in accordance with this code,
22 unless otherwise provided for in the annual budget process.

23 SEC. 62. Section 78300 of the Education Code is amended to
24 read:

25 78300. (a) The governing board of any community college
26 district may, without the approval of the Board of Governors of the
27 California Community Colleges, establish and maintain
28 community service classes in civic, vocational, literacy, health,
29 homemaking, technical and general education, including, but not
30 limited to, classes in the fields of visual and performing arts,
31 handicraft, science, literature, nature study, nature contacting,
32 aquatic sports and athletics. These classes shall be designed to
33 provide instruction and to contribute to the physical, mental,
34 moral, economic, or civic development of the individuals or
35 groups enrolled therein.

36 (b) Community service classes shall be open for the admission
37 of adults and of those minors as in the judgment of the governing
38 board may profit therefrom.

39 (c) Governing boards shall not expend General Fund moneys
40 to establish and maintain community service classes. Governing



1 boards may charge students enrolled in community service classes
2 a fee not to exceed the cost of maintaining community service
3 classes, or may provide instruction in community service classes
4 for remuneration by contract, or with contributions or donations
5 of individuals or groups. The board of governors shall adopt
6 guidelines defining the acceptable reimbursable costs for which a
7 fee may be charged and shall collect data and maintain uniform
8 accounting procedures to ensure that General Fund moneys are not
9 used for community services classes.

10 SEC. 63. Section 89230 of the Education Code is amended to
11 read:

12 89230. “Instructionally related activities” means those
13 activities and laboratory experiences that are at least partially
14 sponsored by an academic discipline or department and that are,
15 in the judgment of the president of a particular campus, with the
16 approval of the trustees, integrally related to its formal
17 instructional offerings.

18 Activities that are considered to be essential to a quality
19 educational program and an important instructional experience for
20 any student enrolled in the respective program may be considered
21 instructionally related activities.

22 Instructionally related activities include, but are not limited to,
23 all of the following:

24 (a) Intercollegiate athletics: costs that are necessary for a basic
25 competitive program including equipment and supplies and
26 scheduled travel, not provided by the state. Athletic grants should
27 not be included.

28 (b) Radio, television, film: costs related to the provisions of
29 basic “hands-on” experience not provided by the state. Purchase
30 or rental of films as instructional aids shall not be included.

31 (c) Music and dance performance: costs to provide experience
32 in individual and group performance, including recitals, before
33 audiences and in settings sufficiently varied to familiarize students
34 with the performance facet of the field.

35 (d) Theatre and musical productions: basic support of
36 theatrical and operatic activities sufficient to permit experience
37 not only in actual performance, but in production, direction, set
38 design, and other elements considered a part of professional
39 training in these fields.



1 (e) Art exhibits: support for student art shows given in
2 connection with degree programs.

3 (f) Publications: the costs to support and operate basic
4 publication programs including a periodic newspaper and other
5 laboratory experience basic to journalism and literary training.
6 Additional publications designed primarily to inform or entertain
7 shall not be included.

8 (g) Forensics: activities designed to provide experience in
9 debate, public speaking, and related programs, including travel
10 required for a competitive debate program.

11 (h) Other activities: activities associated with other
12 instructional areas that are consistent with purposes included in the
13 above may be added as they are identified.

14 Pursuant to this section and other provisions of this code, the
15 Chancellor of the California State University shall develop a
16 program of fiscal support and shall consult with the California
17 State Student Association, the Academic Senate, and the
18 Chancellor's Council of Presidents regarding the program.

19 This section shall not become operative unless funds are
20 appropriated to meet the instructionally related needs of the
21 campuses of the California State University.

22 SEC. 64. Section 99223 of the Education Code is amended to
23 read:

24 99223. The Regents of the University of California are
25 requested to jointly develop with the Trustees of the California
26 State University and the independent colleges and universities, the
27 Algebra Academies Professional Development Institutes, to be
28 administered by the university, in partnership with the California
29 State University and with private, independent universities in
30 California, in accordance with all of the following criteria:

31 (a) In July 2000, the University of California and its institutes'
32 partners shall commence instruction for 1,000 participants who
33 either provide direct instruction in prealgebra and algebra to pupils
34 in grades 7 and 8, or supervise beginning teachers of algebra.

35 (b) (1) The institutes shall provide instruction for school teams
36 from each participating school. These school teams may include
37 both beginning and experienced teachers and the schoolsite
38 administrator.



1 (2) Criteria and priority for selection of participating school
2 teams shall include, but are not necessarily limited to, all of the
3 following:

4 (A) Schools whose pupils' scores on the mathematics portion
5 of the achievement test authorized by Section 60640 are at or
6 below the 40th percentile.

7 (B) Teams composed of a large percentage of members of their
8 schools' mathematics departments, which may include the chair of
9 that department.

10 (C) Schools with high poverty levels, as determined by the
11 percentage of pupils eligible for free or reduced price meals.

12 (D) Schools with a high number of beginning and
13 noncredentialed teachers.

14 (E) Schools that have adopted standards-based materials
15 approved by the State Board of Education.

16 (3) In any fiscal year, if funding is inadequate to accommodate
17 the participation of all eligible school teams, first priority shall be
18 given to schools that meet the criteria described in subparagraph
19 (D) of paragraph (2).

20 (c) (1) The institutes shall provide instruction in the teaching
21 of prealgebra and algebra in a manner consistent with the standard
22 for a comprehensive mathematics instruction program that is
23 research-based and shall include all of the following components:

24 (A) Instruction in prealgebra and algebra that will enhance the
25 ability of teachers to prepare pupils for the achievement test
26 authorized pursuant to Section 60640 and the high school exit
27 examination authorized pursuant to Section 60850.

28 (B) Ongoing diagnostic techniques that inform teaching and
29 assessment.

30 (C) Early intervention techniques for pupils experiencing
31 difficulty in prealgebra and algebra.

32 (2) Instruction provided pursuant to this section shall be
33 consistent with state-adopted academic content standards and with
34 the curriculum frameworks on mathematics for kindergarten and
35 grades 1 to 12, inclusive, that are adopted by the State Board of
36 Education.

37 (d) Each participant who satisfactorily completes an institute
38 authorized by this section shall receive a stipend, commensurate
39 with the duration of the institute, of not less than one thousand



1 dollars (\$1,000) nor more than two thousand dollars (\$2,000), as
2 determined by the University of California.

3 (e) In order to provide maximum access, the institutes shall be
4 offered on multiple university and college campuses that are
5 widely distributed throughout the state. Instruction at the institutes
6 shall consist of an intensive, sustained training period of no less
7 than 40 hours during the summer or during an intersession break,
8 and shall be supplemented, during the following school year, with
9 no fewer than the equivalent of five additional days of instruction
10 and schoolsite meetings, held on at least a monthly basis, to focus
11 on the academic progress of that school's pupils in prealgebra and
12 algebra.

13 (f) Teachers attending the institutes authorized by this section
14 shall, as a condition of attendance and subsequent to that
15 attendance, serve as instructors in the program authorized by
16 Chapter 18 (commencing with Section 53091) of Part 28. These
17 teachers shall continue to receive followup professional
18 development during the same time period they are providing
19 instruction. Followup professional development during this time
20 period shall occur outside of instructional time.

21 (g) It is the intent of the Legislature that a local education
22 agency or postsecondary institution that offers an accredited
23 program of professional preparation consider providing partial
24 and proportional credit toward satisfaction of mathematics course
25 requirements to an enrolled candidate who satisfactorily
26 completes an Algebra Academies Professional Development
27 Institute if the institute has been certified by the Commission on
28 Teacher Credentialing as meeting mathematics standards.

29 SEC. 65. Section 3540.2 of the Government Code is amended
30 to read:

31 3540.2. (a) A school district that has a qualified or negative
32 certification pursuant to Section 42131 of the Education Code
33 shall allow the county office of education in which the school
34 district is located at least six working days to review and comment
35 on any proposed agreement made between the exclusive
36 representative and the public school employer, or designated
37 representatives of the employer, pursuant to this chapter. The
38 school district shall provide the county superintendent of schools
39 with all information relevant to yield an understanding of the
40 financial impact of that agreement.



1 (b) The Superintendent of Public Instruction shall develop a
2 format for use by the appropriate parties in generating the financial
3 information required pursuant to subdivision (a).

4 (c) The county superintendent of schools shall notify the school
5 district publicly within those six days if, in his or her opinion, the
6 agreement reviewed pursuant to subdivision (a) would endanger
7 the fiscal well-being of the school district.

8 (d) A school district shall provide the county superintendent of
9 schools, upon request, with all information relevant to provide an
10 understanding of the financial impact of any final collective
11 bargaining agreement reached pursuant to Section 3543.2.

12 (e) A county office of education that has a qualified or negative
13 certification pursuant to Section 1240 of the Education Code shall
14 allow the Superintendent of Public Instruction at least six working
15 days to review and comment on any proposed agreement made
16 between the exclusive representative and the public school
17 employer, or designated representatives of the employer, pursuant
18 to this chapter. The county office shall provide the Superintendent
19 of Public Instruction with all information relevant to yield an
20 understanding of the financial impact of that agreement. The
21 Superintendent of Public Instruction shall notify the county office
22 of education publicly within those six days if, in his or her opinion,
23 the proposed agreement would endanger the fiscal well-being of
24 the county office.

25 ~~SEC. 66.—Section 42 of Chapter 71 of the Statutes of 2000, as~~
26 ~~amended by Section 129 of Chapter 1058 of the Statutes of 2000,~~
27 ~~is amended to read:~~

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

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

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



- 1 ~~(3) Eighty thousand dollars (\$80,000) for allocation on a~~
2 ~~one-time basis to the Santa Ana Unified School District for~~
3 ~~playground equipment for the Romero Cruz Elementary School.~~
- 4 ~~(4) One hundred fifty five thousand dollars (\$155,000) for~~
5 ~~allocation on a one-time basis to the Centralia Elementary School~~
6 ~~District for playground equipment for the San Marino and~~
7 ~~Danbrook elementary schools.~~
- 8 ~~(5) Two hundred thousand dollars (\$200,000) for allocation on~~
9 ~~a one-time basis to the Long Beach Unified School District for~~
10 ~~renovation of the swimming pool at Jordan High School.~~
- 11 ~~(6) Four hundred thousand dollars (\$400,000) for allocation on~~
12 ~~a one-time basis to the Culver City Unified School District to~~
13 ~~repair the track at Culver City High School.~~
- 14 ~~(7) Fifteen thousand dollars (\$15,000) for allocation on a~~
15 ~~one-time basis to Raisin City Elementary School District for the~~
16 ~~Raisin City library.~~
- 17 ~~(8) Fifty thousand dollars (\$50,000) for allocation on a~~
18 ~~one-time basis to the El Nido Elementary School District for~~
19 ~~air-conditioning at El Nido Elementary.~~
- 20 ~~(9) Sixty-two thousand dollars (\$62,000) on a one-time basis~~
21 ~~to the Hilmar Unified School District for street access at Hilmar~~
22 ~~Middle School, to the extent that this funding remains available.~~
- 23 ~~(10) Seventy five thousand dollars (\$75,000) for allocation on~~
24 ~~a one-time basis to the Wasco Union High School District for~~
25 ~~air-conditioning for the Wasco High School auditorium.~~
- 26 ~~(11) One hundred thirty thousand dollars (\$130,000) for~~
27 ~~allocation on a one-time basis to the San Diego City Unified~~
28 ~~School District for an ADA Tot Lot upgrade at the Aleott~~
29 ~~Elementary School.~~
- 30 ~~(12) One hundred thirty nine thousand dollars (\$139,000) for~~
31 ~~allocation on a one-time basis to the Las Deltas Unified School~~
32 ~~District for a water well.~~
- 33 ~~(13) Two hundred fifty thousand dollars (\$250,000) for~~
34 ~~allocation on a one-time basis to the Compton Unified School~~
35 ~~District for a pool at Compton High School.~~
- 36 ~~(14) Three hundred fifty thousand dollars (\$350,000) for~~
37 ~~allocation on a one-time basis to the Fremont Union High School~~
38 ~~District for a swimming pool at Fremont High School.~~



- 1 ~~(15) Five hundred thousand dollars (\$500,000) for allocation~~
2 ~~on a one-time basis to the Baldwin Park Unified School District for~~
3 ~~the DREAM project.~~
- 4 ~~(16) Two hundred thousand dollars (\$200,000) for allocation~~
5 ~~on a one-time basis to Montebello Unified School District for~~
6 ~~natural gas powered delivery trucks and a natural gas fueling~~
7 ~~station.~~
- 8 ~~(17) Two hundred thousand dollars (\$200,000) for allocation~~
9 ~~on a one-time basis to the Burbank Unified School District to~~
10 ~~continue an innovative literacy program.~~
- 11 ~~(18) Three hundred thousand dollars (\$300,000) for allocation~~
12 ~~on a one-time basis to the Temple City Unified School District Arts~~
13 ~~Academy.~~
- 14 ~~(19) One hundred fifty thousand dollars (\$150,000) for~~
15 ~~allocation on a one-time basis to the Pasadena Unified School~~
16 ~~District for the Pasadena Multipurpose Athletic Field.~~
- 17 ~~(20) Three hundred sixty thousand dollars (\$360,000) for~~
18 ~~allocation on a one-time basis to the Santa Barbara High School~~
19 ~~District for soccer and baseball fields.~~
- 20 ~~(21) Five million dollars (\$5,000,000) for allocation on a~~
21 ~~one-time basis to the Alvord Unified School District for~~
22 ~~construction costs associated with the Center for Primary~~
23 ~~Education.~~
- 24 ~~(22) Five hundred thousand dollars (\$500,000) for allocation~~
25 ~~on a one-time basis to the Gonzales Unified School District for~~
26 ~~slough repair costs.~~
- 27 ~~(23) Two hundred seventy thousand dollars (\$270,000) for~~
28 ~~allocation on a one-time basis to the Madera Unified School~~
29 ~~District for the Madera Safe Schools and Recreation Route.~~
- 30 ~~(24) Two hundred eighty five thousand dollars (\$285,000) for~~
31 ~~allocation on a one-time basis to the Chatom Union Elementary~~
32 ~~School District to offset declining average daily attendance~~
33 ~~funding and to purchase school buses.~~
- 34 ~~(25) Six hundred thousand dollars (\$600,000) for allocation on~~
35 ~~a one-time basis to the Orinda Union Elementary School District~~
36 ~~to improve pedestrian and vehicle safety.~~
- 37 ~~(26) Four hundred seventy five thousand dollars (\$475,000)~~
38 ~~for allocation on a one-time basis to the Millbrae Elementary~~
39 ~~School District for declining enrollment.~~



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

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

7 ~~(29) One hundred five thousand dollars (\$105,000) for~~
8 ~~allocation on a one-time basis to the Borrego Springs Unified~~
9 ~~School District for a football field facility at the Borrego Springs~~
10 ~~High School.~~

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

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

17 ~~(32) Three million seven hundred thousand dollars~~
18 ~~(\$3,700,000) for allocation on a one-time basis to the Clovis and~~
19 ~~Fresno Unified School Districts for the Center for Advanced~~
20 ~~Research and Technology.~~

21 ~~(b) For purposes of making the computations required by~~
22 ~~Section 8 of Article XVI of the California Constitution, the~~
23 ~~appropriation made by subdivision (a), except the amount~~
24 ~~specified in paragraph (1), shall be deemed to be "General Fund~~
25 ~~revenues appropriated to school districts," as defined in~~
26 ~~subdivision (c) of Section 41202 of the Education Code for the~~
27 ~~1999-2000 fiscal year and included within the "total allocations~~
28 ~~to school districts and community college districts from General~~
29 ~~Fund proceeds of taxes appropriated pursuant to Article XIII B"~~
30 ~~as defined in subdivision (e) of Section 41202 of the Education~~
31 ~~Code, for the 1999-2000 fiscal year.~~

32 ~~SEC. 67.—~~

33 ~~SEC. 66.~~ Section 3 of Chapter 1024 of the Statutes of 2000 is
34 amended to read:

35 Sec. 3. It is the intent of the Legislature that any modification
36 to coursework required by this act shall result in neither additional
37 classes nor in additional costs, but that any modification to
38 coursework shall be incorporated into the requirements of
39 subparagraph (B) of paragraph (1) of subdivision (a) of Section
40 51225.3 of the Education Code.



1 ~~SEC. 68.~~—

2 *SEC. 67. The sum of sixty-two thousand dollars (\$62,000)*
3 *appropriated from the Proposition 98 Reversion Account in*
4 *schedule 9 of Section 42 of Chapter 71 of the Statutes of 2000, as*
5 *amended by Section 129 of Chapter 1058 of the Statutes of 2000,*
6 *is hereby reappropriated for allocation on a one-time basis to the*
7 *Hilmar Unified School District for street access at Hilmar Middle*
8 *School, to the extent that this funding remains available.*

9 *SEC. 68. Notwithstanding any other provision of law, the total*
10 *apportionment by the Superintendent of Public Instruction to the*
11 *Compton Unified School District funding for the K-3, Class Size*
12 *Reduction Program pursuant to Chapter 6.10 (commencing with*
13 *Section 52120) of Part 28 of the Education Code for the*
14 *1999–2000 fiscal year shall be an amount equal to nine million six*
15 *hundred ninety-five thousand twenty-eight dollars (\$9,695,028).*

16 *SEC. 69. This act is an urgency statute necessary for the*
17 *immediate preservation of the public peace, health, or safety*
18 *within the meaning of Article IV of the Constitution and shall go*
19 *into immediate effect. The facts constituting the necessity are:*

20 *In order to ensure that the various programs affected by this act*
21 *are properly implemented, pursuant to the clarifying, technical,*
22 *and other changes made by this act, it is necessary that this act take*
23 *effect immediately.*

