

AMENDED IN SENATE SEPTEMBER 7, 2001

AMENDED IN SENATE AUGUST 22, 2001

AMENDED IN SENATE JULY 18, 2001

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, 17582, 17584, 22303.5, 32228, 32228.1, 33533, 37220.6, 41374, 41409, 42238.44, 42239.15, ~~42239.2~~, 42650, 42850, 44503, ~~46190~~, 47773, 48264.5, 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~~, 69995, 69996, 69997, 69998, 78300, 89230, and 99223 of, to amend *and renumber* 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 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~~ Sections 3540.2, 4420.5, 6516.6, and 8869.84 of the Government Code, to amend Section 3 of Chapter 1024 of the Statutes of 2000, and to amend Items 6110-001-0890, 6110-165-0001, 6110-210-0001, 6110-295-0001, and 6110-485 of Section 2.00 of the Budget Act of 2001, 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 *the* 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 *program for the benefit of all 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 *if an individual wants to return to the classroom after 39 months.*

(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.

(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.

(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 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)~~

(13) 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)~~

(14) 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)~~

(15) *Existing law subjects a minor who is a truant to certain sanctions including being classified as a habitual truant upon the minor's 4th truancy within the same school year.*

This bill would also authorize a minor who is a truant to be required to attend make up classes conducted on one day of a weekend and would classify the minor as a habitual truant upon his or her 3rd, rather than 4th, truancy within the same school year.

(16) 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.

~~(19)~~

(17) 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.

~~(20)~~

(18) 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.

~~(21)~~

(19) Existing law; *establishes* 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)~~

(20) 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.~~

~~(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.~~

~~(25)~~

~~(21) Existing law establishes the Intensive Algebra Instruction Academies Program.~~

~~This bill would renumber the provisions governing that program.~~

~~(26)~~

~~(22) 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. 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.~~

~~(27)~~

~~(23) 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.

~~(28)~~

(24) 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.

~~(29)~~

(25) 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.

~~(30)~~

(26) 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.

~~(31)~~

(27) 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.

(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.~~

(33)

(28) Existing law establishes the Governor's Scholars Program under which a pupil may receive a scholarship for attaining a score on the reading and mathematics portions of the nationally normed statewide achievement test that places the pupil in the top 5% of test takers in his or her grade level statewide or in the top 10% of test takers in his or her grade level in the comprehensive public high school attended by the pupil. In order for a pupil to be eligible for a scholarship under the Governor's Scholars Program, the pupil is required, among other things, to attend a California public school for at least one continuous year prior to the administration of the statewide achievement test upon which the award is based.

This bill would instead require the pupil to have been enrolled at a California public school for at least 12 consecutive months immediately preceding the administration of that test, would provide that a pupil attending any California public school is eligible for the 5% award, would include the California Schools for the Deaf and the California School for the Blind as "comprehensive high schools," and would require that pupils attending these state schools who met the criteria for an award for tests taken in 2000 be given an award.



(29) Existing law establishes the Governor's Distinguished Mathematics and Science Scholars Program, under which a pupil may receive a scholarship for demonstrating specified high academic achievement in mathematics and the sciences, and requires that a pupil, among other things, earn an award under the Governor's Scholars Program to be eligible.

This bill would provide that test scores that are required to be attained for the award of a scholarship under the Governor's Distinguished Mathematics and Science Program, but that are attained before the award of a scholarship under the Governor's Scholars Program, may be used to satisfy the requirements of the Governor's Distinguished Mathematics and Science Program even if the scores were earned before January 1, 2000, but would prohibit a pupil from claiming an award under the Governor's Distinguished Mathematics and Science Program until the pupil has earned an award under the Governor's Scholars Program.

(30) 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.

~~(34)~~

(31) Existing law prohibits a state or local government agency, in connection with competitive bidding for a public building or construction contract, from requiring a bidder to obtain a surety bond or insurance in connection with the project from a particular surety or insurance company, agent, or broker, and authorizes use of owner-controlled or wrap-up insurance on a construction or renovation program for which the total cost exceeds \$50,000,000 if the agency meets certain conditions and certifies that it has made certain determinations. Existing law exempts a construction or renovation project undertaken by a school district from these provisions.

This bill would also exempt a community college district.

(32) Existing law authorizes a joint powers authority to issue bonds in order to purchase or acquire, by sale, assignment, pledge, or other

transfer, any or all right, title, and interest of any local agency in and to the enforcement and collection of delinquent and uncollected property taxes, assessments, and other receivables that have been levied by or on behalf of the local agency and placed for collection on the secured, unsecured, or supplemental property tax rolls. Existing law authorizes school districts, among others, to sell, assign, pledge, or otherwise transfer to a joint powers authority their right, title, and interest in and to the enforcement and collection of delinquent and uncollected property taxes, assessments, and other receivables that have been levied by or on behalf of the local agency for collection on the secured, unsecured, or supplemental property tax rolls.

Under existing law, a school district that participates in a joint powers authority using this financing mechanism is required to report an amount equal to 100% of the school district's allocable share of the taxes levied for the fiscal year on its behalf and requires 100% of the school district's allocable share of the delinquent taxes levied for the fiscal year, whether or not the delinquent taxes are ever collected, to be paid by the joint powers authority to the county auditor and distributed to the school district by the county auditor in the same time and manner otherwise specified for the distribution of tax revenues generally to school districts pursuant to current law.

This bill would adjust the amounts to be reported by school districts participating in a joint powers authority and the amounts to be paid by the joint powers authority to the county auditor for distribution to school districts.

(33) Existing law authorizes the California Debt Limitation Allocation Committee to establish the Extra Credit Teacher Home Purchase Program to provide federal mortgage credit certificates and reduced interest rate loans to eligible teachers, principals, vice principals, and assistant principals who agree to teach or provide administration in a low-performing school and defines a low-performing school.

This bill would revise the definition of low-performing schools.

(34) Existing law requires that certain funds appropriated in the Budget Act of 2001 be used solely for the purposes of activities associated with ensuring that the High School Exit Examination and standards-based achievement test are aligned to the state-adopted academic standards.



This bill would allow those funds to also be used for the purpose of additional psychometric and contracting support for those tests thereby making an appropriation.

(35) Existing law makes available certain funds for the purpose of matching Workforce Invest Act funds and requires the Superintendent of Public Instruction to allocate those funds according to specified priorities.

This bill would instead make those funds available for allocation to support CalWORKs participants who are eligible for youth services in the federal Workforce Investment Act thereby making an appropriation.

(36) Existing law appropriates certain funds for allocation to school districts, county offices of education, and charter schools on the basis of average daily attendance and average daily enrollment in preschool and child care programs operated on schoolsites and requires the average daily enrollment of children served in preschool and child care development programs to be determined by dividing an agency's total number of child days of enrollment in these programs by 180 days.

This bill would instead require an agency's total number of child days of enrollment to be divided by 175 for a preschool program, 246 days for a general or migrant childcare program, or 160 days for a schoolage community child care program. The bill would also define schoolsite for these purposes.

(37) 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 reappropriate the funds for the purposes of street access at Hilmar Middle School to the extent that funding remains available.

(38) Existing law established the Class Size Reduction Program and provides for state apportionments to implement a class size reduction program for kindergarten and grades 1 to 3, inclusive.

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.

(35)

(39) Existing law appropriated \$350,000,000 for allocation on a one-time basis to school districts, county offices of education, and charter schools for the Academic Performance Index Schoolsites Employees Performance Bonus with 50% of the funds to be used to

provide one-time bonuses, to employees and the other 50% to be used at the discretion of the schoolsite for any one-time purpose.

This bill would require that school agency administrative costs and salary-driven benefit costs to be paid from funds appropriated for the schoolsite portion of the funds.

(40) 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.

~~(36)~~

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

~~(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)~~

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

Vote: ²/₃. Appropriation: 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:
- 3 8208. As used in this chapter:
- 4 (a) "Alternative payments" includes payments that are made
- 5 by one child care agency to another agency or child care provider
- 6 for the provision of child care and development services, and
- 7 payments that are made by an agency to a parent for the parent's
- 8 purchase of child care and development services.
- 9 (b) "Alternative payment program" means a local government
- 10 agency or nonprofit organization that has contracted with the

1 department pursuant to Section 8220.2 to provide alternative
2 payments and to provide support services to parents and providers.

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

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

16 (e) “Attendance” means the number of children present at a
17 child care and development facility. “Attendance,” for the
18 purposes of reimbursement, includes excused absences by
19 children because of illness, quarantine, illness or quarantine of
20 their parent, family emergency, or to spend time with a parent or
21 other relative as required by a court of law or that is clearly in the
22 best interest of the child.

23 (f) “Capital outlay” means the amount paid for the renovation
24 and repair of child care and development facilities to comply with
25 state and local health and safety standards, and the amount paid for
26 the state purchase of relocatable child care and development
27 facilities for lease to qualifying contracting agencies.

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

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

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

- 39 (1) Campus child care and development.
40 (2) General child care and development.

- 1 (3) Intergenerational child care and development.
- 2 (4) Migrant worker child care and development.
- 3 (5) Child care provided by the California School Age Families
- 4 Education Program (Article 7.1 (commencing with Section
- 5 54740) of Chapter 9 of Part 29.
- 6 (6) State preschool.
- 7 (7) Resource and referral.
- 8 (8) Severely handicapped.
- 9 (9) Family day care.
- 10 (10) Alternative payment.
- 11 (11) Child abuse protection and prevention services.
- 12 (12) Schoolage community child care.
- 13 (j) “Child care and development services” means those
- 14 services designed to meet a wide variety of needs of children and
- 15 their families, while their parents or guardians are working, in
- 16 training, seeking employment, incapacitated, or in need of respite.
- 17 These services may include direct care and supervision,
- 18 instructional activities, resource and referral programs, and
- 19 alternative payment arrangements.
- 20 (k) “Children at risk of abuse, neglect, or exploitation” means
- 21 children who are so identified in a written referral from a legal,
- 22 medical, or social service agency, or emergency shelter.
- 23 (l) “Children with exceptional needs” means children who
- 24 have been determined to be eligible for special education and
- 25 related services by an individualized education program team
- 26 according to the special education requirements contained in Part
- 27 30 (commencing with Section 56000), and meeting eligibility
- 28 criteria described in Section 56026 and Sections 56333 to 56338,
- 29 inclusive, and Sections 3030 and 3031 of Title 5 of the California
- 30 Code of Regulations. These children have an active individualized
- 31 education program, and are receiving appropriate special
- 32 education and services, unless they are under three years of age and
- 33 permissive special education programs are available. These
- 34 children may be developmentally disabled, hard-of-hearing, deaf,
- 35 speech impaired, visually handicapped, seriously emotionally
- 36 disturbed, orthopedically impaired, other health impaired,
- 37 deaf-blind, multihandicapped, or children with specific learning
- 38 disabilities, who require the special attention of adults in a child
- 39 care setting.



1 (m) “Children with special needs” includes infants and
2 toddlers under the age of three years;
3 limited-English-speaking-proficient children; children with
4 exceptional needs; limited-English-proficient handicapped
5 children; and children at risk of neglect, abuse, or exploitation.

6 (n) “Closedown costs” means reimbursements for all
7 approved activities associated with the closing of operations at the
8 end of each growing season for migrant child development
9 programs only.

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

24 (p) “Elementary school,” as contained in Section 425 of Title
25 20 of the United States Code (the National Defense Education Act
26 of 1958, Public Law 85-864, as amended), includes early
27 childhood education programs and all child development
28 programs, for the purpose of the cancellation provisions of loans
29 to students in institutions of higher learning.

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

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

34 (2) Health screening and health treatment, including a full
35 range of immunization recorded on the appropriate state
36 immunization form to the extent provided by the Medi-Cal Act
37 (Chapter 7 (commencing with Section 14000) of Part 3 of Division
38 9 of the Welfare and Institutions Code) and the Child Health and
39 Disability Prevention Program (Article 6 (commencing with
40 Section 124025) of Chapter 3 of Part 2 of Division 106 of the

1 Health and Safety Code), but only to the extent that ongoing care
2 cannot be obtained utilizing community resources.

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

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

7 (r) “Higher educational institutions” means the Regents of the
8 University of California, the Trustees of the California State
9 University, the Board of Governors of the California Community
10 Colleges, and the governing bodies of any accredited private
11 nonprofit institution of postsecondary education.

12 (s) “Intergenerational staff” means persons of various
13 generations.

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

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

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

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

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

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

29 (x) “Resource and referral programs” means programs that
30 provide information to parents, including referrals and
31 coordination of community resources for parents and public or
32 private providers of care. Services frequently include, but are not
33 limited to: technical assistance for providers, toy-lending libraries,
34 equipment-lending libraries, toy- and equipment-lending
35 libraries, staff development programs, health and nutrition
36 education, and referrals to social services.

37 (y) “Severely handicapped children” are children who require
38 instruction and training in programs serving pupils with the
39 following profound disabilities: autism, blindness, deafness,
40 severe orthopedic impairments, serious emotional disturbance, or



1 severe developmental disability. These children, ages birth to 21
2 years, inclusive, may be assessed by public school special
3 education staff, regional center staff, or another appropriately
4 licensed clinical professional.

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

13 (aa) (1) “Site supervisor” means a person who, regardless of
14 his or her title, has operational program responsibility for a child
15 care and development program at a single site. A site supervisor
16 shall hold a permit issued by the Commission on Teacher
17 Credentialing that authorizes supervision of a child care and
18 development program operating in a single site. The
19 Superintendent of Public Instruction may waive the requirements
20 of this subdivision if the superintendent determines that the
21 existence of compelling need is appropriately documented.

22 (2) In respect to state preschool programs, a site supervisor may
23 qualify under any of the provisions in this subdivision, or may
24 qualify by holding an administrative credential or an
25 administrative services credential. A person who meets the
26 qualifications of a site supervisor under both Section 8244 and
27 subdivision (e) of Section 8360.1 is also qualified under this
28 subdivision.

29 (ab) “Standard reimbursement rate” means that rate
30 established by the Superintendent of Public Instruction pursuant
31 to Section 8265.

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

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

38 (ae) “Support services” means those services which, when
39 combined with child care and development services, help promote
40 the healthy physical, mental, social, and emotional growth of

1 children. Support services include, but are not limited to:
2 protective services, parent training, provider and staff training,
3 transportation, parent and child counseling, child development
4 resource and referral services, and child placement counseling.

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

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

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

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

17 (2) To undertake or retain a job.

18 (3) To undertake other activities that are essential to
19 maintaining or improving the social and economic function of the
20 family, are beneficial to the community, or are required because of
21 health problems in the family.

22 SEC. 2. Section 8264.5 of the Education Code is amended to
23 read:

24 8264.5. The Superintendent of Public Instruction may waive
25 or modify child development requirements in order to enable child
26 development programs to serve combinations of eligible children
27 in areas of low population. The child development programs for
28 which the superintendent may grant waivers shall include, but
29 need not be limited to, state preschool programs, child care
30 provided by the California School Age Families Education
31 Program (Article 7.1 (commencing with Section 54740) of
32 Chapter 9 of Part 29), infant care and development services,
33 migrant child care and development programs, campus child care
34 and development programs, and general child care and
35 development programs.

36 SEC. 3. Section 8278.3 of the Education Code is amended to
37 read:

38 8278.3. (a) (1) The Child Care Facilities Revolving Fund is
39 hereby established in the State Treasury to provide funding for the
40 purchase of new relocatable child care facilities for lease to school

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

17 (2) The Child Care Facilities Revolving Fund may provide for
18 the renovation, repair, or improvement of an existing building,
19 owed by the contracting agency, to expand child care and
20 development services pursuant to this chapter. School districts and
21 the contracting agencies using facilities renovated, repaired, or
22 improved by the use of these funds shall repay the loan in an
23 amount to fully amortize the cost of renovation, repair, or
24 improvement over a period not to exceed 10 years. Agencies
25 receiving a revolving fund loan shall obtain, at their own expense,
26 a title search, title and liability insurance, plans, permits,
27 inspections, and a bond to protect the state's interest until the loan
28 is fully repaid. If the contract for child care and development
29 services is terminated or nonrenewed, the remaining amount on
30 the loan shall be repaid in full by the contractor or the bond shall
31 be forfeited. The Superintendent of Public Instruction shall
32 deposit all revenue derived loan payments into the Child Care
33 Facilities Revolving Fund.

34 (3) Notwithstanding Section 13340 of the Government Code,
35 all moneys in the fund, including moneys deposited from lease
36 payments, shall be continuously appropriated, without regard to
37 fiscal year, to the Superintendent of Public Instruction for
38 expenditure pursuant to this article.

39 (b) On or before August 1, 1998, and on or before August 1 of
40 each fiscal year thereafter, the Superintendent of Public

1 Instruction shall submit to the Office of the Secretary for
2 Education, the Department of Finance, and the Legislative
3 Analyst’s Office a report detailing the number of funding requests
4 received and their purpose, the types of agencies which received
5 this facilities funding, the increased capacity that these facilities
6 generated, a description of how the facilities are being used, and
7 a projection of the lease payments collected and the funds available
8 for future use.

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

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

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

17 SEC. 6. Section 8951 of the Education Code is amended to
18 read:

19 8951. As used in this chapter, “arts” includes, but is not
20 limited to, all of the following: dance; theatre; music; folk art;
21 creative writing; visual arts, including painting, sculpture,
22 photography, and craft arts; design, including graphic arts,
23 computer graphics, and costume design; film; and video.

24 SEC. 7. Section 10901 of the Education Code is amended to
25 read:

26 10901. The following terms, wherever used or referred to in
27 this chapter have the following meanings, respectively, unless a
28 different meaning clearly appears from the context:

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

32 (b) “Governing body” means, in the case of a city, the city
33 council, municipal council, or common council; in the case of a
34 county or city and county, the board of supervisors; in the case of
35 a public corporation or district, the governing board of the public
36 corporation or district; and in the case of a school district, the
37 governing board of the school district.

38 (c) “Recreation” means any activity, voluntarily engaged in,
39 which contributes to the physical, mental, or moral development
40 of the individual or group participating therein, and includes any

1 activity in the fields of visual and performing arts, handicraft,
2 science, literature, nature study, nature contacting, aquatic sports,
3 and athletics, or any of them, and any informal play incorporating
4 any such activity.

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

12 (e) “Nonprofit organization” means those nonprofit
13 organizations which, as determined by the governing board of the
14 school district, are unable to pay for the private transportation of
15 disadvantaged or handicapped schoolage children to recreation
16 activities.

17 (f) “Recreation center” means a place, structure, area, or other
18 facility under the jurisdiction of a governing body of a public
19 authority used for community recreation whether or not it may be
20 used primarily for other purposes, playgrounds, playing fields or
21 courts, beaches, lakes, rivers, swimming pools, gymnasiums,
22 auditoriums, libraries, parks adjacent to school sites, recreational
23 community gardens, rooms for arts and crafts, camps, and meeting
24 places.

25 Playgrounds, outdoor playing fields or courts, swimming pools,
26 and camps, with necessary equipment and appurtenances for their
27 operation, under the jurisdiction of a governing board of a public
28 authority used for community recreation shall be considered
29 recreation centers within the meaning of this chapter whether or
30 not they may be used primarily for other purposes.

31 SEC. 8. Section 11023 of the Education Code is amended to
32 read:

33 11023. The Superintendent of Public Instruction, shall
34 recommend, and the State Board of Education shall approve, a
35 plan for the comprehensive evaluation of the program authorized
36 in this chapter. The Superintendent of Public Instruction shall
37 complete the evaluation and submit it to the State Board of
38 Education by July 1, 2004. The State Board of Education shall
39 submit the final evaluation and report to the Legislature by
40 December 31, 2004, on all of the following:

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

4 (b) Changes in the school-wide average score on
5 nationally-normed, standardized tests used for college admission
6 decisions.

7 (c) Changes in the number and percentage of pupils who
8 complete the A-F or college preparatory course requirements with
9 at least a “C” grade.

10 (d) Changes in the number and percentage of pupils who
11 complete advanced placement courses and received a score of “3”
12 or above.

13 (e) Changes in the number of advanced placement courses
14 taken by pupils.

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

19 (g) The college participation rates at qualifying schools before
20 and after the implementation of program activities pursuant to this
21 chapter.

22 (h) Recommendations for changes to this chapter that could
23 further increase the percentage of high school pupils eligible for
24 admission to the California State University or the University of
25 California upon graduation from high school.

26 SEC. 9. Section 11024.5 of the Education Code is amended to
27 read:

28 11024.5. This chapter shall become inoperative on July 1,
29 2005, and, as of January 1, 2006, is repealed, unless a later enacted
30 statute that is enacted before January 1, 2006, deletes or extends
31 the dates on which it becomes inoperative and is repealed.

32 SEC. 10. Section 17070.75 of the Education Code is amended
33 to read:

34 17070.75. (a) The board shall require the school district to
35 make all necessary repairs, renewals, and replacements to ensure
36 that a project is at all times kept in good repair, working order, and
37 condition. All costs incurred for this purpose shall be borne by the
38 school district.

39 (b) In order to ensure compliance with subdivision (a) and to
40 encourage school districts to maintain all buildings under their

1 control, the board shall require an applicant school district to do
2 all of the following prior to the approval of a project:

3 (1) Establish a restricted account within the school district's
4 general fund for the exclusive purpose of providing moneys for
5 ongoing and major maintenance of school buildings, according to the
6 highest priority to funding for the purposes set forth in subdivision
7 (a).

8 (2) Agree to deposit into the account established pursuant to
9 paragraph (1), in each fiscal year for 20 years after receipt of funds
10 under this chapter, a minimum amount equal to or greater than 3
11 percent of the applicant school district's total general fund
12 expenditures, including other financing uses, for that fiscal year.
13 For the 1998–99 fiscal year and the 1999–2000 fiscal year, a
14 school district may phase in this requirement by agreeing to certify
15 the deposit of no less than 2 percent for the 1998–99 fiscal year and
16 no less than 2½ percent for the 1999–2000 fiscal year. Annual
17 deposits to the fund established pursuant to paragraph (1) in excess
18 of 2½ percent of the district general fund budget may count
19 towards the district's matching funds requirement necessary to
20 receive apportionments from the State School Deferred
21 Maintenance Fund pursuant to Section 17584 to the extent that
22 funds are used for purposes that qualify for funding under that
23 section. In addition, any district contribution to this fund may be
24 provided in lieu of meeting the ongoing maintenance requirements
25 pursuant to Section 17014 to the extent the funds are used for
26 purposes established in that section. A school district that serves
27 as the administrative unit for a special education local plan area
28 may elect to exclude from its total general fund expenditures, for
29 purposes of this paragraph, the distribution of revenues that are
30 passed through to participating members of the special education
31 local plan area. This paragraph is applicable only to the following
32 school districts:

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

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

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

39 (3) Certify that it has publicly approved an ongoing and major
40 maintenance plan that outlines the use of the funds deposited, or

1 to be deposited, pursuant to paragraph (2). The plan may provide
2 that the district need not expend all of its annual allocation for
3 ongoing and major maintenance in the year in which it is deposited
4 if the cost of major maintenance requires that the allocation be
5 carried over into another fiscal year. However, any state funds
6 carried over into a subsequent year shall not be counted toward the
7 annual minimum contribution by the district. A plan developed in
8 compliance with this section shall be deemed to meet the
9 requirements of Section 17585.

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

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

17 SEC. 11. Section 17150 of the Education Code is amended to
18 read:

19 17150. (a) Upon the approval by the governing board of the
20 school district to proceed with the issuance of certificates of
21 participation revenue bonds or to enter into any agreement for
22 financing school construction pursuant to Chapter 18
23 (commencing with Section 17170), the school district shall notify
24 the county superintendent of schools and the county auditor. The
25 superintendent of the school district shall provide the repayment
26 schedules for that debt obligation, and evidence of the ability of the
27 school district to repay that obligation, to the county auditor, the
28 county superintendent, the governing board, and the public.
29 Within 15 days of the receipt of the information, the county
30 superintendent of schools and the county auditor may comment
31 publicly to the governing board of the school district regarding the
32 capability of the school district to repay that debt obligation.

33 (b) Upon the approval by the county board of education to
34 proceed with the issuance of certificates of participation or
35 revenue bonds or to enter into any agreement for financing
36 pursuant to Chapter 18 (commencing with Section 17170), the
37 county superintendent of schools or superintendent of a school
38 district for which the county board serves as governing board shall
39 notify the Superintendent of Public Instruction. The county
40 superintendent of schools or the superintendent of a school district

for which the county board serves as the governing board shall provide the repayment schedules for that debt obligation and evidence of the ability of the county office of education or school district to repay that obligation, to the Superintendent of Public Instruction, the governing board, and the public. Within 15 days of the receipt of the information the Superintendent of Public Instruction may comment publicly to the county board of education regarding the capability of the county office of education or school district to repay that debt obligation.

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

~~SEC. 11.5.~~

SEC. 12. Section 17582 of the Education Code is amended to read:

17582. (a) The governing board of each school district may establish a restricted fund to be known as the "district deferred maintenance fund" for the purpose of major repair or replacement of plumbing, heating, air conditioning, electrical, roofing, and floor systems, the exterior and interior painting of school buildings, the inspection, sampling, and analysis of building materials to determine the presence of asbestos-containing materials, the encapsulation or removal of asbestos-containing materials, and any other items of maintenance approved by the State Allocation Board. Funds deposited in the district deferred maintenance fund may be received from any source whatsoever, and shall be accounted for separately from all other funds and accounts and retained in the district deferred maintenance fund for purposes of this section. The term "school building" as used in this ~~article has the same meaning as set forth in Section 17283, and includes, but is not limited to, any facility exempted by law from complying with any of the requirements of the Field Act, as defined in Section 17281.~~ *article includes a facility that a county office of education is authorized to use pursuant to Article 3 (commencing with Section 17280) of Chapter 3.*

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

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

~~SEC. 12.~~

SEC. 13. Section 17584 of the Education Code is amended to read:

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

(b) The State Allocation Board shall apportion, from the State School Deferred Maintenance Fund, to school districts an amount equal to one dollar (\$1) for each one dollar (\$1) of local funds up to a maximum of $\frac{1}{2}$ percent of the district's current-year revenue limit average daily attendance multiplied by the average, per unit of average daily attendance, of the total expenditures and ending fund balances of the total general funds and adult education funds for districts of similar size and type, as defined in subdivision (b) of Section 42238.4, for the second prior fiscal year, exclusive of any amounts expended for capital outlay, debt service, or revenues that are passed through to other local education agencies, to the extent of funds available.

(c) Notwithstanding subdivision (a), in order to be eligible to receive state aid pursuant to subdivision (b), no district shall be required to budget from local district funds an amount greater than

1 1/2 percent of the district's current-year revenue limit average daily
2 attendance, multiplied by the average, per unit of average daily
3 attendance, of the total expenditures and ending fund balances of
4 the total general funds and adult education funds for districts of
5 similar size and type, as defined in subdivision (b) of Section
6 42238.4 for the second prior fiscal year, exclusive of any amounts
7 expended for capital outlay, debt service, or revenues that are
8 passed through to other local educational agencies.

9 ~~SEC. 12.5.~~

10 *SEC. 14.* Section 22303.5 of the Education Code is amended
11 to read:

12 22303.5. (a) Notwithstanding any other provision of law, the
13 board shall offer a midcareer retirement information program for
14 the benefit of all members.

15 (b) In implementing this section, the board shall develop plans
16 for the development and delivery of information to enhance
17 awareness of the features and benefits of the Defined Benefit
18 Program, and services of the system, federal Social Security Act
19 programs and benefits as they apply to members, and awareness
20 of personal planning responsibilities. This information shall be
21 provided to assist members in understanding the importance of
22 financial, legal, estate, and personal planning, and how choices
23 and options offered by the system may impact retirement.

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

27 (d) The board shall provide both active and retired members
28 with notice pertaining to paragraph (1) of subdivision (c) of
29 Section 44830 and pertaining to Section 44252.5, making all
30 members aware of the time constraints and possible requirement
31 for passing the state basic skills proficiency test if ~~the~~ *an* individual
32 wants to return to the classroom after 39 months. The methods for
33 providing the notice may include, but are not limited to, any of the
34 following:

35 (1) Inclusion in annual member publications.

36 (2) Inclusion within packets of information provided to
37 members upon or prior to retirement.

38 (3) Inclusion as an attachment to any warrants issued to
39 members.

40 ~~SEC. 13.~~

1 *SEC. 15.* Section 32228 of the Education Code is amended to
2 read:

3 32228. (a) It is the intent of the Legislature that public
4 schools serving pupils in any of grades 8 to 12, inclusive, have
5 access to supplemental resources to establish programs and
6 strategies that promote school safety and emphasize violence
7 prevention among children and youth in the public schools.

8 (b) It is also the intent of the Legislature that public schools
9 have access to supplemental resources to combat bias on the basis
10 of race, color, religion, ancestry, national origin, disability, gender,
11 or sexual orientation, as defined in subdivision (q) of Section
12 12926 of the Government Code, and to prevent and respond to acts
13 of hate violence and bias related incidents. Sexual orientation shall
14 not include pedophilia.

15 (c) It is further the intent of the Legislature that schoolsites
16 receiving funds pursuant to this article accomplish all of the
17 following goals:

18 (1) Teach pupils techniques for resolving conflicts without
19 violence.

20 (2) Train school staff and administrators to support and
21 promote conflict resolution and mediation techniques for
22 resolving conflicts between and among pupils.

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

25 ~~SEC. 14.~~

26 *SEC. 16.* Section 32228.1 of the Education Code is amended
27 to read:

28 32228.1. (a) The School Safety and Violence Prevention Act
29 is hereby established. This statewide program shall be
30 administered by the Superintendent of Public Instruction, who
31 shall provide funds to school districts serving pupils in any of
32 grades 8 to 12, inclusive, for the purpose of promoting school
33 safety and reducing schoolsite violence. As a condition of
34 receiving funds pursuant to this article, an eligible school district
35 shall certify, on forms and in a manner required by the
36 Superintendent of Public Instruction, that the funds will be used
37 as described.

38 (b) From funds appropriated in the annual Budget Act or any
39 other measure, funds shall be allocated to school districts on the
40 basis of prior year enrollment, as reported by the California Basic

Educational Data System, of pupils in any of grades 8 to 12, inclusive, for any one or more of the following purposes:

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

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

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

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

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

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

~~SEC. 15.~~

SEC. 17. Section 33533 of the Education Code is amended to read:

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

(a) English.

(b) Social sciences.

(c) Foreign languages.

(d) Science.

(e) Mathematics.

(f) Visual and performing arts.

(g) Applied arts.

(h) Conservation education.

1 ~~SEC. 16.~~

2 *SEC. 18.* Section 37220.6 of the Education Code is amended
3 to read:

4 37220.6. (a) There is hereby created the Cesar Chavez Day
5 of Service and Learning program to promote service to the
6 communities of California in honor of the life and work of Cesar
7 Chavez. The program shall be administered by the California
8 Commission on Improving Life Through Service in collaboration
9 with the California Conservation Corps.

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

25 (1) The ways and extent to which the program will be a
26 collaborative effort between schools and the Americorps, National
27 Senior Service Corps, Learn and Serve, or Conservation Corps
28 program.

29 (2) The ways that the service will be connected to instruction
30 on the life and work of Cesar Chavez provided on Cesar Chavez
31 Day.

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

34 (c) Grants made pursuant to subdivision (b) shall be in the
35 amount of one dollar (\$1) for each participating pupil, or two
36 hundred fifty dollars (\$250) for each school, whichever is greater.
37 The California Commission on Improving Life Through Service
38 may, at its discretion, adjust the grant amount to account for school
39 district size, the size of the project, and the demand on existing

1 funding. Under no circumstances may the amount granted exceed
2 the amount of funding appropriated to carry out this section.

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

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

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

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

18 ~~SEC. 17.~~

19 *SEC. 19.* Section 41374 of the Education Code is amended to
20 read:

21 41374. Notwithstanding any other provision of law to the
22 contrary, Section 41372 shall not apply to any elementary school
23 district, high school district, or unified school district, which
24 maintains no individual class session with pupils in attendance
25 exceeding the numbers, for the particular grade levels, following:

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

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

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

32 As used in this section the phrase “individual class session”
33 shall not include any class session held in grades kindergarten
34 through 8, inclusive, in courses in visual and performing arts,
35 industrial arts, and physical education. The phrase shall not
36 include any class session held in grades 9 through 12, inclusive, in
37 courses in commercial arts, visual and performing arts, industrial
38 arts, vocational arts, and physical education. The phrase
39 “individual class session” shall not include any class session held
40 in grades 9 through 12, inclusive, for which two or more individual

class groups which come within the descriptions specified by the first paragraph of this section and subdivision (a) or (b), or both, are assembled together in the same room for joint lectures or demonstrations.

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

~~SEC. 18.~~

SEC. 20. Section 41409 of the Education Code is amended to read:

41409. (a) Commencing with the 1988–89 fiscal year, and annually thereafter, the Superintendent of Public Instruction shall determine the statewide average percentage of school district expenditures that are allocated to the salaries of administrative personnel, as that term is defined in accounts 1200, 1300, 1700, 1800, and 2200 in Part I of the California School Accounting Manual published by the State Department of Education. For school districts using the Standardized Account Code Structure, the term salaries of administrative personnel are defined in object accounts 1300 and 2300 in Part II of the California School Accounting Manual. The Superintendent of Public Instruction also shall determine the statewide average percentage of school district expenditures that are allocated to the salaries of teachers, as defined in account 1100 in Parts I and II of the California School Accounting Manual. The statewide averages shall be calculated 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. 19.~~

SEC. 21. Section 42238.44 of the Education Code is amended to read:

42238.44. (a) This section shall be known and may be cited as, the Fairness in Education Funding Act.

(b) (1) For the 2001–02 fiscal year, the Superintendent of Public Instruction shall compute an equalization adjustment for each school district, so that no district’s 2000–01 base revenue limit per unit of average daily attendance is less than the 2000–01 base revenue limit per unit of average daily attendance above which fall not more than 10 percent of the total statewide units of average daily attendance for each category of school district set forth in subdivision (c).

(2) For purposes of this section, the district base revenue limit and the statewide average base revenue limit shall not include any amounts attributable to Section 45023.4, 46200, or 46201.

(c) Subdivision (b) shall apply to the following school districts, which shall be grouped according to size and type as follows:

District	ADA
Elementary	less than 101
Elementary	more than 100
High School	less than 301
High School	more than 300
Unified	less than 1,501
Unified	more than 1,500

(d) The Superintendent of Public Instruction shall compute a revenue limit equalization adjustment for each school district’s base revenue limit per unit of average daily attendance as follows:

(1) Multiply the amount computed for each school district pursuant to subdivision (b) by the average daily attendance used to calculate the district's revenue limit for the current fiscal year.

(2) Divide the amount appropriated for purposes of this section for the then current fiscal year by the statewide sum of the amount computed pursuant to paragraph (1).

(3) Multiply the amount computed for the school district pursuant to paragraph (1) of subdivision (b) by the amount computed pursuant to paragraph (2).

(e) (1) For the purposes of this section, the 2000–01 statewide 90th percentile base revenue limit determined pursuant to paragraph (1) of subdivision (b), and the fraction computed pursuant to paragraph (2) of subdivision (d) for the 2000–01 second principal apportionment, shall be final, and shall not be recalculated at subsequent apportionments. The fraction computed pursuant to paragraph (2) of subdivision (d) shall not, under any circumstances, exceed 1.00. For purposes of determining the size of a school district pursuant to subdivision (c), county superintendents of schools, in conjunction with the Superintendent of Public Instruction, shall use school district revenue limit average daily attendance for the prior fiscal year as determined pursuant to Section 42238.5 and Article 4 (commencing with Section 42280).

(2) For the purposes of calculating the size of a school district pursuant to subdivision (c), the Superintendent of Public Instruction shall include units of average daily attendance of any charter school for which the school district is the chartering agency.

(3) For the purposes of computing the target amounts pursuant to subdivision ~~(d)~~ (b), the Superintendent of Public Instruction shall count all charter school average daily attendance toward the average daily attendance of the school district that is the chartering agency.

SEC. 22. 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 eligible for reimbursement for hours of pupil attendance claimed for intensive algebra instruction academies offered pursuant to Chapter 18 (commencing with Section 53091) of Part 28 in an

amount up to 6 percent of the total enrollment in grades 7 and 8 of the school district or charter school for the prior fiscal year multiplied by 120 hours, multiplied by the hourly rate for the current fiscal year determined pursuant to subdivision (c) of Section 42239. This amount shall be provided in addition to the amount provided pursuant to Section 42239.

(b) When expending funds received pursuant to this section, a school district shall give first priority for the purpose specified in paragraph (1) of subdivision (d) of Section 53082 53092.

SEC. 20. ~~Section 42239.2 of the Education Code is amended to read:~~

~~42239.2. (a) The Superintendent of Public Instruction shall allocate a minimum of six thousand seven hundred sixty-six dollars (\$6,766) for supplemental summer school programs established pursuant to Section 37253, from funds appropriated therefor in each school district for which the prior fiscal year enrollment was less than 500 and that offers at least 1,500 hours of supplemental summer school instruction. A school district for which the prior fiscal year enrollment was less than 500 that offers less than 1,500 hours of supplemental summer school offerings shall receive a proportionately reduced allocation.~~

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

~~(c) The Superintendent of Public Instruction shall allocate a minimum of six thousand seven hundred sixty-six dollars (\$6,766) for Intensive Algebra Instructional Academies established pursuant to Chapter 18 (commencing with Section 53091) of Part 28, from funds appropriated therefor in each school district for which the prior fiscal year enrollment in grades 7 and 8 was less than 333 and that offers at least 1,500 hours of intensive algebra instruction. A school district for which the prior fiscal year~~

~~enrollment in grades 7 and 8 was less than 333 that offers less than 1,500 hours of intensive algebra instruction shall receive a proportionately reduced allocation.~~

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

~~(e) For purposes of this section a charter school is a school site and is not a school district.~~

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

~~SEC. 21.~~

~~SEC. 23.~~ Section 42650 of the Education Code is amended to read:

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

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

Notwithstanding Section 27005 of the Government Code, or any other provision of law requiring orders for warrants or

warrants to be signed by the county superintendent of schools or the county auditor, or both, the county superintendent and county auditor may prescribe alternative procedures for districts to issue warrants. The district disbursing officer shall not be considered a deputy county superintendent of schools or a deputy county auditor. The county treasurer shall pay the warrant in the designated category, if district funds are available.

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

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

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

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

A listing of the warrants issued under this section by each school district shall be forwarded to the county auditor having jurisdiction, upon his request, and to the county superintendent of schools having jurisdiction over the district on the same day warrants are issued. The listing, which may be *on* magnetic tape, punched cards, or in other form, shall report, among other things, the warrant number, date of the warrant, amount of the warrant, the name of the payee, and the fund on which drawn. The form and

1 content of the warrant listing shall be as prescribed by the county
2 auditor or county superintendent and approved by the county
3 auditor or county superintendent having jurisdiction.

4 Each district which issues warrants pursuant to this section shall
5 furnish monthly to the county superintendent of schools and the
6 county auditor of the county of jurisdiction, upon his request, a
7 statement showing for the current fiscal year to date, for each
8 required expenditure classification, the amount budgeted, actual
9 expenditures, encumbrances and unencumbered balances.

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

29 The county superintendent and county auditor shall review the
30 district's application and report of financial management and
31 control and may approve the application if they find the
32 management and accounting controls of the district to be adequate.
33 If the county superintendent and county auditor determine that
34 such management and accounting controls are inadequate, they
35 shall disapprove the application.

36 A district that applies for fiscal accountability status shall file its
37 written application with the county superintendent of schools on
38 or before September 1. The required audit of financial
39 management and accounting controls shall be filed on or before
40 January 1. When a district's application for fiscal accountability

1 status has been approved by the county superintendent of schools
2 and county auditor, the issuance of warrants by the district
3 pursuant to this section shall be effective at the beginning of a
4 fiscal year, provided that approval had been made prior to the
5 preceding first day in March. If disapproved, the county
6 superintendent of schools shall state the specific steps which must
7 be taken by the applicant school district to receive approval and
8 these changes shall be certified as completed by an independent
9 certified public accountant or public accountant before the county
10 superintendent shall approve the application. If at any time the
11 county superintendent of schools or the county auditor determines
12 that the financial management or accounting controls of the
13 district have become inadequate, either such officer may revoke
14 approval for fiscal accountability status effective immediately.

15 ~~SEC. 22.~~

16 *SEC. 24.* Section 42850 of the Education Code is amended to
17 read:

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

29 ~~SEC. 23.~~

30 *SEC. 25.* Section 44395.5 is added to the Education Code, to
31 read:

32 44395.5. For the purposes of paragraph (1) of subdivision (a)
33 of Section 44395, “assigned to teach” as used in subdivision (a)
34 of that section may include, but is not limited to, a teacher
35 leadership role as a peer assistance and review coach, mentor, or
36 other teacher support provider; if the position does not require an
37 administrative credential. In order to be eligible for an award
38 pursuant to paragraph (1) of subdivision (a) of Section 44395, a
39 teacher shall be assigned to teach for at least 50 percent of a
40 full-time position.

1 ~~SEC. 24.~~

2 *SEC. 26.* Section 44503 of the Education Code is amended to
3 read:

4 44503. (a) The governing board of a school district that
5 accepts state funds for purposes of this article agrees to negotiate
6 the development and implementation of the program with the
7 exclusive representative of the certificated employees in the
8 school district, if the certificated employees in the district are
9 represented by an exclusive representative. In a school district in
10 which the certificated employees are not represented, the school
11 district shall develop a Peer Assistance and Review Program for
12 Teachers consistent with this article in order to be eligible to
13 receive funding under this article.

14 (b) Functions performed pursuant to this article by certificated
15 employees employed in a bargaining unit position shall not
16 constitute either management or supervisory functions as defined
17 by subdivisions (g) and (m) of Section 3540.1 of the Government
18 Code.

19 (c) Teachers who provide assistance and review shall have the
20 same protection from liability and access to appropriate defense as
21 other public school employees pursuant to Division 3.6
22 (commencing with Section 810) of Title 1 of the Government
23 Code.

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

27 (e) Not more than 5 percent of the funds received by a school
28 district for the Peer Assistance and Review Program for Teachers
29 may be expended for administrative expenses. For the purposes of
30 this article, administrative expenses shall include expenditures for
31 the personnel costs of program administration and coordination,
32 the cost of consulting teacher selection, and indirect costs
33 associated with the Peer Assistance and Review Program for
34 Teachers.

35 ~~SEC. 25. Section 46190 of the Education Code is amended to~~
36 ~~read:~~

37 ~~46190. In classes for adults, a day of attendance is 180~~
38 ~~minutes of attendance but no student shall be credited with more~~
39 ~~than 15 clock hours of attendance per school week,~~
40 ~~proportionately reduced for those school weeks having weekday~~

1 ~~holidays on which classes are not held unless he or she is enrolled~~
2 ~~in a class in elementary subjects, a class for which high school~~
3 ~~credit is given, a class in English as a second language, a class in~~
4 ~~citizenship, a class in a trade or industrial subject as trade or~~
5 ~~industrial subject is defined by the State Board of Education for~~
6 ~~grades 7 to 12, inclusive, or a class for adults with disabilities.~~

7 SEC. 26. ~~Section 46201.2 is added to the Education Code, to~~
8 ~~read:~~

9 ~~46201.2. Notwithstanding any provision of this code, the~~
10 ~~State Board of Education may waive the penalties contained in~~
11 ~~subdivision (c) of Section 46201 for any school district with a~~
12 ~~minimum instructional time requirement calculated pursuant to~~
13 ~~paragraph (1) of subdivision (b) of that section. The waiver may~~
14 ~~be granted only if the school district returns to the minimum time~~
15 ~~requirements within one year of discovering that it had not met the~~
16 ~~minimum instructional time requirement.~~

17 SEC. 27. Section 47661.5 is added to the Education Code, to
18 read:

19 47661.5. (a) Notwithstanding any other provision of law, the
20 prior year average daily attendance for a school district determined
21 pursuant to subdivision (b) of Section 47661 shall be increased by
22 the prior year second principal apportionment average daily
23 attendance of district residents only of any school that meets the
24 following description:

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

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

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

31 (b) An adjustment to prior year average daily attendance
32 pursuant to this section may not be made for the attendance of
33 pupils who were not residents of the school district in the prior
34 year.

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

37 SEC. 28. Section 47773 of the Education Code is amended to
38 read:

39 47773. (a) The State Department of Education, in
40 collaboration with the Board of Corrections, shall create an

1 evaluation design for the program that will assess the effectiveness
2 of program implementation and operation.

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

5 (c) Participating county offices of education and school
6 districts shall collect and report outcome measure data to the State
7 Department of Education and any other data to indicate the effect
8 of intervention strategies and program operations on the risk
9 factors used to identify the high-risk youth. The Superintendent of
10 Public Instruction shall annually summarize the data reported. The
11 Superintendent of Public Instruction shall also develop an analysis
12 of the program and suggest recommendations in a final report to
13 be submitted to the Legislature on or before May 1, 2004, and shall
14 provide an interim report to the Legislature by March 1, 2002.

15 SEC. 29. *Section 48264.5 of the Education Code is amended*
16 *to read:*

17 48264.5. Any minor who is required to be reported as a truant
18 pursuant to Section 48260 or 48261 may be required to attend
19 makeup classes conducted on one day of a weekend pursuant to
20 subdivision (c) of Section 37223 and is subject to the following:

21 (a) ~~Upon the first truancy~~ *The first time a truancy report is*
22 *required*, the pupil may be personally given a written warning by
23 any peace officer specified in Section 830.1 of the Penal Code. A
24 record of the written warning may be kept at the school for a period
25 of not less than two years, or until the pupil graduates, or transfers,
26 from that school. If the pupil transfers, the record may be
27 forwarded to any school receiving the pupil's school records. A
28 record of the written warning may be maintained by the law
29 enforcement agency in accordance with that law enforcement
30 agency's policies and procedures.

31 (b) ~~Upon the second truancy~~ *The second time a taruancy report*
32 *is required within the same school year, the pupil* may be assigned
33 by the school to an afterschool or weekend study program located
34 within the same county as the pupil's school. If the pupil fails to
35 successfully complete the assigned study program, the pupil shall
36 be subject to subdivision (c).

37 (c) ~~Upon the third truancy~~ *The third time a truancy report is*
38 *required* within the same school year, the pupil *shall be classified*
39 *a habitual truant, as defined in Section 48262, and* may be referred
40 to, and required to attend, an attendance review board or a truancy

mediation program pursuant to Section 48263 or pursuant to Section 601.3 of the Welfare and Institutions Code. If the district does not have a truancy mediation program, the pupil may be required to attend a comparable program deemed acceptable by the school district's attendance supervisor. If the pupil does not successfully complete the truancy mediation program or other similar program, the pupil shall be subject to subdivision (d).

(d) ~~Upon the fourth truancy~~ *The fourth time a truancy is required to be reported* within the same school year, the pupil ~~shall be classified a habitual truant, as defined in Section 48262, and~~ shall be within the jurisdiction of the juvenile court which may adjudge such pupil to be a ward of the court pursuant to Section 601 of the Welfare and Institutions Code. If the pupil is adjudged a ward of the court, the pupil shall be required to do one or more of the following:

(1) Performance at court-approved community services sponsored by either a public or private nonprofit agency for not less than 20 hours but not more than 40 hours over a period not to exceed 90 days, during a time other than the pupil's hours of school attendance or employment. The probation officer shall report to the court the failure of the pupil to comply with this paragraph.

(2) Payment of a fine by the pupil of not more than one hundred dollars (\$100) for which a parent or guardian of the pupil may be jointly liable.

(3) Attendance of a court-approved truancy prevention program.

(4) Suspension or revocation of driving privileges pursuant to Section 13202.7 of the Vehicle Code. This subdivision shall apply only to a pupil who has attended a school attendance review board program, a program operated by a probation department acting as a school attendance review board, or a truancy mediation program pursuant to subdivision (c).

SEC. 30. Section 51210 of the Education Code is amended to read:

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

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

1 (b) Mathematics, including concepts, operational skills, and
2 problem solving.

3 (c) Social sciences, drawing upon the disciplines of
4 anthropology, economics, geography, history, political science,
5 psychology, and sociology, designed to fit the maturity of the
6 pupils. Instruction shall provide a foundation for understanding
7 the history, resources, development, and government of California
8 and the United States of America; the development of the
9 American economic system including the role of the entrepreneur
10 and labor; the relations of persons to their human and natural
11 environment; eastern and western cultures and civilizations;
12 contemporary issues; and the wise use of natural resources.

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

16 (e) Visual and performing arts, including instruction in the
17 subjects of dance, music, theatre, and visual arts, aimed at the
18 development of aesthetic appreciation and the skills of creative
19 expression.

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

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

27 (h) Other studies that may be prescribed by the governing
28 board.

29 ~~SEC. 30.~~

30 *SEC. 31.* Section 51220 of the Education Code is amended to
31 read:

32 51220. The adopted course of study for grades 7 to 12,
33 inclusive, shall offer courses in the following areas of study:

34 (a) English, including knowledge of and appreciation for
35 literature, language, and composition, and the skills of reading,
36 listening, and speaking.

37 (b) 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; instruction in our American
3 legal system, the operation of the juvenile and adult criminal
4 justice systems, and the rights and duties of citizens under the
5 criminal and civil law and the State and Federal Constitutions; the
6 development of the American economic system, including the role
7 of the entrepreneur and labor; the relations of persons to their
8 human and natural environment; eastern and western cultures and
9 civilizations; human rights issues, with particular attention to the
10 study of the inhumanity of genocide, slavery, and the Holocaust,
11 and contemporary issues.

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

15 (d) Physical education, with emphasis given to physical
16 activities that are conducive to health and to vigor of body and
17 mind.

18 (e) Science, including the physical and biological aspects, with
19 emphasis on basic concepts, theories, and processes of scientific
20 investigation and on the place of humans in ecological systems,
21 and with appropriate applications of the interrelation and
22 interdependence of the sciences.

23 (f) Mathematics, including instruction designed to develop
24 mathematical understandings, operational skills, and insight into
25 problem solving procedures.

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

29 (h) Applied arts, including instruction in the areas of consumer
30 and homemaking education, industrial arts, general business
31 education, or general agriculture.

32 (i) Career technical education designed and conducted for the
33 purpose of preparing youth for gainful employment in the
34 occupations and in the numbers that are appropriate to the
35 personnel needs of the state and the community served and
36 relevant to the career desires and needs of the pupils.

37 (j) Automobile driver education, designed to develop a
38 knowledge of the provisions of the Vehicle Code and other laws
39 of this state relating to the operation of motor vehicles, a proper
40 acceptance of personal responsibility in traffic, a true appreciation



1 of the causes, seriousness and consequences of traffic accidents,
2 and to develop the knowledge and attitudes necessary for the safe
3 operation of motor vehicles. A course in automobile driver
4 education shall include education in the safe operation of
5 motorcycles.

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

7 ~~SEC. 31.~~

8 *SEC. 32.* Section 51224.5 of the Education Code is amended
9 to read:

10 51224.5. (a) The adopted course of study for grades 7 to 12,
11 inclusive, shall include algebra as part of the mathematics area of
12 study pursuant to subdivision (f) of Section 51220.

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

21 (c) If at any time, in any of grades 7 to 12, inclusive, or in any
22 combination of those grades, a pupil completes coursework that
23 meets or exceeds the academic content standards for Algebra.
24 Those courses shall apply towards satisfying the requirements of
25 subparagraph (B) of paragraph (1) of subdivision (a) of Section
26 51225.3.

27 ~~SEC. 32.~~

28 *SEC. 33.* Section 51511 of the Education Code is amended to
29 read:

30 51511. Nothing in this code shall be construed to prevent, or
31 exclude from the public schools, references to religion or
32 references to or the use of religious literature, dance, music,
33 theatre, and visual arts or other things having a religious
34 significance when such references or uses do not constitute
35 instruction in religious principles or aid to any religious sect,
36 church, creed, or sectarian purpose and when such references or
37 uses are incidental to or illustrative of matters properly included
38 in the course of study.

39 ~~SEC. 33.~~

1 *SEC. 34.* Section 51810 of the Education Code is amended to
2 read:

3 51810. The governing board of any school district
4 maintaining secondary schools is authorized without the approval
5 of the State Department of Education to establish and maintain
6 community service classes in civic, vocational, literacy, health,
7 homemaking, technical and general education, including but not
8 limited to classes in the fields of dance, music, theatre, visual arts,
9 handicraft, science, literature, nature study, nature contacting,
10 aquatic sports and athletics. ~~Such~~ These classes shall be designed
11 to provide instruction and to contribute to the physical, mental,
12 moral, economic, or civic development of the individuals or
13 groups enrolled therein.

14 ~~*SEC. 34.*~~

15 *SEC. 35.* Section 51874 of the Education Code is amended to
16 read:

17 51874. Sections 51871, 51872, 51873, this section, and the
18 heading of this article shall remain in effect only until January 1,
19 2005, and as of that date is repealed, unless a later enacted statute,
20 that is enacted before January 1, 2005, deletes or extends that date.

21 ~~*SEC. 35.*~~

22 *SEC. 36.* Section 52066 of the Education Code is amended to
23 read:

24 52066. The State Department of Education shall prepare a
25 request for proposal in consultation with an advisory committee
26 consisting of a representative of one or more American Indian
27 organizations, the Department of Finance, and the Legislative
28 Analyst to contract for an independent evaluation of this program
29 to be performed on or before December 31, 2001.

30 ~~*SEC. 35.5.*~~

31 *SEC. 37.* Section 52067 of the Education Code is amended to
32 read:

33 52067. This chapter shall remain in effect only until January
34 1, 2004, and as of that date is repealed, unless a later enacted
35 statute, that is enacted before January 1, 2004, deletes or extends
36 that date.

37 ~~*SEC. 36.*~~ Section 52314 of the Education Code is amended to
38 read:

39 ~~52314. (a) Except as provided in subdivision (b), any pupil~~
40 ~~eligible to attend a high school or adult school in a school district~~

1 subject to the jurisdiction of a county superintendent of schools
2 operating a regional occupational center or regional occupational
3 program, and who resides in a school district which by itself or in
4 cooperation with other school districts, has not established a
5 regional occupational center, or regional occupational program, is
6 eligible to attend a regional occupational center or regional
7 occupational program maintained by the county superintendent of
8 schools. Any school district which in cooperation with other
9 school districts maintains a regional occupational center, or
10 regional occupational program, or any such cooperating school
11 districts may admit to the center, or program, any pupil, otherwise
12 eligible, who resides in the district or in any of the cooperating
13 districts. Any school district which by itself maintains a regional
14 occupational center, or regional occupational program, may admit
15 to the center, or program, any pupil, otherwise eligible, who
16 resides in the district. No pupil, including adults under Section
17 52610 shall be admitted to a regional occupational center, or
18 regional occupational program, unless the county superintendent
19 of schools or governing board of the district or districts
20 maintaining the center, or program, as the case may be, determines
21 that the pupil will benefit therefrom and approves of his or her
22 admission to the regional occupational center or regional
23 occupational program.

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

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

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

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

36 (A) The pupil is referred to a regional occupational center or
37 program by a school counselor, school administrator, or classroom
38 teacher. The referral shall include a written statement of the
39 reasons why the pupil's educational needs cannot be met without

1 ~~the pupil being enrolled in a regional occupational center or~~
2 ~~program.~~

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

7 ~~(B) The referral is reviewed and approved in writing by the~~
8 ~~principal or designated administrator of the school in which the~~
9 ~~pupil is enrolled.~~

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

13 ~~(D) The pupil is enrolled in a high school, which, for purposes~~
14 ~~of this requirement, means a school that maintains any of grades~~
15 ~~9 to 12, inclusive.~~

16 ~~(3) The pupil's individualized education program adopted~~
17 ~~pursuant to the requirements of Chapter 2 (commencing with~~
18 ~~Section 56300) of Part 30 prescribes occupational training for~~
19 ~~which his or her enrollment in a regional occupational center or~~
20 ~~program is deemed appropriate.~~

21 ~~(c) (1) Each school district, county superintendent of schools,~~
22 ~~or joint powers agency which maintains a regional occupational~~
23 ~~center or regional occupational program shall submit to the State~~
24 ~~Department of Education, at the time and in the manner prescribed~~
25 ~~by the Superintendent of Public Instruction, the enrollment and~~
26 ~~average daily attendance for each grade level and the enrollment~~
27 ~~and average daily attendance for each exemption set forth in~~
28 ~~subdivision (b).~~

29 ~~(2) The State Department of Education shall submit this~~
30 ~~information to the Legislature and to the Director of Finance by~~
31 ~~April 1 of each year for the preceding school year.~~

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

33 ~~SEC. 37. Section 52314.6 of the Education Code is amended~~
34 ~~to read:~~

35 ~~52314.6. The average daily attendance claimed for pupils~~
36 ~~enrolled in a regional occupational center or program pursuant to~~
37 ~~paragraph (2) of subdivision (b) of Section 52314 shall not exceed~~
38 ~~10 percent of the average daily attendance funded in the prior year~~
39 ~~for the center or program.~~

1 SEC. 38. Section 52334 of the Education Code is amended to
2 read:

3 52334. Indirect costs charged to regional occupational centers
4 and programs may not exceed that of the school district or county
5 office of education, as appropriate, prior year indirect cost rate as
6 approved by the State Department of Education.

7 The indirect costs charged by county offices of education and
8 school districts that provide regional occupational centers and
9 programs services on behalf of the county office of education or
10 joint powers authority, when added together, may not exceed the
11 indirect cost rate approved by the State Department of Education
12 for the county office of education or the school district, whichever
13 is higher.

14 Revenue limit funds apportioned to a county office of education
15 or school district for regional occupational centers and programs
16 must be expended on programs and services offered by the
17 regional occupational centers and programs.

18 SEC. 39. Section 52523 of the Education Code is amended to
19 read:

20 52523. Adult education programs, courses, and classes shall
21 not be used to supplant the regular high school curriculum for high
22 school pupils enrolled in adult education. Adult education shall
23 supplement and enrich the high school pupil's educational
24 experiences. Therefore, adult education, at a minimum, shall meet
25 the following criteria:

26 (a) All programs, courses, and classes conducted as adult
27 education shall be open to adults and listed in the district's catalog
28 of adult education classes provided to the public and shall be under
29 the supervision and jurisdiction of the adult education
30 administrator as determined by the school district governing
31 board. Adults shall have priority over other students for admission
32 to any adult education class if those adults enroll not later than the
33 regular enrollment period for those classes. The enrollment period
34 shall be published in the course catalog. No course required by the
35 school district for high school graduation or necessary for pupils
36 to maintain satisfactory academic progress shall be offered
37 exclusively through the adult education program. An adult for
38 purposes of this section is a person 18 years of age or older or other
39 person who is not concurrently enrolled in a regular high school
40 program.

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

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

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

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

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

18 (3) The adult education program, course, or class allows the
19 pupil to gain vocational and technical skills beyond that provided
20 by the regular high school's vocational and technical education
21 program.

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

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

27 (1) Physical education.

28 (2) Driver's training and education.

29 (3) Visual and performing arts.

30 (4) Band.

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

32 (6) Training for, or participation in, athletic camps,
33 cheerleading or spirit organizations, student government, or
34 extracurricular student clubs.

35 The Superintendent of Public Instruction shall issue a program
36 advisory that further defines the purposes set forth in subdivision
37 (d) and the courses set forth in subdivision (e). The superintendent
38 is authorized to issue, at any time, rules and regulations instead of
39 the program advisory.

1 SEC. 40. Section 52761 of the Education Code is amended to
2 read:

3 52761. (a) Each elementary school and junior high school or
4 middle school participating in the project shall submit to the
5 superintendent a proposal, which shall include all of the following:

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

8 (2) A description of strategies that the pupils plan to use to
9 educate other pupils and members of the community about the
10 various benefits of a specific local wildlife species, river, creek,
11 wetland, or other natural area and to identify any impacts to that
12 natural resource. Strategies may include, but need not be limited
13 to, exhibits, public education forums, media events, oral
14 presentations, dance, music, theatre, visual arts, and writing
15 projects.

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

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

24 (c) Pupils shall be encouraged to use appropriate local and state
25 resources, including science faculty and students in postsecondary
26 education institutions and educational materials that are balanced
27 and objective in their coverage of the current scientific and
28 economic research on environmental and conservation issues, to
29 obtain information to assist them in the selection of wildlife
30 species or natural areas and the development of their proposals.

31 (d) School faculty and any advisers to pupils engaged in a
32 wildlife or natural area conservation project pursuant to the Life
33 Sciences and Conservation Education Project of 1998 shall ensure
34 that pupils gain a full understanding and appreciation of the rights
35 and responsibilities of public and private property owners under
36 the Constitutions of the United States and California. Any projects
37 or strategies undertaken pursuant to the Life Sciences and
38 Conservation Education Project of 1998 shall respect the rights of
39 private landowners and shall strive to build cooperative



relationships within the community to protect local wildlife populations or natural areas.

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

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

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

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

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

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

CHAPTER 18. INTENSIVE ALGEBRA INSTRUCTION ACADEMIES
PROGRAM

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

1 53091. This chapter shall be known and may be cited as the
2 Intensive Algebra Instruction Academies Program.

3 SEC. 44. Section 53082 of the Education Code, as added by
4 Chapter 404 of *the Statutes of 2000*, is amended and renumbered
5 to read:

6 53092. (a) A school district or charter school that maintains
7 grade 7 or 8, or both, may operate a program that provides
8 multiple, intensive opportunities for pupils in either of these
9 grades to practice skills in prealgebra, algebra, or both. Funding
10 for the program established pursuant to this chapter shall be
11 provided pursuant to Section 42239.15.

12 (b) As a condition of receiving funding for this program, a
13 school district or charter school in which one or more teachers
14 participate in the program authorized by Section 99223 is required
15 to offer instruction as described in subdivision (a), to be provided
16 by the teachers attending that program. These school districts and
17 charter schools shall offer this instruction only after those teachers
18 have completed the program authorized by Section 99223.
19 Nothing in this subdivision shall be interpreted as precluding
20 teachers in these school districts who have not participated in the
21 program authorized by Section 99223 from providing instruction
22 as described in subdivision (a).

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

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

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

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

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

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

36 (B) Ongoing diagnostic techniques that inform teaching and
37 assessment.

38 (C) Early intervention techniques.

39 (2) Instruction provided pursuant to this chapter shall be
40 consistent with state-adopted academic content standards and with

1 the curriculum framework on mathematics adopted by the State
2 Board of Education for kindergarten and grades 1 to 12, inclusive.

3 SEC. 45. Section 53083 of the Education Code, as added by
4 Chapter 404 of *the Statutes of 2000*, is amended and renumbered
5 to read:

6 53093. (a) (1) Except as provided in paragraph (2),
7 intensive prealgebra and algebra instruction provided pursuant to
8 this chapter shall be offered four hours per day for six continuous
9 weeks during the summer or when school is not regularly in
10 session.

11 (2) Due to facilities constraints or for other educational
12 reasons, a school district may offer intensive prealgebra and
13 algebra instruction before school, after school, on Saturdays, or
14 during intersession, or in a combination of summer school, after
15 school, Saturday, or intersession instruction.

16 (b) Instruction provided pursuant to this chapter shall fulfill the
17 requirements of subdivision (a) of Section 44830 and of Section
18 44831.

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

23 SEC. 46. Section 53084 of the Education Code, as added by
24 Chapter 404 of *the Statutes of 2000*, is amended and renumbered
25 to read:

26 53094. The Superintendent of Public Instruction shall
27 provide for an evaluation of the program established pursuant to
28 this chapter on or before November 1, 2002. If funds are needed
29 for this purpose, it is the intent of the Legislature that funds be
30 appropriated for this purpose in the annual Budget Act.

31 SEC. 47. Section 54746 of the Education Code is amended to
32 read:

33 54746. (a) In meeting the goals of the program and
34 responding to the individual needs and differences of pupils and
35 their children to be served, the funded agency shall complete an
36 intake procedure regarding each pupil and child upon entry into the
37 program and periodically as needed thereafter.

38 (b) Based upon the information provided during the intake
39 procedure pursuant to subdivision (a), the funded agency shall
40 determine appropriate levels and types of services to be provided.

1 These services may not duplicate services currently provided to
2 the pupil by a local Adolescent Family Life Program or Cal-Learn
3 program. In addition to an academic program that meets district
4 standards, necessary support services for pupils shall be funded by
5 the calculation pursuant to paragraph (1) of subdivision (a) of
6 Section 54749. Allowable expenditures for support services are as
7 follows:

8 (1) Parenting education and life skills class.

9 (2) Perinatal education and care, including childbirth
10 preparation.

11 (3) Safe home-to-school transportation.

12 (4) Case management services.

13 (5) Comprehensive health education, including reproductive
14 health care.

15 (6) Nutrition education, counseling, and meal supplements.

16 (7) School safety and violence prevention strategies targeted to
17 pregnant and parenting teens and their children.

18 (8) Academic support and youth development services, such as
19 tutoring, mentoring, and community service internships.

20 (9) Career counseling, preemployment skills, and job training.

21 (10) Substance abuse prevention education, counseling, and
22 treatment services.

23 (11) Mental health assessment, interventions, and referrals.

24 (12) Crisis intervention counseling services, including suicide
25 prevention.

26 (13) Peer support groups and counseling.

27 (14) Family support and development services, including
28 individual and family counseling.

29 (15) Child and domestic abuse prevention education,
30 counseling, and services.

31 (16) Enrichment and recreational activities, as appropriate.

32 (17) Services that facilitate transition to postsecondary
33 education, training, or employment.

34 (18) Support services for grandparents, siblings, and fathers of
35 babies who are not enrolled in the Cal-SAFE program.

36 (19) Outreach activities to identify eligible pupils and to
37 educate the community about the realities of teen pregnancy and
38 parenting.

39 (c) The funded agency shall provide child care and
40 development program services located on or near the schoolsite for

1 the children of teen parents enrolled in the Cal-SAFE program.
2 Program services shall be funded by the revenue generated
3 pursuant to paragraph (4) of subdivision (a) of Section 54749.

4 (1) Participation in the child care and development component
5 of the Cal-SAFE program shall be voluntary.

6 (2) There is no minimum age for enrollment, but the child shall
7 be eligible for enrollment in the child care and development
8 component until the age of five years or the child is enrolled in
9 kindergarten, whichever occurs first, as long as the teen parent is
10 enrolled in the Cal-SAFE program.

11 (3) Each child shall have a health evaluation form signed by a
12 physician, or his or her designee, before the child is allowed on the
13 school campus or is enrolled in the child care and development
14 program. Health screening and immunizations shall not be
15 required when the custodial parent annually files a written request
16 as provided for in Section 49451 and Section 120365 of the Health
17 and Safety Code.

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

22 (5) The arrangement of the child care site environment shall be
23 safe, healthy, and comfortable for children and staff, easily
24 maintained, and appropriate for meeting the developmental needs
25 of the individual child. Child care sites shall meet the health and
26 safety requirements specified in Chapter 1 (commencing with
27 Section 101151) of, and Subchapter 2 (commencing with Section
28 101351) of, Division 12 of Title 22 of the California Code of
29 Regulations.

30 (6) The child care and development component of the
31 Cal-SAFE program shall operate pursuant to applicable sections
32 of Chapter 2 (commencing with Section 8200) of Part 6. In
33 addition to meeting the requirements of Section 8360, teachers
34 shall have at least three semester units, or the equivalent number
35 of quarter units, of coursework related to the care of infants and
36 toddlers.

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

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

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

~~SEC. 47.5.~~

SEC. 48. Section 54746.5 is added to the Education Code, to read:

54746.5. (a) Local education agencies that are applying to operate a CalSAFE Program pursuant to Section 54749 but which are not in full compliance, may submit a timeline and a corrective action plan for approval by the Superintendent of Public Instruction on a case-by-case basis to extend, to no later than June 30, 2002, a waiver from implementation of the child care and development requirements set forth in paragraph (7) of subdivision (c) of Section 54745 and in subdivision (c) of Section 54746.

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

(c) If the Superintendent of Public Instruction finds that a local education agency that has submitted a timeline and a corrective action plan pursuant to this section has not complied with all provisions of the corrective action plan as approved by the Superintendent of Public Instruction, the local education agency shall be ineligible for any funding pursuant to Section 2551.3 after

the date of mailing of the written notification of noncompliance to the local education agency.

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

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

~~SEC. 48.~~

SEC. 49. Section 54749 of the Education Code is amended to read:

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

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

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

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

1 (B) Pupils attending juvenile court schools operated pursuant
2 to Article 2.5 (commencing with Section 48645) of Chapter 4 of
3 Part 27.

4 (C) Pupils attending community day schools operated pursuant
5 to Article 3 (commencing with Section 48660) of Chapter 4 of Part
6 27.

7 (D) Pupils attending county operated Cal-SAFE programs
8 pursuant to this article whose attendance is reported pursuant to
9 Section 2551.3.

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

15 (3) For attendance not claimed pursuant to paragraph (2),
16 county offices of education may claim the statewide average
17 revenue limit per unit of average daily attendance for high school
18 districts, payable from Section A of the State School Fund, for the
19 attendance of pupils receiving services in the Cal-SAFE program,
20 provided that no other revenue limit funding is claimed for the
21 same pupil and pupil attendance of no less than 240 minutes per
22 day and is computed and maintained pursuant to Section 46300.

23 (4) Except as provided in subdivision (c) of Section 54749.5,
24 operators of Cal-SAFE programs shall be reimbursed in
25 accordance with the amount specified in subdivision (b) of Section
26 8265 and the amounts specified in subdivisions (a) and (b) of
27 Section 8265.5 for each child receiving services pursuant to the
28 Cal-SAFE program who is the child of teen parents enrolled in the
29 Cal-SAFE program. To be eligible for funding pursuant to this
30 paragraph, the operational days of child care and development
31 programs shall be only those necessary to provide child care
32 services to children of pupils participating in Cal-SAFE.

33 (5) Notwithstanding paragraph (1), pupils for whom
34 attendance is reported pursuant to subdivision (b) of Section 1982,
35 pupils attending juvenile court schools, and pupils attending
36 community day schools may complete the intake process for the
37 Cal-SAFE program and, if the intake process is completed, shall
38 receive services pursuant to subdivision (b) of Section 54746. The
39 children of pupils receiving services in the Cal-SAFE program
40 pursuant to subdivision (b) of Section 54746 and attending

juvenile court schools, county community schools, or community day schools shall be eligible for funding pursuant to paragraph (4) and no other provisions of this section.

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

(c) Funds allocated pursuant to paragraph (4) of subdivision (a) shall be maintained in a separate account and shall be expended only to provide developmentally appropriate child care and development services pursuant to subdivision (c) of Section 54746 and staff development of child development program staff pursuant to subdivision (d) of Section 54746 for children of teen parents enrolled in the Cal-SAFE program for the purpose of promoting the children's development comparable to age norms, access to health and preventive services, and enhanced school readiness.

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

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

(2) Expenditures defined as documented direct support costs.

(3) Expenditures defined as allocated direct support costs.

(4) Expenditures for indirect charges.

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

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

(f) Expenditures that represent contract payments to community-based organizations and other governmental agencies pursuant to paragraph (10) of subdivision (b) of Section 54745 for

1 the operation of a Cal-SAFE program shall be included in the
2 Cal-SAFE program account.

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

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

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

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

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

16 (i) For purposes of serving pupils enrolled in the Cal-SAFE
17 program in a summer school program or enrolled in a school
18 program operating more than 180 days, eligibility for child care
19 services pursuant to subdivision (c) of Section 54746 shall be
20 determined by the parent's hours of enrollment and shall be for
21 only those hours necessary to further the completion of the parent's
22 educational program.

23 (j) To meet startup costs for the opening of child care and
24 development sites, as defined in subdivision (ac) of Section 8208,
25 and applicable regulations, a school district or county office of
26 education may apply for a one-time 15-percent service level
27 exemption within the amount appropriated in the annual Budget
28 Act for the purposes of paragraph (4) of subdivision (a) for each
29 site meeting the provision of subdivision (ac) of Section 8208. To
30 the extent that Budget Act funding is insufficient to cover the full
31 costs of Cal-SAFE child care, reimbursements to all participating
32 programs shall be reduced on a pro rata basis. A school district or
33 county office of education shall submit claims pursuant to this
34 subdivision with other claims submitted pursuant to this section.
35 Funding provided for startup costs shall be utilized for approvable
36 startup costs enumerated in subdivision (a) of Section 8275.

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

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

~~SEC. 48.4.~~

SEC. 50. Section 56026 of the Education Code is amended to read:

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

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

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

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

(1) Younger than three years of age and identified by the district, the special education local plan area, or the county office as requiring intensive special education and services, as defined by the State Board of Education.

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

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

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

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

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

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

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

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

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

~~SEC. 48.6.~~

SEC. 51. Section 56029 of the Education Code is amended to read:

56029. “Referral for assessment” means any written request for assessment to identify an individual with exceptional needs made by any of the following:

(a) A parent or guardian of the individual.

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

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

~~SEC. 49.~~

SEC. 52. Section 56044 of the Education Code is repealed.

~~SEC. 50.~~

SEC. 53. Article 3.7 (commencing with Section 56055) is added to Chapter 1 of Part 30 of the Education Code, to read:

Article 3.7. Foster Parents

56055. (a) (1) Except as provided in subdivision (b), a foster parent shall, to the extent permitted by federal law, including, but not limited to, Section 300.20 of Title 34 of the Code of Federal Regulations, have the rights related to his or her foster child's education that a parent has under Title 20 (commencing with Section 1400) of the United States Code and pursuant to Part 300 (commencing with Section 300.1) of Title 34 of the Code of Federal Regulations. The foster parent may represent the foster child for the duration of the foster parent-foster child relationship in matters relating to identification, assessment, instructional planning and development, educational placement, reviewing and revising an individualized education program, if necessary, and in all other matters relating to the provision of a free appropriate public education of the child. Notwithstanding any other provision of law, this representation shall include the provision of written consent to the individualized education program, including nonemergency medical services, mental health treatment services, and occupational or physical therapy services pursuant to this chapter. The foster parent may sign any consent relating to individualized education program purposes.

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

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

~~SEC. 51.~~

SEC. 54. Section 56200 of the Education Code is amended to read:

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

(a) Compliance assurances, including general compliance with the Individuals with Disabilities Education Act (20 U.S.C. Sec.

1 1400 et seq.), Section 504 of the Rehabilitation Act of 1973 (29
2 U.S.C. Sec. 794), and this part.

3 (b) A description of services to be provided by each district and
4 county office. This description shall demonstrate that all
5 individuals with exceptional needs shall have access to services
6 and instruction appropriate to meet their needs as specified in their
7 individualized education programs.

8 (c) (1) A description of the governance and administration of
9 the plan, including the role of county office and district governing
10 board members.

11 (2) Multidistrict plans, submitted pursuant to subdivision (b) or
12 (c) of Section 56195.1, shall specify the responsibilities of each
13 participating county office and district governing board in the
14 policymaking process, the responsibilities of the superintendents
15 of each participating district and county in the implementation of
16 the plan, and the responsibilities of district and county
17 administrators of special education in coordinating the
18 administration of the local plan.

19 (d) Copies of joint powers agreements or contractual
20 agreements, as appropriate, for districts and counties that elect to
21 enter into those agreements pursuant to subdivision (b) or (c) of
22 Section 56195.1.

23 (e) An annual budget plan to allocate instructional personnel
24 service units, support services, and transportation services directly
25 to entities operating those services and to allocate regionalized
26 services funds to the county office, responsible local agency, or
27 other alternative administrative structure. The annual budget plan
28 shall be adopted at a public hearing held by the district, special
29 education local plan area, or county office, as appropriate. Notice
30 of this hearing shall be posted in each school in the local plan area
31 at least 15 days prior to the hearing. The annual budget plan may
32 be revised during the fiscal year, and these revisions may be
33 submitted to the superintendent as amendments to the allocations
34 set forth in the plan. However, the revisions shall, prior to
35 submission to the superintendent, be approved according to the
36 policymaking process, established pursuant to paragraph (2) of
37 subdivision (c).

38 (f) Verification that the plan has been reviewed by the
39 community advisory committee and that the committee had at least

1 30 days to conduct this review prior to submission of the plan to
2 the superintendent.

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

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

8 (i) A description of the process being utilized to meet the
9 requirements of the California Early Intervention Services Act,
10 Title 14 (commencing with Section 95000) of the Government
11 Code.

12 (j) A description of the process being utilized to oversee and
13 evaluate placements in nonpublic, nonsectarian schools and the
14 method for ensuring that all requirements of each pupil's
15 individualized education program are being met. This description
16 shall include a method for evaluating whether the pupil is making
17 appropriate educational progress.

18 ~~SEC. 52.~~

19 *SEC. 55.* Section 56207 of the Education Code is amended to
20 read:

21 56207. (a) No educational programs and services already in
22 operation in school districts or a county office of education
23 pursuant to Part 30 (commencing with Section 56000) shall be
24 transferred to another school district or a county office of
25 education or from a county office of education to a school district
26 unless the special education local plan area has developed a plan
27 for the transfer which addresses, at a minimum, all of the
28 following:

29 (1) Pupil needs.

30 (2) The availability of the full continuum of services to affected
31 pupils.

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

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

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

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

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

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

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

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

~~SEC. 53.~~

SEC. 56. Section 56366.1 of the Education Code is amended to read:

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

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

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

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

1 (4) An annual operating budget.

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

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

9 (c) If the applicant is part of a larger program or facility on the
10 same site, the superintendent shall consider the effect of the total
11 program on the applicant. A copy of the policies and standards for
12 the nonpublic, nonsectarian school or agency and the larger
13 program shall be available to the superintendent.

14 (d) Prior to certification, the superintendent shall conduct an
15 onsite review of the facility and program for which the applicant
16 seeks certification. The superintendent may be assisted by
17 representatives of the special education local plan area in which the
18 applicant is located and a nonpublic, nonsectarian school or
19 agency representative who does not have a conflict of interest with
20 the applicant. The superintendent shall conduct an additional
21 onsite review of the facility and program within four years of the
22 certification effective date, unless the superintendent
23 conditionally certifies the school or agency or unless the
24 superintendent receives a formal complaint against the school or
25 agency. In the latter two cases, the superintendent shall conduct an
26 onsite review at least annually.

27 (e) The superintendent shall make a determination on an
28 application within 120 days of receipt of the application and shall
29 certify, conditionally certify, or deny certification to the applicant.
30 If the superintendent fails to take one of these actions within 120
31 days, the applicant is automatically granted conditional
32 certification for a period terminating on August 31, of the current
33 school year. If certification is denied, the superintendent shall
34 provide reasons for the denial. The superintendent may certify the
35 school or agency for a period of not longer than four years.

36 (f) Certification becomes effective on the date the nonpublic,
37 nonsectarian school or agency meets all the application
38 requirements and is approved by the superintendent. Certification
39 may be retroactive if the school or agency met all the requirements

1 of this section on the date the retroactive certification is effective.
2 Certification expires on December 31 of the terminating year.

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

9 (h) The superintendent may monitor a nonpublic, nonsectarian
10 school or agency onsite at any time without prior notice when there
11 is substantial reason to believe that there is an immediate danger
12 to the health, safety, or welfare of a child. The superintendent shall
13 document the concern and submit it to the nonpublic, nonsectarian
14 school or agency at the time of the onsite monitoring. The
15 superintendent shall require a written response to any
16 noncompliance or deficiency found.

17 (i) (1) Notwithstanding any other provision of law, the
18 superintendent may not certify a nonpublic, nonsectarian school
19 or agency that proposes to initiate or expand services to pupils
20 currently educated in the immediate prior fiscal year in a juvenile
21 court program, community school pursuant to Section 56150, or
22 other nonspecial education program, including independent study
23 or adult school, or both, unless the nonpublic, nonsectarian school
24 or agency notifies the county superintendent of schools and the
25 special education local plan area in which the proposed new or
26 expanded nonpublic, nonsectarian school or agency is located of
27 its intent to seek certification.

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

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

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

35 (C) The number of pupils proposed for services, the number of
36 pupils currently served in the juvenile court, community school,
37 or other nonspecial education program, the current school services
38 including special education and related services provided for these
39 pupils, and the specific program of special education and related
40 services to be provided under the proposed program.

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

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

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

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

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

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

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

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

The school or agency shall pay this fee when it applies for certification and when it updates its application for annual review by the superintendent. The superintendent shall use these fees to conduct onsite reviews, which may include field experts. No fee

1 shall be refunded if the application is withdrawn or is denied by the
2 superintendent.

3 (k) (1) Notwithstanding any other provision of law, only those
4 nonpublic, nonsectarian schools and agencies that provide special
5 education and designated instruction and services utilizing staff
6 who hold, or are receiving training under the supervision of staff
7 who hold, a current valid California credential or license in the
8 service rendered shall be eligible to receive certification. Only
9 those nonpublic, nonsectarian schools or agencies located outside
10 of California that employ staff who hold a current valid credential
11 or license to render special education and related services as
12 required by that state shall be eligible to be certified.

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

19 (3) A nonpublic, nonsectarian school or agency that employs
20 only persons who hold a valid California credential authorizing
21 substitute teaching pursuant to Section 56060 shall not be
22 certified. At least one full-time person with a current valid
23 California credential, license, or certificate of registration in the
24 area of service to be rendered, or a current valid credential, license,
25 or certificate of registration for appropriate special education and
26 related services rendered that is required in another state, shall be
27 required for purposes of certification under subdivision (d) of
28 Section 56366.

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

34 (5) Not later than August 1, 1997, the State Board of Education
35 shall issue emergency regulations to implement the subdivision.
36 The emergency regulations shall be developed by the
37 Superintendent of Public Instruction, in collaboration with the
38 Commission on Teacher Credentialing and other public agencies
39 responsible for issuing licenses or certificates of registration to
40 individuals providing designated instruction and services to

1 individuals with exceptional needs. The regulations also shall be
2 developed in consultation with statewide organizations
3 representing public and nonpublic, nonsectarian schools or
4 agencies that provide special education and designated instruction
5 and services. The emergency regulations shall include, but shall
6 not be necessarily limited to, all of the following:

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

11 (B) Requirements for minimum personnel qualifications for
12 licenses or certifications of registration to provide designated
13 instruction and services to individuals with exceptional needs
14 issued by the California Board of Medical Quality Assurance, the
15 Board of Behavioral Science Examiners, the Board of Consumer
16 Affairs, and other state licensure agencies that are authorized
17 under the Business and Professions Code to grant licenses or
18 certificates of registration that may be applicable to the provision
19 of designated instruction and services to individuals with
20 exceptional needs.

21 (C) Requirements for personnel who are not licensed or
22 credentialed to provide special education or designated instruction
23 and services to pupils under the supervision of a credentialed or
24 licensed professional in the service rendered, including direct and
25 nondirect supervision requirements established by this code and
26 the Business and Professions Code, and related regulations.

27 (D) Requirements for the certification of nonpublic,
28 nonsectarian schools and agencies to provide individual and group
29 designated instruction and services to individuals with exceptional
30 needs.

31 (6) For purposes of the Administrative Procedure Act, the
32 Legislature declares that the regulations issued pursuant to
33 paragraph (5) shall be deemed to be in response to an emergency
34 and necessary for the immediate preservation of the public peace,
35 health and safety, or general welfare by ensuring that all personnel
36 providing special education and designated instruction and
37 services to individuals with exceptional needs are appropriately
38 qualified to provide the services specified by a pupil's
39 individualized education program.

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

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

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

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

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

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

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

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

~~SEC. 54.~~

SEC. 57. Section 56391 of the Education Code is amended to read:

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

~~SEC. 55.~~

1 *SEC. 58.* Section 56836.02 of the Education Code is amended
2 to read:

3 56836.02. (a) The superintendent shall apportion funds from
4 Section A of the State School Fund to districts and county offices
5 of education in accordance with the allocation plan adopted
6 pursuant to Section 56836.05, unless the allocation plan specifies
7 that funds be apportioned to the administrative unit of the special
8 education local plan area. If the allocation plan specifies that funds
9 be apportioned to the administrative unit of the special education
10 local plan area, the administrator of the special education local
11 plan area shall, upon receipt, distribute the funds in accordance
12 with the method adopted pursuant to subdivision (i) of Section
13 56195.7. The allocation plan shall, prior to submission to the
14 superintendent, be approved according to the local policymaking
15 process established by the special education local plan area.

16 (b) The superintendent shall apportion funds for regionalized
17 services and program specialists from Section A of the State
18 School Fund to the administrative unit of each special education
19 local plan area. Upon receipt, the administrator of a special
20 education local plan area shall direct the administrative unit of the
21 special education local plan area to distribute the funds in
22 accordance with the budget plan adopted pursuant to paragraph (1)
23 of subdivision (b) of Section 56205.

24 ~~SEC. 56.~~

25 *SEC. 59.* Section 60061 of the Education Code is amended to
26 read:

27 60061. (a) A publisher or manufacturer shall do all of the
28 following:

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

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

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

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

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

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

15 (7) Provide to the state, at no cost, computer files or other
16 electronic versions of each state-adopted literary title and the right
17 to transcribe, reproduce, modify, and distribute the material in
18 Braille, large print if the publisher does not offer a large print
19 edition, recordings, American Sign Language videos for the deaf,
20 or other specialized accessible media exclusively for use by pupils
21 with visual disabilities or other disabilities that prevent use of
22 standard instruction materials. Computer files or other electronic
23 versions of instructional materials adopted for kindergarten and
24 grades 1 to 8, inclusive, and for grades 9 to 12, inclusive, shall be
25 provided within 30 days of a request by the state as needed for the
26 following purposes:

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

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

38 (b) Upon the willful failure of the publisher or manufacturer to
39 comply with the requirements of this section, the publisher or
40 manufacturer be liable to the governing board in the amount of

1 three times the total sum that the publisher or manufacturer was
2 paid in excess of the price required under paragraphs (1), (2), and
3 (5) of subdivision (a), and in the amount of three times the total
4 value of the instructional materials and services that the governing
5 board is entitled to receive free of charge under subdivision (a).

6 ~~SEC. 57.~~

7 *SEC. 60.* Section 60240 of the Education Code is amended to
8 read:

9 60240. (a) The State Instructional Materials Fund is hereby
10 continued in existence in the State Treasury. The fund shall be a
11 means of annually funding the acquisition of instructional
12 materials as required by the Constitution of the State of California.
13 Notwithstanding Section 13340 of the Government Code, all
14 money in the fund is continuously appropriated to the State
15 Department of Education without regard to fiscal years for
16 carrying out the purposes of this part. It is the intent of the
17 Legislature that the fund shall provide for flexibility of
18 instructional materials.

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

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

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

31 (3) The state board may encumber funds for the costs of
32 warehousing and transporting instructional materials it has
33 acquired.

34 ~~SEC. 58.~~

35 *SEC. 61.* Section 60313 of the Education Code is amended to
36 read:

37 60313. (a) The Superintendent of Public Instruction shall
38 maintain a central clearinghouse-depository and duplication
39 center for the design, production, modification, and distribution of
40 Braille, large print, special recordings, and other accessible

1 versions of instructional materials for use by pupils with visual
2 impairments or other disabilities who are enrolled in the public
3 schools of California.

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

6 (c) The instructional materials in specialized media shall be
7 available, in a manner determined by the State Board of Education,
8 to other pupils with disabilities enrolled in the public schools of
9 California who are unable to progress in the general curriculum
10 using conventional print copies of textbooks and other study
11 materials.

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

17 ~~SEC. 59.~~

18 *SEC. 62.* Section 60400 of the Education Code is amended to
19 read:

20 60400. The governing board of each school district
21 maintaining one or more high schools shall adopt instructional
22 materials for use in the high schools under its control. Only
23 instruction materials of those publishers who comply with the
24 requirements of Article 3 (commencing with Section 60040) and
25 Article 4 (commencing with Section 60060) of Chapter 1 of this
26 part and of Section 60226 may be adopted by the district board.

27 ~~SEC. 60.~~

28 *SEC. 63.* Section 63051 of the Education Code is amended to
29 read:

30 63051. (a) The Superintendent of Public Instruction, with the
31 approval of the State Board of Education, shall select not more
32 than 75 school districts that apply to participate in the pilot project
33 established pursuant to this chapter.

34 (b) Each school district that applies to participate in the pilot
35 project established pursuant to this chapter shall submit a project
36 budget with the application. The project budget shall specify how
37 categorical program funding will be allocated or reallocated under
38 the pilot project. No school district may participate in the pilot
39 project unless the district's proposed plan is approved by the State
40 Board of Education.



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

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

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

~~SEC. 61.—Section 63052 of the Education Code is amended to read:~~

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

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

- 1 ~~(1) Administrator training and education as set forth in Article~~
2 ~~3 (commencing with Section 44681) of Chapter 3.1 of Part 25.~~
- 3 ~~(2) Agricultural vocational education incentives as set forth in~~
4 ~~Article 7.5 (commencing with Section 52460) of Chapter 9 of Part~~
5 ~~28.~~
- 6 ~~(3) Bilingual Teacher Training and Assistance as set forth in~~
7 ~~Article 4 (commencing with Section 52180) of Chapter 7 of Part~~
8 ~~28.~~
- 9 ~~(4) California Indian education centers as set forth in Article 6~~
10 ~~(commencing with Section 33380) of Chapter 3 of Part 20.~~
- 11 ~~(5) Demonstration programs in intensive instruction as set~~
12 ~~forth in Chapter 4 (commencing with Section 58600) of Part 31.~~
- 13 ~~(6) Dropout prevention as set forth in Article 6 (commencing~~
14 ~~with Section 52890) of, and Article 7 (commencing with Section~~
15 ~~52900) of Chapter 12 of Part 28, Article 7 (commencing with~~
16 ~~Section 54720) of Chapter 9 of Part 29, and Chapter 3.5~~
17 ~~(commencing with Section 58550) of Part 31.~~
- 18 ~~(7) Early Intervention for School Success as set forth in Article~~
19 ~~4.5 (commencing with Section 58685) of Chapter 9 of Part 29.~~
- 20 ~~(8) Intersegmental Staff Development.~~
- 21 ~~(9) High school coach training as set forth in Article 4.5~~
22 ~~(commencing with Section 35179) of Chapter 2 of Part 21.~~
- 23 ~~(10) Home-to-school transportation as set forth in Article 10~~
24 ~~(commencing with Section 41850) of Chapter 5 of, and Article 4.5~~
25 ~~(commencing with Section 42290) of Chapter 7 of Part 24.~~
- 26 ~~(11) Reader services for the blind as set forth in Article 8.5~~
27 ~~(commencing with Section 45370) of Chapter 5 of Part 25.~~
- 28 ~~(12) Resource consortia as set forth in Article 2 (commencing~~
29 ~~with Section 44680) of Chapter 3.1 of Part 25.~~
- 30 ~~(13) School-based management and advanced career~~
31 ~~opportunities for classroom teachers as set forth in Article 12~~
32 ~~(commencing with Section 44666) of Chapter 3 of Part 25.~~
- 33 ~~(14) Specialized secondary program grants as set forth in~~
34 ~~Chapter 6 (commencing with Section 58800) of Part 31.~~
- 35 ~~(15) Student vocational education organizations as set forth in~~
36 ~~subdivision (b) of Section 19632 of the Business and Professions~~
37 ~~Code.~~
- 38 ~~(16) Voluntary desegregation as set forth in Section 42247 and~~
39 ~~42249.~~

~~(17) Year-round school grants as set forth in Article 3 (commencing with Section 42260) of Chapter 7 of Part 24.~~

~~(c) A school district participating in the pilot project not receiving funds for any of the categorical programs listed in subdivision (b), may apply for funding while participating in the pilot project subject to the application and eligibility requirements of those programs. If the school district is approved to receive funding, the school district shall comply with the statutory and regulatory requirements of those programs for the first fiscal year the school district receives funds for the programs, and the funds shall not be included in the appropriate cluster described in Section 63050. The school district may choose to include the funds in the appropriate cluster in the following fiscal year and each subsequent fiscal year for the life of the pilot project.~~

~~(d) For a school district participating in the pilot project, funding for the following categorical programs shall be determined according to statutes and regulations governing the allocation of funds for these programs:~~

~~(1) Economic Impact Aid (Article 2 (commencing with Section 54020) of Chapter 1 of Part 29).~~

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

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

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

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

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

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

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

~~(e) A school district participating in the pilot project shall not be entitled to receive, and may not receive, funding in replacement of categorical funds that have been redirected or otherwise reduced pursuant to this chapter. This subdivision may not be construed to prevent a school district from receiving funds that the district is otherwise eligible to receive for cost of living adjustments, or~~

1 ~~growth adjustments that are allocated in accordance with this code,~~
2 ~~unless otherwise provided for in the annual budget process.~~

3 ~~SEC. 62.—~~

4 *SEC. 64. Section 69995 of the Education Code is amended to*
5 *read:*

6 69995. (a) It is the intent of the Legislature in enacting this
7 article to encourage high school pupils to study hard and master the
8 California academic content standards adopted by the State Board
9 of Education and to excel in mathematics and the sciences.

10 (b) The Scholarshare Investment Board, known hereafter as
11 “the board,” unless otherwise specified, shall administer the
12 programs authorized by this article, including the adoption of rules
13 and regulations as provided by subdivision (d) of Section 69981,
14 and in so doing shall cooperate with the State Department of
15 Education, the Treasurer’s office, the Controller, the college
16 board, private test publishing companies, and other entities
17 necessary to ensure the accurate and timely identification and
18 reporting of award recipients, granting of awards, and
19 administration of these programs. The State Department of
20 Education shall ensure that the contract with the test publisher
21 selected pursuant to Section 60642 reflects the reporting
22 requirements of this article and that the publisher meets those
23 requirements.

24 (c) The definitions in Section 69980 apply to this article.

25 (d) To be eligible for an award pursuant to the programs
26 authorized by this article, a pupil shall meet all of the following
27 eligibility criteria:

28 (1) Take the achievement test authorized by Section 60640 in
29 grade 9, 10, or 11.

30 (2) ~~Attend~~ *Have been enrolled at* a California public school for
31 ~~at least one continuous year prior to 12 consecutive months~~
32 *immediately preceding* the administration of the achievement test
33 specified in paragraph (1), as evidenced by his or her school
34 records obtained ~~as part of the process of claiming an award~~
35 *pursuant to administration of the program* authorized by this
36 article.

37 (3) Take both of the following:

38 (A) The nationally normed reading and mathematics portions
39 of the achievement test, as specified by the State Board of
40 Education and authorized by Section 60640.

(B) The English/language arts and mathematics portions of the achievement test authorized by Section 60640 that are augmented and aligned, pursuant to subdivision (f) of Section 60644, with the California academic content standards, unless otherwise exempted by action of the State Board of Education.

(e) Awards made pursuant to this article shall be an entitlement to pupils identified as qualifying for an award pursuant to this article. ~~The entity contracted for the assessment authorized by Section 60640 shall annually provide the board with a digital report of award recipients pursuant to this section, no later than 30 days after the results of the assessment authorized by Section 60640 have been made public pursuant to subdivision (e) of Section 60641. Upon receipt of this report~~ *The State Department of Education shall annually provide the board with an estimate of the number of pupils with qualifying scores by October 15. Upon receipt of the estimate on or before October 15, the board shall deposit a single amount equal to the sum of the amounts of the awards earned by qualifying pupils into a single account separate and apart from all participant accounts within the Golden State Scholarshare Trust in the names of those pupils. Scholarship assets may not be commingled for investment purposes with participant accounts. Notwithstanding the provisions of Section 69991, all assets of the scholarship account, while part of the Golden State Scholarshare Trust, are owned by the state until a qualified distribution is made used to pay the qualified higher education expenses of the beneficiary.*

(f) *The entity contracted for the assessment authorized by Section 60640 shall annually, on or before January 15, provide the board a digital report that contains a final list of pupils identified as qualifying for an award pursuant to this article. To ensure that this digital report is accurate and is prepared on a timely basis, all corrections and revisions to the data that is used to prepare the digital report shall be submitted to the State Department of Education on or before November 15 of the preceding year.*

~~(f)~~

(g) Deposits made to this account shall be invested according to the guidelines established by the board pursuant to the requirements of state and federal law. The deposits shall be invested through a guaranteed funding agreement with an interest rate to be declared annually by the investment manager, or through

1 another investment determined by the board to be equally or more
2 secure. For purposes of this section, a guaranteed funding
3 agreement is an approved investment vehicle for state-owned
4 scholarship funds.

5 ~~(g)~~

6 (h) Nothing in this article shall be construed to prevent any
7 pupil from seeking private or other funding sources to supplement
8 the amount of any funds awarded pursuant to this article.

9 ~~(h)~~

10 (i) Award recipients shall be informed that the programs
11 authorized by this article do not guarantee in any way that higher
12 education expenses will be equal to projections and estimates
13 provided by the board, nor that the claimant will be guaranteed any
14 of the following:

15 (1) Admission to an institution of higher education.

16 (2) If admitted, a determination that the award recipient is a
17 resident for tuition purposes by the institution of higher education.

18 (3) Continued attendance at the institution of higher education
19 following admission.

20 (4) Graduation from the institution of higher education.

21 (5) Savings sufficient to fully cover all qualified education
22 expenses of attending an institution of higher education.

23 ~~(i)~~

24 (j) Notwithstanding any other provision of state law, any funds
25 awarded pursuant to this article shall augment and not supplant
26 student financial aid from other public sources, inclusive of
27 calculating eligibility for student financial aid.

28 ~~(j)~~

29 (k) Notwithstanding any other provision of law, the awards and
30 earnings claimed by a recipient pursuant to this article shall be
31 exempt from state income tax liability.

32 ~~(k)~~

33 (l) To the extent allowed under federal law, any funds awarded
34 pursuant to this article may not be considered in the federal needs
35 analysis for student financial aid, as they are an asset of the state
36 until used for the payment of qualified higher education expenses.

37 *SEC. 65. Section 69996 of the Education Code is amended to*
38 *read:*

39 69996. (a) Awards and the investment earnings accumulated
40 pursuant to this article shall be available for the payment of

qualified higher education expenses, as defined in subdivisions (g) and (l) of Section 69980. Pursuant to its authority under subdivision (d) of Section 69981, the board shall adopt rules and regulations to ensure that funds authorized by this chapter are disbursed directly to the institution of higher education indicated by an award recipient's claim *recipient on his or her form*.

(b) Funds authorized by this article are nontransferable to any other person or entity and may only be used for the purposes stated herein. No funds authorized by this article may be pledged as collateral for any loan.

(c) (1) Awards and their investment earnings invested in the Scholarshare Trust shall remain assets of, and owned by, the state until used for the payment of qualified higher education expenses as authorized by this section, and shall remain invested in the Scholarshare Trust until they are used for the purposes authorized by this section or until the recipient achieves the age of 30, whichever occurs first. If, due to death or disability, an award recipient is unable to attend a ~~postsecondary educational~~ *an institution of higher education* before reaching the age of 30 and the scholarship funds have not already been used for purposes of this article, the scholarship funds designated for the recipient shall revert to the General Fund.

(2) Any funds, ~~less any applicable penalties, collected pursuant to Section 529 of the federal Internal Revenue Code~~ not utilized within this time period shall revert to the General Fund after the payment of any amount determined to be due the federal government as a result of the reversion.

(d) The board shall establish rules and regulations for an award recipient to claim the funds deposited and accrued in the Scholarshare Trust in the name of that recipient, including, but not limited to, the claim process, *qualified distributions*, necessary documentation, deadlines for ~~the submission of claims and for awards~~, the granting of awards ~~and an appeals procedure~~, *appeals procedures*, and any forfeiture procedures. *The board has no authority to validate testing methods or test scores contemplated by this article and shall not make any determination regarding the validity of these testing methods or test scores.*

(e) The board shall request each award recipient to voluntarily report personal information, including, but not limited to, ethnicity, gender, and family income. The board shall compile and

1 retain this information in a confidential manner so that the personal
2 information of any award recipient is not publicly disclosed in a
3 manner that may be associated with particular individuals.

4 (f) Within the annual report required pursuant to Section
5 69989, the board shall also include, at a minimum, the number of
6 pupils *with* qualifying scores for an award pursuant to this article,
7 the number of *Governor's Scholars* awards claimed and disbursed,
8 the rate of return earned by the funds authorized by this article in
9 the previous five fiscal years, the amount of funds expended
10 pursuant to this article in the previous five fiscal years, and a list,
11 by high school, of the number of awards granted pursuant to the
12 program authorized by this article. To the extent that information
13 is available and can be disclosed without allowing the information
14 to be associated with particular individuals, the board shall include
15 information on the ethnicity, gender, and family income of award
16 recipients.

17 *SEC. 66. Section 69997 of the Education Code is amended to*
18 *read:*

19 69997. (a) The Governor's Scholars Program is hereby
20 established. This program shall provide a scholarship of one
21 thousand dollars (\$1,000) to each public high school pupil who,
22 *on or after January 1, 2000*, demonstrates high academic
23 achievement on the achievement test authorized by Section 60640.
24 Pupils receiving a scholarship pursuant to this section shall be
25 known as "Governor's Scholars."

26 (b) Until the State Board of Education determines that the
27 English language arts and mathematics portions of the statewide
28 pupil achievement test authorized by Section 60640 have been
29 aligned with the California academic content standards, and the
30 standards aligned test is both valid and reliable for high stakes
31 purposes, a pupil shall earn a scholarship pursuant to this section
32 by satisfying either of the following criteria:

33 (1) Attaining a combined score on the reading and mathematics
34 portions of the nationally normed achievement test adopted by the
35 State Board of Education pursuant to Section 60642 that places
36 him or her in the top 5 percent of test takers in his or her grade level
37 statewide. *A pupil attending any California public school,*
38 *including those specified in subdivision (g) of Section 52052, is*
39 *eligible to receive an award pursuant to this paragraph.*

(2) Attaining a combined score on the nationally normed reading and mathematics portions of the achievement test adopted by the State Board of Education pursuant to Section 60642 that places him or her in the top 10 percent of test takers in his or her grade level in the comprehensive public high school attended by that pupil. When calculating the top 10 percent, the result shall be rounded to the nearest whole integer for the purpose of determining the number of awards in any high school. If this calculation results in a number of pupils less than one in any high school, there shall be one award at that school.

(c) Pupils earning an award pursuant to subdivision (b) may receive only one award in any given year. However, a pupil may earn a lifetime maximum of three awards by meeting the requirements of this section in each of grades 9, 10, and 11.

(d) Once the State Board of Education has determined that the English language arts and mathematics portions of the statewide pupil achievement test authorized by Section 60640 have been aligned with the California academic content standards, and the standards aligned test is both valid and reliable for high stakes purposes, that test shall be used as the basis for the award of scholarships pursuant to subdivision (a).

(e) (1) *For the purposes of this section, a “comprehensive high school” includes both of the following:*

(A) *The California Schools for the Deaf established pursuant to Chapter 1 (commencing with Section 59000) of Part 32.*

(B) *The California School for the Blind established pursuant to Chapter 2 (commencing with Section 59100) of Part 32.*

(2) *A pupil attending the California Schools for the Deaf or the California School for the Blind who met the criteria for an award pursuant to this section for tests taken in year 2000 shall receive an award for that year.*

SEC. 67. *Section 69998 of the Education Code is amended to read:*

69998. (a) The Governor’s Distinguished Mathematics and Science Scholars Program is hereby established. This program shall provide a scholarship of two thousand five hundred dollars (\$2,500) for public high school pupils who demonstrate specified high academic achievement in mathematics and the sciences. Pupils receiving a scholarship pursuant to this section shall be known as “Governor’s Mathematics and Science Scholars.”

(b) In addition to the criteria specified in subdivision (d) of Section 69995, a pupil shall satisfy the following to be eligible to receive a scholarship pursuant to this section:

(1) Earn an award pursuant to the program authorized by Section 69997.

(2) Take an advanced placement calculus examination offered by the college board.

(3) Take any one of the advanced placement biology, chemistry, or physics examinations offered by the college board.

~~(4)~~

(c) If the provisions of subdivision ~~(e)~~ (d) apply, then paragraphs (2) and (3) of subdivision (b) shall be effective only as specified in subdivision ~~(e)~~ (d).

~~(e)~~

(d) (1) If the pupil's school offers an advanced placement course in a subject ~~described~~ identified in subdivision (b), only the advanced placement examination in that subject shall be allowed for the purposes of determining eligibility for an award pursuant to this section. If a pupil's school does not offer an advanced placement course in a subject identified in subdivision (b), he or she may take instead the Golden State Examination, as authorized by Article 5 (commencing with Section 60650) of Chapter 5 of Part 33, in that subject *in order to be eligible to receive a scholarship pursuant to this section*. Should there appear to be a conflict between this subdivision and any other subdivision related to this program, this subdivision shall be controlling.

(2) For the science test, the Golden State Examination in second-year coordinated science may be used in place of any other Golden State Examination in science for the purposes of this subdivision.

(3) For the mathematics test, only the High School Mathematics Golden State Examination may be used for the purposes of this subdivision.

~~(d)~~

(e) Eligible pupils shall earn a scholarship pursuant to this section by satisfying all of the following requirements:

(1) Attaining a score of five, on the advanced placement calculus AB examination, or attaining a score of four or five on the higher-level advanced placement calculus BC examination.

(2) Attaining a score of five on any one of the advanced placement biology, chemistry, or physics B examinations, or attaining a score of four or five on ~~either~~ *both* of the advanced placement physics C (mechanics or electricity and magnetism) examinations.

(3) If a pupil is eligible for an award pursuant to paragraph (4) of subdivision (b), he or she must attain a score of six on the appropriate Golden State Examination, as described in subdivision ~~(c)~~ (d).

~~(e)~~

(f) As an alternative to the examination requirements set forth in subdivisions (b), (c), ~~and (d)~~, (d), and (e), a pupil may be eligible to receive a scholarship pursuant to this section for performance in science and mathematics examinations that are part of the International Baccalaureate Program. The State Board of Education shall review and designate those International Baccalaureate examinations that are equivalent to the advanced placement tests or Golden State Examinations for which pupils may receive scholarships pursuant to this section. The State Board of Education shall also designate the score on International Baccalaureate examinations that is equivalent to the score required on advanced placement tests or Golden State Examinations in order to receive a scholarship.

~~(f)~~

(g) The State Board of Education may modify this list of examinations as necessary to reflect additions and deletions to the series of examinations offered by the college board for advanced placement courses. The State Board of Education may also determine the relative rigor of any new examinations added to the list and whether those examinations should require a score of four or five if the added examinations and qualifying scores reflect at least the same level of rigor as the advanced placement examinations specified in this section.

~~(g)~~

(h) *Test scores earned before receiving an award pursuant to the program authorized by Section 69997 may be used to satisfy the requirements of subdivision (d), even if these scores are earned before January 1, 2000. A pupil may not claim an award pursuant to this section until the pupil has earned and successfully claimed an award pursuant to the program authorized by Section 69997.*

1 (i) A pupil may receive a maximum of one award pursuant to
2 the program established by this section.

3 ~~(h) Paragraph~~

4 (j) Subdivisions (c) and (d) and paragraph (4) of subdivision
5 (b), subdivision (c), and paragraph (3) of subdivision ~~(d)~~ (e) shall
6 become inoperative, and are repealed as of December 31, 2001.

7 SEC. 68. Section 78300 of the Education Code is amended to
8 read:

9 78300. (a) The governing board of any community college
10 district may, without the approval of the Board of Governors of the
11 California Community Colleges, establish and maintain
12 community service classes in civic, vocational, literacy, health,
13 homemaking, technical and general education, including, but not
14 limited to, classes in the fields of visual and performing arts,
15 handicraft, science, literature, nature study, nature contacting,
16 aquatic sports and athletics. These classes shall be designed to
17 provide instruction and to contribute to the physical, mental,
18 moral, economic, or civic development of the individuals or
19 groups enrolled therein.

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

23 (c) Governing boards shall not expend General Fund moneys
24 to establish and maintain community service classes. Governing
25 boards may charge students enrolled in community service classes
26 a fee not to exceed the cost of maintaining community service
27 classes, or may provide instruction in community service classes
28 for remuneration by contract, or with contributions or donations
29 of individuals or groups. The board of governors shall adopt
30 guidelines defining the acceptable reimbursable costs for which a
31 fee may be charged and shall collect data and maintain uniform
32 accounting procedures to ensure that General Fund moneys are not
33 used for community services classes.

34 ~~SEC. 63.~~

35 SEC. 69. Section 89230 of the Education Code is amended to
36 read:

37 89230. "Instructionally related activities" means those
38 activities and laboratory experiences that are at least partially
39 sponsored by an academic discipline or department and that are,
40 in the judgment of the president of a particular campus, with the

1 approval of the trustees, integrally related to its formal
2 instructional offerings.

3 Activities that are considered to be essential to a quality
4 educational program and an important instructional experience for
5 any student enrolled in the respective program may be considered
6 instructionally related activities.

7 Instructionally related activities include, but are not limited to,
8 all of the following:

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

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

16 (c) Music and dance performance: costs to provide experience
17 in individual and group performance, including recitals, before
18 audiences and in settings sufficiently varied to familiarize students
19 with the performance facet of the field.

20 (d) Theatre and musical productions: basic support of
21 theatrical and operatic activities sufficient to permit experience
22 not only in actual performance, but in production, direction, set
23 design, and other elements considered a part of professional
24 training in these fields.

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

27 (f) Publications: the costs to support and operate basic
28 publication programs including a periodic newspaper and other
29 laboratory experience basic to journalism and literary training.
30 Additional publications designed primarily to inform or entertain
31 shall not be included.

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

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

38 Pursuant to this section and other provisions of this code, the
39 Chancellor of the California State University shall develop a
40 program of fiscal support and shall consult with the California

1 State Student Association, the Academic Senate, and the
2 Chancellor's Council of Presidents regarding the program.

3 This section shall not become operative unless funds are
4 appropriated to meet the instructionally related needs of the
5 campuses of the California State University.

6 ~~SEC. 64.~~

7 SEC. 70. Section 99223 of the Education Code is amended to
8 read:

9 99223. The Regents of the University of California are
10 requested to jointly develop with the Trustees of the California
11 State University and the independent colleges and universities, the
12 Algebra Academies Professional Development Institutes, to be
13 administered by the university, in partnership with the California
14 State University and with private, independent universities in
15 California, in accordance with all of the following criteria:

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

20 (b) (1) The institutes shall provide instruction for school teams
21 from each participating school. These school teams may include
22 both beginning and experienced teachers and the schoolsite
23 administrator.

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

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

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

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

35 (D) Schools with a high number of beginning and
36 noncredentialed teachers.

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

39 (3) In any fiscal year, if funding is inadequate to accommodate
40 the participation of all eligible school teams, first priority shall be

given to schools that meet the criteria described in subparagraph (D) of paragraph (2).

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

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

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

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

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

(d) Each participant who satisfactorily completes an institute authorized by this section shall receive a stipend, commensurate with the duration of the institute, of not less than one thousand dollars (\$1,000) nor more than two thousand dollars (\$2,000), as determined by the University of California.

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

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

1 instruction. Followup professional development during this time
2 period shall occur outside of instructional time.

3 (g) It is the intent of the Legislature that a local education
4 agency or postsecondary institution that offers an accredited
5 program of professional preparation consider providing partial
6 and proportional credit toward satisfaction of mathematics course
7 requirements to an enrolled candidate who satisfactorily
8 completes an Algebra Academies Professional Development
9 Institute if the institute has been certified by the Commission on
10 Teacher Credentialing as meeting mathematics standards.

11 ~~SEC. 65.~~

12 *SEC. 71.* Section 3540.2 of the Government Code is amended
13 to read:

14 3540.2. (a) A school district that has a qualified or negative
15 certification pursuant to Section 42131 of the Education Code
16 shall allow the county office of education in which the school
17 district is located at least six working days to review and comment
18 on any proposed agreement made between the exclusive
19 representative and the public school employer, or designated
20 representatives of the employer, pursuant to this chapter. The
21 school district shall provide the county superintendent of schools
22 with all information relevant to yield an understanding of the
23 financial impact of that agreement.

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

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

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

35 (e) A county office of education that has a qualified or negative
36 certification pursuant to Section 1240 of the Education Code shall
37 allow the Superintendent of Public Instruction at least six working
38 days to review and comment on any proposed agreement made
39 between the exclusive representative and the public school
40 employer, or designated representatives of the employer, pursuant

1 to this chapter. The county ~~office~~ *superintendent of schools* shall
2 provide the Superintendent of Public Instruction with all
3 information relevant to yield an understanding of the financial
4 impact of that agreement. The Superintendent of Public
5 Instruction shall notify the county ~~office of education~~
6 *superintendent of schools* publicly within those six days if, in his
7 or her opinion, the proposed agreement would endanger the fiscal
8 well-being of the county office.

9 ~~SEC. 66.—~~

10 *SEC. 72. Section 4420.5 of the Government Code is amended*
11 *to read:*

12 4420.5. (a) Section 4420 does not apply to any construction
13 or renovation project undertaken by a school district *or community*
14 *college district*.

15 (b) The district may use owner-controlled or wrap-up
16 insurance with regard to a construction or renovation project if the
17 district makes the following determinations:

18 (1) Prospective bidders, including contractors and
19 subcontractors, meet minimum occupational safety and health
20 qualifications established to bid on the project. The evaluation of
21 prospective bidders shall be based on consideration of the
22 following factors:

23 (A) Serious and willful violations of Part 1 (commencing with
24 Section 6300) of Division 5 of the Labor Code, by a contractor or
25 subcontractor during the past five-year period.

26 (B) The contractor's or subcontractor's workers'
27 compensation experience modification factor.

28 (C) A contractor's or subcontractor's injury prevention
29 program instituted pursuant to Section 3201.5 or 6401.7 of the
30 Labor Code.

31 (2) The use of owner-controlled or wrap-up insurance will
32 minimize the expenditure of public funds on the project in
33 conjunction with the exercise of appropriate risk management.

34 (c) For purposes of this section, "owner-controlled or wrap-up
35 insurance" means a series of insurance policies issued to cover all
36 of the contractors and subcontractors on a given project for
37 purposes of general liability and workers' compensation.

38 (d) Any use of owner-controlled or wrap-up insurance pursuant
39 to this section shall be subject to paragraphs (3) to (6), inclusive,

1 of subdivision (b) of Section 4420 and subdivisions (c) and (d) of
2 that section.

3 *SEC. 73. Section 6516.6 of the Government Code is amended*
4 *to read:*

5 6516.6. (a) Notwithstanding any other provision of law, a
6 joint powers agency established pursuant to a joint powers
7 agreement in accordance with this chapter may issue bonds
8 pursuant to Article 2 (commencing with Section 6540) or Article
9 4 (commencing with Section 6584), in order to purchase
10 obligations of local agencies or make loans to local agencies,
11 which moneys the local agencies are hereby authorized to borrow,
12 to finance the local agencies' unfunded actuarial pension liability
13 or to purchase, or to make loans to finance the purchase of,
14 delinquent assessments or taxes levied on the secured roll by the
15 local agencies, the county, or any other political subdivision of the
16 state. Notwithstanding any other provision of law, including
17 Section 53854, the local agency obligations or loans, if any, shall
18 be repaid in the time, manner and amounts, with interest, security,
19 and other terms as agreed to by the local agency and the joint
20 powers authority.

21 (b) Notwithstanding any other provision of law, a joint powers
22 authority established pursuant to a joint powers agreement in
23 accordance with this chapter may issue bonds pursuant to Article
24 2 (commencing with Section 6540) or Article 4 (commencing with
25 Section 6584), in order to purchase or acquire, by sale, assignment,
26 pledge, or other transfer, any or all right, title, and interest of any
27 local agency in and to the enforcement and collection of delinquent
28 and uncollected property taxes, assessments, and other receivables
29 that have been levied by or on behalf of the local agency and placed
30 for collection on the secured, unsecured, or supplemental property
31 tax rolls. Local agencies, including, cities, counties, cities and
32 counties, school districts, redevelopment agencies, and all other
33 special districts that are authorized by law to levy property taxes
34 on the county tax rolls, are hereby authorized to sell, assign,
35 pledge, or otherwise transfer to a joint powers authority any or all
36 of their right, title, and interest in and to the enforcement and
37 collection of delinquent and uncollected property taxes,
38 assessments, and other receivables that have been levied by or on
39 behalf of the local agency for collection on the secured, unsecured,
40 or supplemental property tax rolls in accordance with the terms

1 and conditions that may be set forth in an agreement with a joint
2 powers authority.

3 (c) Notwithstanding Division 1 (commencing with Section 50)
4 of the Revenue and Taxation Code, upon any transfer authorized
5 in subdivision (b), the following shall apply:

6 (1) A local agency shall be entitled to timely payment of all
7 delinquent taxes, assessments, and other receivables collected on
8 its behalf on the secured, unsecured, and supplemental tax rolls,
9 along with all penalties, interest, costs, and other charges thereon,
10 no later than 30 calendar days after the close of the preceding
11 monthly or four week accounting period during which the
12 delinquencies were paid by or on account of any property owner.

13 (2) Upon its receipt of the delinquent taxes, assessments, and
14 receivables that it had agreed to be transferred, a local agency shall
15 pay those amounts, along with all applicable penalties, interest,
16 costs, and other charges, to the joint powers authority in
17 accordance with the terms and conditions that may be agreed to by
18 the local agency and the joint powers authority.

19 (3) The joint powers authority shall be entitled to assert all
20 right, title, and interest of the local agency in the enforcement and
21 collection of the delinquent taxes, assessments, and receivables,
22 including without limitation, its lien priority, its right to receive the
23 proceeds of delinquent taxes, assessments, and receivables, and its
24 right to receive all penalties, interest, administrative costs, and any
25 other charges, including attorney fees and costs, if otherwise
26 authorized by law to be collected by the local agency.

27 (4) (A) For any school district that participates in a joint
28 powers authority using financing authorized by this section and
29 that does not participate in the alternative method of distribution
30 of tax levies under Chapter 3 of Division 1 of Part 8 of the Revenue
31 and Taxation Code, the amount of property tax receipts to be
32 reported in a fiscal year for the district under subdivision (f) of
33 Section 75.70 of the Revenue and Taxation Code, or any other
34 similar law requiring reporting of school district property tax
35 receipts, shall be equal to 100 percent of the school district's
36 allocable share of the taxes ~~levied~~ *distributed to it* for the *then*
37 *fiscal year on its behalf, plus 100 percent of the school district's*
38 *share of any delinquent secured and supplemental property taxes*
39 *assigned from that year and 100 percent of its share of any*
40 *delinquent secured and supplemental property taxes from any*

1 prior years which the school district has assigned to a joint powers
2 authority in that fiscal year, as such delinquent taxes are shown on
3 the delinquent tax roll prescribed by Section 2627 of the Revenue
4 and Taxation Code, on an abstract list if one is kept pursuant to
5 Chapter 4 (commencing with Section 4372) of Part 7 of Division
6 1 of the Revenue and Taxation Code, or other records maintained
7 by the county, plus all other delinquent taxes that the school
8 district has not assigned to a joint powers authority which are
9 collected and distributed to the school district as otherwise
10 provided by law, less any reduction amount required by
11 subparagraph (B). One hundred percent of the school district's
12 allocable share of the delinquent taxes ~~levied~~ assigned for the
13 current fiscal year, and 100 percent of the school district's
14 allocable share of the delinquent taxes assigned for all years prior
15 thereto, as shown on the delinquent roll, abstract list, or other
16 records maintained by the county, whether or not ~~the~~ those
17 delinquent taxes are ever collected, shall be paid by the joint
18 powers authority to the county auditor and shall be distributed to
19 the school district by the county auditor in the same time and
20 manner otherwise specified for the distribution of tax revenues
21 generally to school districts pursuant to current law. Any
22 additional amounts shall not be so reported and may be provided
23 directly to a school district by a joint powers authority.

24 (B) When a joint powers authority finances delinquent taxes for
25 a school district pursuant to this section, and continuing as long
26 as adjustments are made to the delinquent taxes previously
27 assigned to a joint powers authority, the school district's tax
28 receipts to be reported as set forth in subparagraph (A) shall be
29 reduced by the amount of any adjustments made to the school
30 district's allocable share of taxes shown on the applicable
31 delinquent tax roll, abstract list, if one is kept, or other records
32 maintained by the county, occurring for any reason whatsoever
33 other than redemption, which reduce the amount of the delinquent
34 taxes assigned to the joint powers authority.

35 (C) A joint powers authority financing delinquent school
36 district taxes and related penalties pursuant to this subdivision
37 shall be solely responsible for, and shall pay directly to the county,
38 all reasonable and identifiable administrative costs and expenses
39 of the county which are incurred as a direct result of the
40 compliance of the county tax collector or county auditor, or both,

1 with any new or additional administrative procedures required for
2 the county to comply with this subdivision. Where reasonably
3 possible, the county shall provide a joint powers authority with an
4 estimate of the amount of and basis for any additional
5 administrative costs and expenses within a reasonable time after
6 written request for an estimate.

7 ~~(C)~~

8 (D) In no event shall the state be responsible or liable for a joint
9 powers authority's failure to actually pay the amounts required by
10 subparagraphs (A) and (B), nor shall a failure constitute a basis for
11 a claim against the state by a school district, county, or joint powers
12 authority.

13 ~~(D)~~

14 (E) The phrase "school district," as used in this section,
15 includes all school districts of every kind or class, including,
16 without limitation, community college districts and county
17 superintendents of school.

18 (d) The powers conferred by this section upon joint powers
19 authorities and local agencies shall be complete, additional, and
20 cumulative to all other powers conferred upon them by law. Except
21 as otherwise required by this section, the agreements authorized by
22 this section need not comply with the requirements of any other
23 laws applicable to the same subject matter.

24 (e) An action to determine the validity of any bonds issued, any
25 joint powers agreements entered into, any related agreements,
26 including, without limitation, any bond indenture or any
27 agreements relating to the sale, assignment, or pledge entered into
28 by a joint powers authority or a local agency, the priority of any
29 lien transferred in accordance with this section, and the respective
30 rights and obligations of any joint powers authority and any party
31 with whom the joint powers authority may contract pursuant to this
32 chapter, may be brought by the joint powers authority pursuant to
33 Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of
34 the Code of Civil Procedure. Any appeal from a judgment in the
35 action shall be commenced within 30 days after entry of judgment.

36 (f) This section shall not be construed to affect the manner in
37 which an agency participates in or withdraws from the alternative
38 distribution method established by Chapter 3 (commencing with
39 Section 4701) of Part 8 of Division 1 of the Revenue and Taxation
40 Code.

1 SEC. 74. Section 8869.84 of the Government Code is
2 amended to read:

3 8869.84. (a) The committee shall, as soon as is practicable
4 after the start of each calendar year, determine and announce the
5 state ceiling for the calendar year.

6 (b) The entire state ceiling for each calendar year is hereby
7 allocated to the committee to further allocate to state and local
8 agencies as provided in this chapter.

9 (c) The committee shall prepare application forms and
10 announce procedures for receipt and review of applications from
11 state and local agencies desiring to issue private activity bonds.

12 (d) The committee may at any time, before or after granting any
13 allocations in any calendar year to any state agencies or local
14 agencies, announce priorities or reservations of any part of the
15 state ceiling not theretofore allocated either for certain categories
16 of bonds or categories of issuers.

17 (e) The committee may require any issuer making an
18 application to the committee or MBTCAC for allocation of a
19 portion of the state ceiling to make a deposit, as determined by the
20 committee, of up to 1 percent of the portion requested. If an
21 allocation is not given, the deposit shall be returned. If an
22 allocation is given, the deposit shall be kept (in proportion to the
23 amount of allocation given) until bonds are issued. Upon that
24 issuance, the deposit shall be returned to the issuer in an amount
25 equal to the product of (1) the amount of the deposit retained times
26 (2) the ratio between the amount of bonds issued divided by the
27 amount of allocation granted. If no bonds are issued prior to the
28 expiration of the allocation, the deposit shall be kept, unless the
29 committee determines there is good cause to return all or part of
30 the deposit. Any portion of a deposit kept shall be deposited in the
31 fund.

32 (f) The committee may transfer part of the state ceiling to the
33 MBTCAC, to be used for qualified mortgage bonds and exempt
34 facility bonds, as those terms are used in the Internal Revenue
35 Code, for qualified residential rental projects, as those terms are
36 used in the Internal Revenue Code, (together referred to as
37 “housing bonds”), with directions and conditions pursuant to
38 which MBTCAC may allocate those amounts to issuers of housing
39 bonds at both the state and local level. In carrying out these
40 functions, MBTCAC shall act solely as directed or authorized by

the committee. If the committee makes the transfer to MBTCAC authorized by this subdivision, the references in Sections 8869.85, 8869.86, 8869.87, and 8869.88 to the “committee” shall, for purposes of any housing bonds, be deemed to mean MBTCAC.

(g) (1) The committee may establish the Extra Credit Teacher Home Purchase Program to provide federal mortgage credit certificates and reduced interest rate loans funded by mortgage revenue bonds to eligible teachers, principals, vice principals, and assistant principals who agree to teach or provide administration in a low performing school. For purposes of this program, a low performing school is a state K-12 public school that is ranked *in the bottom half of the Academic Performance Index developed pursuant to subdivision (a) of Section 52052. However, priority shall be given to schools that are ranked in the bottom 30 percent of all schools based on the most recent Academic Performance Index three deciles.* The committee may make reservations of a portion of future calendar year state ceiling limits for up to five future calendar years for that program. The committee may also make future allocations of the state ceiling for up to five years for any issuer under that program. Any future allocation made by the committee shall constitute an allocation of the state ceiling for a future year specified by the committee and shall be deemed to have been made on the first day of the future year so specified.

(2) The committee may condition allocations under the Extra Credit Teacher Home Purchase Program on any terms and conditions that the committee deems necessary or appropriate, including, but not limited to, the execution of a contract between the teacher, principal, vice principal, or assistant principal and the issuer whereby the teacher, principal, vice principal, or assistant principal agrees to comply with the terms and conditions of the program. The contract may include, among other things, an agreement by the teacher, principal, vice principal, or assistant principal to teach or provide administration in a low performing school for a minimum number of years, and provisions for enforcing the contract that the committee deems necessary or appropriate.

~~(3) In the event~~ If a teacher, principal, vice principal, or assistant principal does not fulfill the requirements of a contract entered into pursuant to paragraph (2), the issuer of the mortgage credit certificate or mortgage revenue bond may recover as an

1 assessment from the teacher, principal, or assistant principal a
2 monetary amount equal to the lesser of (A) one-half of the
3 teacher's, principal's, vice principal's, or assistant principal's net
4 proceeds from the sale of the related residence or (B) the amount
5 of monetary benefit conferred on the teacher, principal, vice
6 principal, or assistant principal as a result of the federal mortgage
7 credit certificate or reduced interest rate loan funded by a mortgage
8 revenue bond, offset by the amount of any federal recapture, as
9 defined by Section 143(m) of the Internal Revenue Code. The
10 assessment may be secured by a lien against the residence, which
11 shall decline in amount over the term of the contract as the teacher,
12 principal, vice principal, or assistant principal fulfills the term of
13 the contract, and which shall be collected at the time of sale of the
14 residence. Any assessment collected pursuant to this paragraph
15 shall be used for the issuer's costs in administering the Extra Credit
16 Teacher Home Purchase Program. The issuers shall report
17 annually to the committee the total amount of any assessments
18 collected pursuant to this paragraph and how those assessments
19 were used by the issuer.

20 (4) If the committee establishes the Extra Credit Teacher Home
21 Purchase Program pursuant to this subdivision, the committee
22 shall report annually to the Legislature the results of the program,
23 including all of the following:

24 (A) The amount of state ceiling limits allocated to or reserved
25 for the program.

26 (B) The agencies to which state ceiling limits were issued.

27 (C) The number of loans or mortgage credit certificates issued
28 to teachers, principals, vice principals, and assistant principals.

29 (D) The schools at which recipients of assistance are employed,
30 aggregated by decile in which the schools rank on the Academic
31 Performance Index and by the percentage of uncredentialed
32 teachers employed at the schools.

33 (5) The committee shall not make any reservations of future
34 calendar year state ceiling limits or future allocations of the state
35 ceiling pursuant to this subdivision on or after January 1, 2004,
36 unless a later enacted statute, that is enacted before January 1,
37 2004, deletes or extends that date. However, reservations and
38 allocations made prior to that date shall remain valid.

39 SEC. 75. Section 3 of Chapter 1024 of the Statutes of 2000 is
40 amended to read:



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

~~SEC. 67.—~~

SEC. 76. *Item 6110-001-0890 of the Budget Act of 2001 is amended to read:*

6110-001-0890—For support of Department of Education, for payment to Item 6110-001-0001, payable from the Federal Trust Fund	109,361,000
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Provisions:

1. The funds appropriated in this item include Federal Vocational Education Act funds for the 2001-02 fiscal year to be transferred to community colleges by means of interagency agreements. These funds shall be used by community colleges for the administration of vocational education programs.
2. Of the funds appropriated in this item, \$96,000 is available to the Advisory Commission on Special Education for the in-state travel expenses of the commissioners and the secretary to the commission.
3. Of the funds appropriated in this item, \$384,000 is available for programs for homeless youth and adults pursuant to the federal Stewart B. McKinney Act. The department shall consult with the State Departments of Economic Opportunity, Mental Health, Housing and Community Development, and Economic Development in operating this program.
4. Of the funds appropriated in this item, up to \$364,000 shall be used to provide in-service training for special and regular educators and related persons, including, but not limited to, parents, administrators, and organizations serving severely disabled children. These funds are also to provide up to four positions for this purpose.
5. Of the funds appropriated in this item, \$318,000 shall be used to provide training in culturally nonbiased

1 assessment and specialized language skills to special
2 education teachers.

3 6. Of the amount appropriated in this item, \$600,000
4 shall be used for the administration of the federal
5 Public Charter School Program. For fiscal year
6 2001–02, one Education Program Consultant
7 position shall support fiscal issues pertaining to
8 charter schools, including development and
9 implementation of the funding model pursuant to
10 Chapter 34 of the Statutes of 1998.

11 7. Of the funds appropriated in this item, \$932,000 shall
12 be for the administration of the Federal Reading
13 Excellence Act.

14 8.5. Of the funds appropriated in this item, \$9,083,000
15 is from the Child Care and Development Block
16 Grant Fund and includes \$158,000 for an
17 interagency agreement with the Child Development
18 Programs Advisory Committee. \$150,000 is
19 available to increase the base resources for the child
20 development audit workload. These funds are solely
21 for travel expenses to facilitate the goal of
22 conducting field audits on 10 percent of child care
23 and development agencies consistent with Provision
24 8 of Item 6110–001–0890 of the Budget Act of 2000.
25 The audits shall include sampling to determine the
26 level of compliance with eligibility rules, accuracy
27 of family fee determinations, and family fee
28 collections. The State Department of Education
29 shall provide a report to the Legislature and the
30 Department of Finance by September 1, 2003, on fee
31 and eligibility compliance rates and take steps to
32 reduce compliance problems through sanctions and
33 other remedies available in law.

34 9. Of the funds appropriated in this item, \$1,345,000
35 shall be used for administration of the Technology
36 Literacy Challenge Grant Program. Of this amount:
37 (a) \$580,000 is available only for contracted
38 technical support and evaluation services associated
39 with the Technology Literacy Challenge Grant
40 Program.

10. Of the funds appropriated in this item, \$7,952,000 is for dispute resolution services, including mediation and fair hearing services, provided through contract for the Special Education Program.
11. Of the amount provided in this item, \$843,000 is provided for staff for the Special Education Focused Monitoring Pilot Program to be established by the State Department of Education for the purpose of monitoring local education agency compliance with state and federal laws and regulations governing special education.
12. Of the amount appropriated in this item, \$36,000 shall be used for the administration of the federal class size reduction grant program (Sec. 5, P.L. 106-25).
13. Of the funds appropriated in this item, \$120,000 shall be used solely for the administration of the federal advance placement examination fee payment grant program for low-income pupils.
15. Of the funds appropriated in Schedule (2) of this item, \$3,000,000 shall be used solely for the purposes of (a) activities associated with ensuring that the High School Exit and standards-based STAR exams are aligned to the state-adopted standards and (b) additional psychometric and contracting support for the effective and efficient operation of the testing system. Encumbrance of these funds is contingent upon prior approval of an expenditure plan by the State Board of Education.
16. Of the funds appropriated in Schedule (2) of this item, \$300,000 shall be used solely for the purposes of contracting for a study to determine the reliability of the Golden State Exams. The choice of a contractor and the contents of the contract shall be subject to approval by the State Board of Education.
17. Not sooner than 30 days after notification in writing to the chairpersons of the committee in each house of the Legislature that considers opportunities and the Chairperson of the Joint Legislative Budget Committee or his or her designee, the Department of

1 Finance may transfer up to \$859,000 to this item
2 from Schedule (1) of Item 6110–136–0890, to
3 address activities associated with the
4 implementation of corrective action plans and
5 sanctions pursuant to federal law and, to the extent
6 applicable, Article 3 (commencing with Section
7 52053) of Chapter 6.1 of Part 28 of the Education
8 Code.

9 18. Of the funds appropriated in this item, \$350,000
10 shall be available for the preparation, analysis, and
11 production of the annual federal accountability
12 reports, as required by the Carl D. Perkins
13 Vocational Technical Education Act.

14 19. Of the funds appropriated in this item, \$250,000
15 shall be allocated by the Department of Education
16 to the California State University, San Bernardino,
17 Center for the Study of Correctional Education, for
18 special education monitoring of and technical
19 assistance for the California Youth Authority
20 pursuant to legislation as enacted during the
21 2001–02 Regular Session. If this legislation is not
22 enacted, the \$250,000 shall be used for the purposes
23 of implementing the interagency agreement
24 between the Department of Education and the
25 California Youth Authority, which shall be revised to
26 require onsite, full reviews of each institution and
27 each camp operated by the California Youth
28 Authority once every two years and to require that
29 the onsite, full reviews include, but not be limited to,
30 observation of service delivery, file reviews, and
31 interviews with wards, teachers, parents or surrogate
32 parents, and institutional staff.

33 20. The balance of unencumbered funds appropriated
34 in subdivision (h) of Provision 7 of Item
35 6110–001–0890 of the Budget Act of 2000 (Ch. 52,
36 Stats. 2000) shall remain available to the office of
37 the Legislative Analyst for the purpose of providing
38 an evaluation of charter schools pursuant to Chapter
39 34 of the Statutes of 2000.

1 *SEC. 77. Item 6110-165-0001 of Section 2.00 of the Budget*
2 *Act of 2001 is amended to read:*

3

4 6110-165-0001—For local assistance, Department of
5 Education 7,022,000
6 Schedule:
7 (1) 10.70-Vocational Education 20,868,000
8 (2) Reimbursements -13,846,000
9 Provisions:



1. \$13,846,000 of the funds appropriated in this item are for the purpose of *implementing* the federal Workforce Investment Act.
2. ~~Notwithstanding any other provision of law, of the funds appropriated in this item, \$7,022,000 is available for the purpose of matching Workforce Investment Act funds available under Section 1602(b)(1) of Title 29 of the United States Code. The Superintendent of Public Instruction shall allocate these funds for the provision of education in conjunction with occupational skills training pursuant to Section 33117.5 of the Education Code in the following order of priority: (1) to persons participating in welfare to work activities under the CalWORKs program as described in Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code; and (2) to persons eligible for Workforce Investment Act program funds but not receiving assistance under the CalWORKs program. The Superintendent of Public Instruction shall allocate the funds appropriated in this item to adult schools regional occupational centers and programs, school districts maintaining high schools, and county offices of education maintaining alternative programs for high school pupils to support capacity building activities related to youth services including, but not limited to, supporting educational opportunities and development of career-technical skills, youth councils, and one-stop career centers, for building regional collaboratives, and for assessing pupil outcomes, pupil performance, retention, and accountability. The Superintendent of Public Instruction shall give priority in allocating these funds to support CalWORKs participants who are eligible for youth services in the federal Workforce Investment Act.~~

SEC. 78. Item 6110-210-0001 of Section 2.00 of the Budget Act of 2001 is amended to read:

6110-210-0001—For local assistance, State Department of
Education, Program 10.10, One-time fund 250,000,000

Provisions:

1. The funds appropriated in this item shall be allocated to all ~~school districts, county offices of education, and charter schools~~ *local education agencies* in the state on the basis of an equal amount per unit of average daily attendance, including average daily attendance attributable to regional occupational centers and programs and adult education programs, as reported on the second principal apportionment for the 2000-01 fiscal year, and average daily enrollment in preschool and childcare programs operated *by local education agencies under contract with the Child Development Division of the State Department of Education on local education agency* schoolsites. For the purpose of determining the average daily enrollment of children served by local education agencies in preschool and childcare development programs operated on *their* schoolsites, the Superintendent of Public Instruction shall divide a local education agency's total number of child days of enrollment in these programs in the 2000-01 school year by ~~180~~ 175 days *for a preschool program, 246 days for a general or migrant childcare program, or 160 days for a schoolage community childcare program* to determine an average daily enrollment for the programs and allocate funds according to this average daily enrollment. Of the funds distributed or the purposes of this provision, ~~each school district, county office of education, and charter school~~ *local education agency* shall receive not less than \$14,000 for each schoolsite within its jurisdiction. Each school district, county office of education, and charter school has discretion to allocate these funds within its jurisdiction as each deems appropriate.

2. *For purposes of this item, "schools site" means any public school that was a wholly self-contained site, with a separate county–district–school (CDS) code as maintained by the Superintendent of Public Instruction as of June 30, 2000, and that was in operation during the entire 2000–01 school year. Two or more schools that share a physical site or staff shall be considered a single schoolsite. As a condition of receipt of funds provided in this item, school districts, county offices of education, and charter schools shall, in a local governing board resolution adopted in a regularly scheduled public meeting by the end of the 2001–02 fiscal year, identify energy conservation measures that result in a decrease in the amount of energy used by schools within the local education agency. The local governing board resolution shall also include a list of specific actions that will be carried out to achieve the reduction in energy use. Funds appropriated under this item may be used for energy conservation measures, increased energy costs, career/technical education one-time purposes, or any other one-time educational purpose.*

5. *For purposes of the computations required by Section 8 of Article XVI of the California Constitution, \$123,161,000 of the appropriations made by in this item shall be deemed to be "General Fund" revenues appropriated to school districts as defined in subdivision (c) of Section 41202 of the Education Code for the 1995–96 fiscal year and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B" as defined in subdivision (e) of Section 41202 of the Education Code, for the 1995–96 fiscal year.*

6.—

5. For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, \$126,839,000 of the appropriations made in this item shall be deemed to be "General Fund" revenues appropriated to school districts as defined in subdivision (c) of Section 41202 of the Education Code for the 1996–97 fiscal year and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B" as defined in subdivision (e) of Section 41202 of the Education Code, for the 1996–97 fiscal year.

SEC. 79. Item 6110-295-0001 of the Budget Act of 2001 is amended to read:

6110–295–0001—For local assistance, Department of Education (Proposition 98), for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or Section 17561 of the Government Code, of the cost of any new program or increased level of service of an existing program mandated by statute or executive order, for disbursement by the State Controller	164,303,000
Schedule:	
(1) 98.01.003.677—Annual Parent Notification (Ch. 36, Stats. 1977, et al.)	3,585,000
(2) 98..01.007.778—Absentee Ballots—Schools (Ch. 77, Stats. 1978 and Ch. 920, Stats. 1994)	1,295,000
(3) 98.01.008.786—School Discipline Rules (Ch. 87, Stats. 1986)	1,726,000
(4) 98.01.009.894—Caregiver Affidavits (Ch. 98, Stats. 1994)	387,000
(5) 98.01.016.093—School District of Choice Transfer and Appeals (Ch. 160, Stats. 1993)	10,207,000

1	(6) 98.01.013.487—Pupil Suspensions:	
2	District Employee Reports	
3	(Ch.134, Stats. 1987 et al.)	1,022,000
4	(7) 98.01.016.193—Intradistrict Atten-	
5	dance (Ch. 161, Stats. 1993) . . .	5,262,000
6	(8) 98.01.017.201—Interdistrict Atten-	
7	dance (Ch. 172, Stats. 1986) . . .	1,789,000
8	(9) 98.01.017.286—Interdistrict Trans-	
9	fer Parent's Employment (Ch. 172,	
10	Stats. 1986)	1,111,000
11	(10) 98.01.048.675—Test Claims and	
12	Reimbursement Claims (Ch. 486,	
13	Stats. 1975)	1,856,000
14	(11) 98.01.049.801—Graduation Re-	
15	quirements (Ch. 498, Stats.	
16	1983)	13,898,000
17	(12) 98.01.049.802—Notices of Truan-	
18	cy (Ch. 498, Stats. 1983)	7,975,000
19	(13) 98.01.049.803—Pupil Expulsions/	
20	Expulsion Appeals (Ch. 498, Stats.	
21	1983 et al.)	2,247,000
22	(14) 98.01.062.492—Schoolbus Safety	
23	(Ch. 624, Stats. 1992)	938,000
24	(15) 98.01.064.186—Open Meetings	
25	Act (Ch. 641, Stats. 1986)	3,395,000
26	(16) 98.01.066.878—Pupil Exclusions	
27	(Ch. 668, Stats. 1978)	387,000
28	(17) 98.01.078.192—Charter Schools	
29	(Ch. 781, Stats. 1992)	598,000
30	(18) 98.01.078.395—Investment Re-	
31	ports (Ch. 783, Stats. 1995)	157,000
32	(19) 98.01.079.980—PERS Death	
33	Benefits (Ch. 799, Stats. 1980) . .	771,000
34	(20) 98.01.081.891—AIDS Prevention	
35	Instruction (Ch. 818, Stats.	
36	1991)	3,118,000
37	(21) 98.01.096.175—Collective Bar-	
38	gaining (Ch. 961, Stats. 1975) . .	40,532,000

1	(22) 98.01.096.501—Pupil Classroom	
2	Suspension (Ch. 965, Stats.	
3	1977)	1,794,000
4	(23) 98.01.096.577—Public Health	
5	Screenings (Ch. 965, Stats.	
6	1977)	3,212,000
7	(24) 98.01.097.595—Physical Perfor-	
8	mance Tests (Ch. 975, Stats.	
9	1995)	1,176,000
10	(25) 98.01.101.184—Juvenile Court	
11	Records (Ch. 1011, Stats. 1984) .	336,000
12	(26) 98.01.110.784—Removal of	
13	Chemicals (Ch. 1107, Stats.	
14	1984)	1,302,000
15	(27) 98.01.110.784—Removal of	
16	Chemicals (Ch. 1107, Stats.	
17	1984)	1,510,000
18	(28) 98.01.117.677—Immunization	
19	Records (Ch. 1176, Stats.	
20	1977)	3,444,000
21	(29) 98.01.118.475—Habitual Truants	
22	(Ch. 1184, Stats. 1975)	5,397,000
23	(30) 98.01.121.391—Collective Bar-	
24	gaining Agreement Disclosures	
25	(Ch. 1213, Stats. 1991)	271,000
26	(31) 98.01.125.375—Expulsion Tran-	
27	scripts (Ch. 1253, Stats. 1975) . .	28,000
28	(32) 98.01.128.488—Pupil Suspen-	
29	sions: Parents Classroom Visits	
30	(Ch. 1284, Stats. 1988)	1,019,000
31	(33) 98.01.130.689—Notification to-	
32	Teachers of Public Pupil Ex-	
33	pulsion (Ch. 1306, Stats.	
34	1989)	2,853,000
35	(34) 98.01.134.780—Scoliosis Screen-	
36	ing (Ch. 1347, Stats. 1980)	2,242,000
37	(35) 98.01.139.874—PERS Unused	
38	Sick Leave Credit (Ch. 1398, Stats.	
39	1974)	3,191,000



1	(36) 98.01.146.389—School Account	
2	ability Report Cards (Ch. 1463,	
3	Stats. 1989)	2,115,000
4	(37) 98.01.160.784—School Crimes	
5	Reporting (Ch. 1607, Stats.	
6	1984)	1,557,000
7	(38) 98.01.165.984—Emergency Proce-	
8	dures (Ch. 1659, Stats. 1984) . . .	14,229,000
9	(39) 98.01.167.584—School Testing—	
10	Physical Fitness (Ch. 1675,	
11	Stats. 1984)	680,000
12	(40) 98.01.077.896—American Gov-	
13	ernment Course Documents Re-	
14	quirements (Ch. 778, Stats.	
15	1996)	202,000
16	(41) 98.01.030.995—Pupil Residency	
17	Verification and Appeals (Ch.	
18	309, Stats. 1995)	219,000
19	(42) 98.01.058.897—Criminal Back-	
20	ground Checks (Ch. 588, Stats.	
21	1997)	5,090,000
22	Provisions:	
23	1. Except as provided in Provisions 2 and 3 of this	
24	item, allocations of funds shall be made by the	
25	Controller in accordance with the provisions of	
26	each statute or executive order that mandates the	
27	reimbursement of the costs, and shall be audited to	
28	verify the actual amount of the mandated costs in	
29	accordance with subdivision (d) of Section 17561 of	
30	the Government Code. Audit adjustments to prior	
31	year claims may be paid from this item. Funds	
32	appropriated by this item may be used to provide	
33	reimbursement pursuant to Article 5 (commencing	
34	with Section 17615) of Chapter 4 of Part 7 of	
35	Division 4 of Title 2 of the Government Code.	
36	2. If any of the scheduled amounts are insufficient	
37	to provide full reimbursement of costs, the State	
38	Controller may, upon approval of the Director of	
39	Finance in writing, augment those deficient	
40	amounts from the unencumbered balance of any	

other scheduled amounts therein. No order may be issued pursuant to this provision unless written notification of the necessity therefore is provided to the chairperson of the committee in each house of the Legislature which considers appropriations and the Chairperson of the Joint Legislative Budget Committee or his or her designee.

3. Notwithstanding any other provision of law, the funds appropriated in Schedules (19) and (35) are for transfer to the Public Employees' Retirement System for reimbursement of costs incurred pursuant to Chapter 1398 of the Statutes of 1974 or Chapter 799 of the Statutes of 1980.

SEC. 80. Item 6110-485 of the Budget Act of 2001 is amended to read:

6110-485—Reappropriation (Proposition 98) Department of Education. The sum of \$466,102,000 is reappropriated from the Proposition 98 Reversion Account, for the following purposes:

0001—General Fund

- (1) \$4,166,000 to the State Department of Education or the purpose of funding prior year Annual Parent Notification—Staff Development mandate claims pursuant to Chapter 929, Statutes of 1997.
- (3) \$12,005,000 for transfer by the Controller to Section A of the State School Fund, for allocation by the Superintendent of Public Instruction to SELPAs to fully fund the 2000–01 Special Education average daily attendance increase.
- (5) \$846,000 to the State Department of Education, for transfer to Section A of the State School Fund, to fully fund the 1999–00 deficit in the child nutrition program.
- (6) \$1,281,000 to the State Department of Education, for transfer to Section A of the State School Fund to fully fund the 2000–01 deficit in the child nutrition program.

- 1 (8) \$10,000,000 on a one-time basis to the State Depart-
2 ment of Education for Regional Occupational Cen-
3 ters and Programs for equipment.
- 4 (9) \$1,000,000 to the State Department of Education for
5 allocation to FCMAT to provide professional man-
6 agement assistance to the Emery Unified School
7 District.
- 8 (10) \$200,000 to the State Department of Education for
9 allocation to FCMAT to provide professional man-
10 agement assistance to school districts in West Con-
11 tra Costa County.
- 12 (11) \$500,000 to the State Department of Education for
13 allocation to FCMAT for the purposes of imple-
14 menting the Student Friendly Services through
15 Technology project
- 16 (12) \$100,000 to the State Department of Education for
17 the purpose of reimbursing districts for the cost of
18 substitute educators pursuant to Section 44987.3 of
19 the Education Code.
- 20 (13) \$15,000,000 to the State Department of Educa tion
21 for allocation to schools pursuant to Article 2 (com-
22 mencing with Section 51120) of Chapter 1.5 of Part
23 28 of the Education Code (Nell Soto Parent/Teacher
24 Involvement Program).
- 25 (15) \$62,505,000 as a contingency expenditure, to be
26 authorized by the Department of Finance for trans-
27 fer to the Controller as necessary for the reimburse-
28 ment of state-mandated cost claims and interest
29 submitted by school districts and county offices of
30 education. These funds would be applied toward the
31 minimum funding requirement for school districts
32 and community college districts imposed by Sec-
33 tion 8 of Article XVI of the California Constitution
34 for the 2000-01 fiscal year.
- 35 (16) \$23,939,000 to the State Department of Education
36 for the purpose of funding prior year school crimes
37 reporting mandate claims pursuant to Chapter 759
38 of the Statutes of 1992 and Chapter 410 of the Stat-
39 utes of 1995.

- 1 (17) \$75,318,000 to the State Department of Education
2 for the purpose of funding ongoing mandates claims
3 pursuant to the enactment of man dates claims leg-
4 islation during the 2001–02 Regular Session.
- 5 (18) \$4,500,000 for allocation to FCMAT for ongoing
6 fiscal oversight of school districts pursuant to Pro-
7 vision 4.
- 8 (19) \$4,500,000 to the State Department of Education
9 for allocation to the Fiscal Crisis and Management
10 Assistance Team for costs associated with adminis-
11 tration of the California School Information Ser-
12 vices Project.
- 13 (20) \$1,000,000 for allocation to the Fiscal Crisis and
14 Management Assistance Team for the purpose of
15 reviewing school district hiring practices, pursuant
16 to Section 42127.85 of the Education Code.
- 17 (21) \$15,000,000 to the State Department of Education
18 for the Principal Training Program pursuant to leg-
19 islation enacted during the 2001–02 Regular Ses-
20 sion related to providing professional development
21 training to administrators.
- 22 (22) \$1,600,000 in one-time funding to the State De-
23 partment of Education for the School Violence Re-
24 imbursement Project in the Grossmont Union High
25 School District.
- 26 (23) \$3,500,000 in one-time funding to the State De-
27 partment of Education for the purpose of support-
28 ing sustainability and evaluation activities by exist-
29 ing Teenage Pregnancy Prevention Grant Program
30 grantees that received funding in ~~2001–02~~ 2000–01
31 pursuant to Section 8922 of the Education Code.
32 Funding shall be distributed proportionate to the
33 funding received in 2000–01.
- 34 (24) \$11,566,000 to the State Department of Education
35 for the purpose of funding FCMAT’s implementa-
36 tion of the local California School Information Ser-
37 vices Project.
- 38 (25) \$635,000 to the State Department of Education for
39 the Beginning Teacher Salary Program.

- 1 (27) \$5,500,000 to be set aside on a one-time basis pur-
2 suant to legislation enacted during the 2001-02
3 Regular Session for career/technical education ser-
4 vices.
- 5 (31) \$67,831,000 to the State Department of Education
6 for transfer by the Controller to Section A of the
7 State School Fund, for allocation by the Superinten-
8 dent of Public Instruction to school districts and
9 county offices of education on the basis of an equal
10 amount per unit of average daily attendance for the
11 purpose of the Proposition 98 educational programs
12 specified in subdivision (b) of Section 12.40 of this
13 act.
- 14 (32) \$110,000 on a one-time basis to the State Depart-
15 ment of Education for grants to school districts and
16 county offices of education pursuant to the gender
17 equity train-the-trainer grant programs established
18 pursuant to Section 224.5 of the Education Code.
- 19 (33) \$10,000,000 to the State Department of Education
20 for the allocation on a one-time basis to implement
21 the High Tech High School Program pending enact-
22 ment of legislation during the 2001-02 Regular
23 Session.
- 24 (35) \$35,000,000 for the purpose of limiting the PERS
25 offset to K-12 revenue limit apportionments con-
26 tingent on legislation enacted prior to January 1,
27 2002. Pending legislation will specify the method
28 of funding distribution, the manner in which the ap-
29 propriation will be included in the continuously ap-
30 propriated K-12 revenue limit apportionment
31 items, and will cap the amount of limitation to
32 \$35,000,000 of the amount of offset that would
33 otherwise be required.
- 34 (36) \$500,000 to the State Department of Education to
35 allocate to school districts for one-time costs asso-
36 ciated with the English Language Development
37 Test.



(37) \$80,000,000 to the State Department of Education for the Mathematics and Reading Professional Development Program, pursuant to legislation enacted in the 2001–02 Regular Session.

(39) \$5,000,000 to be set aside on a one–time basis for the purpose of funding legislation related to establishing the California Information Technology Career Academy Grant Initiative.

(40) \$10,000,000 on a one–time basis to the State Department of Education to augment the School Safety Block Grant Program.

(41) \$3,000,000 to the State Department of Education to contract for the development of the High School Exit Exam Workbooks.

Provisions:

1. The funds reappropriated in subdivision (24) of this item shall be transferred to FCMAT only if education telecommunications funds do not materialize.

3. The funds reappropriated in subdivision (12) of this item shall only be used to reimburse districts which request reimbursement pursuant to Section 44987.3 of the Education Code.

4. Of the funds reappropriated in subdivision (18) of this item, \$4,500,000 shall be allocated to FCMAT for purposes as follows:

(a) \$3,500,000 for the purposes of fully funding county office of education (COE) oversight activities pursuant to Chapter 1213 of the Statutes of 1991 and subsequent laws. These activities include, but are not limited to, conducting reviews, examinations, and audits of districts and providing written notifications of the results at least annually by county offices of education on the fiscal solvency of the districts with disapproved budgets, qualified or negative certifications, or, pursuant to Section 42127.6 of the Education Code, districts facing fiscal uncertainty. Written notifications of the results of these reviews, audits, and examinations shall be provided at least

- 1 annually to the district governing board, the
2 Superintendent of Public Instruction, the
3 Director of Finance, and the Office of Secretary
4 for Education.
- 5 (b) \$1,000,000 to fund reimbursement of COE
6 activities pursuant to Provision 4 of Item
7 6110-107-0001 or for extraordinary costs of
8 audits, examinations, or reviews of district
9 budgets in cases where the COE has reason to
10 believe fraud, misappropriation of funds, or
11 other illegal fiscal practices require COE
12 review. If the legislation is adopted in the
13 2001-02 legislative session regarding COE
14 fiscal oversight activities, the funds in this
15 provision may also be used for those purposes.
16 Any unexpended funds provided under this
17 paragraph may be allocated for the
18 development and implementation of training in
19 accordance with paragraph (2) of subdivision
20 (d) of the Section 42127.8 of the Education
21 Code.
- 22 (c) The amounts in subdivision (a) of this provision
23 shall be distributed by a formula to be adopted
24 by FCMAT in consultation with the California
25 County Superintendent Educational Services
26 Association and approved by the Department of
27 Finance and the Superintendent of Public
28 Instruction. The amounts in subdivision (b) of
29 this provision shall be distributed by FCMAT on
30 an as-needed basis subject to approval by the
31 Department of Finance and the Superintendent
32 of Public Instruction.
- 33 7. The funds reappropriated in subdivision (22) of this
34 item shall be allocated by the State Department of
35 Education to the Grossmont Union High School
36 District in San Diego County for the School Violence
37 Reimbursement Project. The Grossmont Union
38 High School District shall expend these funds to
39 increase the ratio of adults to students on campus,
40 including, but not limited to, school staff and faculty,

community partners, school security personnel, school resource officers, and volunteers, and to fund a pilot program for a school violence prevention hotline to reduce the risks of acts of violence against students and staff. These funds may also be used to reimburse the Grossmont Union High School District for no budgeted expenses incurred during the separate school campus shootings within the district in 2001.

SEC. 81. The sum of sixty-two thousand dollars (\$62,000) appropriated from the Proposition 98 Reversion Account in schedule 9 of Section 42 of Chapter 71 of the Statutes of 2000, as amended by Section 129 of Chapter 1058 of the Statutes of 2000, is hereby reappropriated for allocation on a one-time basis to the Hilmar Unified School District for street access at Hilmar Middle School, to the extent that this funding remains available.

~~SEC. 68.~~

SEC. 82. Notwithstanding any other provision of law, the total apportionment by the Superintendent of Public Instruction to the Compton Unified School District funding for the K-3, Class Size Reduction Program pursuant to Chapter 6.10 (commencing with Section 52120) of Part 28 of the Education Code for the 1999–2000 fiscal year shall be an amount equal to nine million six hundred ninety-five thousand twenty-eight dollars (\$9,695,028).

~~SEC. 69.~~

SEC. 83. Notwithstanding any other provision of law, school agency administrative costs and salary-driven benefit costs, including the employer’s share of Medicare, unemployment insurance, and workers’ compensation, incurred as a result of implementation of Section 40 of Chapter 71 of the Statutes of 2000, shall be paid from funds appropriated for the schoolsite portion of the Academic Performance Index Schoolsites Employees Performance Bonus. School districts, county offices of education, and charter schools may not reduce the amount of Academic Performance Index Schoolsites Employees Performance Bonuses provided to employees to recover the employer’s salary-driven benefit costs or administrative costs incurred by the school district as a result of this award.

SEC. 84. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety

1 within the meaning of Article IV of the Constitution and shall go
2 into immediate effect. The facts constituting the necessity are:
3 In order to ensure that the various programs affected by this act
4 are properly implemented, pursuant to the clarifying, technical,
5 and other changes made by this act, it is necessary that this act take
6 effect immediately.

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