

AMENDED IN ASSEMBLY APRIL 1, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1818

**Introduced by Committee on Education (Strom-Martin (Chair),
Leach (Vice Chair), Alquist, Calderon, Correa, Goldberg, Liu,
Maddox, Pavely, Reyes, Salinas, Vargas, and Washington)**

January 17, 2002

~~An act to amend Sections 38133 and 56001 of the Education Code, relating to education.~~ *An act to amend Sections 8203, 8208, 8242, 8263, 8278, 17150, 38133, 41023, 41031, 41032, 41033, 41035, 41038, 41303, 42127, 42127.1, 42129, 49553, 52291, 52310.5, 52314, 52314.6, 54745, 54746, 54747, 65001, 56100, 56129, 56140, 56170, 56195.7, 56200, 56345, 56361, 56473, 56605, 56836.01, 56836.23, and 60451 of, to amend the heading of Article 3 (commencing with Section 41030) of Chapter 1 of Part 24 of, to amend, repeal, and add Section 35168 of, to amend and renumber Section 42238.146 of, to add Section 14002.3 to, to repeal Section 8468 of, and to repeal Article 3.7 (commencing with Section 32230) of Chapter 2 of Part 19 of, the Education Code, to amend Section 3540.2 of the Government Code, and to amend Section 62 of Chapter 78 of the Statutes of 1999, relating to education.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1818, as amended, Committee on Education. Education.

(1) Existing law specifies indicators of quality child-care programs.

This bill would include program activities and services that meet the needs of children with exceptional needs and their parents as an indicator of quality for this purpose.

(2) Existing law defines “children with exceptional needs,” “children with special needs,” and “severely handicapped children” for purposes of provisions governing child care and development programs.

This bill would delete the definitions of “children with special needs,” define “severely handicapped children” as children with exceptional needs, and would broaden the definition of “children with exceptional needs” to include some of the children defined as “children with special needs” and autistic children.

(3) Existing law authorizes center-based programs previously funded under the Alternative Child Care Act and new programs to operate pursuant to certain regulations for child day care facilities and exempts these programs from certain other regulations and laws if subsidized children comprise less than a majority of their enrollment at any given center.

This bill would delete those provisions.

(4) Existing law requires families to meet certain requirements to be eligible for federal and state subsidized child development services.

This bill would delete having a child with a medical or psychiatric special need that cannot be met without provision of child day care as an alternative eligibility requirement.

(5) Existing law requires certain child development appropriations to be available for expenditure for 3 years except that funds remaining unencumbered at the end of the first fiscal year are required to revert to the General Fund.

This bill would instead require that funds remaining unencumbered at the end of the first fiscal year be available for reallocation pursuant to the annual Budget Act process for quality improvement activities to preschool education projects operated by public television stations in certain cities.

(6) Existing law requires the Superintendent of Public Instruction to disburse funds for extended day care programs accordance to certain procedures to assure geographic equity in the distribution of those funds.

This bill would delete this requirement.

(7) Existing law repealed, on January 1, 2000, the School Violence Reduction Program, a statewide grant program, but made certain provisions of that program operative in fiscal years in which the Superintendent of Public Instruction certifies that over \$2,000,000 are available for purposes of the program.



This bill would delete all of the provisions governing the School Violence Reduction Program.

(8) Existing law requires the governing board of a school district to establish and maintain a historical inventory or an audit trace inventory system or other inventory system of all its items of equipment with a current market value of over \$500 and prescribes the information to be maintained by the inventory.

This bill would, from July 1, 2003, delete the alternative of establishing or maintaining an audit trace inventory system or other inventory system of those items and delete requirement that prescribed information be maintained. Instead, the bill would require that the inventory be made in accordance with the California School Accounting Manual.

(9) Existing law requires a school district that receives bequests or gifts of money not required for the immediate necessities of the district to place that money in a district special fund designated as the Foundation Trust Fund and authorizes the district to invest that money.

This bill would rename the Foundation Trust Fund the Foundation Fund.

(10) Existing law requires the Superintendent of Public Instruction to report annually to the Controller, on or before September 25, the total average daily attendance during the preceding fiscal year.

This bill would change the reporting date to October 20.

(11) Existing law requires the county superintendent of schools to approve or disapprove the adopted budget for a school district by August 15 of the preceding fiscal year. If the budget is disapproved, the county superintendent is required to call for the formation of a budget review committee.

This bill would authorize the governing board of a school district whose budget is disapproved and the county superintendent of schools to agree to waive the requirement that a budget review committee be formed.

(12) Existing law requires the Superintendent of Public Instruction to certify to the Controller the amount of money needed to fund the revenue limits of school districts, county superintendent of schools and charter schools.

This bill would, commencing in the 2005–06 fiscal year, delete the certification requirement regarding charter school revenue limits.

(13) Existing law specifies the components of a nutritionally adequate meal for purposes of providing meals for needy pupils and



allows a cup of unsweetened yogurt as an option for pregnant or lactating pupils.

This bill would instead allow a cup of yogurt as an option for pregnant or lactating pupils.

(14) Existing law requires the state to establish a partnership with the National Academy Foundation to create up to 100 Information Technology Career Academies in public high schools throughout the state and requires the Superintendent of Public Instruction to award grants to high schools selected by the partnership.

This bill would delete the specification that the partnership select the grant recipients.

(15) Existing law requires a regional occupational program or center to be maintained by, and subject to the authority and control of, its governing board. Existing law provides that the governing board of a regional occupational program or center maintained by a county superintendent of schools is the county board of education and that the governing board of a regional occupational program or center maintained by a single school district is the governing board of the school district.

This bill would provide that the governing board of a regional occupational center or program maintained by either a county or a single school district is not entitled to an additional stipend merely to carry out governance of the operations of the regional occupational center or program.

(16) Existing law makes a pupil eligible to be admitted to a regional occupational center or program if the pupil is referred to the center or program and the referral is reviewed and approved by the principal and director of the regional occupational center or program, among other things.

This bill would require the principal's and director's review and approval to be in writing and would authorize a designated administrator to complete that review and approval.

(17) Existing law limits the amount of average daily attendance that may be claimed for certain pupils enrolled in a regional occupational center or program to the greater of 2 specified amounts.

This bill would instead limit that amount of average daily attendance to 3% of the average daily attendance funded in the prior year for the center or program.

(18) Existing law requires a special education local plan area to submit a local plan meeting specified criteria to the Superintendent of



Public Instruction. Existing law requires the State Board of Education to adopt criteria and procedures for the review and approval by the board of local plans and authorizes the approval of local plans for up to 4 years.

This bill would delete the authority to approve a local plan for up to 4 years.

(19) Existing law requires the Superintendent of Public Instruction to maintain the state special schools so that their services are coordinated with the services of a school district, special education local plan area, or county office of education.

The bill would also require the Superintendent of Public Instruction to maintain the diagnostic school so that their services are similarly coordinated.

(20) Existing law requires a special education local plan area's annual budget plan to be adopted at a public hearing held by the district, special education local plan area or county office, as appropriate.

This bill would authorize the governance body of the special education local plan area to designate a local educational agency board, a county office board, or the responsible local agency board to hold the hearing at which the budget plan is adopted.

(21) Existing law requires publishers of instructional materials to submit standards maps to local districts prior to purchase for the purpose of allowing districts to determine the extent to which instructional materials are aligned to the content standards and requires the maps to be filled out using a standard form created and approved by the State Board of Education.

This bill would require the standards maps to be grade level content standards maps and would require the publisher to distribute the maps free of charge. The bill would require the State Department of Education to develop the standards maps used by the publishers and would require the State Board of Education to approve the standards maps developed by the department by July 1, 2003.

(22) Existing law requires a county office of education that has a qualified or negative certification of its ability to meet its financial obligations to allow the Superintendent of Public Instruction at least six working days to review and comment on any proposed agreement between the exclusive representative and the public school employer.

This bill would make this provision applicable to a school district for which the county board of education serves as the governing board.



(23) *The bill would update cross-references and make conforming and other technical changes.*

~~Existing law vests the management, direction, and control of school facilities in the governing board of a school district and requires the district to adopt regulations necessary to provide for the aid, assistance, and encouragement to certain activities.~~

~~This bill would update a cross-reference in this provision.~~

~~Existing law states the intent of the Legislature regarding special education programs.~~

~~This bill would delete an unnecessary cross-reference in this provision and make an technical, nonsubstantive change.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

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

1 SECTION 1. *Section 8203 of the Education Code is amended*
2 *to read:*

3 8203. The Superintendent of Public Instruction shall develop
4 standards for the implementation of quality programs. Indicators
5 of quality shall include, but not be limited to:

6 (a) A physical environment that is safe and appropriate to the
7 ages of the children and which meets applicable licensing
8 standards.

9 (b) Program activities and services that are age appropriate and
10 ~~developmentally~~ meet *developmental* the needs of each child.

11 (c) Program activities and services that meet the cultural, *and*
12 linguistic, ~~and other special~~ needs of children and families being
13 served.

14 (d) Family and community involvement.

15 (e) Parent education.

16 (f) Efficient and effective local program administration.

17 (g) Staff that possesses the appropriate and required
18 qualifications or experience, or both.

19 The appropriate staff qualifications shall reflect the diverse
20 linguistic and cultural make-up of the children and families in the
21 child care and development program. The use of intergenerational
22 staff shall be encouraged.

23 (h) *Program activities and services that meet the needs of*
24 *children with exceptional needs and their parents.*



1 (i) Support services for children, families, and providers of
2 care.

3 ~~(i)~~

4 (j) Resource and referral services.

5 ~~(j)~~

6 (k) Alternative payment services.

7 ~~(k)~~

8 (l) Provision for nutritional needs of children.

9 ~~(l)~~

10 (m) Social services that include, but are not limited to,
11 identification of child and family needs and referral to appropriate
12 agencies.

13 ~~(m)~~

14 (n) Health services that include referral of children to
15 appropriate agencies for services.

16 *SEC. 2. Section 8208 of the Education Code is amended to*
17 *read:*

18 8208. As used in this chapter:

19 (a) “Alternative payments” includes payments that are made
20 by one child care agency to another agency or child care provider
21 for the provision of child care and development services, and
22 payments that are made by an agency to a parent for the parent’s
23 purchase of child care and development services.

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

28 (c) “Applicant or contracting agency” means a school district,
29 community college district, college or university, county
30 superintendent of schools, county, city, public agency, private
31 nontax-exempt agency, private tax-exempt agency, or other entity
32 that is authorized to establish, maintain, or operate services
33 pursuant to this chapter. Private agencies and parent cooperatives,
34 duly licensed by law, shall receive the same consideration as any
35 other authorized entity with no loss of parental decisionmaking
36 prerogatives as consistent with the provisions of this chapter.

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



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

8 (f) “Capital outlay” means the amount paid for the renovation
9 and repair of child care and development facilities to comply with
10 state and local health and safety standards, and the amount paid for
11 the state purchase of relocatable child care and development
12 facilities for lease to qualifying contracting agencies.

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

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

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

- 24 (1) Campus child care and development.
- 25 (2) General child care and development.
- 26 (3) Intergenerational child care and development.
- 27 (4) Migrant worker child care and development.
- 28 (5) Child care provided by the California School Age Families
29 Education Program (Article 7.1 (commencing with Section
30 54740) of Chapter 9 of Part 29.
- 31 (6) State preschool.
- 32 (7) Resource and referral.
- 33 (8) ~~Severely handicapped~~ *Children with exceptional needs*.
- 34 (9) Family day care.
- 35 (10) Alternative payment.
- 36 (11) Child abuse protection and prevention services.
- 37 (12) Schoolage community child care.

38 (j) “Child care and development services” means those
39 services designed to meet a wide variety of needs of children and
40 their families, while their parents or guardians are working, in



1 training, seeking employment, incapacitated, or in need of respite.
2 These services may include direct care and supervision,
3 instructional activities, resource and referral programs, and
4 alternative payment arrangements.

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

8 (l) “Children with exceptional needs” means children who
9 have been determined to be eligible for special education and
10 related services by an individualized education program team
11 according to the special education requirements contained in Part
12 30 (commencing with Section 56000), and meeting eligibility
13 criteria described in Section 56026 and Sections 56333 to 56338,
14 inclusive, and Sections 3030 and 3031 of Title 5 of the California
15 Code of Regulations. These children have an active individualized
16 education program; *or an active individualized education plan*
17 and are receiving appropriate special education and services;
18 ~~unless they are under three years of age and permissive special~~
19 ~~education programs are available.~~ These children, *ages birth to 21*
20 *years, inclusive*, may be *autistic*, developmentally disabled,
21 hard-of-hearing, deaf, speech impaired, visually handicapped,
22 seriously emotionally disturbed, orthopedically impaired, other
23 health impaired, deaf-blind, multihandicapped, or children with
24 specific learning disabilities, who require the special attention of
25 adults in a child care setting.

26 ~~(m) “Children with special needs” includes infants and~~
27 ~~toddlers under the age of three years;~~
28 ~~limited English speaking proficient children; children with~~
29 ~~exceptional needs; limited English proficient handicapped~~
30 ~~children; and children at risk of neglect, abuse, or exploitation.~~

31 ~~(n) “Closedown costs” means reimbursements for all~~
32 ~~approved activities associated with the closing of operations at the~~
33 ~~end of each growing season for migrant child development~~
34 ~~programs only.~~

35 ~~(o)~~

36 (n) “Cost” includes, but is not limited to, expenditures that are
37 related to the operation of child care and development programs.
38 “Cost” may include a reasonable amount for state and local
39 contributions to employee benefits, including approved retirement
40 programs, agency administration, and any other reasonable



1 program operational costs. “Cost” may also include amounts for
2 licensable facilities in the community served by the program,
3 including lease payments or depreciation, down payments, and
4 payments of principal and interest on loans incurred to acquire,
5 rehabilitate, or construct licensable facilities, but these costs shall
6 not exceed fair market rents existing in the community in which
7 the facility is located. “Reasonable and necessary costs” are costs
8 that, in nature and amount, do not exceed what an ordinary prudent
9 person would incur in the conduct of a competitive business.

10 ~~(p)~~

11 (o) “Elementary school,” as contained in Section 425 of Title
12 20 of the United States Code (the National Defense Education Act
13 of 1958, Public Law 85-864, as amended), includes early
14 childhood education programs and all child development
15 programs, for the purpose of the cancellation provisions of loans
16 to students in institutions of higher learning.

17 ~~(q)~~

18 (p) “Health services” include, but are not limited to, all of the
19 following:

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

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

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

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

35 ~~(r)~~

36 (q) “Higher educational institutions” means the Regents of the
37 University of California, the Trustees of the California State
38 University, the Board of Governors of the California Community
39 Colleges, and the governing bodies of any accredited private
40 nonprofit institution of postsecondary education.



1 ~~(s)~~
2 (r) “Intergenerational staff” means persons of various
3 generations.

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

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

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

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

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

20 ~~(w)~~
21 (v) “Proprietary child care agency” means an organization or
22 facility providing child care, which is operated for profit.

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

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



1 ~~(z)~~

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

10 ~~(aa)~~

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

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

27 ~~(ab)~~

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

31 ~~(ae)~~

32 (ab) “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)~~

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

39 ~~(ae)~~



1 (ad) “Support services” means those services which, when
2 combined with child care and development services, help promote
3 the healthy physical, mental, social, and emotional growth of
4 children. Support services include, but are not limited to:
5 protective services, parent training, provider and staff training,
6 transportation, parent and child counseling, child development
7 resource and referral services, and child placement counseling.

8 ~~(af)~~

9 (ae) “Teacher” means a person with the appropriate permit
10 issued by the Commission on Teacher Credentialing who provides
11 program supervision and instruction which includes supervision
12 of a number of aides, volunteers, and groups of children.

13 ~~(ag)~~

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

19 ~~(ah)~~

20 (ag) “Workday” means the time that the parent requires
21 temporary care for a child for any of the following reasons:

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

23 (2) To undertake or retain a job.

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

28 *SEC. 3. Section 8242 of the Education Code is amended to*
29 *read:*

30 8242. ~~To promote greater program flexibility for center-based~~
31 ~~programs previously funded under the Alternative Child Care Act~~
32 ~~pursuant to former Chapter 2.5 (commencing with Section 8400)~~
33 ~~and for new programs funded pursuant to this chapter, such~~
34 ~~programs may operate pursuant to the regulations for child day~~
35 ~~care facilities under Chapter 3 (commencing with Section 1500)~~
36 ~~of Division 2 of the Health and Safety Code.~~

37 ~~Notwithstanding the provisions of Section 8360, these~~
38 ~~programs are not subject to regulations under Title 5 of the~~
39 ~~California Administrative Code and the laws upon which those~~



1 ~~regulations are promulgated if subsidized children comprise less~~
 2 ~~than a majority of their enrollment at any given center.~~

3 If there are no facilities in the area able to meet the special needs
 4 of particular children, then the department may, upon request,
 5 waive its regulations for staffing and group size ratios under Title
 6 5 of the California Administrative Code and the laws upon which
 7 those regulations are promulgated for programs in which
 8 subsidized children comprise a majority of the enrollment.

9 *SEC. 4. Section 8263 of the Education Code is amended to*
 10 *read:*

11 8263. (a) The Superintendent of Public Instruction shall
 12 adopt rules and regulations on eligibility, enrollment, and priority
 13 of services needed to implement this chapter. In order to be eligible
 14 for federal and state subsidized child development services,
 15 families shall meet at least one requirement in each of the
 16 following areas:

17 (1) A family is (A) a current aid recipient, (B) income eligible,
 18 (C) homeless, or (D) one whose children are recipients of
 19 protective services, or whose children have been identified as
 20 being abused, neglected, or exploited, or at risk of being abused,
 21 neglected, or exploited.

22 (2) A family needs the child care service because the child is
 23 identified by a legal, medical, social service agency, or emergency
 24 shelter as (A) a recipient of protective services, (B) being
 25 neglected, abused, or exploited, or at risk of neglect, abuse, or
 26 exploitation, or (C) ~~having a medical or psychiatric special need~~
 27 ~~which cannot be met without provision of child day care, or the~~
 28 parents are (i) engaged in vocational training leading directly to a
 29 recognized trade, paraprofession, or profession, (ii) employed or
 30 seeking employment, (iii) seeking permanent housing for family
 31 stability, or (iv) incapacitated, including a medical or psychiatric
 32 special need which cannot be met without provision of child day
 33 care.

34 (b) Except as provided in Article 15.5 (commencing with
 35 Section 8350), priority for state and federally subsidized child
 36 development services is as follows:

37 (1) First priority shall be given to neglected or abused children
 38 who are recipients of child protective services, or recipients who
 39 are at risk of being neglected or abused, upon written referral from
 40 a legal, medical, or social service agency. When an agency is



1 unable to enroll a child in the first priority category, the agency
2 shall refer the family to local resource and referral services to
3 locate services for the child.

4 (2) Second priority shall be equally given to eligible families,
5 regardless of the number of parents in the home, who are income
6 eligible. Within this priority, families with the lowest gross
7 monthly income in relation to family size, as determined by a
8 schedule adopted by the superintendent, shall be admitted first.
9 When two or more families are in the same priority in relation to
10 income, the family that has been on the waiting list for the longest
11 amount of time shall be admitted first. For purposes of determining
12 order of admission, the grants of public assistance recipients shall
13 be counted as income.

14 (3) The superintendent shall set criteria for and may grant
15 specific waivers of the priorities established in this subdivision for
16 agencies that wish to serve specific populations, including
17 ~~disabled~~ children *with exceptional needs* or children of prisoners.
18 These new waivers shall not include proposals to avoid
19 appropriate fee schedules or admit ineligible families, but may
20 include proposals to accept members of special populations in
21 other than strict income order, as long as appropriate fees are paid.

22 (c) Notwithstanding any other provision of law, in order to
23 promote continuity of services, a family enrolled in a state or
24 federally funded child care and development program whose
25 services would otherwise be terminated because the family no
26 longer meets the program income, eligibility, or need criteria may
27 continue to receive child development services in another state or
28 federally funded child care and development program if the
29 contractor is able to transfer the family's enrollment to another
30 program for which the family is eligible prior to the date of
31 termination of services or to exchange the family's existing
32 enrollment with the enrollment of a family in another program,
33 provided that both families satisfy the eligibility requirements for
34 the program in which they are being enrolled. The transfer of
35 enrollment may be to another program within the same
36 administrative agency or to another agency that administers state
37 or federally funded child care and development programs within
38 that county.

39 (d) A physical examination and evaluation, including
40 age-appropriate immunization, shall be required prior to, or within



1 six weeks of, enrollment. No standard, rule, or regulation shall
2 require medical examination or immunization for admission to a
3 child care and development program of a child whose parent or
4 guardian files a letter with the governing board of the child care
5 and development program stating that the medical examination or
6 immunization is contrary to his or her religious beliefs, or provide
7 for the exclusion of a child from the program because of a parent
8 or guardian having filed the letter. However, whenever there is
9 good cause to believe that a child is suffering from a recognized
10 contagious or infectious disease, the child shall be temporarily
11 excluded from the program until the governing board of the child
12 care and development program is satisfied that any contagious or
13 infectious disease does not exist.

14 (e) Regulations formulated and promulgated pursuant to this
15 section shall include the recommendations of the State
16 Department of Health Services relative to health care screening
17 and the provision of health care services. The superintendent shall
18 seek the advice and assistance of these health authorities in
19 situations where service under this chapter includes or requires
20 care of ill ~~or disabled~~ children *or children with exceptional needs*.

21 (f) The superintendent shall establish a fee schedule for
22 families utilizing child care and development services pursuant to
23 this chapter. The income of a recipient of federal supplemental
24 security income benefits pursuant to Title XVI of the Federal
25 Social Security Act (42 U.S.C. Sec. 1381 et seq.) and state
26 supplemental program benefits pursuant to Title XVI of the
27 Federal Social Security Act and Chapter 3 (commencing with
28 Section 12000) of Part 3 of Division 9 of the Welfare and
29 Institutions Code shall not be included as income for the purposes
30 of determining the amount of the family fee. The fee schedule shall
31 include, but not be limited to, the following restrictions:

32 (1) No fees shall be assessed for families whose children are
33 enrolled in the state preschool program.

34 (2) A contractor or provider may require parents to provide
35 diapers. A contractor or provider offering field trips either may
36 include the cost of the field trips within the service rate charged to
37 the parent or may charge parents an additional fee. No federal or
38 state money shall be used to reimburse parents for the costs of field
39 trips if those costs are charged as an additional fee. A contractor
40 or provider that charges parents an additional fee for field trips



1 shall inform parents, prior to enrolling the child, that a fee may be
2 charged and that no reimbursement will be available. A contractor
3 or provider may charge parents for field trips or require parents to
4 provide diapers only under the following circumstances:

5 (A) The provider has a written policy that is adopted by the
6 agency's governing board that includes parents in the
7 decisionmaking process regarding both of the following:

8 (i) Whether or not, and how much, to charge for field trip
9 expenses.

10 (ii) Whether or not to require parents to provide diapers.

11 (B) The maximum total of charges per child in a contract year
12 does not exceed twenty-five dollars (\$25).

13 (C) No child is denied participation in a field trip due to the
14 parent's inability or refusal to pay the charge. No adverse action
15 shall be taken against any parent for that inability or refusal.

16 Each contractor or provider shall establish a payment system
17 that prevents the identification of children based on whether or not
18 their parents have paid a field trip charge.

19 Expenses incurred and income received for field trips pursuant
20 to this section, shall be reported to the State Department of
21 Education. The income received for field trips shall be reported
22 specifically as restricted income.

23 (g) The superintendent shall establish guidelines for the
24 collection of employer-sponsored child care benefit payments
25 from any parent whose child receives subsidized child care and
26 development services. These guidelines shall provide for the
27 collection of the full amount of the benefit payment, but not to
28 exceed the actual cost of child care and development services
29 provided, notwithstanding the applicable fee based on the fee
30 schedule.

31 (h) The superintendent shall establish guidelines according to
32 which the director or a duly authorized representative of the child
33 care and development program will certify children as eligible for
34 state reimbursement pursuant to this section.

35 (i) No public funds shall be paid directly or indirectly to any
36 agency that does not pay at least the minimum wage to each of its
37 employees.

38 *SEC. 5. Section 8278 of the Education Code is amended to*
39 *read:*



1 8278. (a) Notwithstanding any other provision of law, child
2 development appropriations, with the exception of funds
3 appropriated for the After School Learning and Safe
4 Neighborhoods Partnerships Program pursuant to Article 22.5
5 (commencing with Section 8482) and for CalWORKs child care
6 pursuant to Sections 8353 and 8354, shall be available for
7 expenditure for three years, except that funds remaining
8 unencumbered at the end of the first fiscal year shall ~~revert to the~~
9 ~~General Fund~~ *be allocated for purposes of subdivision (c).*

10 (b) The Superintendent of Public Instruction shall establish
11 criteria and procedures for the reallocation of unearned contract
12 funds in the second and third years of availability, in accordance
13 with the following priorities:

14 (1) First, for the accounts payable of the State Department of
15 Education.

16 (2) Second, to reimburse alternative payment programs for the
17 provision of additional services, in accordance with Section
18 8222.1.

19 (3) Third, for one-time expenditures that will benefit children
20 in subsidized child care, which include, but are not limited to, the
21 purchase of materials approved by the State Department of
22 Education for deferred and major maintenance of existing
23 facilities, respite care, and implementation of capacity building
24 activities, which include new facilities, training, and technical
25 assistance. Notwithstanding any other provision of law, the
26 allocation for these one-time expenditures may not be made unless
27 approved in the annual Budget Act.

28 (c) *Funds appropriated as set forth in subdivision (a) but*
29 *remaining unencumbered at the end of the first fiscal year shall not*
30 *longer be available for those purposes, and shall, instead, be*
31 *available for reallocation pursuant to the annual Budget Act*
32 *process for quality improvement activities to preschool education*
33 *projects operated by public television stations in the cities of*
34 *Redding, San Francisco, San Jose, Los Angeles, Fresno, San*
35 *Diego, Sacramento, and Eureka.*

36 *SEC. 6. Section 8468 of the Education Code is repealed.*

37 ~~8468. To assure geographic equity in the distribution of funds~~
38 ~~appropriated for purposes of this chapter, the Superintendent of~~
39 ~~Public Instruction shall disburse funds for extended day care~~
40 ~~programs in accordance with all of the following procedures:~~



1 ~~(a) To develop a formula to promote geographic equity, the~~
2 ~~superintendent shall use direct indicators of need for child care.~~
3 ~~These data shall be combined on a county-by-county basis.~~
4 ~~However, counties with populations of fewer than 50,000 persons~~
5 ~~shall receive funding adequate to establish at least one program.~~

6 ~~More specific indicators of need for subsidized child care shall~~
7 ~~be substituted for, or included in, the formula as they become~~
8 ~~available.~~

9 ~~Each of the following factors shall be given equal weight in the~~
10 ~~formula for allocation of extended day care funds:~~

11 ~~(1) Each county's percentage of the number of children in the~~
12 ~~state who are in the Aid to Families with Dependent Children~~
13 ~~program.~~

14 ~~(2) Each county's percentage of the number of women in the~~
15 ~~state's labor force.~~

16 ~~(3) Each county's percentage of the number of children in the~~
17 ~~state who are ages 5 years to 14 years, inclusive.~~

18 ~~(b) The Superintendent of Public Instruction shall determine~~
19 ~~the total dollar amount for each county for publicly subsidized~~
20 ~~child care services. If the superintendent determines that funds~~
21 ~~allocated pursuant to this article for a county are not being fully~~
22 ~~utilized within that county, funds that have not been encumbered~~
23 ~~by contract may be reallocated for extended day care services~~
24 ~~pursuant to this article for any county, and allocations in~~
25 ~~subsequent years may be adjusted accordingly.~~

26 ~~(c) The comparison of combined need with all available public~~
27 ~~and private resources shall guide the superintendent in~~
28 ~~determining the portion of funds for extended day care services~~
29 ~~pursuant to this article that will be available to applicant agencies~~
30 ~~from each county.~~

31 ~~The funding for extended day care services shall promote equal~~
32 ~~access to child care services for eligible families across the state~~
33 ~~by bringing the relative dollar amounts in each county into closer~~
34 ~~congruence with the relative need for child care services in each~~
35 ~~county.~~

36 *SEC. 7. Section 14002.3 of the Education Code is added to*
37 *read:*

38 *14002.3. Notwithstanding any other provision of law, for*
39 *purposes of Sections 14002, 14004, and 41301, for the 2000-01*
40 *fiscal year and each fiscal year thereafter, the Superintendent of*



1 *Public Instruction shall certify to the Controller amounts that do*
2 *not exceed the amounts needed to fund the revenue limits of school*
3 *districts, as determined pursuant to Section 42238, and the*
4 *revenue limits of county superintendents of schools, as determined*
5 *pursuant to Section 2558.*

6 *(b) This section shall become operative on July 1, 2005.*

7 SEC. 8. *Section 17150 of the Education Code is amended to*
8 *read:*

9 17150. (a) Upon the approval by the governing board of the
10 school district to proceed with the issuance of certificates of
11 participation *or* revenue bonds or to enter into any agreement for
12 financing school construction pursuant to Chapter 18
13 (commencing with Section 17170), the school district shall notify
14 the county superintendent of schools and the county auditor. The
15 superintendent of the school district shall provide the repayment
16 schedules for that debt obligation, and evidence of the ability of the
17 school district to repay that obligation, to the county auditor, the
18 county superintendent, the governing board, and the public.
19 Within 15 days of the receipt of the information, the county
20 superintendent of schools and the county auditor may comment
21 publicly to the governing board of the school district regarding the
22 capability of the school district to repay that debt obligation.

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



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

6 *SEC. 9. Article 3.7 (commencing with Section 32230) of*
7 *Chapter 2 of Part 19 of the Education Code is repealed.*

8 *SEC. 10. Section 35168 of the Education Code is amended to*
9 *read:*

10 35168. (a) The governing board of each school district, shall
11 establish and maintain a historical inventory, or an audit trace
12 inventory system, or any other inventory system authorized by the
13 State Board of Education, which shall contain the description,
14 name, identification numbers, and original cost of all items of
15 equipment acquired by it whose current market value exceeds five
16 hundred dollars (\$500) per item, the date of acquisition, the
17 location of use, and the time and mode of disposal. A reasonable
18 estimate of the original cost may be used if the actual original cost
19 is unknown.

20 (b) *This section shall become inoperative on July 1, 2003, and,*
21 *as of January 1, 2004, is repealed, unless a later enacted statute,*
22 *that becomes operative on or before January 1, 2004, deletes or*
23 *extends the dates on which it becomes inoperative and is repealed.*

24 *SEC. 11. Section 35168 is added to the Education Code, to*
25 *read:*

26 35168. (a) *The governing board of each school district shall*
27 *establish and maintain a historical inventory of all items of*
28 *equipment acquired by it in accordance with the California School*
29 *Accounting Manual.*

30 (b) *This section shall become operative on July 1, 2003.*

31 *SEC. 12. Section 38133 of the Education Code is amended to*
32 *read:*

33 38133. The management, direction, and control of school
34 facilities under this article is vested in the governing board of the
35 school district which shall promulgate all rules and regulations
36 necessary to provide, at a minimum, for the following:

37 (1) Aid, assistance, and encouragement to any of the activities
38 authorized in Sections 38131 and 38132.

39 (2) Preservation of order in school facilities and on school
40 grounds, and protection of school facilities and school grounds,



1 including, if the governing board deems necessary, appointment of
2 a person who shall have charge of the school facilities and grounds
3 for purposes of their preservation and protection.

4 (3) That the use of school facilities or grounds is not
5 inconsistent with the use of the school facilities or grounds for
6 school purposes or interferes with the regular conduct of
7 schoolwork.

8 *SEC. 13. Section 41023 of the Education Code is amended to*
9 *read:*

10 41023. (a) Any agency organized pursuant to Article 1
11 (commencing with Section 6500) of Chapter 5 of Division 7 of
12 Title 1 of the Government Code, the parties of which consist solely
13 of school districts and county offices of education, shall be subject
14 to the same restrictions as are applicable to school districts and
15 county offices of education, under that chapter, including the
16 preparation of budget and financial statements required by Article
17 1 (commencing with Section 42100) and this article; the
18 certifications required by Article 2 3 (commencing with Section
19 ~~35010~~ 42130) of Chapter 4 6 of Part 24 24; the accounting and
20 auditing requirements prescribed by Article 1 (commencing with
21 Section 42100) and this article; and the expenditure and
22 appropriation controls prescribed by Chapter 9 (commencing with
23 Section 42600) of Part 24. This section does not apply to joint
24 powers agreements that are for the performance of the powers
25 described in Section 17567.

26 (b) Each agency described in subdivision (a) shall annually
27 report to their participating school districts and county
28 superintendents of schools on forms prescribed by the
29 Superintendent of Public Instruction.

30 *SEC. 14. The heading of Article 3 (commencing with Section*
31 *41030) of Chapter 1 of Part 24 of the Education Code is amended*
32 *to read:*

33
34 *Article 3. Foundation ~~Trust~~ Fund*

35 *SEC. 15. Section 41031 of the Education Code is amended to*
36 *read:*

37 41031. Any gift or bequest of money which is to be invested
38 pursuant to this article shall be placed in a district special fund in
39 the county treasury, to be designated as ~~the a~~ Foundation ~~Trust~~
40 Fund. If the gift or bequest of money is required to be used for



1 specific purposes according to the terms of the gift or bequest, the
2 governing board shall place the money in a separate account in the
3 Foundation ~~Trust~~ Fund, and may by resolution designate the
4 separate account by the name that it shall be known, including in
5 its name the term “Foundation ~~Trust~~ Account.”

6 *SEC. 16. Section 41032 of the Education Code is amended to*
7 *read:*

8 41032. (a) The governing board of any school district may
9 accept on behalf of, and in the name of, the district, gifts,
10 donations, bequests, and devises that are made to the district or to
11 or for the benefit of any school or college administered by the
12 district. The gifts, donations, bequests, and devises may be made
13 subject to conditions or restrictions that the governing board may
14 prescribe.

15 (b) The money deposited in a separate account in the
16 Foundation ~~Trust~~ Fund shall be invested pursuant to this article or
17 expended only for the purposes of the gift or bequest.

18 (c) If a gift of land has been accepted by the governing board
19 of a school district upon condition or agreement that it be devoted
20 to school purposes of the district, whether that condition or
21 agreement is written or oral and whether the terms thereof are
22 recited or referred to in any instrument executed in connection
23 with the conveyance of the gift, and the board subsequently
24 determines that the land cannot feasibly be utilized for any school
25 purpose of the district, the board may cause it to be reconveyed to
26 the donor without consideration to the district; provided that
27 failure to do so shall not affect the rights of any bona fide purchaser
28 or encumbrancer of the land.

29 *SEC. 17. Section 41033 of the Education Code is amended to*
30 *read:*

31 41033. The governing board of a school district which has
32 placed funds in the Foundation ~~Trust~~ Fund is hereby authorized to
33 invest all or any part of such funds as it deems wise and expedient
34 as follows:

35 (a) In the securities, warrants, or instruments of indebtedness
36 specified by Section 53601 of the Government Code.

37 (b) In corporate securities other than corporate shares,
38 provided that the amount of investment under this subdivision
39 shall not exceed 50 percent of the amount invested under
40 subdivision (a).



1 Any security, warrant, or instrument of indebtedness purchased
 2 pursuant to this section may be sold and the proceeds reinvested
 3 in similar securities, warrants, or instruments, or placed in the
 4 Foundation Trust Fund.

5 *SEC. 18. Section 41035 of the Education Code is amended to*
 6 *read:*

7 41035. The governing board of a school district ~~which places~~
 8 *that invests money in* of the Foundation ~~Trust~~ Fund pursuant to this
 9 article shall appoint an advisory committee equal in number to the
 10 number of members of the governing board. The committee shall
 11 be composed of qualified electors of the district and may include
 12 members of the governing board. Members of the committee shall
 13 serve without compensation.

14 *SEC. 19. Section 41038 of the Education Code is amended to*
 15 *read:*

16 41038. Except as may be otherwise provided in this article,
 17 other provisions of this chapter shall be applicable to the money
 18 placed in the Foundation ~~Trust~~ Fund pursuant to this article.

19 *SEC. 20. Section 41303 of the Education Code is amended to*
 20 *read:*

21 41303. The Superintendent of Public Instruction shall report
 22 to the Controller, on or before the ~~25th~~ *20th* day of ~~September~~
 23 *October* of each year, the total average daily attendance during the
 24 preceding fiscal year credited to all kindergarten, elementary, high
 25 school, and adult schools in the state and to county school tuition
 26 funds.

27 *SEC. 21. Section 42127 of the Education Code is amended to*
 28 *read:*

29 42127. (a) On or before July 1 of each year, the governing
 30 board of each school district shall accomplish the following:

31 (1) Hold a public hearing on the budget to be adopted for the
 32 subsequent fiscal year. The agenda for that hearing shall be posted
 33 at least 72 hours prior to the public hearing and shall include the
 34 location where the budget will be available for public inspection.

35 (2) Adopt a budget. Not later than five days after that adoption
 36 or by July 1, whichever occurs first, the governing board shall file
 37 that budget with the county superintendent of schools. That
 38 budget, and supporting data, shall be maintained and made
 39 available for public review. If the governing board of the district
 40 does not want all or a portion of the property tax requirement



1 levied for the purpose of making payments for the interest and
2 redemption charges on indebtedness as described in paragraph (1)
3 or (2) of subdivision (b) of Section 1 of Article XIII A of the
4 California Constitution, the budget shall include a statement of the
5 amount or portion for which a levy shall not be made.

6 (b) The county superintendent of schools may accept changes
7 in any statement included in the budget, pursuant to subdivision
8 (a), of the amount or portion for which a property tax levy shall not
9 be made. The county superintendent or the county auditor shall
10 compute the actual amounts to be levied on the property tax rolls
11 of the district for purposes that exceed apportionments to the
12 district pursuant to Sections 95 to 100, inclusive, of the Revenue
13 and Taxation Code. Each school district shall provide all data
14 needed by the county superintendent or the county auditor to
15 compute the amounts. On or before August 15, the county
16 superintendent shall transmit the amounts so computed to the
17 county auditor who shall compute the tax rates necessary to
18 produce the amounts. On or before September 1, the county
19 auditor shall submit the rate so computed to the board of
20 supervisors for adoption.

21 (c) The county superintendent of schools shall do all of the
22 following:

23 (1) Examine the adopted budget to determine whether it
24 complies with the standards and criteria adopted by the State
25 Board of Education pursuant to Section 33127 for application to
26 final local educational agency budgets. The superintendent shall
27 identify, if necessary, any technical corrections that must be made
28 to bring the budget into compliance with those standards and
29 criteria.

30 (2) Determine whether the adopted budget will allow the
31 district to meet its financial obligations during the fiscal year and
32 is consistent with a financial plan that will enable the district to
33 satisfy its multiyear financial commitments.

34 (d) On or before August 15, the county superintendent of
35 schools shall approve or disapprove the adopted budget for each
36 school district. If, pursuant to the review conducted pursuant to
37 subdivision (c), the superintendent determines that the adopted
38 budget for a school district does not satisfy paragraph (1) or (2) of
39 that subdivision, he or she shall disapprove the budget and, not
40 later than August 15, transmit to the governing board of the school



1 district, in writing, his or her recommendations regarding revision
2 of the budget and the reasons for those recommendations. The
3 county superintendent of schools may assign a fiscal adviser to
4 assist the district to develop a budget in compliance with those
5 revisions. In addition, the county superintendent of schools may
6 appoint a committee to examine and comment on the
7 superintendent's review and recommendations, subject to the
8 requirement that the committee report its findings to the
9 superintendent no later than August 20.

10 (e) On or before September 8, the governing board of the
11 school district shall revise the adopted budget to reflect changes in
12 projected income or expenditures subsequent to July 1, and to
13 include any response to the recommendations of the county
14 superintendent of schools, shall adopt the revised budget, and shall
15 file the revised budget with the county superintendent of schools.
16 Prior to revising the budget, the governing board shall hold a
17 public hearing regarding the proposed revisions, to be conducted
18 in accordance with Section 42103. The revised budget, and
19 supporting data, shall be maintained and made available for public
20 review.

21 (f) On or before September 22, the county superintendent of
22 schools shall provide a list to the Superintendent of Public
23 Instruction identifying all school districts for which budgets may
24 be disapproved.

25 (g) The county superintendent of schools shall examine the
26 revised budget to determine whether it (1) complies with the
27 standards and criteria adopted by the State Board of Education
28 pursuant to Section 33127 for application to final local educational
29 agency budgets, (2) allows the district to meet its financial
30 obligations during the fiscal year, and (3) is consistent with a
31 financial plan that will enable the district to satisfy its multiyear
32 financial commitments, and, not later than October 8, shall
33 approve or disapprove the revised budget. If the county
34 superintendent of schools disapproves the budget, he or she shall
35 call for the formation of a budget review committee pursuant to
36 Section 42127.1 *unless the governing board of the school district*
37 *and the county superintendent of schools agree to waive the*
38 *requirement that a budget review committee be formed.*

39 (h) Not later than October 8, the county superintendent of
40 schools shall submit a report to the Superintendent of Public



1 Instruction identifying all school districts for which budgets have
2 been disapproved, ~~including~~ *or budget review committees waived.*
3 *The report shall include* a copy of the written response transmitted
4 to each of those districts pursuant to subdivision (d).

5 (i) Notwithstanding any other provision of this section, the
6 budget review for a school district shall be governed by paragraphs
7 (1), (2), and (3) of this subdivision, rather than by subdivisions (e)
8 and (g), if the governing board of the school district so elects, and
9 notifies the county superintendent in writing of that decision, not
10 later than October 31 of the immediately preceding calendar year.
11 On or before July 1, the governing board of a school district for
12 which the budget review is governed by this subdivision, rather
13 than by subdivisions (e) and (g), shall conduct a public hearing
14 regarding its proposed budget in accordance with Section 42103.

15 (1) ~~In the event of the disapproval of~~ *If* the adopted budget of
16 a school district *is disapproved* pursuant to subdivision (d), on or
17 before September 8, the governing board of the school district, in
18 conjunction with the county superintendent of schools, shall
19 review the superintendent's recommendations at a regular meeting
20 of the governing board and respond to those recommendations.
21 The response shall include any revisions to the adopted budget and
22 other proposed actions to be taken, if any, as a result of those
23 recommendations.

24 (2) On or before September 22, the county superintendent of
25 schools will provide a list to the Superintendent of Public
26 Instruction identifying all school districts for which a budget may
27 be tentatively disapproved.

28 (3) Not later than October 8, after receiving the response
29 required under paragraph (1), the county superintendent of schools
30 shall review that response and either approve or disapprove the
31 budget. If the county superintendent of schools disapproves the
32 budget, he or she shall call for the formation of a budget review
33 committee pursuant to Section 42127.1 *unless the governing*
34 *board of the school district and the county superintendent of*
35 *schools agree to waive the requirement that a budget review*
36 *committee be formed.*

37 (4) Not later than 45 days after the Governor signs the annual
38 Budget Act, the school district shall make available for public
39 review any revisions in revenues and expenditures that it has made



1 to its budget to reflect the funding made available by that Budget
2 Act.

3 (j) Any school district for which the county board of education
4 serves as the governing board is not subject to subdivisions (c) to
5 (h), inclusive, but is governed instead by the budget procedures set
6 forth in Section 1622.

7 *SEC. 22. Section 42127.1 of the Education Code is amended*
8 *to read:*

9 42127.1. (a) Pursuant to subdivision (f) of Section 42127,
10 upon the disapproval of a school district budget by the county
11 superintendent, the county superintendent shall call for the
12 formation of a budget review committee *unless the governing*
13 *board of the school district and the county superintendent of*
14 *schools agree to waive the requirement that a budget review*
15 *committee be formed.*

16 (b) The budget review committee shall be composed of three
17 persons selected by the governing board of the school district from
18 a list of candidates provided to the governing board by the
19 Superintendent of Public Instruction. The list of candidates shall
20 be composed of persons who have expertise in the management of
21 a school district or county office of education. Their experience
22 shall include, but not be limited to, the fiscal and educational
23 aspects of local educational agency management.

24 (c) Notwithstanding subdivision (b) or any other provision of
25 this article, with the approval of the Superintendent of Public
26 Instruction and the governing board of the school district, the
27 county superintendent of schools may select and convene a
28 regional review committee, consisting of persons having the
29 expertise described in that subdivision. The regional review
30 committee shall operate in place of the budget review committee,
31 in accordance with the provisions of this article governing budget
32 review committees.

33 (d) Members of the committee shall be reimbursed by the State
34 Department of Education for their services and associated
35 expenses while on official business at rates established by the State
36 Board of Education.

37 *SEC. 23. Section 42129 of the Education Code is amended to*
38 *read:*

39 42129. School districts and county offices of education shall
40 transmit to the State Department of Education, on a timely basis,



1 all budget reports, prior year expenditure reports, qualified and
2 negative financial status reports, program cost accounting reports,
3 certifications, and audit reports as prescribed by subdivision (j) of
4 Section 1240, subdivision (g) of Section 35035, Sections 1621,
5 1623, ~~35014, 42131~~, 41020, 42127, and Chapter 7.2 (commencing
6 with Section 56836) of Part 30, and those reports used to calculate
7 the first, second, and annual principal apportionments and special
8 purpose apportionments for school districts and county offices of
9 education. ~~In the event that~~ *If* the reports are not submitted to the
10 Superintendent of Public Instruction within 14 days after the
11 submission date prescribed in the statute or specified by the
12 Superintendent of Public Instruction, the Superintendent of Public
13 Instruction may direct the county auditor to withhold payment of
14 any stipend, expenses, or salaries to the district superintendent,
15 county superintendent, or members of the governing boards, as
16 appropriate. The withholding shall continue only until the
17 delinquent reports have been submitted to the State Department of
18 Education. If the county superintendent performs the functions of
19 the county auditor, the Superintendent of Public Instruction may
20 direct the county superintendent to withhold the payments
21 specified in this section.

22 *SEC. 24. Section 42238.146 of the Education Code is*
23 *amended and renumbered to read:*

24 ~~42238.146.~~

25 *14002.3.* Notwithstanding any other provision of law, for
26 purposes of Sections 14002, 14004, and 41301, for the 2000–01
27 fiscal year and each fiscal year thereafter, the Superintendent of
28 Public Instruction shall certify to the Controller amounts that do
29 not exceed the amounts needed to fund the revenue limits of school
30 districts, as determined pursuant to Section 42238, the revenue
31 limits of county superintendents of schools, as determined
32 pursuant to Section 2558, and the revenue limit portion of charter
33 school operational funding, as determined pursuant to Section
34 47633.

35 *(b) This section shall become inoperative on July 1, 2005,*
36 *and, as of January 1, 2006, is repealed, unless a later enacted*
37 *statute, that is enacted before January 1, 2006, deletes or extends*
38 *the dates on which it becomes inoperative and is repealed.*

39 *SEC. 25. Section 49553 of the Education Code is amended to*
40 *read:*

1 49553. (a) A nutritionally adequate meal, for the purposes of
2 this article, is a breakfast or lunch as defined in Section 49531 that
3 qualifies for reimbursement under the federal child nutrition
4 program regulations.

5 (b) For the purposes of special school nutrition supplements
6 provided to pregnant or lactating pupils under Section 49559,
7 protein and grain meal components for any given day shall,
8 together, offer a total of five ounces of protein, one ounce of which
9 shall be cheese or eight ounces of milk and three servings from the
10 grain group, preferably whole and nutritious grains. This may be
11 accomplished by adding one ounce of protein and one serving
12 from the grain group at breakfast or serving these as a snack, and
13 by adding one or two ounces of protein, one ounce of which must
14 be cheese or eight ounces of milk, to lunch, or by offering a
15 morning supplement consisting of two or three ounces of protein,
16 one ounce of which must be cheese, or eight ounces of milk, and
17 one or two servings from the grain group. Meal components where
18 only breakfast is served shall be increased to a total including one
19 ounce of protein and two servings from the grain group, preferably
20 whole and nutritious grains. Where both breakfast and lunch are
21 provided, they shall, together, provide a total of five ounces of
22 protein foods, one ounce of which shall be cheese, three servings
23 from the grain group, preferably whole and nutritious grains, one
24 and one-fourth cups from the fruit and vegetable group, and one
25 pint from the milk group.

26 The following options shall be allowed:

27 (1) One cup of fruit in place of one serving of the grain group,
28 once a week.

29 (2) One cup of ~~unsweetened~~ yogurt, made with pasteurized
30 milk, in place of eight ounces of milk or one ounce of cheese, up
31 to two times a week.

32 *SEC. 26. Section 52291 of the Education Code is amended to*
33 *read:*

34 52291. (a) Pursuant to funds appropriated for these purposes
35 in the Budget Act or other enactment the Superintendent of Public
36 Instruction shall select up to 100 high schools from applicants that
37 meet the eligibility criteria set forth in Section 52292. The
38 National Academy Foundation and the Superintendent of Public
39 Instruction shall develop a memorandum of understanding with
40 regard to application approval and program implementation. The



1 Superintendent of Public Instruction shall award grants to the high
2 schools ~~selected by the partnership~~ for the purpose of establishing
3 and maintaining an Information Technology Career Academy.

4 (b) Grants in the amount of fifty thousand dollars (\$50,000)
5 shall be distributed to high schools selected to receive the award
6 and that demonstrate an ability to meet or exceed the criteria set
7 forth in Section 52292.

8 (c) For the 2001–02 fiscal year, grant recipients shall be
9 selected through a competitive process with the grants awarded to
10 those applicants that best meet the criteria specified under Section
11 52292.

12 (d) When selecting the high schools eligible to receive grants
13 pursuant to this chapter, the Superintendent of Public Instruction
14 shall give first priority to applicants aimed at establishing the
15 academies in high schools ranked in the bottom half of the
16 Academic Performance Index pursuant to Section 52056. Second
17 priority shall be given to applicants that demonstrate the ability to
18 create a highly integrated system involving multiple funding
19 sources. Additionally, the Superintendent of Public Instruction
20 shall, to the best of his or her ability, select high schools so that
21 grants are equitably distributed among urban, rural, and suburban
22 areas.

23 (e) Grants shall be awarded only to school districts, county
24 offices of education, and charter schools that maintain grades 9 to
25 12, inclusive. However, a school district, county office of
26 education, or charter school that maintains grades 9 to 12,
27 inclusive may contract with a nonprofit organization for the
28 purposes of administering the academy.

29 *SEC. 27. Section 52310.5 of the Education Code is amended*
30 *to read:*

31 52310.5. (a) Each regional occupational program or center
32 shall be maintained by, and subject to the authority and control of,
33 its governing board.

34 (b) The governing board of a regional occupational program or
35 center maintained by a single school district is the governing board
36 of the school district.

37 (c) The governing board of a regional occupational program or
38 center maintained by a county superintendent of schools is the
39 county board of education.



1 (d) The governing board of a regional occupational program or
2 center established by two or more school districts pursuant to
3 Article 1 (commencing with Section 6500) of Chapter 5 of
4 Division 7 of Title 1 of the Government Code, shall consist of at
5 least one member of the governing board of each of the school
6 districts cooperating in such regional occupational program or
7 center, such member to be selected by the governing board of the
8 district represented by that member.

9 (e) Any other cooperative agreement established after 1965 to
10 establish a regional occupational program or center pursuant to
11 Section 52301 shall have a governing board which shall consist of
12 at least one member of the governing board of each of the school
13 districts cooperating in such regional occupational program or
14 center. Each such member is to be selected by the governing board
15 of the district represented by that member.

16 (f) *The governing board of a regional occupational center*
17 *maintained by either a single school district or a county is not*
18 *entitled to an additional stipend merely to carry out governance of*
19 *the operations of the regional occupational center or program.*

20 SEC. 28. *Section 52314 of the Education Code is amended to*
21 *read:*

22 52314. (a) Except as provided in subdivision (b), any pupil
23 eligible to attend a high school or adult school in a school district
24 subject to the jurisdiction of a county superintendent of schools
25 operating a regional occupational center or regional occupational
26 program, and who resides in a school district which by itself or in
27 cooperation with other school districts, has not established a
28 regional occupational center, or regional occupational program, is
29 eligible to attend a regional occupational center or regional
30 occupational program maintained by the county superintendent of
31 schools. Any school district which in cooperation with other
32 school districts maintains a regional occupational center, or
33 regional occupational program, or any such cooperating school
34 districts may admit to the center, or program, any pupil, otherwise
35 eligible, who resides in the district or in any of the cooperating
36 districts. Any school district which by itself maintains a regional
37 occupational center, or regional occupational program, may admit
38 to the center, or program, any pupil, otherwise eligible, who
39 resides in the district. No pupil, including adults under Section
40 52610 shall be admitted to a regional occupational center, or



1 regional occupational program, unless the county superintendent
2 of schools or governing board of the district or districts
3 maintaining the center, or program, as the case may be, determines
4 that the pupil will benefit therefrom and approves of his or her
5 admission to the regional occupational center or regional
6 occupational program.

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

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

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

17 (2) The pupil received a referral and *all of the following*
18 *conditions are met:*

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

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

29 (B) The referral is reviewed and approved *in writing* by the
30 principal *or designated administrator* of the school in which the
31 pupil is enrolled.

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

35 (D) The pupil is enrolled in a high school, which, for purposes
36 of this requirement, means a school that maintains any of grades
37 9 to 12, inclusive.

38 (3) The pupil's individualized education program adopted
39 pursuant to the requirements of Chapter 2 (commencing with
40 Section 56300) of Part 30 prescribes occupational training for



1 which his or her enrollment in a regional occupational center or
2 program is deemed appropriate.

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

11 The State Department of Education shall submit this
12 information to the Legislature and to the Director of Finance by
13 April 1 of each year for the preceding school year.

14 *SEC. 29. Section 52314.6 of the Education Code is amended*
15 *to read:*

16 52314.6. The average daily attendance claimed for pupils
17 enrolled in a regional occupational center or program pursuant to
18 paragraph (2) of subdivision (b) of Section 52314 shall not exceed
19 3 percent of the average daily attendance funded in the prior year
20 for the center or program, ~~or the following amount, whichever is~~
21 ~~greater:~~

22 ~~(1) Divide the enrollment of pupils under the age of 16 years~~
23 ~~in the regional occupational center or program in the 1982-83~~
24 ~~fiscal year by three.~~

25 ~~(2) Multiply the amount computed pursuant to paragraph (1)~~
26 ~~by 0.25.~~

27 *SEC. 30. Section 54745 of the Education Code is amended to*
28 *read:*

29 54745. (a) In the administration of the Cal-SAFE program,
30 the following provisions shall apply:

31 (1) Participation by a school district or county superintendent
32 of schools in the Cal-SAFE program is voluntary.

33 (2) The governing board of a school district or county
34 superintendent of schools may submit an application to the State
35 Department of Education in the manner, form, and date specified
36 by the department to establish and maintain a Cal-SAFE program.

37 (3) A school district or county superintendent of schools
38 approved to implement the Cal-SAFE program shall be funded as
39 one program to be operated at one or multiple sites depending upon
40 the need within the service area.



1 (4) Notwithstanding any other provision of law, a school
2 district or county superintendent of schools operating, by October
3 1, 1999, a School Age Parent and Infant Development Program
4 pursuant to Article 17 (commencing with Section 8390) of
5 Chapter 2 of Part 6, a Pregnant Minors Program pursuant to
6 Chapter 6 (commencing with Section 8900) of Part 6 and Section
7 2551.3, or a Pregnant and Lactating Students Program pursuant to
8 Sections 49553 and 49559, as those provisions existed prior to the
9 operative date of the act that adds this article, or any combination
10 thereof, that chooses to participate in the Cal-SAFE program shall
11 have priority for Cal-SAFE program funding for an amount up to
12 the dollar amount provided to each school district or county
13 superintendent of schools under those provisions in the fiscal year
14 prior to participation in the Cal-SAFE program, provided that an
15 application is submitted and approved.

16 (5) If a school district or county superintendent of schools
17 operating a School Age Parent and Infant Development Program,
18 a Pregnant Minors Program, or a Pregnant and Lactating Students
19 Program, or any combination thereof, chooses not to participate in
20 the Cal-SAFE program, it is the intent of the Legislature that the
21 funding it would have received for the operation of those programs
22 shall be redirected to the Cal-SAFE program and the school district
23 or county superintendent of schools may apply in a subsequent
24 school year to operate a Cal-SAFE program.

25 (6) A school district or county superintendent of schools that
26 terminates its Cal-SAFE program may reapply to establish a
27 Cal-SAFE program.

28 (7) In order to continue implementation of the Cal-SAFE
29 program beyond the initial three years of funding, each funded
30 agency shall be reviewed by the department to determine progress
31 towards achieving the goals set forth in Section 54742. Thereafter,
32 funded agencies shall be reviewed and reauthorized every five
33 years based upon a process determined by the department to
34 continue implementation of a Cal-SAFE program.

35 (b) All of the following requirements shall apply to an
36 application for the Cal-SAFE program:

37 (1) The governing board of a participating local education
38 agency shall adopt a policy or resolution declaring its commitment
39 to provide a comprehensive, continuous, community-linked
40 program for ~~pregnant~~ *expectant* and parenting pupils and their



1 children that reflects the cultural and linguistic diversity of the
2 community.

3 (2) The local education agency shall provide assurance for
4 participation in the development of the County Service
5 Coordination Plan as described in Section 54744.

6 (3) A school district or county superintendent of schools shall
7 agree to participate in the data collection and evaluation of the
8 Cal-SAFE program.

9 (c) To implement a Cal-SAFE program, the funded school
10 district, or county superintendent of schools shall meet all of the
11 following criteria:

12 (1) Be in compliance with Title IX of the Education
13 Amendments of 1972 Regulations.

14 (2) Ensure that enrolled pupils retain their right to participate
15 in any comprehensive school or educational alternative programs
16 in which they could otherwise enroll. School placement and
17 instructional strategies shall be based upon the needs and styles of
18 learning of the individual pupils. The classroom setting shall be the
19 preferred instructional strategy unless an alternative is necessary
20 to meet the needs of the individual parent, child, or both.

21 (3) Enroll pupils into the Cal-SAFE program on an open entry
22 and open exit basis.

23 (4) Provide a quality education program to pupils in a
24 supportive and accommodating learning environment with
25 appropriate classroom strategies to ensure school access and
26 academic credit for all work completed.

27 (5) Provide a parenting education and life skills ~~class~~
28 *instruction* to enrolled pupils.

29 (6) Make maximum utilization of available programs and
30 facilities to serve ~~pregnant~~ *expectant* and parenting pupils and their
31 children.

32 (7) Provide a quality child care and development program for
33 the children of enrolled teen parents located on or near the
34 schoolsite.

35 (8) Make maximum utilization of its local school food service
36 program.

37 (9) Provide special school nutrition supplements, as defined by
38 subdivision (b) of Section 49553, to pregnant and lactating pupils.



1 (10) Enter into formal partnership agreements, as necessary,
2 with community-based organizations and other governmental
3 agencies to assist pupils in accessing support services.

4 (11) Provide staff development and community outreach in
5 order to establish a positive learning environment and school
6 policies supportive of ~~pregnant~~ *expectant* and parenting pupils'
7 academic achievement and to promote the healthy development of
8 their children.

9 (12) Maintain an annual program budget and expenditure
10 report to document that funds are expended pursuant to Section
11 54749.

12 (13) Assess no fees to enrolled pupils or their families for
13 services provided through the Cal-SAFE program.

14 (14) Establish and maintain a data base in the manner and form
15 prescribed by the State Department of Education for purposes of
16 program evaluation.

17 (15) Coordinate to the maximum extent possible with
18 Cal-Learn program case managers provided pursuant to Section
19 11332.5 of the Welfare and Institutions Code and Adolescent
20 Family Life Program case managers provided pursuant to Article
21 1 (commencing with Section 124175) of Chapter 4 of Part 2 of
22 Division 106 of the Health and Safety Code.

23 *SEC. 31. Section 54746 of the Education Code is amended to*
24 *read:*

25 54746. (a) In meeting the goals of the program and
26 responding to the individual needs and differences of pupils and
27 their children to be served, the funded agency shall complete an
28 intake procedure regarding each pupil and child upon entry into the
29 program and periodically as needed thereafter.

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

40 (1) Parenting education and life skills ~~class~~ *instruction*.



- 1 (2) Perinatal education and care, including childbirth
2 preparation.
- 3 (3) Safe home-to-school transportation.
- 4 (4) Case management services.
- 5 (5) Comprehensive health education, including reproductive
6 health care.
- 7 (6) Nutrition education, counseling, and meal supplements.
- 8 (7) School safety and violence prevention strategies targeted to
9 ~~pregnant~~ *expectant* and parenting teens and their children.
- 10 (8) Academic support and youth development services, such as
11 tutoring, mentoring, and community service internships.
- 12 (9) Career counseling, preemployment skills, and job training.
- 13 (10) Substance abuse prevention education, counseling, and
14 treatment services.
- 15 (11) Mental health assessment, interventions, and referrals.
- 16 (12) Crisis intervention counseling services, including suicide
17 prevention.
- 18 (13) Peer support groups and counseling.
- 19 (14) Family support and development services, including
20 individual and family counseling.
- 21 (15) Child and domestic abuse prevention education,
22 counseling, and services.
- 23 (16) Enrichment and recreational activities, as appropriate.
- 24 (17) Services that facilitate transition to postsecondary
25 education, training, or employment.
- 26 (18) Support services for grandparents, siblings, and fathers of
27 babies who are not enrolled in the Cal-SAFE program.
- 28 (19) Outreach activities to identify eligible pupils and to
29 educate the community about the realities of teen pregnancy and
30 parenting.
- 31 (c) The funded agency shall provide child care and
32 development program services located on or near the schoolsite for
33 the children of teen parents enrolled in the Cal-SAFE program.
34 Program services shall be funded by the revenue generated
35 pursuant to paragraph (4) of subdivision (a) of Section 54749.
- 36 (1) Participation in the child care and development component
37 of the Cal-SAFE program shall be voluntary.
- 38 (2) There is no minimum age for enrollment, but the child shall
39 be eligible for enrollment in the child care and development
40 component until the age of five years or the child is enrolled in



1 kindergarten, whichever occurs first, as long as the teen parent is
2 enrolled in the Cal-SAFE program.

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

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

14 (5) The arrangement of the child care site environment shall be
15 safe, healthy, and comfortable for children and staff, easily
16 maintained, and appropriate for meeting the developmental needs
17 of the individual child. Child care sites shall meet the health and
18 safety requirements specified in Chapter 1 (commencing with
19 Section 101151) of, and Subchapter 2 (commencing with Section
20 101351) of, Division 12 of Title 22 of the California Code of
21 Regulations.

22 (6) The child care and development component of the
23 Cal-SAFE program shall operate pursuant to applicable sections
24 of Chapter 2 (commencing with Section 8200) of Part 6. In
25 addition to meeting the requirements of Section 8360, teachers
26 shall have at least three semester units, or the equivalent number
27 of quarter units, of coursework related to the care of infants and
28 toddlers.

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

32 (d) Inservice training for school staff on teen pregnancy and
33 parenting-related issues may be funded from revenue generated
34 pursuant to paragraphs (1) and (4) of subdivision (a) of Section
35 54749. However, use of these funds for this purpose shall
36 supplement and, not supplant, existing resources in these areas.

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



1 SEC. 32. Section 54747 of the Education Code is amended to
2 read:

3 54747. (a) A male or female pupil, 18 years of age or
4 younger, may enroll in the Cal-SAFE program and be eligible for
5 all services afforded to pupils enrolled if he or she is an expectant
6 parent, the custodial parent, or the noncustodial parent taking an
7 active role in the care and supervision of the child, and has not
8 earned a high school diploma or its equivalent.

9 (b) A pupil ~~having~~ who is an expectant parent, custodial
10 parent, or noncustodial parent taking an active role in the care and
11 supervision of his or her child, has not earned a high school
12 diploma or its equivalent, and has an active special education
13 Individualized Education Plan (IEP) shall be eligible ~~until age 22,~~
14 as long as she or he has an active IEP and meets the eligibility
15 criteria as specified in ~~subdivision (a) paragraph (4) of~~
16 ~~subdivision (c) of Section 56026,~~ and shall continue to receive
17 services identified in the IEP while enrolled in the Cal-SAFE
18 program.

19 (c) Pupils shall be eligible for enrollment on a voluntary basis
20 for as long as they meet eligibility criteria specified in subdivisions
21 (a) and (b) until they earn a high school diploma or its equivalent.

22 (d) A pupil may not be denied initial or continuous enrollment
23 in the Cal-SAFE program for any of the following reasons:

24 (1) The pupil has had multiple pregnancies.

25 (2) The pupil has more than one child.

26 (3) The pupil's eligibility status changed from ~~pregnant~~
27 ~~expectant~~ to parenting.

28 (e) If an enrolled 18-year-old pupil reaches age 19 without
29 earning a high school diploma or its equivalent, the pupil may be
30 enrolled for one additional semester if the pupil has been
31 continuously enrolled in the Cal-SAFE program since before his
32 or her 19th birthday.

33 (f) Pupils receiving services under Article 3.5 (commencing
34 with Section 11331) of Chapter 2 of Part 3 of Division 9 of the
35 Welfare and Institutions Code are eligible for services under this
36 chapter. Child care provided under this article shall be the primary
37 source of child care for these recipients when participating in a
38 Cal-SAFE program operated by school districts or county
39 superintendents of schools.

40 SEC. 2.—



1 SEC. 33. Section 56001 of the Education Code is amended to
2 read:

3 56001. It is the intent of the Legislature that special education
4 programs provide all of the following:

5 (a) Each individual with exceptional needs is assured an
6 education appropriate to his or her needs in publicly supported
7 programs through completion of his or her prescribed course of
8 study or until the time that he or she has met proficiency standards
9 prescribed .

10 (b) By June 30, 1991, early educational opportunities shall be
11 available to all children between the ages of three and five years
12 who require special education and services.

13 (c) Early educational opportunities shall be made available to
14 children younger than three years of age pursuant to Chapter 4.4
15 (commencing with Section 56425), appropriate sections of this
16 part, and the California Early Intervention Service Act, Title 14
17 (commencing with Section 95000) of the Government Code.

18 (d) Any child younger than three years, potentially eligible for
19 special education, shall be afforded the protections provided
20 pursuant to the California Early Intervention Services Act, Title 14
21 (commencing with Section 95000) of the Government Code and
22 Section 1439 of Title 20 of the United States Code and
23 implementing regulations.

24 (e) Each individual with exceptional needs shall have his or her
25 educational goals, objectives, and special education and related
26 services specified in a written individualized education program.

27 (f) Education programs are provided under an approved local
28 plan for special education that sets forth the elements of the
29 programs in accordance with this part. This plan for special
30 education shall be developed cooperatively with input from the
31 community advisory committee and appropriate representation
32 from special and regular teachers and administrators selected by
33 the groups they represent to ensure effective participation and
34 communication.

35 (g) Individuals with exceptional needs are offered special
36 assistance programs that promote maximum interaction with the
37 general school population in a manner that is appropriate to the
38 needs of both, taking into consideration, for hard-of-hearing or
39 deaf children, the individual's needs for a sufficient number of age



1 and language mode peers and for special education teachers who
2 are proficient in the individual's primary language mode.

3 (h) Pupils are transferred out of special education programs
4 when special education services are no longer needed.

5 (i) The unnecessary use of labels is avoided in providing
6 special education and related services for individuals with
7 exceptional needs.

8 (j) Procedures and materials for assessment and placement of
9 individuals with exceptional needs shall be selected and
10 administered so as not to be racially, culturally, or sexually
11 discriminatory. No single assessment instrument shall be the sole
12 criterion for determining placement of a pupil. The procedures and
13 materials for assessment and placement shall be in the individual's
14 mode of communication. Procedures and materials for use with
15 pupils of limited English proficiency, as defined in subdivision
16 (m) of Section 52163, shall be in the individual's primary
17 language. All assessment materials and procedures shall be
18 selected and administered pursuant to Section 56320.

19 (k) Educational programs are coordinated with other public
20 and private agencies, including preschools, child development
21 programs, nonpublic nonsectarian schools, regional occupational
22 centers and programs, and postsecondary and adult programs for
23 individuals with exceptional needs.

24 (l) Psychological and health services for individuals with
25 exceptional needs shall be available to each schoolsite.

26 (m) Continuous evaluation of the effectiveness of these special
27 education programs by the school district, special education local
28 plan area, or county office shall be made to ensure the highest
29 quality educational offerings.

30 (n) Appropriate qualified staff are employed, consistent with
31 credentialing requirements, to fulfill the responsibilities of the
32 local plan and positive efforts are made to employ qualified
33 disabled individuals.

34 (o) Regular and special education personnel are adequately
35 prepared to provide educational instruction and services to
36 individuals with exceptional needs.

37 *SEC. 34. Section 56100 of the Education Code is amended to*
38 *read:*

39 56100. The State Board of Education shall do all of the
40 following:



- 1 (a) Adopt rules and regulations necessary for the efficient
2 administration of this part.
- 3 (b) Adopt criteria and procedures for the review and approval
4 by the board of local plans. ~~Local plans may be approved for up~~
5 ~~to four years.~~
- 6 (c) Adopt size and scope standards for determining the efficacy
7 of local plans submitted by special education local plan areas,
8 pursuant to subdivision (a) of Section 56195.1.
- 9 (d) Provide review, upon petition, to any district, special
10 education local plan area, or county office that appeals a decision
11 made by the department that affects its providing services under
12 this part except a decision made pursuant to Chapter 5
13 (commencing with Section 56500).
- 14 (e) Review and approve a program evaluation plan for special
15 education programs provided by this part in accordance with
16 Chapter 6 (commencing with Section 56600). This plan may be
17 approved for up to three years.
- 18 (f) Recommend to the Commission on Teacher Credentialing
19 the adoption of standards for the certification of professional
20 personnel for special education programs conducted pursuant to
21 this part.
- 22 (g) Adopt regulations to provide specific procedural criteria
23 and guidelines for the identification of pupils as individuals with
24 exceptional needs.
- 25 (h) Adopt guidelines of reasonable pupil progress and
26 achievement for individuals with exceptional needs. The
27 guidelines shall be developed to aid teachers and parents *or*
28 *guardians* in assessing an individual pupil's education program
29 and the appropriateness of the special education services.
- 30 (i) In accordance with the requirements of federal law, adopt
31 regulations for all educational programs for individuals with
32 exceptional needs, including programs administered by other state
33 or local agencies.
- 34 (j) Adopt uniform rules and regulations relating to parental due
35 process rights in the area of special education.
- 36 (k) Adopt rules and regulations regarding the ownership and
37 transfer of materials and equipment, including facilities, related to
38 transfer of programs, reorganization, or restructuring of special
39 education local plan areas.

1 SEC. 35. Section 56129 of the Education Code is amended to
2 read:

3 56129. The superintendent shall maintain the state special
4 schools *and diagnostic centers* in accordance with Part 32
5 (commencing with Section 59000) so that the services of those
6 schools *and centers* are coordinated with the services of the
7 district, special education local plan area, or the county office.

8 SEC. 36. Section 56140 of the Education Code is amended to
9 read:

10 56140. County offices shall do all of the following:

11 (a) Initiate and submit to the superintendent a countywide plan
12 for special education which demonstrates the coordination of all
13 local plans submitted pursuant to ~~Section~~ Sections 56200 and
14 56205 and which ensures that all individuals with exceptional
15 needs residing within the county, including those enrolled in
16 alternative education programs, including, but not limited to,
17 alternative schools, charter schools, opportunity schools and
18 classes, community day schools operated by school districts,
19 community schools operated by county offices of education, and
20 juvenile court schools, will have access to appropriate special
21 education programs and related services. However, a county office
22 shall not be required to submit a countywide plan when all the
23 districts within the county elect to submit a single local plan.

24 (b) Within 45 days, approve or disapprove any proposed local
25 plan submitted by a district or group of districts within the county
26 or counties. Approval shall be based on the capacity of the district
27 or districts to ensure that special education programs and services
28 are provided to all individuals with exceptional needs.

29 (1) If approved, the county office shall submit the plan with
30 comments and recommendations to the superintendent.

31 (2) If disapproved, the county office shall return the plan with
32 comments and recommendations to the district. This district may
33 immediately appeal to the superintendent to overrule the county
34 office's disapproval. The superintendent shall make a decision on
35 an appeal within 30 days of receipt of the appeal.

36 (3) A local plan may not be implemented without approval of
37 the plan by the county office or a decision by the superintendent
38 to overrule the disapproval of the county office.

39 (c) Participate in the state onsite review of the district's
40 implementation of an approved local plan.



1 (d) Join with districts in the county which elect to submit a plan
2 or plans pursuant to subdivision (c) of Section 56195.1. Any plan
3 may include more than one county, and districts located in more
4 than one county. Nothing in this subdivision shall be construed to
5 limit the authority of a county office to enter into other agreements
6 with these districts and other districts to provide services relating
7 to the education of individuals with exceptional needs.

8 (e) For each special education local plan area located within the
9 jurisdiction of the county office of education that has submitted a
10 revised local plan pursuant to Section 56836.03, the county office
11 shall comply with Section 48850, as it relates to individuals with
12 exceptional needs, by making available to agencies that place
13 children in licensed children’s institutions a copy of the annual
14 service plan adopted pursuant to *clause (ii) of subparagraph (E)*
15 *of paragraph (12) of subdivision (g) (a) of Section 56205.*

16 *SEC. 37. Section 56170 of the Education Code is amended to*
17 *read:*

18 56170. As used in this part, “private school children with
19 disabilities” means children with disabilities enrolled by a parent
20 *or guardian in a private preschool or a private elementary and or*
21 *secondary ~~schools or facilities~~ school or facility*, other than
22 individuals with exceptional needs placed by a district, special
23 education local plan area, or county office in a nonpublic,
24 nonsectarian school pursuant to Section 56365.

25 *SEC. 38. Section 56195.7 of the Education Code is amended*
26 *to read:*

27 56195.7. In addition to the provisions required to be included
28 in the local plan pursuant to Chapter 3 (commencing with Section
29 56200), each special education local plan area that submits a local
30 plan pursuant to subdivision (b) of Section 56195.1 and each
31 county office that submits a local plan pursuant to subdivision (c)
32 of Section 56195.1 shall develop written agreements to be entered
33 into by entities participating in the plan. The agreements need not
34 be submitted to the superintendent. These agreements shall
35 include, but not be limited to, the following:

36 (a) A coordinated identification, referral, and placement
37 system pursuant to Chapter 4 (commencing with Section 56300).

38 (b) Procedural safeguards pursuant to Chapter 5 (commencing
39 with Section 56500).



- 1 (c) Regionalized services to local programs, including, but not
2 limited to, all of the following:
- 3 (1) Program specialist service pursuant to Section 56368.
4 (2) Personnel development, including training for staff, parents
5 *or guardians*, and members of the community advisory committee
6 pursuant to Article 3 (commencing with Section 56240).
7 (3) Evaluation pursuant to Chapter 6 (commencing with
8 Section 56600).
9 (4) Data collection and development of management
10 information systems.
11 (5) Curriculum development.
12 (6) Provision for ongoing review of programs conducted, and
13 procedures utilized, under the local plan, and a mechanism for
14 correcting any identified problem.
- 15 (d) A description of the process for coordinating services with
16 other local public agencies that are funded to serve individuals
17 with exceptional needs.
- 18 (e) A description of the process for coordinating and providing
19 services to individuals with exceptional needs placed in public
20 hospitals, proprietary hospitals, and other residential medical
21 facilities pursuant to Article 5.5 (commencing with Section
22 56167) of Chapter 2.
- 23 (f) A description of the process for coordinating and providing
24 services to individuals with exceptional needs placed in licensed
25 children's institutions and foster family homes pursuant to Article
26 5 (commencing with Section 56155) of Chapter 2.
- 27 (g) A description of the process for coordinating and providing
28 services to individuals with exceptional needs placed in juvenile
29 court schools or county community schools pursuant to Section
30 56150.
- 31 (h) A budget for special education and related services that
32 shall be maintained by the special education local plan area and be
33 open to the public covering the entities providing programs or
34 services within the special education local plan area. The budget
35 language shall be presented in a form that is understandable by the
36 general public. For each local educational agency or other entity
37 providing a program or service, the budget, at minimum, shall
38 display the following:



1 (1) Expenditures by object code and classification for the
2 previous fiscal year and the budget by the same object code
3 classification for the current fiscal year.

4 (2) The number and type of certificated instructional and
5 support personnel, including the type of class setting to which they
6 are assigned, if appropriate.

7 (3) The number of instructional aides and other qualified
8 classified personnel.

9 (4) The number of enrolled individuals with exceptional needs
10 receiving each type of service provided.

11 (i) For multidistrict special education local plan areas, a
12 description of the policymaking process that shall include a
13 description of the local method used to distribute state and federal
14 funds among the local educational agencies in the special
15 education local plan area. The local method to distribute funds
16 shall be approved according to the policymaking process
17 established consistent with subdivision (f) of Section 56001 and
18 pursuant to *clause (i) of subparagraph (E) of subdivision (a) of*
19 *Section 56205 and clause (ii) of subparagraph (A) of paragraph (3)*
20 *(13) of subdivision (b) (a) of Section 56205 or subdivision (c) of*
21 *Section 56200, whichever is appropriate.*

22 *SEC. 39. Section 56200 of the Education Code is amended to*
23 *read:*

24 56200. Each local plan submitted to the superintendent under
25 this part shall contain all the following:

26 (a) Compliance assurances, including general compliance with
27 the Individuals with Disabilities Education Act (20 U.S.C. Sec.
28 1400 et seq.), Section 504 of the Rehabilitation Act of 1973 (29
29 U.S.C. Sec. 794), and this part.

30 (b) A description of services to be provided by each district and
31 county office. This description shall demonstrate that all
32 individuals with exceptional needs shall have access to services
33 and instruction appropriate to meet their needs as specified in their
34 individualized education programs.

35 (c) (1) A description of the governance and administration of
36 the plan, including the role of county office and district governing
37 board members.

38 (2) Multidistrict plans, submitted pursuant to subdivision (b) or
39 (c) of Section 56195.1, shall specify the responsibilities of each
40 participating county office and district governing board in the



1 policymaking process, the responsibilities of the superintendents
2 of each participating district and county in the implementation of
3 the plan, and the responsibilities of district and county
4 administrators of special education in coordinating the
5 administration of the local plan.

6 (d) Copies of joint powers agreements or contractual
7 agreements, as appropriate, for districts and counties that elect to
8 enter into those agreements pursuant to subdivision (b) or (c) of
9 Section 56195.1.

10 (e) An annual budget plan to allocate ~~instructional personnel~~
11 ~~service units, support services~~ *state and federal funds in support*
12 *of special education programs, services, and transportation*
13 *services directly to entities operating those services and to allocate*
14 *regionalized services funds to the county office, responsible local*
15 *agency, or other alternative administrative structure. The annual*
16 *budget plan shall be adopted at a public hearing held by the district,*
17 *special education local plan area, or county office, as appropriate*
18 *under the direction of the special education local plan area*
19 *governance body. The special education local plan area*
20 *governance body may designate a local educational agency board,*
21 *a county office board, or the responsible local agency board to*
22 *hold the hearing. Notice of this hearing shall be posted in each*
23 *school in the local plan area at least 15 days prior to the hearing.*
24 *The annual budget plan may be revised during the fiscal year, and*
25 *these revisions may be submitted to the superintendent as*
26 *amendments to the allocations set forth in the plan. However, the*
27 *revisions shall, prior to submission to the superintendent, be*
28 *approved according to the policymaking process, established*
29 *pursuant to paragraph (2) of subdivision (c).*

30 (f) Verification that the plan has been reviewed by the
31 community advisory committee and that the committee had at least
32 30 days to conduct this review prior to submission of the plan to
33 the superintendent.

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

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

39 (i) A description of the process being utilized to meet the
40 requirements of the California Early Intervention Services Act,



1 Title 14 (commencing with Section 95000) of the Government
2 Code.

3 (j) A description of the process being utilized to oversee and
4 evaluate placements in nonpublic, nonsectarian schools and the
5 method for ensuring that all requirements of each pupil's
6 individualized education program are being met. This description
7 shall include a method for evaluating whether the pupil is making
8 appropriate educational progress.

9 *SEC. 40. Section 56345 of the Education Code is amended to*
10 *read:*

11 56345. (a) The individualized education program is a written
12 statement determined in a meeting of the individualized education
13 program team and shall include, but not be limited to, all of the
14 following:

15 (1) The present levels of the pupil's educational performance,
16 including the following:

17 (A) For a schoolage child, how the pupil's disability affects the
18 pupil's involvement and progress in the general curriculum.

19 (B) For a preschoolage child, as appropriate, how the disability
20 affects the child's participation in appropriate activities.

21 (2) The measurable annual goals, including benchmarks or
22 short-term objectives related to the following:

23 (A) Meeting the pupil's needs that result from the pupil's
24 disability to enable the pupil to be involved in and progress in the
25 general curriculum.

26 (B) Meeting each of the pupil's other educational needs that
27 result from the pupil's disability.

28 (3) The specific special educational instruction and related
29 services and supplementary aids and services to be provided to the
30 pupil, or on behalf of the pupil, and a statement of the program
31 modifications or supports for school personnel that will be
32 provided for the pupil in order to do the following:

33 (A) To advance appropriately toward attaining the annual
34 goals.

35 (B) To be involved and progress in the general curriculum in
36 accordance with subparagraph (A) of paragraph (1) and to
37 participate in extracurricular and other nonacademic activities.

38 (C) To be educated and participate with other pupils with
39 disabilities and nondisabled pupils in the activities described in
40 this section.



1 (4) An explanation of the extent, if any, to which the pupil will
2 not participate with nondisabled pupils in regular classes and in the
3 activities described in paragraph (3).

4 (5) The individual modifications in the administration of state
5 or districtwide assessments of pupil achievement that are needed
6 in order for the pupil to participate in the assessment. If the
7 individualized education program team determines that the pupil
8 will not participate in a particular state or districtwide assessment
9 of pupil achievement (or part of an assessment), a statement of the
10 following:

11 (A) Why that assessment is not appropriate for the pupil.

12 (B) How the pupil will be assessed.

13 (6) The projected date for the beginning of the services and
14 modifications described in paragraph (3), and the anticipated
15 frequency, location, and duration of those services and
16 modifications included in the individualized education program.

17 (7) Appropriate objective criteria, evaluation procedures, and
18 schedules for determining, on at least an annual basis, whether the
19 annual goals are being achieved.

20 (8) Beginning at least one year before the pupil reaches the age
21 of 18, a statement shall be included in the individualized education
22 program that the pupil has been informed of his or her rights under
23 this part, if any, that will transfer to the pupil upon reaching the age
24 of 18 pursuant to Section 56041.5.

25 (9) A statement of how the pupil's progress toward the annual
26 goals described in paragraph (2) will be measured.

27 (10) A statement of how the pupil's parents *or guardians* will
28 be regularly informed, at least as often as parents *or guardians* are
29 informed of their nondisabled pupil's progress in the following:

30 (A) The pupil's progress toward the annual goals described in
31 paragraph (2).

32 (B) The extent to which that progress is sufficient to enable the
33 pupil to achieve the goals by the end of the year.

34 (b) When appropriate, the individualized education program
35 shall also include, but not be limited to, all of the following:

36 (1) For pupils in grades 7 to 12, inclusive, any alternative
37 means and modes necessary for the pupil to complete the district's
38 prescribed course of study and to meet or exceed proficiency
39 standards for graduation ~~in accordance with Section 51215.~~



1 (2) For individuals whose primary language is other than
2 English, linguistically appropriate goals, objectives, programs and
3 services.

4 (3) Extended school year services when needed, as determined
5 by the individualized education program team.

6 (4) Provision for the transition into the regular class program
7 if the pupil is to be transferred from a special class ~~or center~~, or
8 nonpublic, nonsectarian school into a regular class in a public
9 school for any part of the schoolday, including the following:

10 (A) A description of activities provided to integrate the pupil
11 into the regular education program. The description shall indicate
12 the nature of each activity, and the time spent on the activity each
13 day or week.

14 (B) A description of the activities provided to support the
15 transition of pupils from the special education program into the
16 regular education program.

17 (5) For pupils with low-incidence disabilities, specialized
18 services, materials, and equipment, consistent with guidelines
19 established pursuant to Section 56136.

20 (c) It is the intent of the Legislature in requiring individualized
21 education programs that the district, special education local plan
22 area, or county office is responsible for providing the services
23 delineated in the individualized education program. However, the
24 Legislature recognizes that some pupils may not meet or exceed
25 the growth projected in the annual goals and objectives of the
26 pupil's individualized education program.

27 ~~(d) Pursuant to subdivision (d) of Section 51215, a pupil's~~
28 ~~individualized education program shall also include the~~
29 ~~determination of the individualized education program team as to~~
30 ~~whether differential proficiency standards shall be developed for~~
31 ~~the pupil. If differential proficiency standards are to be developed,~~
32 ~~the individualized education program shall include these~~
33 ~~standards.~~

34 ~~(e)~~

35 (d) Consistent with Section 56000.5 and clause (iv) of
36 subparagraph (B) of paragraph (3) of subsection (d) of Section
37 1414 of Title 20 of the United States Code, it is the intent of the
38 Legislature that, in making a determination of what constitutes an
39 appropriate education to meet the unique needs of a deaf or
40 hard-of-hearing pupil in the least restrictive environment, the



1 individualized education program team shall consider the related
2 services and program options that provide the pupil with an equal
3 opportunity for communication access. The individualized
4 education program team shall specifically discuss the
5 communication needs of the pupil, consistent with the guidelines
6 adopted pursuant to Section 56136 and Page 49274 of Volume 57
7 of the Federal Register, including all of the following:

8 (1) The pupil's primary language mode and language, which
9 may include the use of spoken language with or without visual
10 cues, or the use of sign language, or a combination of both.

11 (2) The availability of a sufficient number of age, cognitive,
12 and language peers of similar abilities which may be met by
13 consolidating services into a local plan areawide program or
14 providing placement pursuant to Section 56361.

15 (3) Appropriate, direct, and ongoing language access to special
16 education teachers and other specialists who are proficient in the
17 pupil's primary language mode and language consistent with
18 existing law regarding teacher training requirements.

19 (4) Services necessary to ensure communication-accessible
20 academic instructions, school services, and extracurricular
21 activities consistent with the Vocational Rehabilitation Act of
22 1973 as set forth in Section 794 of Title 29 of the United States
23 Code and the Americans with Disabilities Act of 1990 as set forth
24 in Section 12000, and following, of Title 42 of the United States
25 Code.

26 ~~(f)~~

27 (e) No General Fund money made available to school districts
28 or local agencies may be used for any additional responsibilities
29 and services associated with paragraphs (1) and (2) of subdivision
30 (e), including the training of special education teachers and other
31 specialists, even if those additional responsibilities or services are
32 required pursuant to a judicial or state agency determination.
33 Those responsibilities and services shall only be funded by a local
34 educational agency as follows:

35 (1) The costs of those activities shall be funded from existing
36 programs and funding sources.

37 (2) Those activities shall be supported by the resources
38 otherwise made available to those programs.

39 (3) Those activities shall be consistent with the provisions of
40 Sections 56240 to 56243, inclusive.



1 ~~(g)~~

2 (f) It is the intent of the Legislature that the communication
3 skills of teachers who work with hard-of-hearing and deaf children
4 be improved; however, nothing in this section shall be construed
5 to remove the local educational agency's discretionary authority
6 in regard to in-service activities.

7 *SEC. 41. Section 56361 of the Education Code is amended to*
8 *read:*

9 56361. The continuum of program options shall include, but
10 not necessarily be limited to, all of the following or any
11 combination of the following:

12 (a) Regular education programs consistent with subparagraph
13 (A) of paragraph (5) of subsection (a) of Section 1412 of Title 20
14 of the United States Code and implementing regulations.

15 (b) A resource specialist program pursuant to Section 56362.

16 (c) Designated instruction and services pursuant to Section
17 56363.

18 (d) Special classes ~~and centers~~ pursuant to Section 56364 or
19 Section 56364.2, as applicable.

20 (e) Nonpublic, nonsectarian school services pursuant to
21 Section 56365.

22 (f) State special schools pursuant to Section 56367.

23 (g) Instruction in settings other than classrooms where
24 specially designed instruction may occur.

25 (h) Itinerant instruction in classrooms, resource rooms, and
26 settings other than classrooms where specially designed
27 instruction may occur to the extent required by federal law or
28 regulation.

29 (i) Instruction using telecommunication, and instruction in the
30 home, in hospitals, and in other institutions to the extent required
31 by federal law or regulation.

32 *SEC. 42. Section 56473 of the Education Code is amended to*
33 *read:*

34 56473. Project workability shall be funded pursuant to Item
35 ~~6100-161-001 and Item 6100-161-890~~ 6100-161-0001 and Item
36 6100-161-0890 of Section 2.00 of the annual Budget Act.

37 *SEC. 43. Section 56605 of the Education Code is amended to*
38 *read:*

39 56605. The superintendent shall periodically *provide*
40 *information to* or sponsor or conduct workshops and seminars, *or*



1 *both*, for the education of local ~~education~~ *educational* agency
2 personnel assigned to, and responsible for, the evaluation of local
3 special education programs.

4 *SEC. 44. Section 56836.01 of the Education Code is amended*
5 *to read:*

6 56836.01. Commencing with the 1998–99 fiscal year and
7 each fiscal year thereafter, the administrator of each special
8 education local plan area, in accordance with the local plan
9 approved by the board, shall be responsible for the following:

10 (a) The fiscal administration of the annual budget plan pursuant
11 to *clause (i) of subparagraph (E) of paragraph (12) of subdivision*
12 ~~(a)~~ *(a)* of Section 56205 and annual allocation plan for multidistrict
13 special education local plan areas pursuant to Section 56836.05 for
14 special education programs of school districts and county
15 superintendents of schools composing the special education local
16 plan area.

17 (b) The allocation of state and federal funds allocated to the
18 special education local plan area for the provision of special
19 education and related services by those entities.

20 (c) The reporting and accounting requirements prescribed by
21 this part.

22 *SEC. 45. Section 56836.23 of the Education Code is amended*
23 *to read:*

24 56836.23. Funds for regionalized operations and services and
25 the direct instructional support of program specialists shall be
26 apportioned to the special education local plan areas. As a
27 condition to receiving those funds, the special education local plan
28 area shall ~~assure~~ *ensure* that all functions listed below are
29 performed in accordance with the description set forth in its local
30 plan adopted pursuant to ~~subdivision (e) of~~ Section 56205:

31 (a) Coordination of the special education local plan area and the
32 implementation of the local plan.

33 (b) Coordinated system of identification and assessment.

34 (c) Coordinated system of procedural safeguards.

35 (d) Coordinated system of staff development and parent *and*
36 *guardian* education.

37 (e) Coordinated system of curriculum development and
38 alignment with the core curriculum.



- 1 (f) Coordinated system of internal program review, evaluation
- 2 of the effectiveness of the local plan, and implementation of a local
- 3 plan accountability mechanism.
- 4 (g) Coordinated system of data collection and management.
- 5 (h) Coordination of interagency agreements.
- 6 (i) Coordination of services to medical facilities.
- 7 (j) Coordination of services to licensed children’s institutions
- 8 and foster family homes.
- 9 (k) Preparation and transmission of required special education
- 10 local plan area reports.
- 11 (l) Fiscal and logistical support of the community advisory
- 12 committee.
- 13 (m) Coordination of transportation services for individuals
- 14 with exceptional needs.
- 15 (n) Coordination of career and vocational education and
- 16 transition services.
- 17 (o) Assurance of full educational opportunity.
- 18 (p) Fiscal administration and the allocation of state and federal
- 19 funds pursuant to Section 56836.01.
- 20 (q) Direct instructional program support that may be provided
- 21 by program specialists in accordance with Section 56368.
- 22 *SEC. 46. Section 60451 of the Education Code is amended to*
- 23 *read:*
- 24 60451. Each school district shall expend funds received
- 25 pursuant to this chapter for the sole purpose of purchasing
- 26 instructional materials in the core curriculum that are aligned to
- 27 content standards for pupils in kindergarten and grades 1 to 12,
- 28 inclusive, that meet all of the following requirements:
- 29 (a) The instructional materials are aligned with content
- 30 standards adopted by the State Board of Education in 1997 or
- 31 1998.
- 32 (b) The instructional materials for pupils in kindergarten and
- 33 grades 1 to 8, inclusive, have been adopted by the State Board of
- 34 Education pursuant to Chapter 2 (commencing with Section
- 35 60200) of Part 33, using criteria aligned to the adopted content
- 36 standards.
- 37 (c) The instructional materials for pupils in grades 9 to 12,
- 38 inclusive, are basic instructional materials, as defined in
- 39 subdivision (a) of Section 60010, that have been reviewed and
- 40 approved, through a resolution adopted by the local governing



1 board, as being aligned with the content standards adopted by the
2 State Board of Education in 1997 or 1998.

3 (d) Prior to purchase, publishers shall be required to submit
4 *grade level content* standards maps to local districts so that the
5 districts can determine the extent to which instructional materials
6 or combination of instructional materials for pupils in grades 9 to
7 12, inclusive, are aligned to the content standards adopted by the
8 State Board of Education. The standards maps shall be filled out
9 *and distributed free of charge by the publisher* using ~~a standard~~
10 ~~form created~~ *standards maps developed by the State Department*
11 *of Education* and approved by the State Board of Education by July
12 1, 2003.

13 SEC. 47. *Section 3540.2 of the Government Code is amended*
14 *to read:*

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

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

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

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

36 (e) A county office of education, *or a school district for which*
37 *the county board of education serves as the governing board*, that
38 has a qualified or negative certification pursuant to Section 1240
39 of the Education Code shall allow the Superintendent of Public
40 Instruction at least six working days to review and comment on



1 any proposed agreement made between the exclusive
2 representative and the public school employer, or designated
3 representatives of the employer, pursuant to this chapter. The
4 county superintendent of schools shall provide the Superintendent
5 of Public Instruction with all information relevant to yield an
6 understanding of the financial impact of that agreement. The
7 Superintendent of Public Instruction shall notify the county
8 superintendent of schools publicly within those six days if, in his
9 or her opinion, the proposed agreement would endanger the fiscal
10 well-being of the county office.

11 SEC. 57. Section 62 of Chapter 78 of the Statutes of 1999, as
12 amended by Chapter 76 of the Statutes of 2000, is amended to read:

13 Sec. 58. Notwithstanding any other provision of law, for the
14 purposes of Sections 14002, 14004, and 41301 of the Education
15 Code for the 2000–01 fiscal year ~~and every fiscal year thereafter~~,
16 the Superintendent of Public Instruction shall certify to the
17 Controller amounts that do not exceed the amounts needed to fund
18 the revenue limits of school districts, as determined pursuant to
19 Section 42238 of the Education Code, and the revenue limits of
20 county superintendents of schools as determined pursuant to
21 Section 2558 of the Education Code, and the revenue limit portion
22 of charter school operational funding as determined pursuant to
23 Section 47633 of the Education Code.

