

AMENDED IN ASSEMBLY MAY 23, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1973

Introduced by Assembly Member Richman

February 14, 2002

An act to amend Section ~~46206~~ 46202 of the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1973, as amended, Richman. Instructional day.

Existing law, *with certain exceptions*, provides for certain incentives for school districts to provide a longer instructional day and school year and provides for withholding of the incentives for school districts that are unable to meet the prescribed minimums.

~~Existing law authorizes the State Board of Education to grant a waiver from these penalty provisions if certain conditions are met, including but not limited to, the granting of a waiver for any school district that maintained a single session kindergarten class in the 1982-83 school year for more than the maximum number of 240 minutes permitted by state law and that, due to the school district's growth and facilities limitations, is required to operate two sessions of kindergarten per day in the same classroom.~~

~~This bill would, in addition, authorize the board to grant a waiver to any school district that maintained a single session kindergarten class in the 1982-83 school year for more than the minimum number of 200 minutes required by state law and that, due to the school district's growth and facilities limitations, is required to operate two sessions of kindergarten per day in the same classroom.~~

This bill would make the withholding provisions not applicable to kindergarten classes maintained by the Castaic Union School District, and would make certain findings and declarations regarding the inapplicability of a general statute within the meaning of Section 16 of Article IV of the California Constitution.

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

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

1 ~~SECTION 1. Section 46206 of the Education Code is~~
2 *SECTION 1. Section 46202 of the Education Code is*
3 *amended to read:*
4 46202. (a) Except as otherwise provided in this section, in
5 any fiscal year, if the governing board of a school district offers
6 less instructional time than the amount of instructional time fixed
7 for the 1982–83 fiscal year, the Superintendent of Public
8 Instruction shall withhold, for that fiscal year, from the district’s
9 revenue limit apportionment for the average daily attendance of
10 each affected grade level, the sum of that apportionment
11 multiplied by the percentage of instructional minutes fixed in the
12 1982–83 school year, at that grade level, that the district failed to
13 offer.
14 (b) The Glendora Unified School District shall reinstate the
15 sixth period, which shall be equivalent to at least 50 minutes of
16 instruction, effective the start of the second semester of the
17 1983–84 fiscal year.
18 (c) *Subdivision (a) does not apply to kindergarten classes*
19 *maintained by the Castaic Union School District.*
20 *SEC. 2. Due to the unique circumstances concerning*
21 *kindergarten classes maintained by the Castaic Union School*
22 *District, it is necessary that they be excluded from subdivision (a)*
23 *of Section 46202 of the Education Code, and the Legislature finds*
24 *and declares that a general statute cannot be made applicable*
25 *within the meaning of Section 16 of Article IV of the California*
26 *Constitution.*
27 ~~amended to read:~~
28 ~~46206. (a) The State Board of Education may waive the~~
29 ~~fiscal penalties set forth in this article for a school district or county~~
30 ~~office of education that fails to maintain the prescribed minimum~~



1 length of time for the instructional school year, minimum number
2 of instructional days for the school year, or both.

3 (b) A waiver shall only be granted pursuant to subdivision (a)
4 upon the condition that the school or schools in which the minutes,
5 days, or both, were lost, maintain minutes and days of instruction
6 equal to those lost and in addition to the amount otherwise
7 prescribed in this article for twice the number of years that it failed
8 to maintain the prescribed minimum length of time for the
9 instructional school year, minimum number of instructional days
10 for the school year following the year, or both, commencing not
11 later than the year in which the waiver was granted and continuing
12 for each succeeding school year until the condition is satisfied.
13 Compliance with the condition shall be specifically verified in the
14 report of the annual audit of the school district or county office of
15 education for each year in which the additional time is to be
16 maintained. If an audit report for a year in which the additional
17 time is to be maintained does not verify that the time was provided,
18 that finding shall be addressed as set forth in Section 41344.

19 (c) It is the intent of the Legislature that school districts and
20 county offices of education make every effort to make up any
21 instructional days and minutes lost during the school year in which
22 the loss occurred, rather than seeking a waiver pursuant to the
23 provisions of this section.

24 (d) The State Board of Education may grant a waiver pursuant
25 to subdivision (a) without the condition provided in subdivision
26 (b) to any school district that maintained a single session
27 kindergarten class in the 1982-83 school year for more than the
28 maximum number of 240 minutes permitted by state law and that,
29 due to the school district's growth and facilities limitations, is
30 required to operate two sessions of kindergarten per day in the
31 same classroom.

32 (e) The State Board of Education may grant a waiver pursuant
33 to subdivision (a) to any school district that maintained a single
34 session kindergarten class in the 1982-83 school year for more than
35 the minimum number of 200 minutes required by state law and
36 that, due to the school district's growth and facilities limitations,
37 is required to operate two sessions of kindergarten per day in the
38 same classroom.

