

AMENDED IN ASSEMBLY APRIL 16, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2130

Introduced by Assembly Member Simitian
(Coauthor: Assembly Member Alquist)

February 20, 2002

An act to amend Sections ~~37252.5 and 37252.6~~ 37252.5, 37252.6, and 42239 of, and to repeal Sections 37252.2 and 37252.8 of, the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 2130, as amended, Simitian. Supplemental instruction.

(1) Existing law, until January 1, 2003, requires a school district to offer programs of supplemental instruction to pupils in grades 2 to 9, inclusive, who are recommended for retention or who are retained in the same grade and authorizes a school district to offer supplemental instruction to pupils in grades 2 to 6, inclusive, who are at risk of retention.

Existing law, which becomes operative January 1, 2003, requires a school district to offer supplemental instruction to pupils in grades 2 to 9, inclusive, who are recommended for retention or who are retained in the same grade.

This bill would repeal the provision that would become operative on January 1, 2003, and would delete the repeal of the provision that would otherwise be repealed on January 1, 2003, thereby resulting in the continuation of that program.

(2) Existing law, until January 1, 2003, authorizes a school district to offer programs of supplemental instruction to pupils in grades 2 to

6, inclusive, who are deficient in mathematics, reading, or written expression based on the results of statewide achievement tests and limits the amount of funding a school district may receive for this instruction.

Existing law, which becomes operative on January 1, 2003, authorizes a school district to offer programs of supplemental instruction to pupils in grades 2 to 6, inclusive, who are deficient in mathematics, reading, or written expression based on the results of statewide achievement tests and to pupils who are at risk of retention in the same grade. Existing law limits the amount of funding a school district may receive for this instruction.

This bill would repeal the provision that would become operative on January 1, 2003, and would delete the repeal of the provision that would otherwise be repealed on January 1, 2003, thereby resulting in the continuation of that program.

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 37252.2 of the Education Code is
- 2 repealed.
- 3 SEC. 2. Section 37252.5 of the Education Code is amended
- 4 to read:
- 5 37252.5. (a) The governing board of each district
- 6 maintaining any or all of grades 2 to 9, inclusive, shall offer, and
- 7 a charter school may offer, programs of direct, systematic, and
- 8 intensive supplemental instruction to pupils enrolled in grades 2
- 9 to 9, inclusive, who have been recommended for retention or who
- 10 have been retained pursuant to Section 48070.5. A school district
- 11 or charter school may require a pupil who has been retained to
- 12 participate in supplemental instructional programs.
- 13 Notwithstanding the requirements of this section, the school
- 14 district or charter school shall provide a mechanism for a parent or
- 15 guardian to decline to enroll his or her child in the program.
- 16 Attendance in supplemental instructional programs shall not be
- 17 compulsory within the meaning of Section 48200.
- 18 (b) The governing board of each district maintaining any or all
- 19 of grades 2 to 6, inclusive, and each charter school, may offer
- 20 direct, systematic, and intensive supplemental instruction to pupils



1 enrolled in any of grades 2 to 6, inclusive, who have been
2 identified as being at risk of retention pursuant to Section 48070.5.

3 (c) Supplemental educational services pursuant to subdivisions
4 (a) and (b) may be offered during the summer, before school, after
5 school, on Saturdays, or during intersession, or in a combination
6 of summer school, before school, after school, on Saturday, or
7 intersession instruction. Services shall not be provided during the
8 pupil's regular instructional day. Any minor pupil whose parent or
9 guardian informs the school district that the pupil is unable to
10 attend a Saturday school program for religious reasons, or any
11 pupil 18 years of age or older who states that he or she is unable
12 to attend a Saturday school program for religious reasons, shall be
13 given priority for enrollment in supplemental instruction offered
14 at a time other than Saturday over a pupil who is not unable to
15 attend a Saturday school program for religious reasons.

16 (d) For purposes of this section, a pupil shall be considered to
17 be enrolled in a grade immediately upon completion of the
18 preceding grade. Summer school instruction may also be offered
19 to pupils who were enrolled in grade 6 during the prior school year.
20 For ninth grade pupils identified in subdivision (a), summer school
21 instruction may also be offered to pupils who were enrolled in
22 grade 9 during the prior school year.

23 (e) Each school district or charter school shall use results from
24 tests administered under the Standardized Testing and Reporting
25 Program, established pursuant to Article 4 (commencing with
26 Section 60640) of Chapter 5 of Part 33 or other evaluative criteria
27 to identify eligible pupils pursuant to subdivision (b).

28 (f) An intensive remedial program in reading or written
29 expression offered pursuant to this section shall, as needed,
30 include instruction in phoneme awareness, systematic explicit
31 phonics and decoding, word attack skills, spelling and vocabulary,
32 explicit instruction of reading comprehension, writing, and study
33 skills.

34 (g) Each school district or charter school shall seek the active
35 involvement of parents and classroom teachers in the development
36 and implementation of supplemental instructional programs
37 provided pursuant to this section.

38 (h) It is the intent of the Legislature that pupils who are at risk
39 of failing to meet state adopted standards, or who are at risk of
40 retention, be identified as early in the school year and as early in



1 their school careers as possible, and be provided the opportunity
2 for supplemental instruction sufficient to assist them in attaining
3 expected levels of academic achievement.

4 (i) Notwithstanding any other provision of law, neither the
5 State Board of Education nor the Superintendent of Public
6 Instruction may waive any provision of this section.

7 SEC. 3. Section 37252.6 of the Education Code is amended
8 to read:

9 37252.6. (a) The governing board of each school district
10 maintaining any or all of grades 2 to 6, inclusive, and any charter
11 school, may offer programs of direct, systematic, and intensive
12 supplemental instruction to pupils enrolled in grades 2 to 6,
13 inclusive, who have been identified as having a deficiency in
14 mathematics, reading, or written expression based on the results
15 of any test administered under the Standardized Testing and
16 Reporting Program established pursuant to Article 4
17 (commencing with Section 60640) of Chapter 5 of Part 33.

18 (b) Supplemental educational services offered pursuant to this
19 section may be offered during the summer, before school, after
20 school, on Saturdays, or during intersession, or in a combination
21 of summer school, before school, after school, on Saturday, or
22 intersession instruction. Services shall not be provided during the
23 pupil's regular instructional day. Any minor pupil whose parent or
24 guardian informs the school district that the pupil is unable to
25 attend a Saturday school program for religious reasons, or any
26 pupil 18 years of age or older who states that he or she is unable
27 to attend a Saturday school program for religious reasons, shall be
28 given priority for enrollment in supplemental instruction offered
29 at a time other than Saturday, over a pupil who is not unable to
30 attend a Saturday school program for religious reasons.

31 (c) For purposes of this section, a pupil shall be considered to
32 be enrolled in a grade immediately upon completion of the
33 preceding grade. Summer school instruction may also be offered
34 to pupils who were enrolled in grade 6 during the prior school year.

35 (d) An intensive remedial program in reading or written
36 expression offered pursuant to this section shall, as needed,
37 include instruction in phoneme awareness, systematic explicit
38 phonics and decoding, word attack skills, spelling and vocabulary,
39 explicit instruction in reading comprehension, writing, and study
40 skills.



1 (e) Each school district or charter school shall seek the active
2 involvement of parents, legal guardians, and classroom teachers in
3 the development and implementation of supplemental
4 instructional programs provided pursuant to this section.

5 (f) It is the intent of the Legislature that pupils who are at risk
6 of failing to meet state adopted standards, or who are at risk of
7 retention, be identified as early in the school year and as early in
8 their school careers as possible, and be provided the opportunity
9 for supplemental instruction sufficient to assist them in attaining
10 expected levels of academic achievement.

11 (g) (1) The maximum amount of funding for the purposes of
12 programs offered pursuant to this section to serve pupils in grades
13 2 to 6, inclusive, shall not exceed 5 percent of the statewide total
14 enrollment in grades 2 to 6, inclusive, for the prior fiscal year
15 multiplied by 120 hours, multiplied by the hourly rate for the
16 current fiscal year as determined pursuant to subdivision (c) of
17 Section 42239.

18 (2) A school district or charter school that offers instruction
19 pursuant to this section shall be entitled to receive reimbursement
20 in an amount up to 5 percent of the district's or charter school's
21 total enrollment in grades 2 to 6, inclusive, for the prior fiscal year
22 multiplied by 120 hours, multiplied by the hourly rate for the
23 current fiscal year as determined pursuant to subdivision (c) of
24 Section 42239.

25 (h) Notwithstanding any other provision of law, neither the
26 State Board of Education nor the Superintendent of Public
27 Instruction may waive any provision of this section.

28 SEC. 4. Section 37252.8 of the Education Code is repealed.

29 SEC. 5. *Section 42239 of the Education Code is amended to*
30 *read:*

31 42239. For the 2000–01 fiscal year, and each fiscal year
32 thereafter, the Superintendent of Public Instruction shall compute
33 funding for supplemental instruction for each school district or
34 charter school in the following manner:

35 (a) Multiply the number of pupil hours of supplemental
36 instruction claimed pursuant to Sections 37252, ~~37252.2~~, and
37 37252.5 by the pupil hour allowance specified in subdivision (c)
38 or by a pupil hour allowance specified in the annual Budget Act
39 in lieu of the amount computed in subdivision (c).



1 (b) Multiply the number of pupil hours of supplemental
2 instruction claimed pursuant to Sections 37252.6, ~~37252.8~~, and
3 37253 by the pupil hour allowance specified in subdivision (c) or
4 by a per-pupil hour allowance specified in the annual Budget Act
5 in lieu of the amount computed in subdivision (c). The total
6 number of pupil hours of supplemental instruction that may be
7 claimed pursuant to Section 37253 may not exceed the limits on
8 pupil hours that may be claimed as established by subdivisions (c)
9 and (d) of Section 37253. The total number of pupil hours of
10 supplemental instruction that may be claimed pursuant to Section
11 37252.6 may not exceed the limits on pupil hours that may be
12 claimed as established in subdivision (g) of that section.

13 (c) Commencing with the 2000–01 fiscal year, hours of
14 supplemental instruction shall be reimbursed at a rate of three
15 dollars and 25 cents (\$3.25) per pupil hour, adjusted in future years
16 as specified in this section, provided that a different
17 reimbursement rate may be specified for each fiscal year in the
18 annual Budget Act that appropriates funding for that fiscal year.
19 This amount shall be increased annually by the percentage
20 increase pursuant to subdivision (b) of Section 42238.1 granted to
21 school districts or charter schools for base revenue limit
22 cost-of-living increases.

23 (d) (1) If appropriated funding is insufficient to pay all claims
24 made in any fiscal year pursuant to Section 37252, ~~37252.2~~, or
25 37252.5, the superintendent shall use any available funding
26 appropriated for the purposes of reimbursing school districts
27 pursuant to Section 37252, ~~37252.2~~, 37252.5, or subdivision (d)
28 of Section 37253.

29 (2) If appropriated funding is still insufficient to pay all claims
30 made in any fiscal year pursuant to Section 37252, ~~37252.2~~, or
31 37252.5, the superintendent shall use any available funding
32 appropriated for the purposes of reimbursing school districts for
33 supplemental instruction in the prior fiscal year.

34 (3) If appropriated funding is still insufficient to pay all claims
35 made in any fiscal year pursuant to Section 37252, ~~37252.2~~, or
36 37252.5, the superintendent shall use any available funding
37 appropriated for the purposes of reimbursing school districts for
38 supplemental instruction in the current fiscal year.

39 (4) The superintendent shall notify the Director of Finance that
40 there is a deficiency of funding appropriated for the purposes of



1 Sections 37252, ~~37252.2~~, and 37252.5 only after the
2 superintendent has exhausted all available balances of
3 appropriations made for the current or prior fiscal years for the
4 reimbursement of school districts for supplemental instruction.

5 (e) Notwithstanding any other provision of law, neither the
6 State Board of Education nor the Superintendent of Public
7 Instruction may waive any provision of this section.

