

AMENDED IN SENATE AUGUST 22, 2002

AMENDED IN SENATE JUNE 27, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2750

Introduced by Assembly Member Wesson

February 22, 2002

An act to amend Section 41841.6 of the Education Code, relating to public schools, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2750, as amended, Wesson. Adult education: classes in correctional facilities.

Existing law limits increases in funding for schools or classes for adults in correctional facilities offered by school districts and county boards of education to 2.5% per fiscal year unless the Legislature approves a greater increase for a fiscal year in the annual Budget Act.

This bill would permit increases in *the maximum* average daily attendance calculations for schools and classes for adults in correctional facilities, as prescribed ~~thereby making an appropriation by removing a restriction on an expenditure of money under an existing appropriation.~~

~~The appropriation made by this bill would be included in the amounts appropriated by the state for the purpose of meeting the state's minimum funding obligation to school districts, as defined, and community college districts pursuant to Section 8 of Article XVI of the California Constitution.~~

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

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

1 SECTION 1. The Legislature finds and declares that jail
2 education contributes to the public safety by providing inmates
3 with the skills and knowledge needed to succeed upon release. The
4 Legislature also finds and declares that the existing method of
5 funding jail education has contributed to the decline in enrollments
6 in jail education programs. The intent of this measure is to
7 establish a funding mechanism that does not result in reduced
8 enrollments due to the attendance fluctuations that are inherent in
9 operating education programs within the jail system.

10 SEC. 2. Section 41841.6 of the Education Code is amended
11 to read:

12 41841.6. (a) Except as otherwise provided in subdivision (b)
13 of Section 46191, for the 2000–01 fiscal year for purposes of
14 Sections 1909 and 41841.5, in calculating the average daily
15 attendance for schools or classes for adults in correctional
16 facilities, a school district or county board of education may not
17 claim or report any increase in average daily attendance in excess
18 of the average daily attendance claimed and authorized pursuant
19 to this article during the previous fiscal year multiplied by a factor
20 of 1.025 to 1.14, as specified as follows:

21 (1) A school district or county office of education that has not
22 experienced a loss of average daily attendance due to extenuating
23 circumstances may not claim or report an increase in average daily
24 attendance in excess of that authorized pursuant to this article
25 during the previous fiscal year multiplied by 1.025.

26 (2) A school district that experienced a loss of units of average
27 daily attendance due to extenuating circumstances may not claim
28 or report an increase in average daily attendance in excess of that
29 authorized pursuant to this article during the previous fiscal year
30 multiplied by a factor equivalent to the number derived by adding
31 1.025 to the extenuating circumstances factor, as defined pursuant
32 to paragraph (3).

33 (3) For purposes of this section, “a school district or county
34 office of education that experienced a loss of average daily
35 attendance due to extenuating circumstances” means a school



1 district or county office of education that experienced a loss of
2 average daily attendance as a result of the temporary or permanent
3 closure of jails, a jail, or a unit thereof, that occurred on or after
4 June 30, 1993, at which the district or office provided jail
5 education programs that were subject to reimbursement by the
6 state.

7 (4) For purposes of paragraph (2), “extenuating circumstances
8 factor” means that number derived by dividing the number of
9 units of average daily attendance lost to circumstances defined in
10 paragraph (3) divided by the number of units of average daily
11 attendance claimed in the fiscal year prior to the extenuating
12 circumstances occurring, provided that the factor does not exceed
13 0.115.

14 (5) Any school district or county office of education claiming
15 additional average daily attendance pursuant to the “extenuating
16 circumstances factor” defined in paragraph (4) shall document the
17 extenuating circumstances and the data involved in calculating
18 their extenuating circumstances factor. This subdivision shall
19 apply only to average daily attendance generated in the 2000–01
20 fiscal year.

21 (b) Except as otherwise provided in subdivision (b) of Section
22 46191, commencing with the 2001-02 fiscal year, and for each
23 fiscal year thereafter, for purposes of Sections 1909 and 41841.5,
24 in calculating the average daily attendance for schools or classes
25 for adults in correctional facilities, a school district or county
26 board of education may not claim or report any increase in average
27 daily attendance in excess of the average daily attendance
28 authorized pursuant to this article during the previous fiscal year
29 multiplied by 1.025, unless the Legislature approves a greater
30 increase for that fiscal year in the annual Budget Act.

31 ~~(e) Notwithstanding subdivision (b), for fiscal year 2003–04~~
32 ~~and each fiscal year thereafter, a school district or county office of~~
33 ~~education in calculating the average daily attendance for schools~~
34 ~~or classes for adults in correctional facilities may use as the base~~
35 ~~amount either the previous fiscal year average daily attendance~~
36 ~~without limitation, or the maximum amount of average daily~~
37 ~~attendance that could have been claimed for the prior fiscal year~~
38 ~~provided that actual attendance in the prior fiscal year was within~~
39 ~~10 percent of the maximum average daily attendance that could~~
40 ~~have been claimed for that fiscal year. After determining the prior~~



1 ~~fiscal year's base amount as permitted by this subdivision, a school~~
 2 ~~district or county office of education may not claim or report any~~
 3 ~~increase in average daily attendance in excess of the average daily~~
 4 ~~attendance authorized by this article during the base fiscal year~~
 5 ~~multiplied by 1.025, except as increased by subdivision (d), unless~~
 6 ~~the Legislature approves a greater increase for that fiscal year in~~
 7 ~~the annual Budget Act.~~

8 ~~(d) In order to compensate for declining enrollments in jail~~
 9 ~~education over recent fiscal years, a school district or a county~~
 10 ~~office of education may add 5 percent to its base amount of average~~
 11 ~~daily attendance as permitted by either subdivision (b) or (c) for~~
 12 ~~fiscal years 2004-05 through 2006-07 unless the Legislature~~
 13 ~~prescribes a lesser increase for a fiscal year in the annual Budget~~
 14 ~~Act.~~

15 *(c) Notwithstanding subdivision (b), for the 2003-04 fiscal*
 16 *year, and each fiscal year thereafter, a school district or county*
 17 *office of education shall calculate the maximum average daily*
 18 *attendance it may claim for schools and classes for adults in*
 19 *correctional facilities for the then-current fiscal year by*
 20 *multiplying the maximum average daily attendance that it would*
 21 *have been authorized to claim for those programs, without regard*
 22 *to actual average daily attendance, for the immediately preceding*
 23 *fiscal year by 1.025, or a greater increase if approved by the*
 24 *Legislature for that fiscal year in the annual Budget Act or other*
 25 *measure.*

26 *(d) It is the intent of the Legislature to provide, through*
 27 *subsequent measures, additional adjustments to increase*
 28 *allocations for adults in correctional facility educational*
 29 *programs to the extent that funds are available.*

30 *(e) No state funds shall be allocated to a school district or*
 31 *county board of education for units of average daily attendance*
 32 ~~that have not been approved by the Legislature pursuant to~~
 33 ~~subdivision (a), (b), (c), or (d).~~ *for programs set forth in this*
 34 *section unless the allocations are in compliance with this section.*

