

AMENDED IN ASSEMBLY APRIL 18, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2912**

**Introduced by Assembly Member Florez**

February 25, 2002

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An act to amend ~~Sections 42238.5 and 47661 of~~ *and renumber Sections 47661 and 47661.5 of*, and to add Section 42238.53 to, the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 2912, as amended, Florez. Charter schools: funding.

Existing law requires the county superintendent of schools to determine a revenue limit for each school in the county pursuant to a prescribed formula, and requires, for purposes of that apportionment, that average daily attendance be calculated, as prescribed.

This bill would, notwithstanding any other provisions of law, make those provisions relating to the calculation of average daily attendance ~~applicable~~ *inapplicable* for purposes of determining the base revenue limit or block grant average daily attendance for charter school pupils who reside in a school district in which all schools have been converted to charter schools *and that elect not to receive funding under specified provisions*, and would make conforming changes in related provisions.

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 42238.5 of the Education Code is~~  
2

1 SECTION 1. Section 42238.53 is added to the Education  
2 Code, to read:

3 42238.53. (a) Sections 42238.51 and 42238.52 shall not  
4 apply to resident pupils in charter schools operating under the  
5 districtwide charter of a district that has converted all of its  
6 schools to charter status pursuant to Section 47606 and has  
7 elected not to be funded pursuant to Article 2 of Chapter 6 of Part  
8 26 (commencing with Section 47633).

9 (b) For the purposes of this section, “resident pupils” means  
10 pupils who reside in, and are otherwise eligible to attend, a school  
11 in the specified district.

12 SEC. 2. Section 47661 of the Education Code is amended and  
13 renumbered to read:

14 ~~47661.~~

15 42238.51. For purposes of paragraph (1) of subdivision (a) of  
16 Section 42238.5, a sponsoring school district’s average daily  
17 attendance shall be computed as follows:

18 (a) Compute the sponsoring school district’s regular average  
19 daily attendance in the current year, excluding all attendance of  
20 pupils in charter schools.

21 (b) Compute the sponsoring school district’s second principal  
22 apportionment regular average daily attendance for the prior year,  
23 excluding all attendance of pupils who either attended a charter  
24 school in the prior year or who satisfy both of the following  
25 conditions:

26 (1) He or she attended one or more noncharter schools of the  
27 school district between July 1 and the last day of the second period,  
28 inclusive, in the prior year.

29 (2) He or she attended a charter school sponsored by the school  
30 district between July 1 and the last day of the second period,  
31 inclusive, in the current year.

32 (c) To the greater of the amounts computed pursuant to  
33 subdivisions (a) and (b), add the regular average daily attendance  
34 in the current year of all pupils attending charter schools sponsored  
35 by the district that are not funded pursuant to ~~this chapter~~ Article  
36 2 (commencing with Section 47633) of Chapter 6 of Part 26.

37 (d) For the purposes of this section, a “sponsoring school  
38 district” shall mean a “sponsoring local educational agency,” as  
39 defined in Section 47632.



1 SEC. 3. Section 47661.5 of the Education Code is amended  
2 and renumbered to read:

3 ~~47661.5.~~

4 42238.52. (a) Notwithstanding any other provision of law,  
5 the prior year average daily attendance for a school district  
6 determined pursuant to subdivision (b) of Section ~~47661~~ 42238.51  
7 shall be increased by the prior year second principal  
8 apportionment average daily attendance of district residents only  
9 of any school that meets the following description:

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

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

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

16 (b) An adjustment to prior year average daily attendance  
17 pursuant to this section may not be made for the attendance of  
18 pupils who were not residents of the school district in the prior  
19 year.

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

22 ~~amended to read:~~

23 ~~42238.5. (a) For purposes of Section 42238, the fiscal year~~  
24 ~~average daily attendance shall be computed pursuant to paragraph~~  
25 ~~(1) or (2).~~

26 ~~(1) The second principal apportionment regular average daily~~  
27 ~~attendance for either the current or prior fiscal year, whichever is~~  
28 ~~greater. However, prior fiscal year average daily attendance shall~~  
29 ~~be adjusted for any loss or gain of average daily attendance due to~~  
30 ~~a reorganization or transfer of territory, or, commencing in the~~  
31 ~~1993–94 fiscal year, and each fiscal year thereafter, for any change~~  
32 ~~in average daily attendance for pupils who are concurrently~~  
33 ~~enrolled in adult programs and classes pursuant to Section~~  
34 ~~52616.17.~~

35 ~~(2) Any school district that elects to receive funding pursuant~~  
36 ~~to Article 4 (commencing with Section 42280) shall compute its~~  
37 ~~units of average daily attendance for purposes of Section 42238 by~~  
38 ~~subtracting the amount determined in subparagraph (B) from the~~  
39 ~~amount determined in subparagraph (A).~~



1 ~~(A) The units of average daily attendance computed pursuant~~  
2 ~~to paragraph (1).~~

3 ~~(B) The units of average daily attendance resulting from pupils~~  
4 ~~attending schools funded pursuant to Article 4 (commencing with~~  
5 ~~Section 42280).~~

6 ~~(b) For purposes of this article, regular average daily~~  
7 ~~attendance shall be the base revenue limit average daily~~  
8 ~~attendance, excluding summer school average daily attendance.~~

9 ~~(c) For purposes of this section, for the 1998-99 fiscal year~~  
10 ~~only, the prior year average daily attendance shall be the 1997-98~~  
11 ~~regular average daily attendance, excluding absences excused~~  
12 ~~pursuant to subdivision (b) of Section 46010, as that subdivision~~  
13 ~~read on July 1, 1996.~~

14 ~~(d) Notwithstanding any other provision of law, the method of~~  
15 ~~calculating average daily attendance described in paragraph (1) of~~  
16 ~~subdivision (a) shall apply for purposes of determining the base~~  
17 ~~revenue limit or block grant average daily attendance for charter~~  
18 ~~school pupils who reside in a school district in which all schools~~  
19 ~~have been converted to charter schools pursuant to Section 47606.~~

20 ~~SEC. 2. Section 47661 of the Education Code is amended to~~  
21 ~~read:~~

22 ~~47661. For purposes of paragraph (1) of subdivision (a) of~~  
23 ~~Section 42238.5 and Section 47633, an authorizing school~~  
24 ~~district's average daily attendance shall be computed as follows:~~

25 ~~(a) Compute the authorizing school district's regular average~~  
26 ~~daily attendance in the current year, excluding all attendance of~~  
27 ~~pupils in charter schools.~~

28 ~~(b) Compute the authorizing school district's second principal~~  
29 ~~apportionment regular average daily attendance for the prior year,~~  
30 ~~excluding all attendance of pupils who either attended a charter~~  
31 ~~school in the prior year or who satisfy both of the following~~  
32 ~~conditions:~~

33 ~~(1) He or she attended one or more noncharter schools of the~~  
34 ~~school district between July 1 and the last day of the second period,~~  
35 ~~inclusive, in the prior year.~~

36 ~~(2) He or she attended a charter school authorized by the school~~  
37 ~~district between July 1 and the last day of the second period,~~  
38 ~~inclusive, in the current year.~~

39 ~~(c) To the greater of the amounts computed pursuant to~~  
40 ~~subdivisions (a) and (b), add the regular average daily attendance~~



1 ~~in the current year of all pupils attending charter schools~~  
2 ~~authorized by the district.~~

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