

Introduced by Senator Escutia
(Principal coauthor: Assembly Member Goldberg)

February 23, 2001

An act to add Article 9 (commencing with Section 46210) to Chapter 2 of Part 26 of, *to add Chapter 18 (commencing with Section 53100) to Part 28 of, to add Chapter 2.5 (commencing with Section 54200) to Part 29 of, to repeal Sections 42243.6, 42243.8, 42243.9, 42246, 42247, 42247.1, 42247.2, 42247.3, 42247.4, 42247.5, 42249, 42249.2, 42249.4, 42249.6, 42249.65, and 42249.8 of, and to repeal Article 2 (commencing with Section 54020) of Chapter 1 of Part 29 of, the Education Code, relating to schools.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1020, as amended, Escutia. ~~California Middle Grades Extended Year Incentive Program Schools. Existing~~

(1) Existing law requires the Superintendent of Public Instruction to reduce the base revenue limit per unit of average daily attendance for a fiscal year if a school district that receives an apportionment under the incentive program for a longer instructional day and year offers less than 180 days of instruction and less than a prescribed minimum number of instructional minutes.

This bill would establish the California Middle Grades Extended Year Incentive Program under which a school district implementing a program by adding ~~30~~ 20 instructional days to the school year would receive incentive funding if certain conditions are met. The bill would prohibit the waiver of any provision of this program.

(2) Existing law establishes the Public Schools Accountability Act of 1999 under which an Academic Performance Index (API) is required to be developed to measure the performance of schools. Existing law requires that schools be ranked by the value of the API in decile categories.

This bill would establish the Instructional Improvement for High Priority Schools Grant Program to be administered by the State Department of Education with the approval of the State Board of Education. A school district that has schoolsites within the 2 lowest deciles of the Academic Performance Index would be eligible to apply to participate in the program. Participating schools would receive a specified amount per unit of average daily attendance for the first 3 years of program participation. A participating school district would be required to comply with certain accountability conditions and if those conditions are met, the schoolsite would continue to receive funding after the 3 years of participation. The bill would authorize block grant funds to be used for instructional materials, staff development, computers, education technology, library materials, deferred maintenance, enrichment activities, tutoring services, or any other educational purpose aimed at instructional improvement for high priority pupils.

(3) Existing law requires, and provides a mechanism for reimbursement of certain school district costs associated with compliance with desegregation plans. Existing law, which sunset on June 30, 1987, provided a method of impact aid allocation that allowed efforts initiated under educationally disadvantaged youth programs and bilingual education programs to continue and expand so long as need exists.

This bill would repeal provisions governing funding of court-ordered and voluntary desegregation plans and the economic impact aid program. The bill would combine funding for those programs and establish the Targeted Instructional Improvement Block Grant Program to fund the costs of any court-ordered desegregation program, if the order exists and is still in force, and to provide instructional improvement for the lowest achieving pupils in the district.

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. (a) The Legislature finds and declares that
2 reading scores in the middle grades have not progressed as rapidly
3 as the reading scores in the primary grades. The Legislature further
4 finds and declares that it is important that these middle school
5 pupils acquire the necessary skills to achieve reading and math
6 competency as it relates to the California academic content
7 standards.

8 (b) It is the intent of the Legislature to do all of the following:

9 (1) Authorize additional instruction for all middle school
10 pupils to build a strong foundation to achieve academic success in
11 high school.

12 (2) Create increased benefits for teachers by providing a longer
13 professional year.

14 (3) Improve instruction in the core academic subjects and
15 maintain or increase the instructional time in core academic
16 subjects.

17 (4) Decrease the need for remedial activities during high
18 school.

19 (5) Allow middle schools to provide an enhanced quality
20 education that will increase pupil achievement.

21 (6) Provide teachers additional opportunities to implement a
22 deeper and richer standards-based curriculum in the classroom.

23 (7) *Provide teachers and administrators with curricular*
24 *redesign training to successfully manage the pedagogical and*
25 *organizational changes of transitioning to a longer school year.*

26 (c) *It is also the intent of the Legislature that a school district*
27 *that receives funding pursuant to the Economic Impact Aid*
28 *program authorized by Article 2 (commencing with Section*
29 *54020) of Chapter 1 of Part 29 of the Education Code, or*
30 *reimbursements from court-ordered desegregation claims filed*
31 *pursuant to Sections 42243.6 and 42247 of the Education Code,*
32 *or reimbursements from voluntary integration claims filed*
33 *pursuant to Sections 42247 and 42249 of the Education Code, use*
34 *these funds for targeted services for the lowest performing pupils*
35 *in its schools.*

36 SEC. 2. *Section 42243.6 of the Education Code is repealed.*

37 ~~42243.6. (a) A school district may be reimbursed by the~~
38 ~~amount necessary to pay costs mandated by the courts, as defined~~



1 in Section 2205 of the Revenue and Taxation Code, pursuant to
2 final court orders issued after January 1, 1978, to pay costs
3 mandated by the federal government, as defined in Section 2206
4 of the Revenue and Taxation Code, pursuant to any federal statutes
5 or regulations enacted or issued after January 1, 1978, and to pay
6 costs mandated by an initiative enactment, as defined in Section
7 2206.5 of the Revenue and Taxation Code, by means of any
8 initiative statutes or amendments adopted or enacted after January
9 1, 1978.

10 (b) Prior to submitting to the Controller any claim for the
11 payment of prior year actual costs pursuant to this section, a school
12 district shall subject the claim to audit in accordance with the
13 standards and procedures established pursuant to subdivision (b)
14 of Section 42246. Each claim for the payment of actual costs
15 submitted to the Controller shall be accompanied by the audit and
16 any related reports issued by the entity performing the audit, unless
17 the school district contracts with the Controller for the
18 performance of the audit. This subdivision is not intended to
19 require that estimated current year claims be subjected to audit
20 prior to submission to the Controller.

21 (c) The Controller shall reimburse a claim for the payment of
22 actual costs pursuant to this section, or any portion of that claim,
23 only to the extent that the claim is submitted in compliance with
24 subdivision (b).

25 (d) A claim submitted pursuant to this section may include the
26 full costs of performing the audit described in subdivision (b).

27 (e) Prior to payment, the Controller shall review any request for
28 reimbursement under this section and any data related to the
29 establishment thereof. If the Controller determines that the cost of
30 reimbursement exceeds a limit which would be necessary to meet
31 the federally mandated, initiative-mandated, or court-mandated
32 costs, or if the Controller determines that the cost of
33 reimbursement has been increased to pay any cost mandated by a
34 court which has resulted from litigation entered into in order to
35 avoid the revenue limits established by this chapter, or if the
36 Controller determines that a school district has erroneously
37 concluded that it is subject to costs mandated by the courts or costs
38 mandated by the federal government, or if the Controller
39 determines that the amount of the request is excessive or



1 unreasonable, the Controller shall reduce the amount of the request
2 by an appropriate amount.

3 ~~(f) Any amount heretofore or hereafter established pursuant to
4 the provisions of this section shall not be invalidated and may
5 continue to be in effect to meet recurring costs resulting from any
6 program or activity undertaken or implemented by a school district
7 in order to comply with a mandate by the federal government, by
8 initiative enactment, or by the courts, notwithstanding the
9 reversal, repeal, stay, or invalidation of that mandate, if the
10 reversal, repeal, stay, or invalidation of the mandate occurred or
11 occurs after the school district has received reimbursement
12 pursuant to this section to satisfy continuing contractual
13 obligations entered into in order to undertake, implement, or
14 continue the mandated program or activity.~~

15 ~~The reimbursement shall not continue in effect if the reversal,
16 repeal, stay, or invalidation of the mandate is upheld by a final
17 court order.~~

18 *SEC. 3. Section 42243.8 of the Education Code is repealed.*
19 ~~42243.8. The reimbursement authorized pursuant to Section
20 42243.6 shall be funded by the Controller from funds specifically
21 appropriated therefor by the Legislature. In the event that claims
22 exceed the appropriation authorized, the Controller shall prorate
23 the available funds among the districts submitting claims. Any
24 amount of claims in excess of the appropriation may be referred
25 to the Commission on State Mandates for review and possible
26 inclusion in a subsequent claims bill.~~

27 *SEC. 4. Section 42243.9 of the Education Code is repealed.*
28 ~~42243.9. The governing board of any school district
29 maintaining a program designed to remedy the harmful effects of
30 racial segregation that originated under a court mandate may, in
31 accordance with procedures established by the Commission on
32 State Mandates, submit a claim for reimbursement to the
33 Controller for the costs of the program not otherwise reimbursed
34 due to insufficient funds under Section 42243.6, or any other
35 provision of law. Any claim for the payment of actual costs under
36 this section shall be submitted in accordance with the standards
37 and procedures established pursuant to subdivision (b) of Section
38 42246. The Controller shall review each claim submitted and shall
39 approve reimbursement for the full costs of these programs not
40 otherwise reimbursed, except that, as to a claim for the payment~~



1 of actual costs, the Controller shall provide reimbursement only to
 2 the extent that the claim is submitted in compliance with the
 3 standards and procedures established pursuant to subdivision (b)
 4 of Section 42246 and the claim otherwise would not be
 5 reimbursed. Claims for reimbursement shall be approved only for
 6 school districts which are eligible to receive reimbursement for
 7 programs to remedy the harmful effects of racial segregation under
 8 Section 42243.6. This section is not intended to require that
 9 estimated current year claims be subjected to audit prior to
 10 submission to the Controller.

11 *SEC. 5. Section 42246 of the Education Code is repealed.*

12 42246. (a) For the purposes of this article, the Superintendent
 13 of Public Instruction shall prescribe regulations that will provide
 14 consistent and uniform implementation of the law herein, except
 15 as specified in subdivision (b).

16 (b) The Controller shall establish standards and procedures
 17 governing the auditing of claims by school districts for the
 18 payment of actual costs as necessary to ensure compliance with
 19 Sections 42243.6, 42243.8, 42243.9, 42247, 42247.1, 42247.2,
 20 42247.3, 42247.4, 42249, and 42249.2, and to determine all of the
 21 following:

22 (1) That the costs and programs are for the purposes of
 23 desegregation or alleviation of the harmful effects of racial
 24 segregation, as provided in the plan submitted by the school
 25 district pursuant to Section 42247.1.

26 (2) That the costs are costs in excess of the school district's
 27 expenditure levels for regular educational programs.

28 (3) That the costs are neither excessive nor unreasonable.

29 (c) The Controller shall make available to school districts the
 30 standards and procedures established pursuant to subdivision (b),
 31 and shall update the standards and procedures as may be required.

32 *SEC. 6. Section 42247 of the Education Code is repealed.*

33 42247. (a) Notwithstanding any other provision of law,
 34 reimbursements authorized by Sections 42243.9 and 42249 for
 35 desegregation costs incurred in the 1985-86 fiscal year, and each
 36 fiscal year thereafter, shall not exceed the following amounts:

37 (1) For desegregation programs operating pursuant to a final
 38 court order issued prior to the effective date of this section, or
 39 January 1, 1986, as appropriate, the amount calculated pursuant to
 40 Section 42247.3.



1 ~~(2) For desegregation programs initiated after the 1984-85~~
2 ~~fiscal year, the amount in excess of one-fifth of the audited costs~~
3 ~~approved by the Controller for the first full year of operation;~~
4 ~~adjusted pursuant to Section 42247.2, provided that the school~~
5 ~~district has contributed in the prior fiscal year not less than~~
6 ~~one-fifth of the audited costs approved by the Controller for that~~
7 ~~fiscal year. For purposes of this paragraph, desegregation~~
8 ~~programs initiated after the 1984-85 fiscal year shall not include~~
9 ~~expansion of desegregation activities by school districts that were~~
10 ~~reimbursed pursuant to Section 42249 for desegregation costs~~
11 ~~incurred during the 1984-85 fiscal year, except as otherwise~~
12 ~~provided by Section 42247.2.~~

13 ~~(3) For all other desegregation programs, the amount in excess~~
14 ~~of one-fifth of the audited desegregation costs approved by the~~
15 ~~Controller and incurred in the 1984-85 fiscal year, adjusted~~
16 ~~pursuant to Section 42247.2, provided that the school district has~~
17 ~~contributed in the prior fiscal year not less than one-fifth of the~~
18 ~~audited costs approved by the Controller for that fiscal year.~~

19 ~~(b) Claims for reimbursement of desegregation program costs~~
20 ~~shall be subject to audit by the Controller to determine all of the~~
21 ~~following:~~

22 ~~(1) That the costs and programs are for purposes of~~
23 ~~desegregation or alleviation of the harmful effects of racial~~
24 ~~segregation, as provided in the plan submitted by the district~~
25 ~~pursuant to Section 42247.1.~~

26 ~~(2) That the costs are costs in excess of the district's~~
27 ~~expenditure levels for regular educational programs.~~

28 ~~(3) That the costs are neither excessive nor unreasonable.~~

29 ~~(c) School districts shall subject any claim for the~~
30 ~~reimbursement of actual desegregation program costs to audit in~~
31 ~~accordance with the standards and procedures established~~
32 ~~pursuant to subdivision (b) of Section 42246. Each claim for the~~
33 ~~payment of actual costs submitted to the Controller shall be~~
34 ~~accompanied by the audit any related reports issued by the entity~~
35 ~~performing the audit, unless the school district contracts with the~~
36 ~~Controller for the performance of the audit. This subdivision is not~~
37 ~~intended to require that estimated current year claims be subjected~~
38 ~~to audit prior to submission to the Controller.~~

39 ~~(d) Claims for reimbursement of desegregation program costs~~
40 ~~shall not include costs for school construction, reconstruction,~~



1 ~~replacement of facilities, purchase of facilities, purchase of land,~~
2 ~~or modernization of facilities.~~

3 *SEC. 7. Section 42247.1 of the Education Code is repealed.*

4 ~~42247.1. Prior to reimbursement pursuant to Section 42243.9~~
5 ~~or 42249, the governing board of a school district shall submit to~~
6 ~~the Superintendent of Public Instruction and the Controller a copy~~
7 ~~of the district's desegregation plan, which the governing board has~~
8 ~~certified is the latest adopted plan. If the court order for~~
9 ~~desegregation encompasses the total school district desegregation~~
10 ~~plan adopted by the governing board, the governing board may~~
11 ~~submit a copy of the court order to comply with this section.~~

12 *SEC. 8. Section 42247.2 of the Education Code is repealed.*

13 ~~42247.2. The amount of reimbursement authorized by~~
14 ~~Section 42247 shall be increased annually by the percentage~~
15 ~~increase calculated pursuant to Section 42238.1, and by the~~
16 ~~percentage increase in each participating districts' total average~~
17 ~~daily attendance from the prior fiscal year.~~

18 *SEC. 9. Section 42247.3 of the Education Code is repealed.*

19 ~~42247.3. (a) Reimbursements authorized by Section 42243.9~~
20 ~~for programs operating pursuant to a final court order issued prior~~
21 ~~to the effective date of this section shall not exceed the sum of~~
22 ~~paragraphs (1) and (2):~~

23 ~~(1) The audited costs approved by the Controller and incurred~~
24 ~~during the 1984-85 fiscal year, increased by the adjustment~~
25 ~~calculated pursuant to Section 42247.2.~~

26 ~~(2) The amount in excess of one fifth of the amount obtained~~
27 ~~by subtracting subparagraph (B) from subparagraph (A):~~

28 ~~(A) The audited costs approved by the Controller for~~
29 ~~reimbursement pursuant to Section 42243.6 for the then current~~
30 ~~fiscal year.~~

31 ~~(B) The amount computed pursuant to paragraph (1).~~

32 ~~(b) Reimbursements authorized by Section 42243.9 for~~
33 ~~programs operating pursuant to a final federal court order issued~~
34 ~~prior to January 1, 1986, but not implemented until the 1985-86~~
35 ~~fiscal year, shall not exceed the sum of paragraphs (1) and (2):~~

36 ~~(1) The audited costs approved by the Controller and incurred~~
37 ~~during the 1986-87 fiscal year, increased by the adjustment~~
38 ~~calculated pursuant to Section 42247.2 for each fiscal year~~
39 ~~thereafter.~~



1 ~~(2) The amount in excess of one-fifth of the amount obtained~~
2 ~~by subtracting subparagraph (B) from subparagraph (A).~~

3 ~~(A) The audited costs approved by the Controller for~~
4 ~~reimbursement pursuant to Section 42243.6 for the then current~~
5 ~~fiscal year.~~

6 ~~(B) The amount computed pursuant to paragraph (1).~~

7 ~~(1) Commencing with the 1995-96 fiscal year, and each fiscal~~
8 ~~year thereafter, to be eligible to receive reimbursement pursuant~~
9 ~~to Section 42247, a school district shall submit an actual cost claim~~
10 ~~to the Superintendent of Public Instruction and the Controller on~~
11 ~~or before November 30 of the following fiscal year. School~~
12 ~~districts shall submit any supplemental claims to the~~
13 ~~Superintendent of Public Instruction and the Controller within one~~
14 ~~year of receipt of final payment for actual cost claim.~~

15 ~~(2) For years prior to the 1994-95 fiscal year, the Controller~~
16 ~~shall consider for reimbursement only those supplemental claims~~
17 ~~that are submitted on or before June 30, 1995.~~

18 *SEC. 10. Section 42247.4 of the Education Code is repealed.*

19 ~~42247.4. (a) Notwithstanding any other provision of law,~~
20 ~~school districts and county offices of education that are subject to~~
21 ~~the same initial court order shall be reimbursed for 100 percent of~~
22 ~~the costs incurred by them during the first year of full~~
23 ~~implementation of the court ordered voluntary pupil transfer~~
24 ~~program and for 100 percent of the costs incurred by them for~~
25 ~~planning, startup, and implementation of the court-ordered~~
26 ~~voluntary pupil transfer program between the date of the initial~~
27 ~~court order and the first year of full implementation of the court~~
28 ~~order if the initial court order was issued in 1986.~~

29 ~~(b) For claimants qualifying for state reimbursement of~~
30 ~~court-ordered voluntary pupil transfer costs under subdivision (a),~~
31 ~~the first year of full implementation of the court-ordered voluntary~~
32 ~~pupil transfer program shall serve as the base year for purposes of~~
33 ~~ongoing state reimbursement of court-ordered voluntary pupil~~
34 ~~transfer program costs and the first year of full implementation~~
35 ~~shall be defined as the 1991-92 fiscal year.~~

36 ~~(c) (1) Base year costs shall be computed as 100 percent of~~
37 ~~recurring costs incurred in complying with the court-ordered~~
38 ~~voluntary pupil transfer program in the 1991-92 fiscal year plus,~~
39 ~~for purposes of computing 1992-93 and future years'~~
40 ~~reimbursement, the additional recurring costs of maintaining and~~



1 ~~operating buses in the 1992–93 fiscal year which were purchased~~
2 ~~for the purpose of transporting voluntary transfer program pupils~~
3 ~~during the 1991–92 base year but were not available for operation~~
4 ~~by the claimant during the entire base year.~~

5 ~~(2) Nonrecurring startup costs, including, but not limited to,~~
6 ~~purchase of school buses, incurred during the 1991–92 base year~~
7 ~~shall be reimbursed at 100 percent but shall not be included in the~~
8 ~~base year computation for purposes of future years’~~
9 ~~reimbursement.~~

10 ~~(d) Notwithstanding any other provision of law, the state~~
11 ~~reimbursable costs of court-ordered voluntary pupil transfer~~
12 ~~programs that qualify for reimbursement under subdivision (a)~~
13 ~~shall be defined as follows:~~

14 ~~(1) For county offices:~~

15 ~~(A) Administering the program including: planning, notifying,~~
16 ~~and implementing the assignment of students to school districts;~~
17 ~~and, developing, printing, and mailing forms.~~

18 ~~(B) Processing transfers.~~

19 ~~(C) Monitoring compliance with the court-ordered program.~~

20 ~~(2) For school districts:~~

21 ~~(A) Notifying parents or guardians of the students’ right to~~
22 ~~transfer and notifying receiving districts of transfer requests.~~

23 ~~(B) Planning and notification of student placement at~~
24 ~~schoolsites within the district.~~

25 ~~(C) Planning the transportation of court-ordered voluntary~~
26 ~~transfer program pupils and notifying transferees of the~~
27 ~~transportation schedule.~~

28 ~~(D) Transporting court-ordered voluntary transfer program~~
29 ~~pupils, including the costs of: purchasing or leasing buses; fuel;~~
30 ~~maintenance and repair; insurance; salaries and benefits; and,~~
31 ~~other costs of operating buses necessary for the transportation of~~
32 ~~these pupils.~~

33 ~~(E) Voluntary pupil transfer program orientation meetings for~~
34 ~~staff, students, and parents or guardians.~~

35 ~~(F) Participation in and continued development of the~~
36 ~~Inter-district Interaction Committee.~~

37 ~~(e) Notwithstanding any other provision of law,~~
38 ~~reimbursements authorized by subdivision (a) for court-ordered~~
39 ~~desegregation costs incurred after the first year of full~~



1 ~~implementation shall not exceed the sum of the following~~
2 ~~amounts:~~

3 ~~(1) The audited costs approved by the Controller and incurred~~
4 ~~during the base year increased by the adjustment calculated~~
5 ~~pursuant to Section 42247.2.~~

6 ~~(2) The amount in excess of one-fifth of the amount obtained~~
7 ~~by subtracting subparagraph (B) from subparagraph (A):~~

8 ~~(A) The audited costs approved by the Controller for~~
9 ~~reimbursement pursuant to Section 42243.6 for the then current~~
10 ~~fiscal year.~~

11 ~~(B) The amount computed pursuant to paragraph (1).~~

12 ~~(f) School districts and county offices of education receiving~~
13 ~~state reimbursement of court-ordered voluntary pupil transfer~~
14 ~~program costs under this section shall make a reasonable effort to~~
15 ~~obtain reimbursement of court-ordered voluntary pupil transfer~~
16 ~~program costs from the federal government and other appropriate~~
17 ~~state programs and any funding which is received shall serve as an~~
18 ~~offset to the school district's or county office of education's~~
19 ~~court-ordered desegregation reimbursement claim in the year in~~
20 ~~which the funding is received.~~

21 ~~(g) Costs specifically reimbursed by additions to school~~
22 ~~revenue limits may not be claimed for reimbursement as~~
23 ~~court-ordered desegregation costs, except to the extent that~~
24 ~~reasonable costs exceed the amount of the addition to the school~~
25 ~~district's or county office of education's revenue limit.~~

26 ~~(h) For any basic aid district that is entitled to reimbursement~~
27 ~~pursuant to this section and in which a court order directs pupils~~
28 ~~to transfer to that district as part of the court-ordered voluntary~~
29 ~~pupil transfer program, the Superintendent of Public Instruction~~
30 ~~commencing with the 1995-96 fiscal year, shall calculate an~~
31 ~~apportionment of state funds for that basic aid district that provides~~
32 ~~70 percent of the district revenue limit calculated pursuant to~~
33 ~~Section 42238 that would have been apportioned to the school~~
34 ~~district from which the pupils were transferred for the average~~
35 ~~daily attendance of any pupils credited under that court order who~~
36 ~~did not attend the basic aid school district prior to the 1995-96~~
37 ~~fiscal year. For purposes of this subdivision, the term "basic aid~~
38 ~~district" means a school district that does not receive from the~~
39 ~~state, for any fiscal year in which the subdivision is applied, an~~



1 apportionment of state funds pursuant to subdivision (h) of Section
2 42238.

3 *SEC. 11. Section 42247.5 of the Education Code is repealed.*

4 ~~42247.5. (a) For the purposes of Section 42247.1, the~~
5 ~~“Administrative Recommendations and Action Plans for~~
6 ~~Implementing a Voluntary Desegregation Plan in the Sacramento~~
7 ~~City Unified School District,” adopted February 29, 1988, and as~~
8 ~~subsequently amended, shall be the latest adopted desegregation~~
9 ~~plan for the Sacramento City Unified School District.~~

10 (b) (1) ~~Notwithstanding Section 42247, commencing with the~~
11 ~~1998-99 fiscal year, and each fiscal year thereafter,~~
12 ~~reimbursements for voluntary desegregation authorized pursuant~~
13 ~~to Sections 42243.9, 42247, and 42249 to the Sacramento City~~
14 ~~Unified School District shall not exceed the amount in excess of~~
15 ~~one-fifth of the audited desegregation costs approved by the~~
16 ~~Controller and actually incurred in the 1990-91 fiscal year,~~
17 ~~reduced by the federal desegregation reimbursement of three~~
18 ~~million ninety-six thousand nine hundred eighty-nine dollars~~
19 ~~(\$3,096,989) received in the 1990-91 fiscal year, adjusted~~
20 ~~pursuant to Section 42247.2, provided that the school district has~~
21 ~~contributed in the prior fiscal year not less than one-fifth of the~~
22 ~~audited costs approved by the Controller that fiscal year. The~~
23 ~~audited costs actually incurred in the 1990-91 fiscal year includes~~
24 ~~expenditures for the Sacramento City Unified School District’s~~
25 ~~federal magnet program.~~

26 (2) ~~Notwithstanding paragraph (1), commencing with the~~
27 ~~1998-99 fiscal year, the Sacramento City Unified School~~
28 ~~District’s level of reimbursement shall be calculated based on~~
29 ~~actual reimbursements received for its 1998-99 voluntary~~
30 ~~desegregation audited claim.~~

31 (e) ~~Nothing in this section shall be construed to permit the~~
32 ~~Sacramento City Unified School District to receive any of the~~
33 ~~following:~~

34 (1) ~~Additional reimbursement for the costs of its voluntary~~
35 ~~desegregation program for any fiscal year prior to the 1998-99~~
36 ~~fiscal year.~~

37 (2) ~~More than four-fifths of actual costs of the district’s~~
38 ~~voluntary desegregation program approved by the Controller for~~
39 ~~any fiscal year.~~



1 ~~(3) Reimbursement for any voluntary desegregation program~~
2 ~~costs for which the district receives federal funding.~~

3 ~~SEC. 12. Section 42249 of the Education Code is repealed.~~

4 ~~42249. (a) Any school district, or group of school districts in~~
5 ~~collaboration, that maintains a voluntary program designed to~~
6 ~~remedy the harmful effects of racial segregation may, if the~~
7 ~~program meets the criteria of this section, present a claim for~~
8 ~~reimbursement for the costs of the program to the Commission on~~
9 ~~State Mandates for review. The commission may, for claims~~
10 ~~approved under this section, include the claims in a subsequent~~
11 ~~claims bill.~~

12 ~~(b) Any claim presented to the Commission on State Mandates~~
13 ~~pursuant to subdivision (a) shall be subject to the following~~
14 ~~restrictions:~~

15 ~~(1) A district shall not be reimbursed for a higher percentage of~~
16 ~~the total costs, as defined in paragraph (2), of the program than the~~
17 ~~average percentage reimbursement of total program costs received~~
18 ~~by eligible school districts from the state pursuant to Section~~
19 ~~42243.6 for the 1981-82 fiscal year.~~

20 ~~(2) The total costs of voluntary programs eligible for~~
21 ~~reimbursement pursuant to this section shall not exceed 1980-81~~
22 ~~fiscal year funding levels.~~

23 ~~(3) Programs eligible for reimbursement pursuant to this~~
24 ~~section shall be limited to the following:~~

25 ~~(A) Voluntary pupil assignment or reassignment.~~

26 ~~(B) Magnet schools or magnet centers.~~

27 ~~(C) Transportation of pupils to alternative schools or programs~~
28 ~~of their choice.~~

29 ~~(D) Racially isolated minority school staff development,~~
30 ~~instructional materials and supplies, and other programs to combat~~
31 ~~the harmful effects of racially isolated minority schools. Racially~~
32 ~~isolated minority school programs shall include, but are not~~
33 ~~limited to, all of the following:~~

34 ~~(i) New and creative parent training and involvement~~
35 ~~programs.~~

36 ~~(ii) Instructional programs to increase achievement in~~
37 ~~language arts, mathematics, and science.~~

38 ~~(iii) Reduction in classroom size (pupil/teacher ratio).~~

39 ~~(iv) Necessary support staff.~~



1 ~~(v) An evaluation component to determine the effectiveness of~~
2 ~~the racially isolated minority school programs.~~
3 ~~(e) It is the intent of the Legislature that there shall be no~~
4 ~~reduction of funding for racially isolated minority schools.~~
5 ~~SEC. 13. Section 42249.2 of the Education Code is repealed.~~
6 ~~42249.2.—(a) Notwithstanding any other provision of law, a~~
7 ~~school district that meets all of the following conditions shall be~~
8 ~~reimbursed pursuant to Section 42249 based on costs incurred in~~
9 ~~the 1981–82 fiscal year:~~
10 ~~(1) The district developed a voluntary desegregation plan in the~~
11 ~~1980–81 fiscal year.~~
12 ~~(2) The district’s voluntary desegregation plan was first~~
13 ~~implemented in the 1981–82 fiscal year.~~
14 ~~(3) The district has filed a claim for costs incurred in the~~
15 ~~1983–84 and 1984–85 fiscal years prior to the effective date of this~~
16 ~~section.~~
17 ~~(b) A school district that has not filed a claim pursuant to~~
18 ~~Section 42249 for the 1983–84 or 1984–85 fiscal year prior to July~~
19 ~~8, 1985, shall not be eligible for reimbursement for costs incurred~~
20 ~~in those fiscal years, except that any district that filed a claim~~
21 ~~pursuant to Section 42249 for the 1984–85 or 1985–86 fiscal year~~
22 ~~prior to November 30, 1985, shall be eligible for reimbursement~~
23 ~~for costs incurred in the 1984–85 fiscal year. Any such district shall~~
24 ~~be eligible for reimbursement for the 1985–86 fiscal year and any~~
25 ~~fiscal year thereafter on the basis of audited desegregation costs~~
26 ~~incurred during the 1984–85 fiscal year as if approved by the~~
27 ~~Controller pursuant to Section 42247.~~
28 ~~(c) (1) Commencing with the 1985–86 fiscal year, and each~~
29 ~~fiscal year thereafter, to be eligible to receive reimbursement~~
30 ~~pursuant to Section 42249 a district shall submit an estimated cost~~
31 ~~claim to the Superintendent of Public Instruction and the~~
32 ~~Controller on or before November 30 of that fiscal year. An~~
33 ~~estimated cost claim may include the full costs of performing the~~
34 ~~audit required pursuant to paragraph (2). This subdivision is not~~
35 ~~intended to require that estimated current year claims be subjected~~
36 ~~to audit prior to submission to the Controller.~~
37 ~~(2) School districts shall subject any claim for the payment of~~
38 ~~actual costs under this subdivision to audit in accordance with the~~
39 ~~standards and procedures established pursuant to subdivision (b)~~
40 ~~of Section 42246.~~



1 ~~(3) Commencing with the 1995–96 fiscal year, and each fiscal~~
2 ~~year thereafter, to be eligible to receive reimbursement pursuant~~
3 ~~to Section 42247, a school district shall submit an actual cost claim~~
4 ~~to the Superintendent of Public Instruction and the Controller on~~
5 ~~or before November 30 of the following fiscal year. School~~
6 ~~districts shall submit any supplemental claims to the~~
7 ~~Superintendent of Public Instruction and the Controller within one~~
8 ~~year of receipt of final payment for actual cost claim.~~

9 ~~(4) For years prior to the 1994–95 fiscal year, the Controller~~
10 ~~shall consider for reimbursement only those supplemental claims~~
11 ~~that are submitted on or before June 30, 1995.~~

12 *SEC. 14. Section 42249.4 of the Education Code is repealed.*

13 ~~42249.4. (a) The Compton Unified School District may be~~
14 ~~funded for its voluntary desegregation program, of the kind~~
15 ~~discussed in subparagraph (D) of paragraph (3) of subdivision (b)~~
16 ~~of Section 42249, in the Budget Act for the fiscal year that is the~~
17 ~~first fiscal year in which the voluntary desegregation program is~~
18 ~~in operation if the district meets the following requirements:~~

19 ~~(1) The school district has commenced operation of a voluntary~~
20 ~~desegregation program, of the kind described in subparagraph (D)~~
21 ~~of paragraph (3) of subdivision (b) of Section 42249, on the first~~
22 ~~day of school in the first fiscal year, but no sooner than the 1996–97~~
23 ~~fiscal year, in which funding for its voluntary desegregation~~
24 ~~program is claimed.~~

25 ~~(2) The voluntary desegregation program, of the kind~~
26 ~~discussed in subparagraph (D) of paragraph (3) of subdivision (b)~~
27 ~~of Section 42249, is approved by the Controller and the State~~
28 ~~Department of Education.~~

29 ~~(3) The school district has operated the voluntary~~
30 ~~desegregation program for three calendar months using local~~
31 ~~school district general purpose funds and has submitted an~~
32 ~~estimated claim to the Controller and the State Department of~~
33 ~~Education no later than November 30 of the first fiscal year in~~
34 ~~which funding for its voluntary desegregation program is claimed.~~

35 ~~(b) (1) The district shall submit to the Department of Finance~~
36 ~~for approval an estimated claim no later than November 30 of the~~
37 ~~first fiscal year in which funding for its voluntary desegregation~~
38 ~~program is claimed and a report certified by the trustee appointed~~
39 ~~pursuant to Section 41320.1, which report shall include all of the~~
40 ~~following.~~



1 ~~(A) Certification that the desegregation plan is being~~
2 ~~implemented and an itemization of program expenditures to date.~~

3 ~~(B) Certification that the district has met the match~~
4 ~~requirement.~~

5 ~~(C) Certification that these expenditures do not adversely~~
6 ~~affect the district's ability to meet its state loan repayment~~
7 ~~obligations.~~

8 ~~(2) The Controller shall not release funding to the district prior~~
9 ~~to approval from the Department of Finance.~~

10 ~~(e) This section shall become operative only if an appropriation~~
11 ~~is made for its purpose in the annual Budget Act.~~

12 *SEC. 15. Section 42249.6 of the Education Code is repealed.*

13 ~~42249.6. (a) Any and all of the school districts listed in~~
14 ~~subdivision (c), or any successor to those school districts, may be~~
15 ~~funded, for a voluntary desegregation program, of the kind~~
16 ~~discussed in Section 42249.~~

17 ~~(b) (1) The district shall submit to the Department of Finance~~
18 ~~for approval an estimated claim no later than November 30 of the~~
19 ~~first fiscal year in which funding for its voluntary desegregation~~
20 ~~program is claimed and a report, which shall include all of the~~
21 ~~following:~~

22 ~~(A) Certification that the desegregation plan is being~~
23 ~~implemented and an itemization of program expenditures to date.~~

24 ~~(B) Certification that the district has met the match~~
25 ~~requirement.~~

26 ~~(2) The Department of Finance shall review any estimated~~
27 ~~claim submitted pursuant to this section and include its estimate of~~
28 ~~approvable claims in budget estimates for both the current and next~~
29 ~~budget year. It is the intent of the Legislature that funding for the~~
30 ~~first year of program operation be provided as soon as practical~~
31 ~~following the first year of operation, and that funding for the~~
32 ~~second and subsequent years of program operation be included in~~
33 ~~the Budget Act for the appropriate year.~~

34 ~~(c) This section shall be applicable only to the Grant Union~~
35 ~~High School District, the Lynwood Unified School District, and~~
36 ~~the Sausalito Elementary School District.~~

37 ~~(d) This section shall become operative only if an appropriation~~
38 ~~is made for its purpose in the annual Budget Act or in another~~
39 ~~measure.~~

40 *SEC. 16. Section 42249.65 of the Education Code is repealed.*



1 ~~42249.65. (a) Any and all of the school districts listed in~~
2 ~~subdivision (b) may be funded, for a voluntary desegregation~~
3 ~~program of the kind discussed in Section 42249.~~

4 ~~(b) This section shall be applicable only to the~~
5 ~~Allensworth-Richgrove Districts Collaborative, the Carlsbad~~
6 ~~Unified School District, and the San Dieguito Union High School~~
7 ~~District.~~

8 ~~(c) This section shall become operative only if an appropriation~~
9 ~~is made for its purpose in the annual Budget Act or in another~~
10 ~~measure.~~

11 *SEC. 17. Section 42249.8 of the Education Code is repealed.*

12 ~~42249.8. (a) Commencing with the 1996-97 fiscal year and~~
13 ~~each fiscal year thereafter, the East San Jose group of school~~
14 ~~districts in collaboration may be funded for its voluntary~~
15 ~~desegregation program, of the kind discussed in Section 42249, in~~
16 ~~the Budget Act for the fiscal year that is the first fiscal year in~~
17 ~~which the voluntary desegregation program is in operation if the~~
18 ~~district meets the following requirements:~~

19 ~~(1) The collaboration has commenced operation of a voluntary~~
20 ~~desegregation program, of the kind described in Section 42249, on~~
21 ~~the first day of school in the first fiscal year, but no sooner than the~~
22 ~~1996-97 fiscal year, in which funding for its voluntary~~
23 ~~desegregation program is claimed.~~

24 ~~(2) The voluntary desegregation program, of the kind~~
25 ~~discussed in Section 42249, is approved by the Controller.~~

26 ~~(b) (1) The collaboration shall submit to the Department of~~
27 ~~Finance for approval an estimated claim no later than November~~
28 ~~30 of the first fiscal year in which funding for its voluntary~~
29 ~~desegregation program is claimed and a report, which shall include~~
30 ~~all of the following:~~

31 ~~(A) Certification that the desegregation plan is being~~
32 ~~implemented and an itemization of program expenditures to date.~~

33 ~~(B) Certification that the district has met the match~~
34 ~~requirement.~~

35 ~~(2) The Controller shall not release funding to the district prior~~
36 ~~to approval from the Department of Finance.~~

37 ~~(c) As used in this section, the “East San Jose group of school~~
38 ~~districts in collaboration” means a coalition of school districts,~~
39 ~~composed of Alum Rock Union Elementary School District,~~
40 ~~Berryessa Union Elementary School District, Eastside Union~~



1 ~~High School District, Franklin-McKinley Elementary School~~
2 ~~District, Mt. Pleasant Elementary School District, and Oak Grove~~
3 ~~Elementary School District, that share resources to combat the~~
4 ~~detrimental effects of racial segregation.~~

5 ~~(d) This section shall be implemented for those fiscal years for~~
6 ~~which the Director of Finance certifies, in writing, to the Secretary~~
7 ~~of State that sufficient funding has been appropriated for its~~
8 ~~purpose in the annual Budget Act or in another measure.~~

9 ~~This act is an urgency statute necessary for the immediate~~
10 ~~preservation of the public peace, health, or safety within the~~
11 ~~meaning of Article IV of the Constitution and shall go into~~
12 ~~immediate effect. The facts constituting the necessity are:~~

13 ~~To enable school districts entitled to voluntary desegregation~~
14 ~~funding to receive money to which they should be entitled, it is~~
15 ~~necessary that this act take effect immediately as an urgency~~
16 ~~statute.~~

17 *SEC. 18.* Article 9 (commencing with Section 46210) is
18 added to Chapter 2 of Part 26 of the Education Code, to read:

19
20 Article 9. Middle Grades Extended Year Incentive Program

21
22 46210. (a) There is hereby established the California Middle
23 Grades Extended Year Incentive Program.

24 (b) A school district that maintains classes for grades 6, 7, 8, or
25 9, in qualifying schools, as defined in Section 46212, may apply
26 to the Superintendent of Public Instruction to implement the
27 program at one or more schools beginning in the 2001–02,
28 2002–03, or 2003–04 school year, as determined by the school
29 district.

30 (c) A charter school is eligible to apply for program funding
31 and, as a condition of apportionment of funds pursuant to this
32 article, shall comply with all of the requirements of this article.

33 (d) A county office of education and a county superintendent
34 of schools are not eligible to participate in the program.

35 46211. (a) An application to implement a program shall
36 include the following:

- 37 (1) For each schoolsite, the grade level or grade levels to be
38 funded at that site and the projected pupil attendance at that site for
39 the years that the district proposes to participate in the program.



1 (2) A description of how the core curriculum areas taught
2 during the regular instructional time will be integrated within the
3 additional qualified days of instruction. It is the intent of the
4 Legislature that the core curricula instructional strategies be
5 modified to take advantage of the entire extended school year, so
6 that instruction in core programs is proportionally maintained or
7 increased for all pupils.

8 (3) For multitrack year-round schools applying to participate
9 but proposing not to provide ~~30~~ 20 additional days of pupil
10 instruction *pursuant to paragraph (1) of subdivision (a) of Section*
11 *46212*, a statement demonstrating how the district proposes to
12 meet the instructional time requirements for additional qualified
13 days of instruction *for pupils at that schoolsite*.

14 (4) (A) *For single-track year-round schools and schoolsites on*
15 *a school calendar that is other than year round that propose to*
16 *meet the additional qualified days of instruction in the manner*
17 *described in paragraph (3) of subdivision (a) of Section 46212, a*
18 *statement demonstrating how the district proposes to meet the*
19 *instructional time requirements for additional qualified days of*
20 *instruction for pupils at that schoolsite*.

21 (B) *Single-track year-round schools and schoolsites on a*
22 *school calendar that is other than year round that wish to provide*
23 *the additional qualified days of instruction in a manner other than*
24 *what is provided pursuant to paragraphs (1) and (3) of subdivision*
25 *(a) of Section 46212 must seek a waiver of those provisions from*
26 *the State Board of Education at the time of application. Both the*
27 *application and waiver request must include a statement*
28 *demonstrating that there is good cause for the waiver related to*
29 *financial or educational hardship. Both the application and*
30 *waiver request must also include a statement demonstrating how*
31 *the district proposes to meet the instructional time requirements*
32 *for additional qualified days of instruction for pupils at that*
33 *schoolsite*.

34 (5) A statement demonstrating how the district proposes to use
35 the teacher of record for that particular class of pupils to deliver the
36 additional qualified days of instruction. Participating schools shall
37 maximize the use of the teacher of record for that particular class
38 of pupils to integrate the additional qualified days of instruction
39 with the regular instructional program ~~through lengthening the~~
40 ~~instructional year of teachers in all nonyear-round schools and~~



1 ~~through lengthening the instructional day, or in combination with~~
 2 ~~lengthening the instructional year, for teachers in impacted~~
 3 ~~multitrack year-round schools authorized to participate in the~~
 4 ~~program.~~

5 ~~(5)~~

6 (6) A record of acknowledgement of the accountability
 7 provisions set forth in Section 46214. The acknowledgement shall
 8 be made by formal noticed action of the governing board of the
 9 school district at one of its meetings.

10 (b) (1) Subject to the annual appropriation for the purposes of
 11 this article, the Superintendent of Public Instruction shall approve
 12 applications that comply with the requirements of this section.

13 (2) If the annual appropriation provided for the purposes of this
 14 article is not sufficient to fund all of the applications received for
 15 that year, the Superintendent of Public Instruction shall ~~approve~~
 16 ~~applicants by selecting schoolsites from within each decile range~~
 17 ~~of the Academic Performance Index calculated pursuant to~~
 18 ~~Section 52052 so that applicants from each decile range are~~
 19 ~~approved in the same proportion. To the extent funds permit,~~
 20 ~~remaining qualifying applications shall be awarded within deciles~~
 21 ~~with priority to the lowest performing schools. prioritize~~
 22 *applicants according to the following:*

23 (A) *First priority is for applicants selecting schoolsites within*
 24 *the lowest two decile ranges of the Academic Performance Index*
 25 *calculated pursuant to Section 52052.*

26 (B) *Second priority is for applicants selecting schoolsites*
 27 *within the third, fourth, or fifth decile ranges of the Academic*
 28 *Performance Index calculated pursuant to Section 52052, or for*
 29 *schools that receive funds under Chapter 1 of the federal*
 30 *Elementary and Secondary Education Act of 1965, as amended by*
 31 *the Augustus F. Hawkins-Robert T. Stafford Elementary and*
 32 *Secondary School Improvement Act of 1988 (P.L. 100-297).*

33 (C) *Third priority is for applicants selecting schoolsites not*
 34 *referenced in subparagraph (A) or (B).*

35 46212. Notwithstanding any other provision of law, for
 36 purposes of this article, the following terms have the following
 37 meanings and requirements:

38 (a) “Additional qualified days of instruction” means the time
 39 during which pupils are scheduled to attend classes in each of the
 40 ~~30~~ 20 additional days of attendance required by this article. All



1 additional qualified days of instruction shall be consistent with the
2 provisions of subdivision (a) of Section 46300.

3 (1) Each of the ~~30~~ 20 additional days of instruction shall consist
4 of no less than five hours a day for participating pupils in grades
5 6, 7, and 8 or no less than six hours per day for pupils in grade 9.

6 (2) For impacted, multitrack year-round schools, additional
7 qualified days of instruction means the time equivalent of ~~30~~ 20
8 days of additional instruction that pupils are scheduled to attend
9 classes or no less than ~~150~~ 100 additional hours for pupils in grades
10 6, 7, and 8 and no less than ~~180~~ 120 additional hours for pupils in
11 grade 9 when compared to the total time offered in the 2000–01
12 school year. A multitrack year-round school may utilize any
13 combination of days, hours, or minutes to meet the equivalent of
14 the ~~30~~ 20 days of additional instructional time required by this
15 article.

16 (3) *For single-track year-round schools and schools with*
17 *school calendars that are other than year round, additional*
18 *qualified days of instruction may alternatively mean 15 days of*
19 *instruction consisting of no less than five hours per each calendar*
20 *day for participating pupils in grades 6, 7, and 8 or no less than*
21 *six hours per each calendar day for pupils in grade 9 when*
22 *compared to the total time offered in the 2000–01 school year. The*
23 *remaining five days of additional instruction or no less than 25*
24 *additional hours for pupils in grades 6, 7, and 8 and no less than*
25 *30 additional hours for pupils in grade 9 may be met through*
26 *extending any regular school day, as long as no increment of*
27 *additional instructional time provided in any day in which the*
28 *additional time is provided pursuant to this article is less than 50*
29 *minutes.*

30 (b) “Core curriculum areas” means courses, approved by the
31 governing board of the school district, in reading, writing,
32 mathematics, history-social science and science that meet the
33 standards adopted pursuant to Chapter 5 (commencing with
34 Section 60600) of Part 33.

35 (c) “Curricular redesign training” means initial planning and
36 training for teachers and administrators, as well as ongoing
37 training and review throughout the school year for teachers and
38 administrators.

39 (1) *For the first year of implementation only, participating*
40 *schools may use five of the additional qualified days of instruction*



1 pursuant to subdivision (a) of Section 46212 for curricular
2 redesign training and may claim the incentive amount authorized
3 in this article as if the average daily attendance of pupils
4 participating in the additional time received the additional
5 instruction during the time used for curricular redesign training.

6 (2) Curricular redesign training includes standards-based
7 curriculum design, training for time management, and training to
8 find ways of better focusing classroom time for effective pupil
9 learning.

10 (3) One of the five days shall be used for time management and
11 increasing focused classroom time.

12 (d) “Program” means the California Middle Grades Extended
13 Year Incentive Program.

14 ~~(d)~~

15 (e) “Qualifying school” means a school within ~~an elementary~~
16 ~~school district or unified~~ a school district that provides instruction
17 in one or more of grades 6, 7, 8, or 9. A school district may
18 implement the program in any school or schools within the district
19 subject to the following conditions:

20 (1) A school district receiving funds under this article shall
21 implement the program for all pupils in grades 7 and 8 in a school
22 that is configured to offer both grades 7 and 8.

23 (2) For schools that are configured to offer only grade 7 or
24 grade 8, a school district receiving funds under this article shall
25 implement the program for all pupils in grade 7 or for all pupils in
26 grade 8 in those schools. However, a school district shall
27 implement the program in at least two grades.

28 (3) A school district receiving funds under this article shall
29 implement the program for all pupils in either grade 6 or grade 9
30 if taught at the same site as pupils in grades 7 or 8 if the program
31 is implemented at that school.

32 (4) A school district may also implement the program in a
33 separate school that does not include instruction in either grades
34 7 or 8, but shall be limited to, implementation of only one of grades
35 6 or 9 in those separate schools. A school district may not
36 implement the program for grade 6 or grade 9 in a separate school
37 unless the program is implemented in a school serving both grades
38 7 and 8. A school district shall attempt to maximize participation
39 in all schools of the district for three full grades.



1 (5) A school district may not claim incentives for more than the
2 total number of units of average daily attendance in the district
3 from grades 7 and 8 plus the greater of either grades 6 or 9.

4 ~~(e)~~

5 (f) “Regular instructional program” means the instructional
6 program in terms of days of instruction and annual minutes of
7 instruction provided in the school by grade level for the 2000–01
8 school year, but not less than the requirements of Section 46201.

9 ~~(f)~~

10 (g) “School district” means a school district and a charter
11 school.

12 46213. (a) (1) By August 1, 2001, the Superintendent of
13 Public Instruction shall develop and make available to school
14 districts an application form for use in applying to implement the
15 program in the 2001–02 fiscal year.

16 (2) By October 1, 2001, and October 1, 2002, the
17 Superintendent of Public Instruction shall develop and make
18 available to school districts an application form for use in applying
19 to implement the program beginning in the 2002–03 or 2003–04
20 fiscal year, respectively.

21 (b) A school district or charter school shall only submit one
22 application for all of the schoolsites under its jurisdiction and need
23 not submit applications on an annual basis if participation by the
24 schools is continuous and the schools meet the program
25 requirements on an annual basis. The entity that granted a charter
26 school’s charter may apply on the charter school’s behalf.

27 (c) The Superintendent of Public Instruction, with approval of
28 the State Board of Education, shall contract for an independent
29 evaluation on the effectiveness of the *California* Middle Grades
30 Extended Year Incentive Program. The independent evaluator
31 shall submit an interim report to the Governor, the Department of
32 Finance, the Secretary for Education, and the Legislature on or
33 before August 1, 2002, and a final report on or before September
34 4, 2004.

35 (d) The State Board of Education may adopt regulations for the
36 purposes of this article as emergency regulations in accordance
37 with Chapter 3.5 (commencing with Section 11340) of Part 1 of
38 Division 3 of Title 2 of the Government Code. For the purposes of
39 the Administrative Procedure Act (Chapter 3.5 (commencing with
40 Section 11340), Chapter 4 (commencing with Section 11370),



1 Chapter 4.5 (commencing with Section 11400), and Chapter 5
2 (commencing with Section 11500) of Part 1 of Division 3 of Title
3 2 of the Government Code, including Section 11349.6 of the
4 Government Code, the adoption of the regulations shall be deemed
5 to be an emergency and necessary for the immediate preservation
6 of the public peace, health and safety, or general welfare,
7 notwithstanding subdivision (e) of Section 11346.1 of the
8 Government Code. Notwithstanding subdivision (e) of Section
9 11346.1 of the Government Code, any regulation adopted
10 pursuant to this section shall not remain in effect more than 180
11 days unless the State Board of Education complies with Chapter
12 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
13 Title 2 of the Government Code, as required by subdivision (e) of
14 Section 11346.1 of the Government Code.

15 46214. (a) A school district shall receive apportionments of
16 funding pursuant to this article only if it complies with all of the
17 following:

18 (1) Every pupil participating in the program for whom an
19 incentive is claimed pursuant to this article is scheduled to attend
20 every hour of the additional qualified days of instruction.

21 (2) Every qualified school participating in the program, in
22 addition to meeting the requirements for additional qualified days
23 of instruction, continues to provide no fewer days of instruction
24 nor fewer annual hours of instruction for the regular instructional
25 program than was provided in the 2000–01 school year.

26 (b) A school district that receives apportionments of funding
27 pursuant to this article shall also provide to each pupil attending
28 a qualifying school, for that pupil's individual use, a textbook and
29 any other instructional materials that are required for the core
30 curriculum. The textbook and instructional materials shall be
31 aligned with standards adopted pursuant to Section 60605 for
32 pupils in grades 6, 7, and 8 and with subdivision (c) of Section
33 60451 for pupils in grade 9. Each textbook shall reflect any
34 applicable curriculum standards adopted by the State Board of
35 Education ~~within seven months of adoption~~. The apportionment
36 received by a school district that does not comply with this
37 subdivision shall be reduced as set forth in subdivision (d) of
38 Section 46216.

39 46215. (a) A pupil enrolled in a school participating in the
40 program is subject to compulsory education as provided in Section



1 48200 for both the additional qualified days of instruction and
2 regular instructional program.

3 (b) Instruction provided through independent study during the
4 additional qualified days of instruction does not qualify for
5 funding pursuant to this article. Funding for instruction provided
6 through independent study during the additional qualified days of
7 instruction may be claimed only under regular revenue limit
8 funding provisions. Nothing in this article is intended to prohibit
9 or discourage the use of independent study during the additional
10 qualified days of instruction as long as it is funded as provided in
11 this subdivision.

12 46216. (a) The governing board of each school district shall
13 report to the Superintendent of Public Instruction during each
14 fiscal year the average daily attendance of pupils meeting the
15 requirements for additional qualified days of instruction while
16 attending qualified schools and grade levels participating in a
17 program pursuant this article at the annual apportionment time.

18 (b) A unit of average daily attendance for purposes of
19 qualifying for the incentive in subdivision (c) shall be the average
20 daily attendance of pupils over the ~~30-day~~ 20-day period
21 constituting the additional qualified days of instruction, or the ~~time~~
22 ~~equivalent for impacted multitrack year-round schools, approved~~
23 ~~for instructional time pursuant to subdivision (a) of Section 46212,~~
24 ~~approved for~~ participation for the respective grade levels.
25 Consistent with paragraph (1) of subdivision (a) of Section 46212,
26 the average daily attendance shall only include attendance during
27 the hours the pupil is scheduled to attend classes. If a pupil is not
28 scheduled to attend a portion of the day, the average daily
29 attendance for that pupil shall be reduced proportionately. For
30 pupils participating in impacted multitrack year-round schools
31 approved for participation for the respective grade levels who are
32 not scheduled to attend for the full additional ~~time equivalent~~
33 ~~instructional time~~ specified in paragraph (1) of subdivision (a) of
34 Section 46212 for the school year, the average daily attendance for
35 claiming incentives pursuant to this article shall be reduced
36 proportionately.

37 (c) In addition to funds from all other sources, the
38 Superintendent of Public Instruction shall apportion to a school
39 district that operates a program ~~seven hundred seventy dollars~~
40 ~~(\$770)~~ five hundred fourteen dollars (\$514) per year for each unit



1 of average daily attendance reported at the annual apportionment
2 for pupil attendance at qualifying schools for grades participating
3 in additional qualified days of instruction authorized in this article,
4 adjusted annually commencing with the 2002–03 fiscal year for
5 the inflation adjustment calculated pursuant to subdivision (b) of
6 Section 42238.1.

7 (d) The Superintendent of Public Instruction shall advance
8 payment at the second principal apportionment sufficient to fund
9 the district’s estimated average daily attendance for the additional
10 qualified days of instruction based on an estimate, given by the
11 governing board of the school district to the Superintendent of
12 Public Instruction at the time of reporting for the second principal
13 apportionment of the respective fiscal year, of qualifying average
14 daily attendance for pupils in qualifying schools participating in
15 the program. The Superintendent of Public Instruction shall adjust
16 payments at the annual apportionment time so that total funding
17 pursuant to this article does not exceed the amount for which a
18 district is eligible pursuant to subdivisions (c) and (e). If the
19 governing board of a school district fails to provide an estimate by
20 the specified date, the school district shall not receive funds for
21 purposes of the article until the annual apportionment.

22 (e) Notwithstanding any provision of law to the contrary, the
23 amount in subdivision (c) shall be reduced by 10 percent or
24 ~~seventy-seven dollars (\$77)~~ *fifty-one dollars (\$51)* in the 2001–02
25 fiscal year, as increased for inflation in subsequent fiscal years
26 pursuant to subdivision (c), for every pupil not provided with
27 approved instructional materials required pursuant to subdivision
28 (b) of Section 46214 for each class in a core curriculum area in
29 either the additional qualified days of instruction or the regular
30 instructional program.

31 46217. The Controller shall include, in the audit guide
32 required by subdivision (a) of Section 14502, instructions
33 appropriate to the determination of compliance with the
34 requirements of this article. These instructions shall include, but
35 not necessarily be limited to, procedures for verifying the
36 attendance of pupils reported pursuant to Section 46216 and
37 compliance with each of the conditions of apportionment set forth
38 in Section 46214.

39 46218. Notwithstanding Section 33050 or any other
40 provision of law, no provision of this article may be waived *except*



1 *as specified in subparagraph (B) of paragraph (4) of subdivision*
2 *(a) of Section 46210.*

3 *SEC. 19. Chapter 18 (commencing with Section 53100) is*
4 *added to Part 28 of the Education Code, to read:*

5

6 *CHAPTER 18. INSTRUCTIONAL IMPROVEMENT FOR HIGH PRIORITY*
7 *SCHOOLS GRANT PROGRAM*

8

9 *53100. (a) There is hereby established the Instructional*
10 *Improvement for High Priority Schools Grant Program. The*
11 *program shall be administered by the State Department of*
12 *Education with the approval of the State Board of Education. The*
13 *State Department of Education shall award block grants to lowest*
14 *performing schools that apply to participate and comply with the*
15 *conditions contained in this article.*

16 *(b) A school district that maintains kindergarten or any of*
17 *grades 1 to 12, inclusive, and has one or more schoolsites within*
18 *the two lowest deciles of the Academic Performance Index (API),*
19 *as determined pursuant to Section 52052, may apply to the*
20 *Superintendent of Public Instruction to receive funding beginning*
21 *in the 2001–02 fiscal year. For the 2001–02 fiscal year, and each*
22 *fiscal year thereafter, the API scores used to determine eligibility*
23 *shall be the API rankings most recently released prior to the*
24 *beginning of the fiscal year for which eligibility is being*
25 *determined.*

26 *(c) A charter school is eligible to apply for program funding if*
27 *it maintains one or more schoolsites that meet the above criteria.*
28 *For purposes of this program, all references to school districts*
29 *shall include charter schools.*

30 *(d) As a condition of apportionment of funds pursuant to this*
31 *article, both charter schools and school districts shall comply with*
32 *all of the requirements of this article.*

33 *53101. By August 1, 2001, the Superintendent of Public*
34 *Instruction shall develop and make available to school districts an*
35 *application form for use in applying for funding in the 2001–02*
36 *fiscal year. In subsequent fiscal years, the annual application shall*
37 *be available by October 1 of each calendar year.*

38 *53102. (a) A school district that receives apportionments of*
39 *funding pursuant to this article must commit to achieve the*
40 *following accountability conditions by at least the beginning of the*



1 *second year of funding, except in those instances where a longer*
2 *time is specified:*

3 *(1) Schoolsites that have clean functional bathrooms.*

4 *(2) Standards-aligned instructional materials for each pupil.*

5 *(3) Participation in Mathematics and Reading Professional*
6 *Development Program established in legislation during the*
7 *2001–02 Regular Session, that is enacted on or before January 1,*
8 *2002.*

9 *(4) Participation in Principal Training Program established in*
10 *legislation during the 2001–02 Regular Session, that is enacted on*
11 *or before January 1, 2002.*

12 *(5) Increased ratio of fully credentialed teachers to emergency*
13 *credentialed teachers over the three-year grant period.*

14 *(6) A support system in place for schools including district*
15 *monitoring and support.*

16 *(7) Average growth over the three years on API of 50 percent*
17 *more than the growth targets as established pursuant to Section*
18 *52052.*

19 *(b) A schoolsite that fails to fully meet the requirements in*
20 *paragraphs (2), (3), (4), (5), and (7), of subdivision (a) and to*
21 *substantially meet, as determined by the State Board of Education,*
22 *the remaining requirements in subdivision (a), shall apply for*
23 *participation in the Immediate Intervention/Underperforming*
24 *Schools Program authorized pursuant to Article 3 of Chapter 6.1*
25 *(commencing with Section 52053) if the schoolsite is not already*
26 *participating in that program.*

27 *(c) Notwithstanding any other provision of law, a schoolsite*
28 *required by subdivision (b) to apply for the Immediate*
29 *Intervention/Underperforming Schools Program shall be selected*
30 *by the Superintendent of Public Instruction to participate in the*
31 *Immediate Intervention/Underperforming Schools Program.*

32 *53103. (a) The Superintendent of Public Instruction shall*
33 *allocate funds to participating schoolsites based on the following*
34 *schedule:*

35 *(1) If a schoolsite participates in both the California Middle*
36 *Grades Extended Year Incentive Program established pursuant to*
37 *Section 46210 and this program, it shall receive two hundred*
38 *dollars (\$200) per unit of actual average daily attendance for each*
39 *eligible unit of average daily attendance qualifying for incentives*



1 pursuant to Section 46216 for the first three years of participation
2 in both programs.

3 (2) If a school site participates only in the Instructional
4 Improvement for High Priority Schools Grant, or has average
5 daily attendance that is noncompliant for purposes of Section
6 46216, it shall receive one hundred seventy-five dollars (\$175) per
7 unit of prior year actual average daily attendance for each eligible
8 school site for the first three years of participation. However, the
9 average daily attendance for purposes of this paragraph shall be
10 reduced by the average daily attendance for which incentives are
11 claimed pursuant to paragraph (1), if applicable.

12 (3) For the 2001–02 fiscal year, for purposes of paragraph (2),
13 the actual average daily attendance for each school site
14 participating in this program shall be based on the 2000–01
15 second principal apportionment. For each subsequent fiscal year,
16 the actual average daily attendance shall be based on the prior
17 year's actual average daily attendance as reported on the second
18 principal apportionment for that year. Except as specified in
19 subdivision (b), a school site is not eligible for these incentives for
20 more than three consecutive years.

21 (4) For the 2001–02 fiscal year, for purposes of paragraph (1),
22 the actual average daily attendance for each school site
23 participating in this program shall be based on the 2001–02
24 annual apportionment average daily attendance certified to be in
25 compliance with Section 46216. For each subsequent fiscal year,
26 the actual average daily attendance shall be based on the
27 subsequent year's actual average daily attendance as reported at
28 the annual apportionment time in compliance with Section 46216.
29 A school site is not eligible for these incentives for more than three
30 consecutive years, except as specified in subdivision (b).

31 (b) If the accountability conditions described in subdivision (a)
32 of Section 53102 are met, the schoolsite shall continue to receive
33 funding, after the three years of participation based on the
34 following schedule:

35 (1) For the fourth year of participation, 80 percent of the
36 amount calculated in a manner consistent with subdivision (a).

37 (2) For the fifth year of participation, 60 percent of the amount
38 calculated in a manner consistent with subdivision (a).

39 (3) For the sixth year of participation, 40 percent of the amount
40 calculated in a manner consistent with subdivision (a).



1 (4) For the seventh year of participation, 20 percent of the
2 amount calculated in a manner consistent with subdivision (a).

3 (c) If funds appropriated for the purposes of this program are
4 insufficient to fully fund the calculations above, the
5 Superintendent of Public Instruction shall prorate the amount
6 equally across all allocations.

7 (d) The use of funds allocated pursuant to subdivision (a) for
8 schoolsites under the jurisdiction of a school district shall be
9 proposed by each school's schoolsite council, as defined in Section
10 52012, or, if the school does not have a schoolsite council, by
11 schoolwide advisory groups or school support groups that
12 conform to the requirements of Section 52012. These funds may be
13 used for instructional materials, staff development, computers,
14 education technology, such as software and wiring, library
15 materials, deferred maintenance, enrichment activities, tutoring
16 services, or any other educational purpose aimed at instructional
17 improvement for high priority pupils.

18 53104. The State Board of Education may adopt regulations
19 for the purposes of this article as emergency regulations in
20 accordance with Chapter 3.5 (commencing with Section 11340) of
21 Part 1 of Division 3 of Title 2 of the Government Code. For the
22 purposes of the Administrative Procedure Act (Chapter 3.5
23 (commencing with Section 11340), Chapter 4 (commencing with
24 Section 11370), Chapter 4.5 (commencing with Section 11400),
25 and Chapter 5 (commencing with Section 11500) of Part 1 of
26 Division 3 of Title 2 of the Government Code, including Section
27 11349.6 of the Government Code, the adoption of the regulations
28 shall be deemed to be an emergency and necessary for the
29 immediate preservation of the public peace, health and safety, or
30 general welfare, notwithstanding subdivision (e) of Section
31 11346.1 of the Government Code. Notwithstanding subdivision (e)
32 of Section 11346.1 of the Government Code, any regulation
33 adopted pursuant to this section shall not remain in effect more
34 than 180 days unless the State Board of Education complies with
35 Chapter 3.5 (commencing with Section 11340) of Part 1 of
36 Division 3 of Title 2 of the Government Code, as required by
37 subdivision (e) of Section 11346.1 of the Government Code.

38 SEC. 20. Article 2 (commencing with Section 54020) of
39 Chapter 1 of Part 29 of the Education Code is repealed.



1 SEC. 21. Chapter 2.5 (commencing with Section 54200) is
2 added to Part 29 of the Education Code, to read:

3
4 CHAPTER 2.5. TARGETED INSTRUCTIONAL IMPROVEMENT BLOCK
5 GRANT
6

7 54200. The funding for court-ordered desegregation
8 programs, for voluntary integration programs, and for the
9 Economic Impact Aid program authorized by Article 2
10 (commencing with Section 54020) of Chapter 1 shall be combined
11 to form a new program, the Targeted Instructional Improvement
12 Block Grant Program which is hereby established.

13 54201. (a) The State Department of Education shall
14 calculate the per pupil amount that was received by each school
15 district pursuant to the Economic Impact Aid program authorized
16 by Article 2 (commencing with Section 54020) of Chapter 1 in the
17 2000–01 fiscal year. This amount shall be determined by dividing
18 the total funds by the actual average daily attendance as reported
19 on the second principal apportionment for 2000–01.

20 (b) The State Department of Education shall calculate the per
21 pupil amount that was received by each school district pursuant to
22 the court-ordered desegregation claims filed pursuant to Sections
23 42243.6 and 42247, and the per pupil amount that was received
24 based on voluntary integration claims filed pursuant to Sections
25 42247 and 42249 for the 2000–01 fiscal year. This amount shall
26 be determined by dividing the total funds by the actual average
27 daily attendance as reported on the second principal
28 apportionment for 2000–01.

29 (c) The sum of subdivisions (a) and (b) for each school district,
30 adjusted by the percentage increase calculated pursuant to Section
31 42238.1, multiplied by the districts' total average daily attendance
32 for each fiscal year shall be the total per pupil funding received for
33 the Targeted Instructional Improvement Block Grant. This amount
34 shall be adjusted annually thereafter by the percentage increase
35 calculated pursuant to Section 42238.1.

36 54203. (a) A school district receiving funds pursuant to this
37 chapter shall expend the funds to accomplish the following:

38 (1) To fund the costs of any court-ordered desegregation
39 program, if the order exists and is still in force.

1 (2) *To provide instructional improvement for the lowest*
2 *achieving pupils in the district.*
3 (b) *In expending funds received pursuant to this chapter, a*
4 *school district shall give first priority to funding the costs of any*
5 *court-ordered desegregation program if the order exists and is still*
6 *in force.*

