

Introduced by Senator Karnette

February 17, 2004

An act to amend Sections 52616.17 and 52616.19 of, to repeal Section 52616.23 of, and to add Section 52616.26 to, the Education Code, relating to adult education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1309, as introduced, Karnette. Adult education: funding.

(1) Existing law requires the Superintendent of Public Instruction to determine an authorized limit of adult education average daily attendance for all high school districts and unified school districts that operated and claimed adult education state apportionments for the 1992–93 fiscal year. Existing law provides that for the 1996–97 fiscal year, and each fiscal year thereafter, a school district's adult education average daily attendance for apportionment purposes is its authorized adult education average daily attendance for the prior fiscal year multiplied by 1.025.

This bill would provide that, commencing in the 2005–06 fiscal year, and each fiscal year thereafter, the allocation of statewide authorized adult education average daily attendance would be modified pursuant to a specified formula.

(2) Existing law requires, to the extent funds available for specified adult education programs are in excess of the amount needed to fund the programs, the Superintendent of Public Instruction to use the excess funds for the development of criteria for identifying programmatic areas of adult education needing expansion.

This bill would instead require the Superintendent of Public Instruction to allocate the excess funds as grants to school districts

operating adult education programs, based on an equal amount per unit of adult education average daily attendance.

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 52616.17 of the Education Code is
2 amended to read:

3 52616.17. Commencing July 1, 1993, the Superintendent of
4 Public Instruction shall determine an authorized limit of adult
5 education average daily attendance for all high school districts and
6 unified school districts that operated and claimed adult education
7 state apportionment for the 1992–93 fiscal year, as follows:

8 (a) For the 1993–94 fiscal year, the district’s authorized adult
9 education average daily attendance shall be one of the following:

10 (1) The district’s adult education average daily attendance
11 added to the district’s average daily attendance for concurrently
12 enrolled high school pupils in adult education programs that was
13 certified for the annual principal apportionment report and for
14 which state apportionment for the 1991–92 fiscal year was
15 received.

16 (2) If the district’s average daily attendance for concurrently
17 enrolled high school pupils in adult education used in paragraph
18 (1) exceeds 10 percent of the district’s total average daily
19 attendance for all pupils in grades 9 to 12, inclusive, for the same
20 reporting period, the district’s authorized adult education average
21 daily attendance pursuant to paragraph (1) shall be reduced by
22 multiplying the amount of certified average daily attendance for
23 concurrently enrolled high school pupils in adult education that
24 exceeds 10 percent by 0.33 and subtracting that amount from the
25 district’s authorized adult education average daily attendance
26 pursuant to paragraph (1).

27 (3) For a school district offering adult education courses and
28 classes pursuant to Section 41976.2, add to the amount calculated
29 pursuant to paragraphs (1) or (2) the number of units of average
30 daily attendance claimed by that district for the second principal
31 apportionment made in the 1991–92 fiscal year for independent
32 study pupils 21 years of age or older and pupils 19 years of age or
33 older who have not been continuously enrolled in kindergarten or



1 any of the grades 1 to 12, inclusive, since their 18th birthday, as
2 calculated pursuant to Section 46300.1, as that section read on
3 January 1, 1992.

4 (b) For the 1994–95 fiscal year, the district’s authorized adult
5 education average daily attendance shall be one of the following:

6 (1) The district’s adult education average daily attendance
7 added to the district’s average daily attendance for concurrently
8 enrolled high school pupils in adult education programs that was
9 certified for the annual principal apportionment report and for
10 which state apportionment for the 1991–92 fiscal year was
11 received.

12 (2) If the district’s average daily attendance for concurrently
13 enrolled high school pupils in adult education used in paragraph
14 (1) exceeds 10 percent of the district’s total average daily
15 attendance for all pupils in grades 9 to 12, inclusive, for the same
16 reporting period, the district’s authorized adult education average
17 daily attendance pursuant to paragraph (1) shall be reduced by
18 multiplying the amount of certified average daily attendance for
19 concurrently enrolled high school pupils in adult education that
20 exceeds 10 percent by 0.67 and subtracting that amount from the
21 district’s authorized adult education average daily attendance
22 pursuant to paragraph (1).

23 (3) For a school district offering adult education courses and
24 classes pursuant to Section 41976.2, add to the amount calculated
25 pursuant to paragraphs (1) or (2) the number of units of average
26 daily attendance claimed by that district for the second principal
27 apportionment made in the 1991–92 fiscal year for independent
28 study pupils 21 years of age or older and pupils 19 years of age or
29 older who have not been continuously enrolled in kindergarten or
30 any of the grades 1 to 12, inclusive, since their 18th birthday, as
31 calculated pursuant to Section 46300.1, as that section read on
32 January 1, 1992.

33 (c) For the 1995–96 fiscal year, the district’s authorized adult
34 education average day attendance shall be one of the following:

35 (1) The district’s adult education average daily attendance
36 added to the district’s average daily attendance for concurrently
37 enrolled high school pupils in adult education programs that was
38 certified for the annual principal apportionment report and for
39 which the state apportionment for the 1991–92 fiscal year was
40 received.



1 (2) If the district's average daily attendance for concurrently
2 enrolled high school pupils in adult education used in paragraph
3 (1) exceeds 10 percent of the district's total average daily
4 attendance for all pupils in grades 9 to 12, inclusive, for the same
5 reporting period, the district's authorized adult education average
6 daily attendance pursuant to paragraph (1) shall be reduced by
7 multiplying the amount of certified average daily attendance for
8 concurrently enrolled high school pupils in adult education that
9 exceeds 10 percent by 1.00 and subtracting that amount from the
10 district's authorized adult education average daily attendance
11 pursuant to paragraph (1).

12 (3) For a school district offering adult education courses and
13 classes pursuant to Section 41976.2, add to the amount calculated
14 pursuant to paragraph (1) or (2), whichever is applicable, the
15 number of units of average daily attendance claimed by the district
16 for the second principal apportionment for the 1991–92 fiscal year
17 for independent study pupils 21 years of age or older and pupils 19
18 years of age or older who have not been continuously enrolled in
19 kindergarten, or any of grades 1 to 12, inclusive, since their 18th
20 birthday, as calculated pursuant to Section 46300.1, as that section
21 read on January 1, 1992.

22 (d) For the 1996–97 fiscal year, and each fiscal year thereafter,
23 a school district's adult education average daily attendance for
24 apportionment purposes shall be its authorized adult education
25 average daily attendance for the prior fiscal year multiplied by
26 1.025, *except that, commencing with the 2005–06 fiscal year, and*
27 *each fiscal year thereafter, the adult education average daily*
28 *attendance shall be modified as provided by Section 52616.26.*

29 (e) Commencing July 1, 1996, a school district shall not certify
30 for apportionment purposes, that portion of any average daily
31 attendance in adult education programs generated by pupils who
32 are concurrently enrolled for apportionment purposes in high
33 school that exceeds 10 percent of the district's average daily
34 attendance for all pupils in grades 9 to 12, inclusive, for the same
35 reporting period.

36 (f) It is the intent of the Legislature that, commencing July 1,
37 1993, each school district that conducted programs in the 1991–92
38 fiscal year through independent study for pupils 21 years of age or
39 older and pupils 19 years of age or older who have not been
40 continuously enrolled in kindergarten or any of grades 1 to 12,



1 inclusive, since their 18th birthday, as calculated pursuant to
2 Section 46300.1, as that section read on January 1, 1992, continue
3 to serve at least the same number of units of average daily
4 attendance through adult education for high school diploma
5 programs in all subsequent years as were funded through those
6 independent study programs in the 1991–92 fiscal year, unless the
7 school district governing board determines that meeting this
8 service requirement would incur costs in excess of the revenue
9 received.

10 SEC. 2. Section 52616.19 of the Education Code is amended
11 to read:

12 52616.19. (a) Commencing with the 1993–94 fiscal year,
13 and each fiscal year thereafter, the only funding available for
14 purposes of Sections 52616, 52616.16, 52616.17, and 52616.18
15 shall be the following:

16 (1) Funds that would have been apportioned for purposes of
17 Section 52616, as that section read on June 30, 1993.

18 (2) Funds that would have been apportioned for purposes of
19 concurrently enrolled average daily attendance pursuant to
20 Section 42238.5, as that section read on June 30, 1993.

21 (3) Funds that would have been available for purposes of adult
22 elementary and secondary independent study average daily
23 attendance pursuant to Section 46300.1, as that section read on
24 June 30, 1993.

25 (b) In the 1993–94 fiscal year, up to four million two hundred
26 fifty thousand dollars (\$4,250,000) shall be available for the
27 startup of new adult education programs pursuant to Section
28 52616.18. In the 1994–95 fiscal year, up to eight million five
29 hundred thousand dollars (\$8,500,000) shall be available for the
30 ~~start-up~~ *startup* of new adult education programs and the
31 continuation of programs started and funded in the 1993–94 fiscal
32 year. Four million two hundred fifty thousand dollars
33 (\$4,250,000) of that amount shall only be available for new adult
34 education programs if there is no deficit applied pursuant to
35 subdivision (c). It is the intent of the Legislature that, commencing
36 in the 1995–96 fiscal year, those adult education programs started
37 and funded in the 1993–94 and 1994–95 fiscal years shall continue
38 to be funded.

39 (c) If the funds available pursuant to subdivision (a) are not
40 sufficient to fully fund Sections 52616, 52616.16, 52616.17, and



1 52616.18, the Superintendent of Public Instruction shall reduce
2 the adult education apportionment for each district that received
3 funding pursuant to Section 52616.16.

4 (d) If the funds available pursuant to subdivision (a) exceed the
5 amount needed to fund Sections 52616, 52616.16, 52616.17, and
6 52616.18, the Superintendent of Public Instruction shall ~~use any~~
7 ~~excess funds for the purposes of Section 52616.23~~ *allocate those*
8 *excess funds as one-time grants to school districts operating adult*
9 *education programs, based on an equal amount per unit of adult*
10 *education average daily attendance.*

11 SEC. 3. Section 52616.23 of the Education Code is repealed.
12 ~~52616.23. The Superintendent of Public Instruction shall~~
13 ~~develop criteria to identify the programmatic areas of adult~~
14 ~~education that are in need of expansion. Each district shall be given~~
15 ~~an opportunity to apply for additional authorized units of adult~~
16 ~~education average daily attendance to meet any local needs in the~~
17 ~~identified adult education programs. Any adult education average~~
18 ~~daily attendance authorized by the superintendent shall result in a~~
19 ~~new authorized limit of adult education average daily attendance~~
20 ~~for the districts.~~

21 SEC. 4. Section 52616.26 is added to the Education Code, to
22 read:

23 52616.26. (a) Commencing in the 2005–06 fiscal year, and
24 each fiscal year thereafter, the Superintendent of Public
25 Instruction shall modify the allocation of apportionments for adult
26 education average daily attendance pursuant to subdivision (d) of
27 Section 52616.17 as follows:

28 (1) For any school district operating an adult education
29 program with fewer than 100 units of authorized adult education
30 average daily attendance, as determined pursuant to Section
31 52616.17, in the prior fiscal year, increases in authorized adult
32 education average daily attendance shall be calculated as follows:

33 (A) If the district served or exceeded its adult education
34 average daily attendance authorized limit in the second prior fiscal
35 year, the district shall receive up to 30 additional units of
36 authorized adult education average daily attendance.

37 (B) If the district failed to serve its adult education average
38 daily attendance authorized limit in the second prior fiscal year, the
39 district shall receive no additional authorized adult education
40 average daily attendance.



1 (2) For any school district operating an adult education
2 program with 100 or more units of authorized adult education
3 average daily attendance, as determined pursuant to Section
4 52616.17, in the prior fiscal year, authorized adult education
5 average daily attendance shall be calculated as follows:

6 (A) If the district served or exceeded its adult education
7 average daily attendance authorized limit in the second prior fiscal
8 year, its authorized limit for the current fiscal year shall be
9 increased by a number of units of adult education average daily
10 attendance equal to the authorized adult education average daily
11 attendance for the prior fiscal year multiplied by .025.

12 (B) If the district failed to serve its adult education average
13 daily attendance authorized limit in the second prior fiscal year, the
14 district shall receive no additional authorized adult education
15 average daily attendance for the current fiscal year.

16 (b) The Superintendent of Public Instruction shall develop
17 procedures and criteria by which a school district subject to
18 subparagraph (B) of paragraphs (1) and (2) of subdivision (a) may
19 request an increase in its adult education average daily attendance,
20 based on a demonstration that such funding is necessary despite the
21 district's failure to serve its authorized adult education average
22 daily attendance limit in the second prior fiscal year.
23 Notwithstanding subdivision (a), the superintendent may
24 authorize a district to receive a maximum increase equal to the
25 adult education average daily attendance served by the district
26 multiplied by .025, if the determination is made that the district can
27 effectively use the additional funding.

28 (c) (1) The Superintendent of Public Instruction shall first
29 allocate funding appropriated pursuant to subdivision (d) of
30 Section 52616.17 pursuant to subdivisions (a) and (b).

31 (2) The Superintendent of Public Instruction shall allocate any
32 remaining funding appropriated pursuant to subdivision (d) of
33 Section 52616.17 on an application basis for either or both of the
34 following purposes:

35 (A) In an amount to fund a maximum of 35 units of adult
36 education average daily attendance per school district, funding to
37 school districts that do not receive state funding for adult education
38 to start adult education programs.

39 (B) To provide funding to school districts described in
40 subparagraph (A) of paragraph (2) of subdivision (a) that have an



1 authorized limit of adult education average daily attendance that
2 is less than the statewide average when measured in proportion to
3 the average daily attendance in grades 9 to 12, inclusive, in the
4 district.

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