

AMENDED IN ASSEMBLY JUNE 1, 2007

AMENDED IN ASSEMBLY APRIL 11, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1482

Introduced by Assembly Member Leno

February 23, 2007

An act to amend Sections ~~24216.6, 37253.5, 37254.1, and 60851~~ of, to add Article 8 (commencing with Section 41580) to Chapter 3.2 of Part 24 of Division 3 of Title 2 of, and to repeal Sections ~~37252, 37252.2, 37252.8, 37253, and 42239~~ 37252, 37252.2, 37252.8, and 37253 of, the Education Code, relating to supplemental instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 1482, as amended, Leno. Supplemental instruction.

Existing

(1) *Existing* law requires the governing board of a school district maintaining any of grades 7 to 12, inclusive, and authorizes a charter school, to offer supplemental instructional programs for pupils enrolled in those grades who do not demonstrate sufficient progress toward passing the high school exit examination.

This bill would require supplemental instructional programs to be offered also to pupils enrolled in grades 7 to 12, inclusive, who do not demonstrate sufficient progress toward meeting the requirements for high school graduation, thereby imposing a state-mandated local program, and would authorize that instruction to be provided during the regular schoolday.

Statutory

(2) *Statutory provisions require the governing board of a school district maintaining any of grades 2 to 9, inclusive, and authorizes a charter school, to offer supplemental instructional programs to pupils who are recommended for retention or retained.*

Statutory provisions authorize the governing board of a school district and a charter school maintaining any of grades 2 to 6, inclusive, to offer supplemental instruction to pupils identified as either being at risk of retention or having a deficiency in mathematics, reading, or written expression based on the results of a prescribed test.

Statutory provisions authorize the governing board of a school district and a charter school to offer supplemental instructional programs in mathematics, science, or other core academic areas designated by the Superintendent of Public Instruction.

Statutory provisions prohibit the supplemental instruction described above from being provided during the regular schoolday.

~~*Statutory provisions require the Superintendent to compute funding for supplemental instruction for each school district or charter school by performing specified calculations.*~~

~~*This bill would repeal each of those provisions, make conforming changes, and instead establish the supplemental instruction block grant. The Superintendent of Public Instruction would be required to apportion block grant funds to a school district in the same relative statewide proportion that the school district received in the 2006–07 fiscal year for supplemental instruction programs pursuant to the repealed provisions, adjusted for changes in program participation by school districts in the 2007–08 fiscal year.*~~

~~*This bill would authorize supplemental instruction to be provided during the regular schoolday.*~~

(3) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 **SECTION 1.** *Section 37252 of the Education Code is amended*
2 *to read:*

3 37252. (a) The governing board of each school district
4 maintaining any or all of grades 7 to 12, inclusive, shall offer, and
5 a charter school may offer, supplemental instructional programs
6 for pupils enrolled in grades 7 to 12, inclusive, who do not
7 demonstrate sufficient progress toward passing the exit examination
8 required for high school graduation pursuant to Chapter 8
9 (commencing with Section 60850) of Part 33 *or meeting the*
10 *requirements for high school graduation set forth in Section*
11 *51225.3.*

12 (b) Sufficient progress, as described in subdivision (a), shall be
13 determined on the basis of either of the following:

14 (1) The results of the assessments administered pursuant to
15 Article 4 (commencing with Section 60640) of Chapter 5 of Part
16 33 and the minimum levels of proficiency recommended by the
17 state board pursuant to Section 60648.

18 (2) The pupils' grades and other indicators of academic
19 achievement designated by the district.

20 (c) For purposes of this section, a pupil shall be considered to
21 be enrolled in a grade immediately upon completion of the
22 preceding grade. Supplemental instruction ~~may~~ also *may* be offered
23 to a pupil who was enrolled in grade 12 during the prior school
24 year.

25 (d) For ~~the~~ purposes of this section, pupils who do not possess
26 sufficient English language skills to be assessed, as set forth in
27 Sections 60850 and 60853, shall be considered pupils who do not
28 demonstrate sufficient progress towards passing the exit
29 examination required for high school graduation and shall receive
30 supplemental instruction designed to assist pupils to succeed on
31 the high school exit examination.

32 (e) ~~Except as provided in subdivision (h), programs~~ *Programs*
33 *may be offered pursuant to this section during the regular*
34 *school day, during summer school, before school, after school, on*
35 *Saturday, or during intersession, or in any combination of the*
36 *regular school day, summer school, before school, after school,*
37 *Saturday, or intersession instruction, but shall be in addition to the*
38 *regular school day.* ~~Any~~ A minor pupil whose parent or guardian

1 informs the school district that the pupil is unable to attend a
2 Saturday school program for religious reasons, or ~~any~~ a pupil 18
3 years of age or older who states that he or she is unable to attend
4 a Saturday school program for religious reasons, shall be given
5 priority for enrollment in supplemental instruction offered at a
6 time other than Saturday over a pupil who is not unable to attend
7 a Saturday school program for religious reasons.

8 (f) A school district or charter school offering supplemental
9 instructional programs pursuant to this section shall receive funding
10 as described in Section 42239 and in the annual Budget Act.

11 (g) Notwithstanding any other provision of law, neither the ~~State~~
12 ~~Board of Education~~ *state board* nor the Superintendent of ~~Public~~
13 ~~Instruction~~ may waive any provision of this section.

14 (h) Funds received for supplemental instruction pursuant to this
15 section ~~may~~ also *may* be used to provide intensive instruction and
16 services to eligible pupils pursuant to Section 37254.

17 *SEC. 2. Section 37252.2 of the Education Code is amended to*
18 *read:*

19 37252.2. (a) The governing board of each school district
20 maintaining any or all of grades 2 to 9, inclusive, shall offer, and
21 a charter school may offer, programs of direct, systematic, and
22 intensive supplemental instruction to pupils enrolled in grades 2
23 to 9, inclusive, who have been recommended for retention or who
24 have been retained pursuant to Section 48070.5. A school district
25 or charter school may require a pupil who has been retained to
26 participate in supplemental instructional programs. Notwithstanding
27 the requirements of this section, the school district or charter school
28 shall provide a mechanism for a parent or guardian to decline to
29 enroll his or her child in the program. Attendance in supplemental
30 instructional programs shall not be compulsory within the meaning
31 of Section 48200.

32 (b) Supplemental educational services pursuant to subdivision
33 (a) may be offered during the *regular schoolday*, *during* summer
34 *school*, before school, after school, on Saturdays, or during
35 intersession, or in a combination of *the regular schoolday*, summer
36 school, before school, after school, Saturday, or intersession
37 instruction. ~~Services shall not be provided during the pupil's regular~~
38 ~~instructional day.~~ ~~Any~~ A minor pupil whose parent or guardian
39 informs the school district that the pupil is unable to attend a
40 Saturday school program for religious reasons, or ~~any~~ a pupil 18

1 years of age or older who states that he or she is unable to attend
2 a Saturday school program for religious reasons, shall be given
3 priority for enrollment in supplemental instruction offered at a
4 time other than Saturday, over a pupil who is not unable to attend
5 a Saturday school program for religious reasons.

6 (c) For purposes of this section, a pupil shall be considered to
7 be enrolled in a grade immediately upon completion of the
8 preceding grade. Summer school instruction ~~may~~ also *may* be
9 offered to pupils who were enrolled in grade 6 during the prior
10 school year. For ninth grade pupils identified in subdivision (a),
11 summer school instruction ~~may~~ also *may* be offered to pupils who
12 were enrolled in grade 9 during the prior school year.

13 (d) Each school district or charter school shall use results from
14 tests administered under the Standardized Testing and Reporting
15 Program, established pursuant to Article 4 (commencing with
16 Section 60640) of Chapter 5 of Part 33 or other evaluative criteria
17 to identify eligible pupils pursuant to subdivision (b).

18 (e) An intensive remedial program in reading or written
19 expression offered pursuant to this section shall, ~~as needed,~~ include,
20 *as needed,* instruction in phoneme awareness, systematic explicit
21 phonics and decoding, word attack skills, spelling and vocabulary,
22 explicit instruction of reading comprehension, writing, and study
23 skills.

24 (f) Each school district or charter school shall seek the active
25 involvement of parents and classroom teachers in the development
26 and implementation of supplemental instructional programs
27 provided pursuant to this section.

28 (g) It is the intent of the Legislature that pupils who are at risk
29 of failing to meet state adopted standards, or who are at risk of
30 retention, be identified as early in the school year and as early in
31 their school careers as possible, and be provided the opportunity
32 for supplemental instruction sufficient to assist them in attaining
33 expected levels of academic achievement.

34 (h) Notwithstanding any other provision of law, neither the ~~State~~
35 ~~Board of Education~~ *state board* nor the Superintendent of ~~Public~~
36 ~~Instruction~~ may waive any provision of this section.

37 ~~(i) This section shall become operative on January 1, 2003.~~

38 *SEC. 3. Section 37252.8 of the Education Code is amended to*
39 *read:*

1 37252.8. (a) The governing board of a school district and a
2 charter school maintaining any of grades 2 to 6, inclusive, may
3 offer programs of direct, systematic, and intensive supplemental
4 instruction to a pupil enrolled in grades 2 to 6, inclusive, who meets
5 either of the following criteria:

6 (1) The pupil has been identified as having a deficiency in
7 mathematics, reading, or written expression based on the results
8 of a test administered under the Standardized Testing and Reporting
9 Program established pursuant to Article 4 (commencing with
10 Section 60640) of Chapter 5 of Part 33.

11 (2) The pupil has been identified as being at risk of retention
12 pursuant to Section 48070.5.

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

27 (c) For purposes of this section, a pupil shall be considered to
28 be enrolled in a grade immediately upon completion of the
29 preceding grade. Summer school instruction may also be offered
30 to a pupil who was enrolled in grade 6 during the prior school year.

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

37 (e) A school district or charter school shall seek the active
38 involvement of parents and classroom teachers in the development
39 and implementation of supplemental instructional programs
40 provided pursuant to this section.

1 (f) It is the intent of the Legislature that a pupil who is at risk
2 of failing to meet state-adopted standards, or who is at risk of
3 retention, be identified as early in the school year, and as early in
4 his or her school careers as possible and be provided the
5 opportunity for supplemental instruction sufficient to assist him
6 or her in attaining expected levels of academic achievement.

7 (g) (1) A school district or charter school that offers instruction
8 pursuant to this section shall be entitled to receive reimbursement
9 in an amount up to 5 percent of the total enrollment of the school
10 district or charter school in grades 2 to 6, inclusive, for the prior
11 fiscal year multiplied by 120 hours, multiplied by the hourly rate
12 for the current fiscal year determined pursuant to subdivision (b)
13 of Section 42239.

14 (2) The balance of the appropriation made for the purposes of
15 funding programs offered pursuant to this section to serve pupils
16 in grades 2 to 6, inclusive, shall be allocated for reimbursement
17 of pupil attendance in instruction pursuant to subdivision (a) that
18 is in excess of 5 percent, but not in excess of 7 percent, of the
19 enrollment of the school district or charter school for the prior year
20 in grades 2 to 6, inclusive, multiplied by 120 hours, multiplied by
21 the hourly rate for the current fiscal year determined pursuant to
22 subdivision (b) of Section 42239.

23 (h) Notwithstanding any other provision of law, neither the ~~State~~
24 ~~Board of Education~~ *state board* nor the Superintendent may waive
25 any provision of this section.

26 *SEC. 4. Section 37253 of the Education Code is amended to*
27 *read:*

28 37253. (a) The governing board of any school district and a
29 charter school may offer supplemental instructional programs in
30 mathematics, science, or other core academic areas designated by
31 the Superintendent of ~~Public Instruction~~.

32 (b) The Superintendent of ~~Public Instruction~~ shall adopt rules
33 and regulations necessary to implement this section, including,
34 but not limited to, the designation of academic areas other than
35 mathematics and science as core academic areas.

36 (c) (1) The maximum entitlement of a school district or charter
37 school for reimbursement for pupil hours of attendance in
38 supplemental instructional programs offered pursuant to this section
39 shall be an amount equal to 5 percent of the total enrollment of
40 the school district or charter school for the prior fiscal year

1 multiplied by 120 hours, multiplied by the hourly rate for the
2 current fiscal year, as determined pursuant to paragraph (2).

3 (2) Pupil hours of attendance in supplemental instructional
4 programs offered pursuant to this section shall be reimbursed at a
5 rate of three dollars and fifty-three cents (\$3.53) per pupil hour,
6 adjusted in the 2005–06 fiscal year and subsequent fiscal years as
7 specified in this paragraph, provided that a different reimbursement
8 rate may be specified for each fiscal year in the annual Budget Act
9 that appropriates funding for that fiscal year. This amount shall be
10 increased annually by the percentage increase pursuant to
11 subdivision (b) of Section 42238.1 granted to school districts or
12 charter schools for base revenue limit cost-of-living increases.

13 (d) To the extent appropriated funding allows, a school district
14 or charter school may enroll more than 5 percent of its pupils, or
15 may enroll pupils for more than 120 hours per year, in supplemental
16 instructional programs offered pursuant to this section, if the total
17 state apportionment to the district or charter school for these
18 programs does not exceed an amount computed equal to 10 percent
19 of the total enrollment of the school district or charter school for
20 the prior fiscal year multiplied by 120 hours, multiplied by the
21 hourly rate for the current fiscal year, as determined pursuant to
22 paragraph (2) of subdivision (c).

23 (e) Instructional programs may be offered pursuant to this
24 section during the *regular schoolday*, *during summer school*, before
25 school, after school, on Saturday, or during intersession, or in any
26 combination of *the regular schoolday*, *summer school*, before
27 school, after school, Saturday, or intersession instruction, ~~but shall~~
28 ~~be in addition to the regular schoolday.~~ Any A minor pupil whose
29 parent or guardian informs the school district that the pupil is
30 unable to attend a Saturday school program for religious reasons,
31 or ~~any~~ a pupil 18 years of age or older who states that he or she is
32 unable to attend a Saturday school program for religious reasons,
33 shall be given priority for enrollment in supplemental instruction
34 offered at a time other than Saturday, over a pupil who is able to
35 attend a Saturday school program.

36 (f) Notwithstanding any other law, neither the ~~State Board of~~
37 ~~Education state board~~ nor the Superintendent of Public Instruction
38 may waive compliance with any provision of this section.

39 *SEC. 5. If the Commission on State Mandates determines that*
40 *this act contains costs mandated by the state, reimbursement to*

1 *local agencies and school districts for those costs shall be made*
2 *pursuant to Part 7 (commencing with Section 17500) of Division*
3 *4 of Title 2 of the Government Code.*

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**All matter omitted in this version of the bill
appears in the bill as amended in the
Assembly, May 11, 2007 (JR11)**

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