

AMENDED IN SENATE AUGUST 17, 2010
AMENDED IN SENATE AUGUST 2, 2010
AMENDED IN SENATE SEPTEMBER 4, 2009
CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 184

Introduced by Assembly Members ~~Block and V. Manuel Perez~~
Member Block
(Coauthor: Senator Price)
(***Coauthor: Assembly Member Fuentes***)
(*Coauthors: Senators Ducheny and Padilla*)

February 2, 2009

An act to amend *and repeal* Section 56836.155 of the Education Code, relating to special education, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 184, as amended, Block. Special education funding.

~~Existing law requires the Superintendent of Public Instruction, through the 2008–09 fiscal year, to perform a specified calculation to determine the adjusted entitlement of each special education local plan area for the incidence of disabilities.~~

~~This bill would extend the requirements of the Superintendent to perform the calculation and adjust the funding through the 2009–10 fiscal year and would specify that the calculation and adjustment also apply to the 2009–10 fiscal year.~~

Existing law adjusts funding for individuals with exceptional needs based on an incidence multiplier, as defined, for each special education local plan area.

This bill would continue the current special education incidence factor formula through the 2010–11 fiscal year. The bill would make the adjustment inoperative on July 1, 2011, and repeal it on January 1, 2012.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. 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 56836.155 of the Education Code is
2 amended to read:
3 56836.155. (a) On or before November 2, 1998, the
4 department, in conjunction with the Legislative Analyst’s Office,
5 shall do the following:
6 (1) Calculate an “incidence multiplier” for each special
7 education local plan area using the definition, methodology, and
8 data provided in the final report submitted by the American
9 Institutes for Research pursuant to Section 67 of Chapter 854 of
10 the Statutes of 1997.
11 (2) Submit the incidence multiplier for each special education
12 local plan area and supporting data to the Department of Finance.
13 (b) The Department of Finance shall review the incidence
14 multiplier for each special education local plan area and the
15 supporting data, and report any errors to the department and the
16 Legislative Analyst’s Office for correction.
17 (c) The Department of Finance shall approve the final incidence
18 multiplier for each special education local plan area by November
19 23, 1998.
20 (d) For the 1998–99 fiscal year and each fiscal year thereafter
21 to and including the ~~2008–09~~ 2010–11 fiscal year, the
22 Superintendent shall perform the following calculation to determine
23 the adjusted entitlement of each special education local plan area
24 for the incidence of disabilities:
25 (1) The incidence multiplier for the special education local plan
26 area shall be multiplied by the statewide target amount per unit of
27 average daily attendance for special education local plan areas
28 determined pursuant to Section 56836.11 for the fiscal year in
29 which the computation is made.

1 (2) The amount determined pursuant to paragraph (1) shall be
2 added to the statewide target amount per unit of average daily
3 attendance for special education local plan area determined
4 pursuant to Section 56836.11 for the fiscal year in which the
5 computation is made.

6 (3) Subtract the amount of funding for the special education
7 local plan area determined pursuant to paragraph (1) of subdivision
8 (a) or paragraph (1) of subdivision (b) of Section 56836.08, as
9 appropriate for the fiscal year in which the computation is made,
10 or the statewide target amount per unit of average daily attendance
11 for special education local plan areas determined pursuant to
12 Section 56836.11 for the fiscal year in which the computation is
13 made, whichever is greater, from the amount determined pursuant
14 to paragraph (2). For the purposes of this paragraph for the
15 2002–03, 2003–04, 2004–05, 2005–06, 2006–07, 2007–08, ~~and~~
16 2008–09, 2009–10, and 2010–11 fiscal years, the amount, if any,
17 received pursuant to Section 56836.159 shall be excluded from
18 the funding level per unit of average daily attendance for a special
19 education local plan area. If the result is less than zero, the special
20 education local plan area shall not receive an adjusted entitlement
21 for the incidence of disabilities.

22 (4) Multiply the amount determined in paragraph (3) by either
23 the average daily attendance reported for the special education
24 local plan area for the fiscal year in which the computation is made,
25 as adjusted pursuant to subdivision (a) of Section 56836.15, or the
26 average daily attendance reported for the special education local
27 plan area for the prior fiscal year, as adjusted pursuant to
28 subdivision (a) of Section 56826.15, whichever is less.

29 (5) If there are insufficient funds appropriated in the fiscal year
30 for which the computation is made for the purposes of this section,
31 the amount received by each special education local plan area shall
32 be prorated.

33 (e) For the 1997–98 fiscal year, the Superintendent shall perform
34 the calculation in paragraphs (1) to (3), inclusive, of paragraph (d)
35 only for the purposes of making the computation in paragraph (1)
36 of subdivision (d) of Section 56836.08, but the special education
37 local plan area shall not receive an adjusted entitlement for the
38 incidence of disabilities pursuant to this section for the 1997–98
39 fiscal year.

1 (f) This section shall become inoperative on July 1, 2011, and,
2 as of January 1, 2012, is repealed, unless a later enacted statute,
3 that becomes operative on or before January 1, 2012, deletes or
4 extends the dates on which it becomes inoperative and is repealed.

5 SECTION 1. ~~Section 56836.155 of the Education Code is~~
6 ~~amended to read:~~

7 ~~56836.155. (a) On or before November 2, 1998, the~~
8 ~~department, in conjunction with the Legislative Analyst’s Office,~~
9 ~~shall do the following:~~

10 ~~(1) Calculate an “incidence multiplier” for each special~~
11 ~~education local plan area using the definition, methodology, and~~
12 ~~data provided in the final report submitted by the American~~
13 ~~Institutes for Research pursuant to Section 67 of Chapter 854 of~~
14 ~~the Statutes of 1997.~~

15 ~~(2) Submit the incidence multiplier for each special education~~
16 ~~local plan area and supporting data to the Department of Finance.~~

17 ~~(b) The Department of Finance shall review the incidence~~
18 ~~multiplier for each special education local plan area and the~~
19 ~~supporting data, and report any errors to the department and the~~
20 ~~Legislative Analyst’s Office for correction.~~

21 ~~(c) The Department of Finance shall approve the final incidence~~
22 ~~multiplier for each special education local plan area by November~~
23 ~~23, 1998.~~

24 ~~(d) For the 1998–99 fiscal year and each fiscal year thereafter~~
25 ~~to and including the 2009–10 fiscal year, the Superintendent shall~~
26 ~~perform the following calculation to determine the adjusted~~
27 ~~entitlement of each special education local plan area for the~~
28 ~~incidence of disabilities:~~

29 ~~(1) The incidence multiplier for the special education local plan~~
30 ~~area shall be multiplied by the statewide target amount per unit of~~
31 ~~average daily attendance for special education local plan areas~~
32 ~~determined pursuant to Section 56836.11 for the fiscal year in~~
33 ~~which the computation is made.~~

34 ~~(2) The amount determined pursuant to paragraph (1) shall be~~
35 ~~added to the statewide target amount per unit of average daily~~
36 ~~attendance for special education local plan area determined~~
37 ~~pursuant to Section 56836.11 for the fiscal year in which the~~
38 ~~computation is made.~~

39 ~~(3) Subtract the amount of funding for the special education~~
40 ~~local plan area determined pursuant to paragraph (1) of subdivision~~

1 ~~(a) or paragraph (1) of subdivision (b) of Section 56836.08, as~~
2 ~~appropriate for the fiscal year in which the computation is made;~~
3 ~~or the statewide target amount per unit of average daily attendance~~
4 ~~for special education local plan areas determined pursuant to~~
5 ~~Section 56836.11 for the fiscal year in which the computation is~~
6 ~~made, whichever is greater, from the amount determined pursuant~~
7 ~~to paragraph (2). For the purposes of this paragraph for the~~
8 ~~2002-03, 2003-04, 2004-05, 2005-06, 2006-07, 2007-08,~~
9 ~~2008-09, and 2009-10 fiscal years, the amount, if any, received~~
10 ~~pursuant to Section 56836.159 shall be excluded from the funding~~
11 ~~level per unit of average daily attendance for a special education~~
12 ~~local plan area. If the result is less than zero, the special education~~
13 ~~local plan area shall not receive an adjusted entitlement for the~~
14 ~~incidence of disabilities.~~

15 ~~(4) Multiply the amount determined in paragraph (3) by either~~
16 ~~the average daily attendance reported for the special education~~
17 ~~local plan area for the fiscal year in which the computation is made;~~
18 ~~as adjusted pursuant to subdivision (a) of Section 56836.15, or the~~
19 ~~average daily attendance reported for the special education local~~
20 ~~plan area for the prior fiscal year, as adjusted pursuant to~~
21 ~~subdivision (a) of Section 56826.15, whichever is less.~~

22 ~~(5) If there are insufficient funds appropriated in the fiscal year~~
23 ~~for which the computation is made for the purposes of this section,~~
24 ~~the amount received by each special education local plan area shall~~
25 ~~be prorated.~~

26 ~~(e) For the 1997-98 fiscal year, the Superintendent shall perform~~
27 ~~the calculation in paragraphs (1) to (3), inclusive, of paragraph (d)~~
28 ~~only for the purposes of making the computation in paragraph (1)~~
29 ~~of subdivision (d) of Section 56836.08, but the special education~~
30 ~~local plan area shall not receive an adjusted entitlement for the~~
31 ~~incidence of disabilities pursuant to this section for the 1997-98~~
32 ~~fiscal year.~~

33 ~~(f) The Superintendent shall perform the calculation in~~
34 ~~subdivision (d) for the 2009-10 fiscal year and shall adjust the~~
35 ~~entitlement of each special education local plan area for the~~
36 ~~incidence of disabilities regardless of when the changes in this~~
37 ~~section made during the 2009-10 Regular Session become~~
38 ~~operative.~~

39 SEC. 2. This act is an urgency statute necessary for the
40 immediate preservation of the public peace, health, or safety within

1 the meaning of Article IV of the Constitution and shall go into
2 immediate effect. The facts constituting the necessity are:
3 Unless an entitlement is provided for the 2009–10 school year,
4 school districts will face financial hardship if they are required to
5 return funds to the department that were distributed to them in
6 error; therefore it is necessary that this act go into immediate effect.

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