

Assembly Bill No. 673

Passed the Assembly May 21, 2009

Chief Clerk of the Assembly

Passed the Senate August 24, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend, repeal, and add Section 52335.4 of the Education Code, relating to regional occupational centers or programs.

LEGISLATIVE COUNSEL'S DIGEST

AB 673, Carter. Regional occupational centers or programs: apportionments.

Existing law prescribes a formula for the apportionment of funds to regional occupational centers or programs. This formula requires the Superintendent of Public Instruction to calculate the funded growth average daily attendance for each regional occupational center or program (ROC/P).

This bill would require, if the growth average daily attendance funded in the annual Budget Act for any fiscal year is a negative adjustment, that the existing formula for the calculation of the funded growth average daily attendance for ROC/Ps be inoperative for that fiscal year, and that the growth average daily attendance be calculated as a percentage reduction and allocated to each ROC/P as an equivalent percentage reduction to the cap on the average daily attendance of that ROC/P.

The bill would also require, for the 2009–10 fiscal year, that the Superintendent of Public Instruction recalculate the prior year average daily attendance for each regional occupational center or program pursuant to a prescribed statute to apply a percentage reduction equal to the percentage reduction applied for ROC/P growth in the Budget Act of 2008.

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

SECTION 1. Section 52335.4 of the Education Code is amended to read:

52335.4. The Superintendent shall determine each ROC/P's share of funded growth average daily attendance by computing the sum of subdivisions (a), (b), and (c):

(a) Subtract the ROC/P's annual units of funded average daily attendance for the prior year from the ROC/P's annual units of

funded average daily attendance for the second prior year. If the amount computed pursuant to this subdivision is negative, it shall be deemed to be zero.

(b) Allocate 25 percent of the allowable growth average daily attendance funded in the Budget Act to low participation ROC/Ps, pursuant to criteria established by the Superintendent.

(c) (1) Subtract the statewide sum of the growth average daily attendance computed pursuant to subdivisions (a) and (b) from the allowable growth in average daily attendance funded in the Budget Act. If the amount computed is negative, it shall be deemed to be zero.

(2) (A) Calculate the ROC/P's pro rata share of the funded growth average daily attendance calculated pursuant to paragraph (1), based on the prior year average daily attendance in grades 9 to 12, inclusive, for the school districts served by the ROC/P in relation to the total statewide prior year average daily attendance in grades 9 to 12, inclusive. For purposes of the calculation required by this paragraph, the Superintendent shall use the average daily attendance reported for the second principal apportionment of the prior year.

(B) In calculating the pro rata share of funded growth average daily attendance, the Superintendent shall ensure that each ROC/P is provided at least 10 units of allowed growth average daily attendance pursuant to subdivisions (b) and (c).

(d) (1) It is the intent of the Legislature that each ROC/P use its share of funded growth average daily attendance provided pursuant to this section to serve pupils in grades 9 to 12, inclusive, unless the governing board or governing boards of the school district or districts overseeing the ROC/P determine that the needs of pupils in grades 9 to 12, inclusive, have been met.

(2) It is the intent of the Legislature that, if a determination is made pursuant to paragraph (1) that the needs of pupils in grades 9 to 12, inclusive, have been met, then the governing board or governing boards of the school district or districts overseeing the ROC/P may authorize the ROC/P to use its share of funded growth average daily attendance provided pursuant to this section to serve adults.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, and commencing in the 2009–10 fiscal year, if the growth average daily attendance funded in the annual Budget Act for any fiscal

year is a negative adjustment, subdivisions (a) to (d), inclusive, shall not be operative for that fiscal year. That negative adjustment in the annual Budget Act shall be allocated by the Superintendent to each ROC/P as an equivalent percentage reduction to the cap on the average daily attendance of that ROC/P.

(2) For the purposes of implementing this subdivision in the 2009–10 fiscal year, the Superintendent shall recalculate the prior year average daily attendance for each regional occupational center or program pursuant to paragraph (1) of subdivision (a) of Section 52335.2 to apply a percentage reduction equal to the percentage reduction applied for ROC/P growth in the Budget Act of 2008.

(f) This section shall become inoperative on July 1, 2010, and, as of January 1, 2011, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. Section 52335.4 is added to the Education Code, to read:

52335.4. The Superintendent shall determine each ROC/P's share of funded growth average daily attendance by computing the sum of subdivisions (a), (b), and (c):

(a) Subtract the ROC/P's annual units of funded average daily attendance for the prior year from the ROC/P's annual units of funded average daily attendance for the second prior year. If the amount computed pursuant to this subdivision is negative, it shall be deemed to be zero.

(b) Allocate 25 percent of the allowable growth average daily attendance funded in the Budget Act to low participation ROC/Ps, pursuant to criteria established by the Superintendent.

(c) (1) Subtract the statewide sum of the growth average daily attendance computed pursuant to subdivisions (a) and (b) from the allowable growth in average daily attendance funded in the Budget Act. If the amount computed is negative, it shall be deemed to be zero.

(2) (A) Calculate the ROC/P's pro rata share of the funded growth average daily attendance calculated pursuant to paragraph (1), based on the prior year average daily attendance in grades 9 to 12, inclusive, for the school districts served by the ROC/P in relation to the total statewide prior year average daily attendance in grades 9 to 12, inclusive. For purposes of the calculation required by this paragraph, the Superintendent shall use the average daily

attendance reported for the second principal apportionment of the prior year.

(B) In calculating the pro rata share of funded growth average daily attendance, the Superintendent shall ensure that each ROC/P is provided at least 10 units of allowed growth average daily attendance pursuant to subdivisions (b) and (c).

(d) (1) It is the intent of the Legislature that each ROC/P use its share of funded growth average daily attendance provided pursuant to this section to serve pupils in grades 9 to 12, inclusive, unless the governing board or governing boards of the school district or districts overseeing the ROC/P determine that the needs of pupils in grades 9 to 12, inclusive, have been met.

(2) It is the intent of the Legislature that, if a determination is made pursuant to paragraph (1) that the needs of pupils in grades 9 to 12, inclusive, have been met, then the governing board or governing boards of the school district or districts overseeing the ROC/P may authorize the ROC/P to use its share of funded growth average daily attendance provided pursuant to this section to serve adults.

(e) Notwithstanding subdivisions (a) to (d), inclusive, and commencing in the 2009–10 fiscal year, if the growth average daily attendance funded in the annual Budget Act for any fiscal year is a negative adjustment, subdivisions (a) to (d), inclusive, shall not be operative for that fiscal year. That negative adjustment in the annual Budget Act shall be allocated by the Superintendent to each ROC/P as an equivalent percentage reduction to the cap on the average daily attendance of that ROC/P.

(f) This section shall become operative on July 1, 2010.

Approved _____, 2009

Governor