ASSEMBLY BILL No. 826

Introduced by Assembly Members Buchanan and Bill Berryhill

February 26, 2009

An act to amend Sections 56836.08 and 56836.10 of the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

AB 826, as introduced, Buchanan. Special education: local plan areas: funding.

Existing law requires the Superintendent of Public Instruction to make prescribed computations each fiscal year to determine the amount of funding to be apportioned to each special education local plan area.

This bill, notwithstanding the computations that are required by existing law, would instead require the Superintendent to make different computations, as prescribed, to determine the amount of General Fund moneys that a special education local plan area may claim for the 2009–10 fiscal year and each fiscal year thereafter. The bill would also require the Superintendent to make different computations to determine the amount of funding per unit of average daily attendance for each special education local plan area for the 2009–10 fiscal year and each fiscal year thereafter.

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. The Legislature finds and declares all of the
2   following:

1   (a) Special education is a federally mandated program, and
2 children with disabilities are entitled to a free and appropriate
3 education (FAPE).
4   (b) California's neutral special education funding formula does
5 not reflect the true costs of providing educational services to pupils
6 with disabilities.
7   (c) The lack of sufficient federal and state funding to pay for
8 special education services has forced local school districts to
9 backfill an estimated three billion dollars ($3,000,000,000) from
10 local funds, thereby reducing funding for programs that serve all
11 pupils.
12   (d) Since 1980, federal special education funds have been
13 deducted from state special education entitlement funds allocated
14 to special education local plan areas (SELPAs) and local education
15 agencies for special education programs.
16   (e) This practice has resulted in adding complexity to the special
17 education funding model, and has created an artificial inflation of
18 the state's maintenance of effort requirement for special education.
19   (f) Removing the federal grant from the statutory funding
20 formula will result in all of the following:
21   (1) School agencies will have greater flexibility in the use of
22 increased special education funding.
23   (2) Ensuring that increased federal dollars are passed through
24 to schools.
25   (3) Simplifying and clarifying the use of federal special
26 education dollars.
27   (4) Ending the artificial inflation of the state's maintenance of
28 effort requirement for special education.
29   SEC. 2. Section 56836.08 of the Education Code is amended
30 to read:
31   56836.08. (a) For the 1998–99 fiscal year, the superintendent
32 shall make the following computations to determine the amount
33 of funding for each special education local plan area:
34   (1) Add the amount of funding per unit of average daily
35 attendance computed for the special education local plan area
36 pursuant to paragraph (1) of subdivision (a) of Section 56836.10
37 to the inflation adjustment computed pursuant to subdivision (d)
38 for the 1998–99 fiscal year.
39   (2) Multiply the amount computed in paragraph (1) by the units
40 of average daily attendance reported for the special education local

1 plan area for the 1997–98 fiscal year, exclusive of average daily
2 attendance for absences excused pursuant to subdivision (b) of
3 Section 46010, as that subdivision read on July 1, 1996.
4   (3) Add the actual amount of the equalization adjustment, if
5 any, computed for the 1998–99 fiscal year pursuant to Section
6 56836.14 to the amount computed in paragraph (2).
7   (4) Add or subtract, as appropriate, the adjustment for growth
8 computed pursuant to Section 56836.15 from the amount computed
9 in paragraph (3).
10   (b) For the 1999–2000 fiscal year and each fiscal year thereafter,
11 the superintendent shall make the following computations to
12 determine the amount of funding for each special education local
13 plan area for the fiscal year in which the computation is made:
14   (1) Add the amount of funding per unit of average daily
15 attendance computed for the special education local plan area for
16 the prior fiscal year pursuant to Section 56836.10 to the inflation
17 adjustment computed pursuant to subdivision (d) for the fiscal year
18 in which the computation is made.
19   (2) Multiply the amount computed in paragraph (1) by the units
20 of average daily attendance reported for the special education local
21 plan area for the prior fiscal year.
22   (3) Add the actual amount of the equalization adjustment, if
23 any, computed for the special education local plan area for the
24 fiscal year in which the computation is made pursuant to Section
25 56836.14 to the amount computed in paragraph (2).
26   (4) Add or subtract, as appropriate, the adjustment for growth
27 or decline in enrollment, if any, computed for the special education
28 local plan area for the fiscal year in which the computation is made
29 pursuant to Section 56836.15 from the amount computed in
30 paragraph (3).
31   (c) For the 1998–99 fiscal year and each fiscal year thereafter,
32 the superintendent shall make the following computations to
33 determine the amount of General Fund moneys that the special
34 education local plan area may claim:
35   (1) Add the total of the amount of property taxes for the special
36 education local plan area pursuant to Section 2572 for the fiscal
37 year in which the computation is made to the amount of federal
38 funds allocated for the purposes of paragraph (1) of subdivision
39 (a) of Section 56836.09 for the fiscal year in which the computation
40 is made.

1   (2) Add the amount of funding computed for the special
2   education local plan area pursuant to subdivision (a) for the
3   1998–99 fiscal year, and commencing with the 1999–2000 fiscal
4   year and each fiscal year thereafter, the amount computed for the
5   fiscal year in which the computations were made pursuant to
6   subdivision (b) to the amount of funding computed for the special
7   education local plan area pursuant to Article 3 (commencing with
8   Section ~~56836.16)~~ *56836.165).*
9   (3) Subtract the sum computed in paragraph (1) from the sum
10 computed in paragraph (2).
11 (d) For the 1998–99 fiscal year and each fiscal year thereafter,
12 the superintendent shall make the following computations to
13 determine the inflation adjustment for the fiscal year in which the
14 computation is made:
15 (1) For the 1998–99 fiscal year, multiply the sum of the
16 statewide target amount per unit of average daily attendance for
17 special education local plan areas for the 1997–98 fiscal year
18 computed pursuant to paragraph (3) of subdivision (a) of Section
19 56836.11 and the amount determined pursuant to ~~paragraph~~
20 *subdivision* (e) of Section 56836.155 for the 1997–98 fiscal year
21 that corresponds to the amount determined pursuant to paragraph
22 (1) of subdivision (d) of Section 56836.155 by the inflation
23 adjustment computed pursuant to Section 42238.1 for the 1998–99
24 fiscal year.
25 (2) For the 1999–2000 fiscal year and each fiscal year thereafter,
26 multiply the sum of the statewide target amount per unit of average
27 daily attendance for special education local plan areas for the prior
28 fiscal year computed pursuant to Section 56836.11 and the amount
29 determined pursuant to paragraph (1) of subdivision (d) of Section
30 56836.155 for the prior fiscal year by the inflation adjustment
31 computed pursuant to Section 42238.1 for the fiscal year in which
32 the computation is made.
33 (3) For the purposes of computing the inflation adjustment for
34 the special education local plan area identified as the Los Angeles
35 County Juvenile Court and Community School/Division of
36 Alternative Education Special Education Local Plan Area for the
37 1998–99 fiscal year and each fiscal year thereafter, the
38 superintendent shall multiply the amount of funding per unit of
39 average daily attendance computed for that special education local
40 plan area for the prior fiscal year pursuant to Section 56836.10 by

1 the inflation adjustment computed pursuant to Section 42238.1 for
2 the fiscal year in which the computation is being made.
3   (e) For the 1998–99 fiscal year and each fiscal year thereafter
4 to and including the 2002–03 fiscal year, the superintendent shall
5 perform the calculation set forth in Section 56836.155 to determine
6 the adjusted entitlement for the incidence of disabilities for each
7 special education local plan area, but this amount shall not be used
8 in the next fiscal year to determine the base amount of funding for
9 each special education local plan area for the current fiscal year,
10 except as specified in this article.
11   *(f) Notwithstanding any other provision of law, for the 2009–10*
12 *fiscal year and each fiscal year thereafter, the Superintendent shall*
13 *make the following computations to determine the amount of*
14 *General Fund moneys that the special education local plan area*
15 *may claim:*
16   *(1) Add the amount of funding computed for the special*
17 *education local plan area pursuant to subdivision (a) for the*
18 *2009–10 fiscal year, and commencing with the 2010–11 fiscal*
19 *year, and each fiscal year thereafter, and the amount computed*
20 *for the fiscal year in which the computations were made pursuant*
21 *to subdivision (b), to the amount of funding computed for the*
22 *special education local plan area.*
23   *(2) Subtract the total amount of property taxes for the special*
24 *education local plan area pursuant to Section 2572 for the fiscal*
25 *year in which the computation is made from the sum computed in*
26 *paragraph (1).*
27   SEC. 3. Section 56836.10 of the Education Code is amended
28 to read:
29   56836.10. (a) The ~~superintendent~~ *Superintendent* shall make
30 the following computations to determine the amount of funding
31 per unit of average daily attendance for each special education
32 local plan area for the 1998–99 fiscal year:
33   (1) Divide the amount of funding for the special education local
34 plan area computed for the 1997–98 fiscal year pursuant to Section
35 56836.09 by the number of units of average daily attendance,
36 exclusive of average daily attendance for absences excused
37 pursuant to subdivision (b) of Section 46010 as that subdivision
38 read on July 1, 1997, reported for the special education local plan
39 area for the 1997–98 fiscal year.

1   (2) Add the amount computed in paragraph (1) to the inflation
2 adjustment computed pursuant to subdivision (d) of Section
3 56836.08 for the 1998–99 fiscal year.
4   (b) Commencing with the 1999–2000 fiscal year and each fiscal
5 year thereafter, the superintendent shall make the following
6 computations to determine the amount of funding per unit of
7 average daily attendance for each special education local plan area
8 for the fiscal year in which the computation is made:
9   (1) For the 1999–2000 fiscal year, divide the amount of funding
10 for the special education local plan area computed for the 1998–99
11 fiscal year pursuant to subdivision (a) of Section 56836.08 by the
12 number of units of average daily attendance upon which funding
13 is based pursuant to subdivision (a) of Section 56836.15 for the
14 special education local plan area for the 1998–99 fiscal year.
15   (2) For the 2000–01 fiscal year, and each fiscal year thereafter,
16 divide the amount of funding for the special education local plan
17 area computed for the prior fiscal year pursuant to subdivision (b)
18 of Section 56836.08 by the number of units of average daily
19 attendance upon which funding is based pursuant to subdivision
20 (a) of Section 56836.15 for the special education local plan area
21 for the prior fiscal year.
22   *(c) Notwithstanding any other provision of law, for the 2009–10*
23 *fiscal year, the Superintendent shall make the following*
24 *computations to determine the amount of funding per unit of*
25 *average daily attendance for each special education local plan*
26 *area:*
27   *(1) From the amount of funding for the special education local*
28 *plan area computed from the 2008–09 fiscal year pursuant to*
29 *subdivision (b) of Section 56836.08, subtract the total amount of*
30 *federal funds apportioned to the special education local plan area*
31 *pursuant to schedules (b) and (h) of Item 6110-161-0890 of Section*
32 *2.00 of the Budget Act of 2009 for the purposes of special education*
33 *for individuals with exceptional needs enrolled in kindergarten*
34 *and grades 1 to 12, inclusive.*
35   *(2) Divide the amount computed in paragraph (1) by the number*
36 *of units of average daily attendance upon which funding is based*
37 *pursuant to subdivision (a) of Section 56836.15 for the special*
38 *education local plan area for the 2008–09 fiscal year.*
39   *(d) For the 2010–11 fiscal year, and each fiscal year thereafter,*
40 *divide the amount of funding for the special education local plan*

1 *area computed for the prior fiscal year pursuant to subdivision (f)*
2 *of Section 56836.08 by the number of units of average daily*
3 *attendance upon which funding is based pursuant to subdivision*
4 *(a) of Section 56836.15 for the special education local plan area*
5 *for the prior fiscal year.*

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