

AMENDED IN ASSEMBLY JULY 9, 2009

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN SENATE APRIL 27, 2009

SENATE BILL

No. 509

**Introduced by Committee on Education (Senators Romero (Chair),
Alquist, Hancock, Huff, Liu, Maldonado, Padilla, Simitian, and
Wyland)**

February 26, 2009

An act to amend Sections 17592.5, ~~47660~~, 24216.5, 47660, 51452, 52052, 52127, and 54026 of, and to repeal Sections 41857 and 47623 of, the Education Code, and to amend Section 53892.1 of the Government Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

SB 509, as amended, Committee on Education. Education.

(1) Existing law authorizes the governing board of a school district to provide for the transportation of pupils to and from school by purchasing or renting vehicles, contracting and paying for the transportation of pupils to and from school by common carrier or municipally owned transit system, or contracting with and paying responsible private parties for the transportation. In each fiscal year, a school district or county office of education is entitled to receive the same transportation allowance that it received in the prior fiscal year, as calculated by the Superintendent of Public Instruction based on the approved costs of home-to-school transportation, as defined, of the district or county office.

This bill would repeal a provision specifying that a charter school is eligible for funding pursuant to those provisions.

(2) Under existing law, an elementary school that has been operated by the University of California at the Los Angeles campus prior to January 1, 1994, may apply to become a charter school. Existing law specifies, if an elementary school petitions either the governing board of the local school district or the State Board of Education to become a charter school, that the school shall receive state apportionments equal to the statewide average revenue limit for elementary schools plus other specified funding.

This bill would repeal the provisions requiring the charter school to receive those funds.

(3) Existing law requires the Superintendent, with approval of the state board, to develop the Academic Performance Index (API) consisting of a variety of indicators currently reported to the State Department of Education to track the achievement of schools and their pupils. Statutory provisions establish a specific calculation for graduation rates to be included within the API and require the Superintendent to provide an annual report to the Legislature on graduation and dropout rates in California. Existing law requires the API to be used for specified purposes, including, but not limited to, ranking all public schools in the state for purposes of the High Achieving/Improving Schools Program.

This bill would include 5- and 6-year graduation rates in the indicators currently reported to the department for purposes of calculating a school's API. The bill would specify a formula to calculate these rates, and would provide that schools receive partial credit in their API scores for graduating pupils in 5 and 6 years, except that schools would be granted full credit for graduating in 5 or 6 years a pupil with disabilities who graduates in accordance with his or her individualized education program.

(4) Existing law authorizes the allocation of economic impact aid funding to support educationally disadvantaged youth programs and bilingual education, and requires the Superintendent to determine an economic impact aid-eligible pupil count and calculate an amount of economic impact aid for each school district. For charter schools that are funded through the block grant funding model, as specified, in the 2006–07 fiscal year, the department is required to use counts as of October 2006 of pupils 5 to 17 years of age, inclusive, who are living with families whose annual income is at or below the federal poverty guideline, as defined, without revision.

This bill would delete the provision specifying that it shall be without revision.

(5) Existing law requires the Superintendent to furnish the Controller with certain data no later than 6 months following the close of each fiscal year.

This bill would instead require the Superintendent to make certain data available on an as-needed basis.

(6) The bill *also* would update and correct ~~specified~~ *various statutory* cross references.

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 17592.5 of the Education Code is
2 amended to read:

3 17592.5. The Joint Powers Southern California Regional
4 Occupational Center and the Metropolitan Education District, a
5 joint powers authority, shall be deemed to be school districts for
6 purposes of Sections 17582 to 17592, inclusive, and for the
7 purposes of Section 17584.

8 SEC. 2. Section 24216.5 of the Education Code is amended to
9 read:

10 24216.5. (a) The compensation earned by a member who
11 retired for service under this part shall be exempt from subdivisions
12 (d), (f), and (g) of Section 24214, if all of the following conditions
13 are met:

14 (1) The member retired for service with an effective date on or
15 before January 1, 2007.

16 (2) The member retired for service is employed by a school
17 district to provide any of the following:

18 (A) Direct classroom instruction to pupils enrolled in
19 kindergarten or any grades 1 to 12, inclusive.

20 (B) Support and assessment for new teachers through the
21 Beginning Teacher Support and Assessment program authorized
22 by Section 44279.1.

23 (C) Support to individuals completing student teaching
24 assignments.

25 (D) Support to individuals participating in the following
26 programs:

1 ~~(i) Pre-Internship Teaching Program authorized pursuant to~~
2 ~~Article 5.6 (commencing with Section 44305) of Chapter 2 of Part~~
3 ~~25.~~

4 ~~(ii)~~
5 (i) Alternative certification programs authorized pursuant to
6 Article 11 (commencing with Section 44380) of Chapter 2 of Part
7 25 of Division 3 of Title 2.

8 ~~(iii)~~
9 (ii) School Paraprofessional Teacher Training Program
10 established pursuant to Article 12 (commencing with Section
11 44390) of Chapter 2 of Part 25 of Division 3 of Title 2.

12 (E) Instruction and pupil services provided to pupils enrolled
13 in special education programs authorized pursuant to Part 30
14 (commencing with Section 56000) of Division 4 of Title 2.

15 (F) Instruction to pupils enrolled in English language learner
16 programs authorized pursuant to Chapter 3 (commencing with
17 Section 300), Chapter 4 (commencing with Section 400), and
18 Chapter 6 (commencing with Section 430) of Part 1 of Division
19 1.

20 (3) All members retired for service whose employment with a
21 school district meets the conditions specified in this section shall
22 be treated as a distinct class of temporary employees within the
23 existing bargaining unit whose service may not be included in
24 computing the service required as a prerequisite to attainment of
25 or eligibility for classification as a permanent employee of a school
26 district. The compensation for service performed by this class of
27 employees shall be established in accordance with subdivision (b)
28 of Section 24214 and agreed to in the collective bargaining
29 agreement between the employing school district and the exclusive
30 representative for the existing bargaining unit within which these
31 temporary employees of the school district are treated as a distinct
32 class.

33 (4) The employing school district submits documentation
34 required by the system to substantiate the eligibility of the
35 temporary employment of a member retired for service for the
36 exemption under this subdivision.

37 (b) A school district that employs a member retired for service
38 pursuant to this section shall maintain accurate records of the
39 retired member's compensation earned and shall report that
40 compensation monthly to the system regardless of the method of

1 payment or the source of funds from which the compensation is
2 paid.

3 (c) This section does not apply to the compensation earned for
4 creditable service performed by a member retired for service for
5 a community college district.

6 (d) This section shall remain in effect only until June 30, 2010,
7 and shall be repealed as of January 1, 2011, unless a later enacted
8 statute deletes or extends that date.

9 ~~SEC. 2.~~

10 *SEC. 3.* Section 41857 of the Education Code is repealed.

11 ~~SEC. 3.~~

12 *SEC. 4.* Section 47623 of the Education Code is repealed.

13 ~~SEC. 4.~~

14 *SEC. 5.* Section 47660 of the Education Code is amended to
15 read:

16 47660. (a) For purposes of computing eligibility for, and
17 entitlements to, general purpose funding and operational funding
18 for categorical programs, the enrollment and average daily
19 attendance of a sponsoring local educational agency shall exclude
20 the enrollment and attendance of pupils in its charter schools
21 funded pursuant to this chapter.

22 (b) (1) Notwithstanding subdivision (a), and commencing with
23 the 2005–06 fiscal year, for purposes of computing eligibility for,
24 and entitlements to, revenue limit funding, the average daily
25 attendance of a unified school district, other than a unified school
26 district that has converted all of its schools to charter status
27 pursuant to Section 47606, shall include all attendance of pupils
28 who reside in the unified school district and who would otherwise
29 have been eligible to attend a noncharter school of the school
30 district, if the school district was a basic aid school district in the
31 prior fiscal year, or if the pupils reside in the unified school district
32 and attended a charter school of that school district that converted
33 to charter status on or after July 1, 2005. Only the attendance of
34 the pupils described by this paragraph shall be included in the
35 calculation made pursuant to paragraph (7) of subdivision (h) of
36 Section 42238.

37 (2) Notwithstanding subdivision (a), for the 2005–06 fiscal year
38 only, for purposes of computing eligibility for, and entitlements
39 to, revenue limit funding, the average daily attendance of a unified
40 school district, other than a unified school district that has

1 converted all of its schools to charter status pursuant to Section
2 47606 and is operating them as charter schools, shall include all
3 attendance of pupils who reside in the unified school district and
4 who would otherwise have been eligible to attend a noncharter
5 school of the unified school district if the pupils attended a charter
6 school operating in the unified school district prior to July 1, 2005.
7 Only the attendance of pupils described by this paragraph shall be
8 included in the calculation made pursuant to Section 42241.3. The
9 attendance of the pupils described by this paragraph shall be
10 included in the calculation made pursuant to paragraph (7) of
11 subdivision (h) of Section 42238.

12 (c) Commencing with the 2005–06 fiscal year, for the attendance
13 of pupils specified in subdivision (b), the general-purpose
14 entitlement for a charter school that is established through the
15 conversion of an existing public school within a unified school
16 district on or after July 1, 2005, shall be determined using the
17 following amount of general-purpose funding per unit of average
18 daily attendance, in lieu of the amount calculated pursuant to
19 subdivision (a) of Section 47633:

20 (1) The amount of the actual unrestricted revenues expended
21 per unit of average daily attendance for that school in the year
22 prior to its conversion to, and operation as, a charter school,
23 adjusted for the base revenue limit per pupil inflation increase
24 adjustment set forth in Section 42238.1, if this adjustment is
25 provided, and also adjusted for equalization, deficit reduction, and
26 other state general-purpose increases, if any, provided for the
27 unified school district in the year of conversion to, and operation
28 as, a charter school.

29 (2) For a subsequent fiscal year, the general-purpose entitlement
30 shall be determined based on the amount per unit of average daily
31 attendance allocated in the prior fiscal year adjusted for the base
32 revenue limit per pupil inflation increase adjustment set forth in
33 Section 42238.1, if this adjustment is provided, and also adjusted
34 for equalization, deficit reduction, and other state general-purpose
35 increases, if any, provided for the unified school district in that
36 fiscal year.

37 (d) Commencing with the 2005–06 fiscal year, the
38 general-purpose funding per unit of average daily attendance
39 specified for a unified school district for purposes of paragraph
40 (7) of subdivision (h) of Section 42238 for a school within the

1 unified school district that converted to charter status on or after
2 July 1, 2005, shall be deemed to be the amount computed pursuant
3 to subdivision (c).

4 (e) A unified school district that is the sponsoring local
5 educational agency as defined in subdivision (j) of Section 47632
6 of a charter school that is subject to the provisions of subdivision
7 (c) shall certify to the Superintendent the amount specified in
8 paragraph (1) of subdivision (c) prior to the approval of the charter
9 petition by the governing board of the school district. This amount
10 may be based on estimates of the unrestricted revenues expended
11 in the fiscal year prior to the school's conversion to charter status
12 and the school's operation as a charter school, provided that the
13 amount is recertified when the actual data becomes available.

14 (f) For the purposes of this section, "basic aid school district"
15 means a school district that does not receive from the state an
16 apportionment of state funds pursuant to subdivision (h) of Section
17 42238.

18 (g) A school district may use the existing Standardized Account
19 Code Structure and cost allocation methods, if appropriate, for an
20 accounting of the actual unrestricted revenues expended in support
21 of a school pursuant to subdivision (c).

22 (h) For purposes of this section and Section 42241.3, "operating"
23 means that pupils are attending, and receiving instruction at the
24 charter school.

25 *SEC. 6. Section 51452 of the Education Code is amended to*
26 *read:*

27 51452. ~~The State Board of Education~~ *state board* shall
28 determine and adopt, based upon the recommendations of the
29 Superintendent of ~~Public Instruction~~, the following:

30 (a) The means by which ~~students~~ *pupils* may demonstrate
31 mastery of the curriculum. ~~For subject matter areas included in~~
32 ~~the Golden State Examination (Article 5 (commencing with Section~~
33 ~~60650) of Chapter 5 of Part 33), that examination shall serve as~~
34 ~~the means by which students may demonstrate mastery of the~~
35 ~~curriculum.~~ For other subject matter areas, the means may include,
36 but shall not be limited to, any subject matter examinations deemed
37 appropriately rigorous by the *state* board. For this purpose, the
38 *state* board may designate examinations administered by or under
39 the auspices of the ~~State Department of Education~~ *department*, or
40 examinations produced by private providers or local educational

1 agencies, that are supervised and administered under conditions
 2 that are deemed adequate by the *state* board.

3 (b) ~~Student~~*Pupil* performance standards or achievement levels
 4 that demonstrate mastery of the curriculum.

5 ~~SEC. 5.~~

6 *SEC. 7.* Section 52052 of the Education Code is amended to
 7 read:

8 52052. (a) (1) The Superintendent, with approval of the state
 9 board, shall develop an Academic Performance Index (API), to
 10 measure the performance of schools, especially the academic
 11 performance of pupils.

12 (2) A school shall demonstrate comparable improvement in
 13 academic achievement as measured by the API by all numerically
 14 significant pupil subgroups at the school, including:

- 15 (A) Ethnic subgroups.
- 16 (B) Socioeconomically disadvantaged pupils.
- 17 (C) English language learners.
- 18 (D) Pupils with disabilities.

19 (3) (A) For purposes of this section, a numerically significant
 20 pupil subgroup is one that meets both of the following criteria:

- 21 (i) The subgroup consists of at least 50 pupils each of whom
 22 has a valid test score.
- 23 (ii) The subgroup constitutes at least 15 percent of the total
 24 population of pupils at a school who have valid test scores.

25 (B) If a subgroup does not constitute 15 percent of the total
 26 population of pupils at a school who have valid test scores, the
 27 subgroup may constitute a numerically significant pupil subgroup
 28 if it has at least 100 valid test scores.

29 (C) For a school with an API score that is based on no fewer
 30 than 11 and no more than 99 pupils with valid test scores,
 31 numerically significant subgroups shall be defined by the
 32 Superintendent, with approval by the state board.

33 (4) The API shall consist of a variety of indicators currently
 34 reported to the department, including, but not limited to, the results
 35 of the achievement test administered pursuant to Section 60640,
 36 attendance rates for pupils in elementary schools, middle schools,
 37 and secondary schools, and the graduation rates for pupils in
 38 secondary schools.

39 (A) Graduation rates for pupils in secondary schools shall be
 40 calculated for the API as follows:

1 (i) Four-year graduation rates shall be calculated by taking *the*
2 number of pupils who graduated on time for the current school
3 year, which is considered to be three school years after the pupils
4 entered grade 9 for the first time, and dividing that number by the
5 total calculated in clause (ii).

6 (ii) The number of pupils entering grade 9 for the first time in
7 the school year three school years prior to the current school year,
8 plus the number of pupils who transferred into the class graduating
9 at the end of the current school year between the school year that
10 was three school years prior to the current school year and the date
11 of graduation, less the number of pupils who transferred out of the
12 school between the school year that was three school years prior
13 to the current school year and the date of graduation who were
14 members of the class that is graduating at the end of the current
15 school year.

16 (iii) Five-year graduation rates shall be calculated by taking the
17 number of pupils who graduated on time for the current school
18 year, which is considered to be four school years after the pupils
19 entered grade 9 for the first time, and dividing that number by the
20 total calculated in clause (iv).

21 (iv) The number of pupils entering grade 9 for the first time in
22 the school year four years prior to the current school year, plus the
23 number of pupils who transferred into the class graduating at the
24 end of the current school year between the school year that was
25 four school years prior to the current school year and the date of
26 graduation, less the number of pupils who transferred out of the
27 school between the school year that was four years prior to the
28 current school year and the date of graduation who were members
29 of the class that is graduating at the end of the current school year.

30 (v) Six-year graduation rates shall be calculated by taking the
31 number of pupils who graduated on time for the current school
32 year, which is considered to be five school years after the pupils
33 entered grade 9 for the first time, and dividing that number by the
34 total calculated in clause (vi).

35 (vi) The number of pupils entering grade 9 for the first time in
36 the school year five years prior to the current school year, plus the
37 number of pupils who transferred into the class graduating at the
38 end of the current school year between the school year that was
39 five school years prior to the current school year and the date of
40 graduation, less the number of pupils who transferred out of the

1 school between the school year that was five years prior to the
2 current school year and the date of graduation who were members
3 of the class that is graduating at the end of the current school year.

4 (B) The inclusion of five- and six-year graduation rates for
5 pupils in secondary schools shall meet the following requirements:

6 (i) Schools shall be granted one-half the credit in their API
7 scores for graduating pupils in five years that they are granted for
8 graduating pupils in four years.

9 (ii) Schools shall be granted one-quarter the credit in their API
10 scores for graduating pupils in six years that they are granted for
11 graduating pupils in four years.

12 (iii) Notwithstanding clauses (i) and (ii), schools shall be granted
13 full credit in their API scores for graduating in five or six years a
14 pupil with disabilities who graduates in accordance with his or her
15 individualized education program (IEP).

16 (C) The pupil data collected for the API that comes from the
17 achievement test administered pursuant to Section 60640 and the
18 high school exit examination administered pursuant to Section
19 60851, when fully implemented, shall be disaggregated by special
20 education status, English language learners, socioeconomic status,
21 gender, and ethnic group. Only the test scores of pupils who were
22 counted as part of the enrollment in the annual data collection of
23 the California Basic Educational Data System for the current fiscal
24 year and who were continuously enrolled during that year may be
25 included in the test result reports in the API score of the school.
26 Results of the achievement test and other tests specified in
27 subdivision (b) shall constitute at least 60 percent of the value of
28 the index.

29 (D) Before including high school graduation rates and attendance
30 rates in the API, the Superintendent shall determine the extent to
31 which the data currently are reported to the state and the accuracy
32 of the data. Notwithstanding any other provision of law, graduation
33 rates for pupils in dropout recovery high schools shall not be
34 included in the API. For purposes of this subparagraph, “dropout
35 recovery high school” means a high school in which 50 percent
36 or more of its pupils have been designated as dropouts pursuant
37 to the exit/withdrawal codes developed by the department.

38 (E) The Superintendent shall provide an annual report to the
39 Legislature on the graduation and dropout rates in California and
40 shall make the same report available to the public. The report shall

1 be accompanied by the release of publicly accessible data for each
2 school district and school in a manner that provides for
3 disaggregation based upon socioeconomically disadvantaged pupils
4 and numerically significant subgroups scoring below average on
5 statewide standards-aligned assessments. In addition, the data shall
6 be made available in a manner that provides for comparisons of a
7 minimum of three years of data.

8 (b) Pupil scores from the following tests, when available and
9 when found to be valid and reliable for this purpose, shall be
10 incorporated into the API:

11 (1) The standards-based achievement tests provided for in
12 Section 60642.5.

13 (2) The high school exit examination.

14 (c) Based on the API, the Superintendent shall develop, and the
15 state board shall adopt, expected annual percentage growth targets
16 for all schools based on their API baseline score from the previous
17 year. Schools are expected to meet these growth targets through
18 effective allocation of available resources. For schools below the
19 statewide API performance target adopted by the state board
20 pursuant to subdivision (d), the minimum annual percentage growth
21 target shall be 5 percent of the difference between the actual API
22 score of a school and the statewide API performance target, or one
23 API point, whichever is greater. Schools at or above the statewide
24 API performance target shall have, as their growth target,
25 maintenance of their API score above the statewide API
26 performance target. However, the state board may set differential
27 growth targets based on grade level of instruction and may set
28 higher growth targets for the lowest performing schools because
29 they have the greatest room for improvement. To meet its growth
30 target, a school shall demonstrate that the annual growth in its API
31 is equal to or more than its schoolwide annual percentage growth
32 target and that all numerically significant pupil subgroups, as
33 defined in subdivision (a), are making comparable improvement.

34 (d) Upon adoption of state performance standards by the state
35 board, the Superintendent shall recommend, and the state board
36 shall adopt, a statewide API performance target that includes
37 consideration of performance standards and represents the
38 proficiency level required to meet the state performance target.
39 When the API is fully developed, schools, at a minimum, shall
40 meet their annual API growth targets to be eligible for the

1 Governor's Performance Award Program as set forth in Section
2 52057. The state board may establish additional criteria that schools
3 must meet to be eligible for the Governor's Performance Award
4 Program.

5 (e) The API shall be used for both of the following:

6 (1) Measuring the progress of schools selected for participation
7 in the Immediate Intervention/Underperforming Schools Program
8 pursuant to Section 52053.

9 (2) Ranking all public schools in the state for the purpose of the
10 High Achieving/Improving Schools Program pursuant to Section
11 52056.

12 (f) (1) A school with 11 to 99 pupils with valid test scores shall
13 receive an API score with an asterisk that indicates less statistical
14 certainty than API scores based on 100 or more test scores.

15 (2) A school annually shall receive an API score, unless the
16 Superintendent determines that an API score would be an invalid
17 measure of the performance of the school for one or more of the
18 following reasons:

19 (A) Irregularities in testing procedures occurred.

20 (B) The data used to calculate the API score of the school are
21 not representative of the pupil population at the school.

22 (C) Significant demographic changes in the pupil population
23 render year-to-year comparisons of pupil performance invalid.

24 (D) The department discovers or receives information indicating
25 that the integrity of the API score has been compromised.

26 (E) Insufficient pupil participation in the assessments included
27 in the API.

28 (3) If a school has fewer than 100 pupils with valid test scores,
29 the calculation of the API or adequate yearly progress pursuant to
30 the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301
31 et seq.) and federal regulations may be calculated over more than
32 one annual administration of the tests administered pursuant to
33 Section 60640 and the high school exit examination administered
34 pursuant to Section 60851, consistent with regulations adopted by
35 the state board.

36 (g) Only schools with 100 or more test scores contributing to
37 the API may be included in the API rankings.

38 (h) The Superintendent, with the approval of the state board,
39 shall develop an alternative accountability system for schools under
40 the jurisdiction of a county board of education or a county

1 superintendent of schools, community day schools, nonpublic,
2 nonsectarian schools pursuant to Section 56366, and alternative
3 schools serving high-risk pupils, including continuation high
4 schools and opportunity schools. Schools in the alternative
5 accountability system may receive an API score, but shall not be
6 included in the API rankings.

7 ~~SEC. 6.~~

8 *SEC. 8.* Section 52127 of the Education Code is amended to
9 read:

10 52127. (a) As a condition to receiving an apportionment
11 pursuant to Section 52126, school districts shall have a staff
12 development program that requires a certificated teacher who will
13 provide direct instructional services for a class participating in the
14 school district's class size reduction program to receive the
15 appropriate training necessary to maximize the educational
16 advantages of class size reduction. This training shall include, but
17 not be limited to, methods for providing each of the following:

18 (1) Individualized instruction.

19 (2) Effective teaching, including classroom management, in
20 smaller classes.

21 (3) Identifying and responding to pupil needs.

22 (4) Opportunities to build on the individual strengths of pupils.

23 (b) School districts may use funds currently received for staff
24 development or funds received under this chapter to meet the
25 requirements of this section.

26 ~~SEC. 7.~~

27 *SEC. 9.* Section 54026 of the Education Code is amended to
28 read:

29 54026. For purposes of this article, the following definitions
30 apply:

31 (a) "Economically disadvantaged pupils" means either of the
32 following, whichever is applicable:

33 (1) Pupils described in Section 101 of Title I of the federal No
34 Child Left Behind Act of 2001 (20 U.S.C. Sec. 6333(c)(1)(A)(B)).
35 Counts of the pupils described in this paragraph shall be the counts
36 used in the current year apportionment calculations for purposes
37 of Title I of the federal No Child Left Behind Act of 2001 (20
38 U.S.C. Sec. 6301 et seq.).

39 (2) (A) Notwithstanding paragraph (1), for a small school
40 district, the product of the number of pupils eligible for

1 participation in the free meals program for the prior fiscal year, as
2 defined in subdivision (d), and the free meals adjustment factor.
3 The free meals adjustment factor is the quotient, rounded to two
4 decimal places, resulting from dividing the statewide total of
5 economically disadvantaged pupils as defined in paragraph (1) by
6 the statewide total of pupils eligible for participation in the free
7 meals program for the prior fiscal year, as defined in subdivision
8 (d).

9 (B) Notwithstanding paragraph (1) or subparagraph (A), for
10 charter schools that are funded through the block grant funding
11 model pursuant to Article 2 (commencing with Section 47633) of
12 Chapter 6 of Part 26.8 in the 2006–07 fiscal year, the department
13 shall use counts as of October 2006 of pupils 5 to 17 years of age,
14 inclusive, who are living with families whose annual income is at
15 or below the federal poverty guideline, as collected through the
16 first principal apportionment data collection process, as defined
17 in Section 41601. Commencing in the 2007–08 fiscal year, the
18 Superintendent shall use counts as of October of the prior year of
19 pupils 5 to 17 years of age, inclusive, who are living with families
20 whose annual income is at or below the federal poverty guideline,
21 as collected through the first principal apportionment data
22 collection process, as defined in Section 41601, without revision.
23 For purposes of this subdivision, the department may use in the
24 first year of operation of a charter school that is established on or
25 after July 1, 2007, the current year counts of pupils 5 to 17 years
26 of age, inclusive, who are living with families whose annual income
27 is at or below the federal poverty guideline.

28 (C) The Superintendent may expand upon an existing process
29 of collecting free or reduced price meal data in order to collect
30 from small districts, as defined in subdivision (c), counts of pupils
31 living with families whose annual income is at or below the federal
32 poverty guideline.

33 (b) “English learner” means a pupil described in subdivision
34 (a) of Section 306 or identified as a pupil of limited English
35 proficiency, as that term is defined in subdivision (m) of Section
36 52163. Counts of the pupils described in this subdivision shall be
37 the counts reported in the prior year language census.

38 (c) “Small school district” means a school district that has an
39 annual enrollment of less than 600 pupils based on prior school
40 year CBEDS data and is, for the purposes of this section,

1 designated a rural school by the Superintendent based on the
2 appropriate school locale codes, as used by the National Center
3 for Education Statistics of the United States Department of
4 Education.

5 (d) “Free meals” means the aggregate number of pupils meeting
6 the income eligibility guidelines established by the federal
7 government for free meals as reported for all schools for which
8 the district is the authorizing agency.

9 (e) For purposes of subparagraph (B) of paragraph (2) of
10 subdivision (a), the count of economically disadvantaged pupils
11 for a charter school that is operated pursuant to Section 47612.1
12 shall be calculated without regard to the age of the pupil. A pupil
13 who resides in program housing shall be considered a family of
14 one.

15 ~~SEC. 8.~~

16 *SEC. 10.* Section 53892.1 of the Government Code is amended
17 to read:

18 53892.1. For the purpose of permitting the compilation of the
19 financial transactions of school districts by the Controller, the
20 Superintendent of Public Instruction shall make available to the
21 Controller, on an as-needed basis, data and other matters required
22 by this article by the Controller. The Superintendent shall derive
23 the data and other matters required for purposes of this article by
24 the Controller from reports furnished by school districts or by
25 county officials to the Superintendent as provided by law. No
26 school district or county superintendent of schools shall be required
27 to furnish separate reports to the Controller by the provisions of
28 this article. The Superintendent shall furnish average daily
29 attendance or enrollment data in lieu of the general population data
30 required of counties and other municipal corporations by this
31 article. The Superintendent shall add to the report forms furnished
32 by him or her items or other matters as may be agreed by the
33 Superintendent and the Controller to be needed for the purposes
34 of this article.

O