

AMENDED IN ASSEMBLY AUGUST 2, 2010

AMENDED IN SENATE APRIL 21, 2010

AMENDED IN SENATE APRIL 7, 2010

SENATE BILL

No. 1298

Introduced by Senator Hancock

February 19, 2010

An act to amend Section 42605 of the Education Code, relating to categorical education programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 1298, as amended, Hancock. Regional occupational centers and programs.

Existing law establishes various categorical education programs, including regional occupational centers and programs, and appropriates the funding for those programs in the annual Budget Act. Existing law requires the Superintendent of Public Instruction, for the 2008–09 to 2012–13 fiscal years, inclusive, to apportion from the amount provided in the annual Budget Act for specified categorical education programs an amount based on the same relative proportion that the local educational agency received in the 2008–09 fiscal year for those programs and authorizes school districts, for those fiscal years, to use these funds, with specified exceptions, for any educational purpose, to the extent permitted by federal law. Existing law, for those fiscal years, deems local educational agencies that use these categorical education program funds for any educational purpose to be in compliance with the program and funding requirements of those categorical education programs.

This bill, for the 2011–12 fiscal year, would restrict the authority of a school district to withdraw from a regional occupational center or program if *the county board of education or* the State Board of Education determines that doing so would negatively impact the career technical education services received by high school pupils of other school districts or charter schools in the region. The bill would require a recipient of funds allocated for career technical education services to expend those funds in accordance with the regional plan for occupational course sequences, in order to meet documented labor market demand, and focus on the needs of high school pupils. The bill would make legislative findings and declarations regarding career technical education programs organized and implemented as occupational course sequences.

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 that career
2 technical education programs organized and implemented as
3 occupational course sequences that result in career-ready industry
4 certification are essential components of the state’s secondary and
5 community college school system, and are vital to the state’s
6 economic development. The Legislature further finds and declares
7 that, to be effective, these course sequences must be organized
8 regionally, with courses integrated across local educational
9 agencies and community colleges, with the active involvement of
10 business, labor, and workforce development agencies.

11 SEC. 2. Section 42605 of the Education Code is amended to
12 read:

13 42605. (a) (1) Unless otherwise prohibited under federal law
14 or otherwise specified in subdivision (e), for the 2008–09 fiscal
15 year to the 2012–13 fiscal year, inclusive, recipients of funds from
16 the items listed in paragraph (2) may use funding received, pursuant
17 to subdivision (b), from any of these items listed in paragraph (2)
18 that are contained in Section 2.00 of an annual Budget Act, for
19 any educational purpose:

20 (2) 6110-104-0001, 6110-105-0001, 6110-108-0001,
21 6110-122-0001, 6110-123-0001, 6110-124-0001, 6110-137-0001,
22 6110-144-0001, 6110-150-0001, 6110-151-0001, 6110-156-0001,
23 6110-181-0001, 6110-188-0001, 6110-189-0001, 6110-190-0001,

1 6110-193-0001, 6110-195-0001, 6110-198-0001, 6110-204-0001,
2 6110-208-0001, 6110-209-0001, 6110-211-0001, 6110-227-0001,
3 6110-228-0001, 6110-232-0001, 6110-240-0001, 6110-242-0001,
4 6110-243-0001, 6110-244-0001, 6110-245-0001, 6110-246-0001,
5 6110-247-0001, 6110-248-0001, 6110-260-0001, 6110-265-0001,
6 6110-266-0001, 6110-267-0001, 6110-268-0001, and
7 6360-101-0001.

8 (b) (1) For the 2009–10 fiscal year to the 2012–13 fiscal year,
9 inclusive, the Superintendent or other administering state agency,
10 as appropriate, shall apportion from the amounts provided in the
11 annual Budget Act for the items enumerated in paragraph (2) of
12 subdivision (a), an amount to recipients based on the same relative
13 proportion that the recipient received in the 2008–09 fiscal year
14 for the programs funded through the items enumerated in paragraph
15 (2) of subdivision (a).

16 (2) This section and Section 42 of Chapter 12 of the Statutes of
17 2009 do not authorize a school district that receives funding on
18 behalf of a charter school pursuant to Sections 47634.1 and 47651
19 to redirect this funding for another purpose unless otherwise
20 authorized in law or pursuant to an agreement between a charter
21 school and its chartering authority. Notwithstanding paragraph
22 (1), for the 2008–09 fiscal year to the 2012–13 fiscal year,
23 inclusive, a school district that receives funding on behalf of a
24 charter school pursuant to Sections 47634.1 and 47651 shall
25 continue to distribute the funds to those charter schools based on
26 the relative proportion that the school district distributed in the
27 2007–08 fiscal year, and shall adjust those amounts to reflect
28 changes in charter school attendance in the district. The amounts
29 allocated shall be adjusted for any greater or lesser amount
30 appropriated for the items enumerated in paragraph (2) of
31 subdivision (a). For a charter school that began operation in the
32 2008–09 fiscal year, if a school district received funding on behalf
33 of that charter school pursuant to Sections 47634.1 and 47651, the
34 school district shall continue to distribute the funds to that charter
35 school based on the relative proportion that the school district
36 distributed in the 2008–09 fiscal year and shall adjust the amount
37 of those funds to reflect changes in charter school attendance in
38 the district. The amounts allocated shall be adjusted for any greater
39 or lesser amount appropriated for the items enumerated in
40 paragraph (2) of subdivision (a).

(3) Notwithstanding paragraph (1), for the 2008–09 fiscal year to the 2012–13 fiscal year, inclusive, the Superintendent shall apportion from the amounts appropriated by Item 6110-211-0001 of Section 2.00 of the annual Budget Act, an amount to a charter school in accordance with the per pupil methodology prescribed in subdivision (c) of Section 47634.1.

(4) Notwithstanding paragraph (1), for the 2008–09 fiscal year to the 2012–13 fiscal year, inclusive, the Superintendent shall apportion from the amounts provided in the annual Budget Act, an amount to a school district, charter school, and county office of education based on the same relative proportion that the local educational agency received in the 2007–08 fiscal year for the programs funded through the following items contained in Section 2.00 of the annual Budget Act: 6110-104-0001, 6110-105-0001, 6110-156-0001, 6110-190-0001, schedule (3) of 6110-193-0001, 6110-198-0001, 6110-232-0001, and schedule (2) of 6110-240-0001.

(5) For purposes of paragraph (4) of this subdivision, if a direct-funded charter school began operation in the 2008–09 fiscal year, the amount that the charter school was entitled to receive from the items enumerated in paragraph (4) for the 2008–09 fiscal year, as certified by the Superintendent in March 2009, is deemed to have been received in the 2007–08 fiscal year.

(6) Notwithstanding paragraph (1), for the 2011–12 fiscal year to the 2012–13 fiscal year, inclusive, a school district that receives funding for its participation with a regional occupational center or program established and maintained pursuant to paragraph (2) of subdivision (a) of Section 52301 may withdraw from that regional occupational center or program only if *the county board of education of the county where the regional occupational center or program operates determines, or, if a center or program operates in more than one county, the state board determines that the withdrawal does not negatively impact career technical education services offered by that center or program to high school pupils of other school districts or charter schools in the region.*

(c) (1) This section does not obligate the state to refund or repay reductions made pursuant to this section. A decision by a school district to reduce funding pursuant to this section for a state-mandated local program shall constitute a waiver of the subvention of funds that the school district is otherwise entitled to

1 pursuant to Section 6 of Article XIII B of the California
2 Constitution on the amount so reduced.

3 (2) As a condition of receipt of funds, the governing board of
4 the school district or board of the county office of education, as
5 appropriate, at a regularly scheduled open public hearing shall take
6 testimony from the public, discuss, approve or disapprove the
7 proposed use of funding, and make explicit for each of the budget
8 items in paragraph (2) of subdivision (a) the purposes for which
9 the funds will be used.

10 (3) Using the Standardized Account Code Structure reporting
11 process, a local educational agency shall report expenditures of
12 funds pursuant to the authority of this section by using the
13 appropriate function codes to indicate the activities for which these
14 funds are expended. The department shall collect and provide this
15 information to the Department of Finance and the appropriate
16 policy and budget committees of the Legislature by April 15, 2010,
17 and annually thereafter on April 15 until, and including, April 15,
18 2014.

19 (d) For the 2008–09 fiscal year to the 2012–13 fiscal year,
20 inclusive, local education agencies that use the flexibility provision
21 of the section shall be deemed to be in compliance with the
22 program and funding requirements contained in statutory,
23 regulatory, and provisional language, associated with the items
24 enumerated in subdivision (a).

25 (e) Notwithstanding subdivision (d), the following requirements
26 shall continue to apply:

27 (1) For Items 6110-105-0001 and 6110-156-0001, the amount
28 authorized for flexibility shall exclude the funding provided for
29 instruction of CalWORKs eligible students pursuant to schedules
30 (2) and (3), and provisions 2 and 4.

31 (2) (A) Any instructional materials purchased by a local
32 education agency shall be the materials adopted by the state board
33 for kindergarten and grades 1 to 8, inclusive, and for grades 9 to
34 12, inclusive, the materials purchased shall be aligned with state
35 standards as defined by Section 60605, and shall also meet the
36 reporting and sufficiency requirements contained in Section 60119.

37 (B) For purposes of this section, “sufficiency” means that each
38 pupil has sufficient textbooks and instructional materials in the
39 four core areas as defined by Section 60119, and that all pupils
40 within the local education agency who are enrolled in the same

1 course shall have identical textbooks and instructional materials,
2 as specified in Section 1240.3.

3 (3) For Item 6110-195-0001, the item shall exclude moneys that
4 are required to fund awards for teachers that have previously met
5 the requirements necessary to obtain these awards, until the award
6 is paid in full.

7 (4) For Item 6110-266-0001, a county office of education shall
8 conduct at least one site visit to each of the required schoolsites
9 pursuant to Section 1240 and shall fulfill all of the duties set forth
10 in Sections 1240 and 44258.9.

11 (5) For Item 6110-198-0001, a school district or county office
12 of education that operates the child care component of the
13 Cal-SAFE program shall comply with paragraphs (5) and (6) of
14 subdivision (c) of Section 54746.

15 (6) For Item 6110-105-0001, a recipient shall expend funds
16 allocated for career technical education services as follows:

17 (A) In accordance with the regional plan for occupational course
18 sequences developed pursuant to Section 52302.

19 (B) In order to meet documented labor market demand pursuant
20 to Section 52302.3.

21 (C) Focused on the needs of high school pupils pursuant to
22 Section 52302.8.

23 (f) This section does not invalidate any state law pertaining to
24 teacher credentialing requirements or the functions that require
25 credentials.