

AMENDED IN ASSEMBLY MAY 2, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2362

Introduced by Assembly Member Conway

February 24, 2012

An act to amend Section 42285.5 of the Education Code, relating to education finance, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2362, as amended, Conway. Education finance: necessary small high schools: average daily attendance.

Existing law establishes an education funding system under which the Superintendent of Public Instruction apportions to each qualifying school district state aid funds in an amount not to exceed its revenue limit, an amount that is largely based on the school district's average daily attendance, which is computed as specified. Existing law authorizes specified school districts to calculate their revenue limits in a different manner if the school district includes a necessary small high school, which is defined as a high school with an average daily attendance of less than 301 that meets prescribed conditions. Existing law also authorizes a school district that includes a necessary small high school to include average daily attendance in grades 7 and 8 and the instructors of grade 7 and 8 pupils in the calculation of average daily attendance and number of certificated employees employed in the 2011–12 fiscal year if the school district included average daily attendance in grades 7 and 8 and the instructors of grade 7 and 8 pupils in the calculation of average daily attendance and certificated employees employed in the 2010–11 fiscal year.

This bill would *state the intent of the Legislature that the Superintendent provide the Legislature with a report by February 1, 2013, recommending revisions to the definition of necessary small schools and reforms to the formula for funding necessary small schools.* The bill would instead authorize a school district that includes a necessary small high school to include average daily attendance in grades 7 and 8 and the instructors of grade 7 and 8 pupils in the calculation of average daily attendance and number of certificated employees employed in the ~~current~~ 2012–13 fiscal year if the school district included average daily attendance in grades 7 and 8 and the instructors of grade 7 and 8 pupils in the calculation of average daily attendance and certificated employees employed in the ~~prior~~ 2011–12 fiscal year.

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. *It is the intent of the Legislature that the*
 2 *Superintendent of Public Instruction provide the Legislature with*
 3 *a report by February 1, 2013, recommending revisions to the*
 4 *definition of necessary small schools and reforms to the formula*
 5 *for funding necessary small schools.*

6 ~~SECTION 1.~~

7 SEC. 2. Section 42285.5 of the Education Code is amended to
 8 read:

9 42285.5. (a) For purposes of subdivision (a) of Section 42284
 10 and Section 42285, a school district may include average daily
 11 attendance in grades 7 and 8 and the instructors of grade 7 and 8
 12 pupils in the calculation of average daily attendance and number
 13 of certificated employees employed in the ~~current~~ 2012–13 fiscal
 14 year if the school district included average daily attendance in
 15 grades 7 and 8 and the instructors of grade 7 and 8 pupils in the
 16 calculation of average daily attendance and certificated employees
 17 employed in the ~~prior~~ 2011–12 fiscal year.

18 (b) Notwithstanding Sections 42284 and 42285, for purposes
 19 of this section, with respect to a school district eligible to utilize
 20 subdivision (a), ~~any~~ references to grades 9 to 12, inclusive, in

1 Sections 42284 and 42285 shall be deemed instead to be references
2 to grades 7 to 12, inclusive.

3 ~~SEC. 2.~~

4 *SEC. 3.* This act is an urgency statute necessary for the
5 immediate preservation of the public peace, health, or safety within
6 the meaning of Article IV of the Constitution and shall go into
7 immediate effect. The facts constituting the necessity are:

8 In order to serve pupils without disrupting their education, and
9 to ensure the continuation of necessary small school funding for
10 grades 7 ~~through~~ to 12, inclusive, it is necessary for this act to take
11 effect immediately.

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