

ASSEMBLY BILL

No. 1152

Introduced by Assembly Member Ammiano

February 22, 2013

An act to amend Section 42605 of the Education Code, relating to school finance.

LEGISLATIVE COUNSEL'S DIGEST

AB 1152, as introduced, Ammiano. School finance: categorical programs.

Existing law establishes various categorical education 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 2014–15 fiscal years, inclusive, to apportion from the amounts provided in the annual Budget Act for specified categorical education programs an amount based on the 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 requires a local educational agency to report expenditures of these funds to the State Department of Education.

This bill would remove the California School Age Families Education Program (Cal-SAFE) from the list of categorical education programs for which their funding may be used for any educational purpose. This bill would also require school districts, charter schools, and county offices of education selecting not to maintain or reestablish a Cal-SAFE program to have their funding received in the annual Budget Act for the Cal-SAFE program reappropriated to the Budget Act item related

to the Cal-SAFE program in the 2013–14 fiscal year and each subsequent fiscal year. The reappropriated funds shall be restricted to expanding existing Cal-SAFE programs or establishing new Cal-SAFE programs.

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 hereby finds and declares all of
2 the following:

3 (a) The California School Age Families Education Program
4 (Cal-SAFE) is a comprehensive, integrated, community-linked
5 school-based program that improves the educational experiences
6 for two vulnerable populations: expectant and parenting pupils
7 and their children. The Cal-SAFE program is designed to focus
8 on dropout prevention, school success, and youth development for
9 enrolled pupils by increasing the availability of targeted supportive
10 services, and to provide child care and development services for
11 the children of enrolled pupils so that they are healthy and have
12 enhanced school readiness.

13 (b) Since its implementation in 2000, the Cal-SAFE program
14 has enrolled over 120,000 expectant and parenting pupils, including
15 expectant and parenting fathers, along with over 78,000 of their
16 young children.

17 (c) Most of the expectant and parenting pupils are low-income
18 pupils and many struggle to speak proficient English. The
19 Cal-SAFE program assists in breaking generational cycles of teen
20 pregnancy, welfare dependency, and delinquency.

21 (d) The Cal-SAFE Program 12-Year Evaluation: 2000–12, an
22 independent evaluation, documented key outcomes from 2000 to
23 2012, inclusive, and included the following:

24 (1) Over 73 percent of the pupils exiting the Cal-SAFE program
25 successfully completed their high school education. This graduation
26 rate for teen mothers exceeds the 38 percent graduation rate for
27 teen mothers in the nation as cited by Perper, Peterson, and
28 Manlove in their 2010 report titled Diploma Attainment Among
29 Teen Mothers.

1 (2) From 2009 to 2012, inclusive, nearly 70 percent of the 12th
2 grade Cal-SAFE pupils passed the California High School Exit
3 Exam.

4 (3) Only 8 percent of the babies born represented repeat births
5 while their parents were enrolled in the Cal-SAFE program. This
6 percentage is 50 percent lower than the 16 percent repeat birth rate
7 in 2009 for the nation, as cited by Child Trends in the Teen
8 Pregnancy and Repeat Teen Pregnancy: Data and Key
9 Determinants.

10 (4) Only 7.07 percent of children at birth weighed less than
11 2,500 grams, an accepted threshold for low birth weights, while
12 their parents were enrolled in the Cal-SAFE program. This
13 percentage is lower than the national low birth weight rate of 13.4
14 percent for mothers under 15 years of age, and lower than the rate
15 of 10 percent for mothers ages 15 to 19, inclusive.

16 (5) Almost 60 percent of the children of Cal-SAFE program
17 pupils attended a child care center funded by the Cal-SAFE
18 program and received services based on developmental needs.
19 Furthermore, 95 percent of the children enrolled in
20 Cal-SAFE-sponsored child care were up-to-date on their
21 immunizations. This substantially exceeds the national and state
22 immunization rates of 82 percent and 81 percent, respectively, for
23 children 19 to 35 months of age, inclusive.

24 (e) The Sargent Shriver National Center on Poverty Law
25 commended California for the successful Cal-SAFE program
26 model. The Sargent Shriver National Center on Poverty Law was
27 noted as stating: “The Cal-SAFE program is an excellent model
28 for other states seeking to support their youth who are expecting
29 and parenting so that they may succeed in school and fortify their
30 and their children’s future well-being.” California, however, will
31 not remain the leader in services to this vulnerable pupil and child
32 population without funds.

33 (f) Nationally recognized for its success, the Cal-SAFE program
34 is the model program for the congressional bill Pregnant and
35 Parenting Students Access to Education Act of 2011 (House
36 Resolution No. 2617), which would provide federal funding to
37 states for implementing similar models.

38 (g) Since the Cal-SAFE program has been in the tier III
39 maximum categorical flexibility funding, the number of local
40 educational agencies operating a Cal-SAFE program has decreased

1 from 146 in the 2007–08 school year to only 118 in the 2011–12
2 school year. Only a few of the local educational agencies operate
3 by the statutory requirements pursuant to the California School
4 Age Families Education Program (Article 7.1 (commencing with
5 Section 54740) of Chapter 9 of Part 29 of Division 4 of Title 2).

6 (h) For eight years Cal-SAFE programs served numerous pupils
7 and their children, but the February 2009 changes to tier III
8 maximum categorical flexibility funding resulted in Cal-SAFE
9 programs serving a decreased number of expectant and parenting
10 pupils and their children.

11 (1) From the peak of 13,270 enrolled pupils during the 2007–08
12 school year, Cal-SAFE Program 12-Year Evaluation: 2000–12
13 reported that the number of pupils served decreased 47 percent to
14 an estimated 6,865 pupils who received services during the
15 2011–12 school year.

16 (2) It is estimated that existing Cal-SAFE programs will only
17 serve 3,500 pupils and 1,700 children in the 2013–14 school year.
18 Since the Cal-SAFE program was entered into the tier III maximum
19 categorical flexibility funding, services to Cal-SAFE pupils
20 decreased by 74 percent.

21 (i) The Governor’s budget proposal for the 2013–14 fiscal year
22 to eliminate all Cal-SAFE program funding and further flex the
23 funds to local educational agencies will result in the following
24 consequences:

25 (1) The California Department of Public Health, Maternal, Child,
26 and Adolescent Health (MCAH) and the Adolescent Family Life
27 Program (AFLP) are at risk of losing federal funding for
28 collaborative positive youth development programs that use local
29 Cal-SAFE program sites as grant partners.

30 (2) The MCAH’s federally funded Nurse Family Partnership
31 (NFP) and national home visiting programs will also be negatively
32 impacted since MCAH relies largely on Cal-SAFE program
33 schoolsites for referrals to and from the NFP program.

34 (3) The State of California and local educational agencies will
35 be unable to use Cal-SAFE program dollars to leverage any
36 additional dollars from federal and state sources, as well as
37 community, philanthropic, faith-based, and private sector funding.

38 (4) The Superintendent of Public Instruction’s goal to close the
39 achievement gap and dropout rate will not be met as a result of
40 eliminating Cal-SAFE program funding. The Superintendent’s

1 effort to focus on early education and targeted remediation for
2 pupils will not be met. Cal-SAFE program goals of closing the
3 achievement gap and drop out rates, and focusing on early
4 education and targeting remediation for pupils will not be able to
5 assist the Superintendent in achieving his or her goals as a result
6 of eliminating Cal-SAFE program funds.

7 (5) The state will, once again, be burdened with increased teen
8 pregnancies, welfare dependency, and delinquency leading to
9 additional costs to the state medical, mental health, social services,
10 welfare, and corrections systems. The Cal-SAFE program models
11 the assertion that equal treatment in unequal situations for expectant
12 and parenting pupils and their children is not justice.

13 (6) Local educational agencies no longer operating a Cal-SAFE
14 program will experience a significant loss of revenue since
15 expectant and parenting pupils will not have the support services
16 to remain in school. As a result, school dropout rates will increase
17 because of the decreased services and increased responsibilities
18 of pregnancy and parenting.

19 (7) Expectant and parenting pupils are more likely to experience
20 discrimination because of their pregnant and parenting status, in
21 violation of Title IX of the federal Education Amendments of 1972
22 (20 U.S.C. Sec. 1681 et seq.), resulting in a high risk for civil rights
23 lawsuits.

24 (8) Teen fathers once again will be at a higher risk of low
25 educational achievement, will be more likely to drop out of school,
26 will be more likely to work in low paying, unskilled jobs with little
27 promise of future improvement, and will more likely engage in
28 delinquent or criminal activities leading to lifelong adversities.

29 (9) Children of teen mothers will be more likely at risk for
30 experiencing behavior problems during adolescence, engaging in
31 delinquent or criminal activities, becoming sexually active at a
32 young age, and becoming teen parents themselves.

33 (10) Expectant and parenting pupils and their children will
34 experience increased family and relationship violence and will
35 lack positive parenting and life skills without the learning
36 environment provided by the Cal-SAFE program.

37 SEC. 2. It is the intent of the Legislature that the Cal-SAFE
38 program shall remain a viable, separate program, that the Cal-SAFE
39 program shall be removed from the tier III maximum categorical
40 flexibility funding, that the Cal-SAFE program shall be removed

1 from any future proposed changes to categorical programs, that
2 the Cal-SAFE program shall operate as the model specified in
3 statutory and regulatory language, and that funds not used by local
4 educational agencies to operate the Cal-SAFE program shall be
5 relinquished to the Cal-SAFE program budget line item for
6 establishing new programs or program expansion.

7 SEC. 3. Section 42605 of the Education Code is amended to
8 read:

9 42605. (a) (1) Unless otherwise prohibited under federal law
10 or otherwise specified in subdivision (e), for the 2008–09 fiscal
11 year to the 2014–15 fiscal year, inclusive, recipients of funds from
12 the items listed in paragraph (2) may use funding received, pursuant
13 to subdivision (b), from any of these items listed in paragraph (2)
14 that are contained in Section 2.00 of the annual Budget Act, for
15 any educational purpose.

16 (2) Items 6110-104-0001, 6110-105-0001, 6110-108-0001,
17 6110-122-0001, 6110-124-0001, 6110-137-0001, 6110-144-0001,
18 6110-150-0001, 6110-151-0001, 6110-156-0001, 6110-181-0001,
19 6110-188-0001, 6110-189-0001, 6110-190-0001, 6110-193-0001,
20 6110-195-0001, ~~6110-198-0001~~, 6110-204-0001, 6110-208-0001,
21 6110-209-0001, 6110-211-0001, 6110-227-0001, 6110-228-0001,
22 6110-232-0001, 6110-240-0001, 6110-242-0001, 6110-243-0001,
23 6110-244-0001, 6110-245-0001, 6110-246-0001, 6110-247-0001,
24 6110-248-0001, 6110-260-0001, 6110-265-0001, 6110-266-0001,
25 6110-267-0001, 6110-268-0001, and 6360-101-0001 of Section
26 2.00.

27 (b) (1) For the 2009–10 fiscal year to the 2014–15 fiscal year,
28 inclusive, the Superintendent or other administering state agency,
29 as appropriate, shall apportion from the amounts provided in the
30 annual Budget Act for the items enumerated in paragraph (2) of
31 subdivision (a) an amount to recipients based on the same relative
32 proportion that the recipient received in the 2008–09 fiscal year
33 for the programs funded through the items enumerated in paragraph
34 (2) of subdivision (a).

35 (2) This section and Section 42 of Chapter 12 of the Third
36 Extraordinary Session of the Statutes of 2009 do not authorize a
37 school district that receives funding on behalf of a charter school
38 pursuant to Sections 47634.1 and 47651 to redirect this funding
39 for another purpose unless otherwise authorized in law or pursuant
40 to an agreement between a charter school and its chartering

1 authority. Notwithstanding paragraph (1), for the 2008–09 fiscal
2 year to the 2014–15 fiscal year, inclusive, a school district that
3 receives funding on behalf of a charter school pursuant to Sections
4 47634.1 and 47651 shall continue to distribute the funds to those
5 charter schools based on the relative proportion that the school
6 district distributed in the 2007–08 fiscal year, and shall adjust those
7 amounts to reflect changes in charter school attendance in the
8 district. The amounts allocated shall be adjusted for any greater
9 or lesser amount appropriated for the items enumerated in
10 paragraph (2) of subdivision (a). For a charter school that began
11 operation in the 2008–09 fiscal year, if a school district received
12 funding on behalf of that charter school pursuant to Sections
13 47634.1 and 47651, the school district shall continue to distribute
14 the funds to that charter school based on the relative proportion
15 that the school district distributed in the 2008–09 fiscal year and
16 shall adjust the amount of those funds to reflect changes in charter
17 school attendance in the district. The amounts allocated shall be
18 adjusted for any greater or lesser amount appropriated for the items
19 enumerated in paragraph (2) of subdivision (a).

20 (3) Notwithstanding paragraph (1), for the 2008–09 fiscal year
21 to the 2014–15 fiscal year, inclusive, the Superintendent shall
22 apportion from the amounts appropriated by Item 6110-211-0001
23 of Section 2.00 of the annual Budget Act an amount to a charter
24 school in accordance with the per-pupil methodology prescribed
25 in subdivision (c) of Section 47634.1.

26 (4) Notwithstanding paragraph (1), for the 2008–09 fiscal year
27 to the 2014–15 fiscal year, inclusive, the Superintendent shall
28 apportion from the amounts provided in the annual Budget Act an
29 amount to a school district, charter school, and county office of
30 education based on the same relative proportion that the local
31 educational agency received in the 2007–08 fiscal year for the
32 programs funded through the following items contained in Section
33 2.00 of the annual Budget Act: 6110-104-0001, 6110-105-0001,
34 6110-156-0001, 6110-190-0001, Schedule (3) of 6110-193-0001,
35 ~~6110-198-0001~~, 6110-232-0001, and Schedule (2) of
36 6110-240-0001.

37 (5) For purposes of paragraph (4), if a direct-funded charter
38 school began operation in the 2008–09 fiscal year, the amount that
39 the charter school was entitled to receive from the items
40 enumerated in paragraph (4) for the 2008–09 fiscal year, as certified

1 by the Superintendent in March 2009, is deemed to have been
2 received in the 2007–08 fiscal year.

3 (c) (1) This section does not obligate the state to refund or repay
4 reductions made pursuant to this section. A decision by a school
5 district to reduce funding pursuant to this section for a
6 state-mandated local program shall constitute a waiver of the
7 subvention of funds that the school district is otherwise entitled to
8 pursuant to Section 6 of Article XIII B of the California
9 Constitution on the amount so reduced.

10 (2) (A) As a condition of receipt of funds, the governing board
11 of the school district or governing board of the county office of
12 education, as appropriate, at a regularly scheduled open public
13 hearing shall take testimony from the public, discuss, approve or
14 disapprove the proposed use of funding, and make explicit for each
15 of the budget items in paragraph (2) of subdivision (a) the purposes
16 for which the funds will be used.

17 (B) The regularly scheduled open public hearing held pursuant
18 to subparagraph (A) shall be held before and independent of a
19 meeting where the governing board of the school district or
20 governing board of the county office of education adopts a budget.
21 If the governing board intends to close a program funded by the
22 items listed in paragraph (2) of subdivision (a), the governing board
23 shall identify, in the notice of the agenda of the public hearing or
24 at another public hearing, the program or programs proposed to
25 be closed.

26 (3) Using the Standardized Account Code Structure reporting
27 process, a local educational agency shall report expenditures of
28 funds pursuant to the authority of this section by using the
29 appropriate function codes to indicate the activities for which these
30 funds are expended. The department shall collect and provide this
31 information to the Department of Finance and the appropriate
32 policy and budget committees of the Legislature by April 15, 2010,
33 and annually thereafter on April 15 until, and including, April 15,
34 2016.

35 (d) For the 2008–09 fiscal year to the 2014–15 fiscal year,
36 inclusive, local educational agencies that use the flexibility
37 provision of this section shall be deemed to be in compliance with
38 the program and funding requirements contained in statutory,
39 regulatory, and provisional language, associated with the items
40 enumerated in subdivision (a).

1 (e) Notwithstanding subdivision (d), the following requirements
2 shall continue to apply:

3 (1) For Item 6110-105-0001 of Section 2.00 of the annual
4 Budget Act, the amount authorized for flexibility shall exclude the
5 funding provided to fund remedial educational services pursuant
6 to Provision 4. For Item 6110-156-0001 of Section 2.00 of the
7 annual Budget Act, the amount authorized for flexibility shall
8 exclude the funding provided for instruction of CalWORKs-eligible
9 ~~students~~ *pupils* pursuant to Schedules (2) and (3) and Provisions
10 2 and 4.

11 (2) (A) Any instructional materials purchased by a local
12 educational agency for kindergarten and grades 1 to 8, inclusive,
13 and for grades 9 to 12, inclusive, shall be aligned with the state
14 standards adopted pursuant to Section 60605 or 60605.8, and shall
15 also meet the reporting and sufficiency requirements contained in
16 Section 60119.

17 (B) For purposes of this section, ~~“sufficiency”~~ means
18 *“sufficiency requirements”* are the requirements that each pupil
19 has sufficient textbooks and instructional materials in the four core
20 areas as defined by Section 60119 and that all pupils within the
21 local educational agency who are enrolled in the same course shall
22 have identical textbooks and instructional materials, as specified
23 in Section 1240.3.

24 (3) For Item 6110-195-0001 of Section 2.00 of the annual
25 Budget Act, the item shall exclude moneys that are required to
26 fund awards for teachers that have previously met the requirements
27 necessary to obtain these awards, until the award is paid in full.

28 (4) For Item 6110-266-0001 of Section 2.00 of the annual
29 Budget Act, a county office of education shall conduct at least one
30 site visit to each of the required schoolsites pursuant to Section
31 1240 and shall fulfill all of the duties set forth in Sections 1240
32 and 44258.9.

33 ~~(5) For Item 6110-198-0001 of Section 2.00 of the annual~~
34 ~~Budget Act, a school district or county office of education that~~
35 ~~operates the child care component of the Cal-SAFE program shall~~
36 ~~comply with paragraphs (5) and (6) of subdivision (e) of Section~~
37 ~~54746.~~

38 (f) This section does not invalidate any state law pertaining to
39 teacher credentialing requirements or the functions that require
40 credentials.

1 (g) (1) *The California School Age Families Education Program*
2 *(Cal-SAFE) operated by school districts, charter schools, and*
3 *county offices of education shall be exempt from any new education*
4 *financing proposal that would eliminate categorical programs*
5 *commencing with the 2013–14 fiscal year and all subsequent fiscal*
6 *years.*
7 (2) *Cal-SAFE programs operated by school districts, charter*
8 *schools, and county offices of education in the 2007–08 fiscal year*
9 *shall comply, commencing in the 2013–14 fiscal year, with the*
10 *program and funding requirements specified in the California*
11 *School Age Families Education Program (Article 7.1 (commencing*
12 *with Section 54740) of Chapter 9 of Part 29 of Division 4 of Title*
13 *2) and related regulations.*
14 (3) *School districts, charter schools, and county offices of*
15 *education selecting not to maintain or reestablish a Cal-SAFE*
16 *program described in paragraph (2) shall have the funding*
17 *received in the annual Budget Act for the Cal-SAFE program*
18 *reappropriated to the Budget Act item related to the Cal-SAFE*
19 *program in the 2013–14 fiscal year and each subsequent fiscal*
20 *year. The reappropriated funds shall be restricted to expanding*
21 *existing Cal-SAFE programs or establishing new programs serving*
22 *the specific pupil and child populations.*