

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY MAY 6, 2013

AMENDED IN ASSEMBLY APRIL 10, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1186

Introduced by Assembly Member Bonilla

February 22, 2013

An act to ~~amend Section 42605 of~~ *add Article 8 (commencing with Section 60130) to Chapter 1 of Part 33 of Division 4 of Title 2 of the Education Code, relating to school finance pupil instruction.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1186, as amended, Bonilla. ~~School finance: categorical programs.~~
Pupil instruction: Common Core Implementation Block Grant.

Existing law requires the Academic Content Standards Commission to develop, and the state board to adopt or reject, academic content standards in language arts and mathematics that are internationally benchmarked and build toward college and career readiness by the time of high school graduation, and requires at least 85% of these standards to be the common core academic content standards developed by the Common Core State Standards Initiative consortium or any associated or related interstate collaboration, except as specified.

This bill would establish the Common Core Implementation Block Grant for purposes of implementing the adopted common core academic content standards. The bill would require the Superintendent to allocate block grant funds to school districts, county offices of education, and charter schools on the basis of prior year enrollment and would require the school districts, county offices of education, or charter schools

receiving block grant funds to use those funds for certain purposes, including professional development of teachers, administrators, and paraprofessional educators, as specified. The bill would require, as a condition of receiving block grant funds, the governing board of a school district, the county board of education, or the governing body of a charter school to adopt a plan delineating how the block grant funds shall be spent and to report detailed expenditure information to the State Department of Education on or before January 1, 2015, as specified. The bill would require the department to provide a summary of the expenditure information provided to it to the appropriate budget subcommittees and policy committees of the Legislature on or before July 3, 2015. The bill would require the Common Core Implementation Block Grant to not be implemented unless funding is provided for the block grant in the annual Budget Act or another statute.

~~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 require the Superintendent 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, through the 2019–20 fiscal year. The bill would, commencing with the 2013–14 fiscal year, require a recipient of these funds to use at least 9% of the funds for purposes of professional development for certificated and administrative employees to implement the common core academic content standards, purchasing technology for the purpose of implementing state assessments aligned with the common core academic content standards, or implementation of programs that integrate science, technology, engineering, and mathematics, as appropriate, for pupils in grades 7 to 12, inclusive, or a combination of those purposes. The bill would provide that the requirement that 9% of~~

~~the funds be used for the purposes described above is inoperative if total funding for the specified categorical programs for the 2013–14 fiscal year is not increased by 18% from that funding for the prior fiscal year or if a local control funding formula for kindergarten and grades 1 to 12, inclusive, is enacted during the 2013–14 legislative session. By extending the period of time that a local educational agency is required to report expenditures of funds received pursuant to this provision to the department, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 8 (commencing with Section 60130) is
2 added to Chapter 1 of Part 33 of Division 4 of Title 2 of the
3 Education Code, to read:

4
5 Article 8. Common Core Implementation Block Grant

6
7 60130. This article shall be known, and may be cited, as the
8 Common Core Implementation Block Grant Act.

9 60131. (a) For purposes of implementing the common core
10 academic content standards adopted pursuant to Sections 60605.8,
11 60605.85, and 60811.3, there is hereby established the Common
12 Core Implementation Block Grant. It is the intent of the Legislature
13 that school districts, county offices of education, and charter
14 schools use block grant funds allocated pursuant to subdivision
15 (b) to support the integration of common core academic content
16 standards in instruction for kindergarten and grades 1 to 12,
17 inclusive, for purposes of establishing quality instructional
18 programs for all pupils.

1 (b) For the 2013–14 fiscal year, subject to subdivision (d), the
2 Superintendent shall allocate block grant funds to school districts,
3 county offices of education, and charter schools on the basis of
4 prior year enrollment. The allocated block grant funds shall be
5 available for encumbrance through the 2014–15 fiscal year.

6 (c) A school district, county office of education, or charter
7 school shall expend block grant funds allocated pursuant to this
8 section for any of the following purposes:

9 (1) Professional development for teachers, administrators, and
10 paraprofessional educators that is aligned to the common core
11 academic content standards adopted pursuant to Sections 60605.8,
12 60605.85, and 60811.3.

13 (2) Instructional materials aligned to the common core academic
14 content standards adopted pursuant to Sections 60605.8, 60605.85,
15 and 60811.3, including, but not limited to, supplemental
16 instructional materials as provided in Sections 60605.86, 60605.87,
17 and 60605.88.

18 (3) Integration of the common core academic content standards
19 through technology-based instruction for purposes of improving
20 the academic performance of pupils, including, but not limited to,
21 administering computer-based assessments and providing
22 high-speed, high-bandwidth Internet connectivity for the purpose
23 of administering computer-based assessments.

24 (d) As a condition of receiving block grant funds allocated
25 pursuant to this section, the governing board of a school district,
26 county board of education, or the governing body of a charter
27 school shall do both of the following:

28 (1) Develop and adopt a plan delineating how block grant funds
29 allocated pursuant to this section shall be spent. The plan shall
30 be explained in a regularly scheduled public meeting of the
31 governing board of the school district, county board of education,
32 or governing body of the charter school, before its adoption in a
33 subsequent regularly scheduled public meeting.

34 (2) On or before January 1, 2015, report detailed expenditure
35 information to the department, including, but not limited to, specific
36 purchases made and the number of teachers, administrators, or
37 paraprofessional educators that received professional development.
38 The department shall determine the format for this report.

39 (e) The department shall summarize the information reported
40 pursuant to paragraph (2) of subdivision (d) and shall submit the

1 *summary to the appropriate budget subcommittees and policy*
2 *committees of the Legislature on or before July 3, 2015.*

3 *60132. This article shall not be implemented unless funding is*
4 *provided for the Common Core Implementation Block Grant in*
5 *the annual Budget Act or another statute.*

6 SECTION 1. ~~Section 42605 of the Education Code is amended~~
7 ~~to read:~~

8 ~~42605. (a) (1) Unless otherwise prohibited under federal law~~
9 ~~or otherwise specified in subdivisions (e) and (g), for the 2008–09~~
10 ~~fiscal year to the 2019–20 fiscal year, inclusive, recipients of funds~~
11 ~~from the items listed in paragraph (2) may use funding received,~~
12 ~~pursuant to subdivision (b), from any of these items listed in~~
13 ~~paragraph (2) that are contained in Section 2.00 of the annual~~
14 ~~Budget Act, for any educational purpose.~~

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

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

34 ~~(2) This section and Section 42 of Chapter 12 of the Third~~
35 ~~Extraordinary Session of the Statutes of 2009 do not authorize a~~
36 ~~school district that receives funding on behalf of a charter school~~
37 ~~pursuant to Sections 47634.1 and 47651 to redirect this funding~~
38 ~~for another purpose unless otherwise authorized in law or pursuant~~
39 ~~to an agreement between a charter school and its chartering~~
40 ~~authority. Notwithstanding paragraph (1), for the 2008–09 fiscal~~

1 year to the 2019–20 fiscal year, inclusive, a school district that
 2 receives funding on behalf of a charter school pursuant to Sections
 3 47634.1 and 47651 shall continue to distribute the funds to those
 4 charter schools based on the relative proportion that the school
 5 district distributed in the 2007–08 fiscal year, and shall adjust those
 6 amounts to reflect changes in charter school attendance in the
 7 school district. The amounts allocated shall be adjusted for any
 8 greater or lesser amount appropriated for the items enumerated in
 9 paragraph (2) of subdivision (a). For a charter school that began
 10 operation in the 2008–09 fiscal year, if a school district received
 11 funding on behalf of that charter school pursuant to Sections
 12 47634.1 and 47651, the school district shall continue to distribute
 13 the funds to that charter school based on the relative proportion
 14 that the school district distributed in the 2008–09 fiscal year and
 15 shall adjust the amount of those funds to reflect changes in charter
 16 school attendance in the school district. The amounts allocated
 17 shall be adjusted for any greater or lesser amount appropriated for
 18 the items enumerated in paragraph (2) of subdivision (a).

19 (3) Notwithstanding paragraph (1), for the 2008–09 fiscal year
 20 to the 2019–20 fiscal year, inclusive, the Superintendent shall
 21 apportion from the amounts appropriated by Item 6110-211-0001
 22 of Section 2.00 of the annual Budget Act an amount to a charter
 23 school in accordance with the per-pupil methodology prescribed
 24 in subdivision (c) of Section 47634.1.

25 (4) Notwithstanding paragraph (1), for the 2008–09 fiscal year
 26 to the 2019–20 fiscal year, inclusive, the Superintendent shall
 27 apportion from the amounts provided in the annual Budget Act an
 28 amount to a school district, charter school, and county office of
 29 education based on the same relative proportion that the local
 30 educational agency received in the 2007–08 fiscal year for the
 31 programs funded through the following items contained in Section
 32 2.00 of the annual Budget Act: 6110-104-0001, 6110-105-0001,
 33 6110-156-0001, 6110-190-0001, Schedule (3) of 6110-193-0001,
 34 6110-198-0001, 6110-232-0001, and Schedule (2) of
 35 6110-240-0001.

36 (5) For purposes of paragraph (4), if a direct-funded charter
 37 school began operation in the 2008–09 fiscal year, the amount that
 38 the charter school was entitled to receive from the items
 39 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 (e) (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 this information
31 and provide it 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 2021.

35 (d) For the 2008–09 fiscal year to the 2019–20 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 pursuant to Schedules (2) and (3) and Provisions 2 and~~
10 ~~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 requirements” are~~
18 ~~the requirements that each pupil has sufficient textbooks and~~
19 ~~instructional materials in the four core areas as defined by Section~~
20 ~~60119 and that all pupils within the local educational agency who~~
21 ~~are enrolled in the same course shall have identical textbooks and~~
22 ~~instructional materials, as specified in Section 1240.3.~~

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

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

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

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

1 ~~(g) (1) Commencing with the 2013–14 fiscal year, the~~
 2 ~~authorization in subdivision (a), to use funding received pursuant~~
 3 ~~to subdivision (b) for any educational purpose, shall only apply~~
 4 ~~if, for each fiscal year from 2013–14 fiscal year to the 2019–20~~
 5 ~~fiscal year, inclusive, the recipient uses at least 9 percent of the~~
 6 ~~total amount of funds received pursuant to subdivision (b) for any,~~
 7 ~~or a combination, of the following purposes:~~

8 ~~(A) Professional development for certificated and administrative~~
 9 ~~employees to implement the common core academic content~~
 10 ~~standards established pursuant to Section 60605.8.~~

11 ~~(B) Purchasing technology for the purpose of implementing~~
 12 ~~state assessments aligned with the common core academic content~~
 13 ~~standards.~~

14 ~~(C) Implementation of programs that integrate science,~~
 15 ~~technology, engineering, and mathematics, as appropriate for pupils~~
 16 ~~in grades 7 to 12, inclusive.~~

17 ~~(2) This subdivision shall be inoperative if either of the~~
 18 ~~following apply:~~

19 ~~(A) The total amount provided for the items enumerated in~~
 20 ~~paragraph (2) of subdivision (a) for the 2013–14 fiscal year is~~
 21 ~~increased by less than 18 percent over the amount provided for~~
 22 ~~those items in the 2012–13 fiscal year.~~

23 ~~(B) A local control funding formula for kindergarten and grades~~
 24 ~~1 to 12, inclusive, is enacted during the 2013–14 legislative session.~~

25 ~~(3) If the department determines that this subdivision applies,~~
 26 ~~it shall promptly display that fact prominently on the department’s~~
 27 ~~Internet Web site.~~

28 ~~SEC. 2. If the Commission on State Mandates determines that~~
 29 ~~this act contains costs mandated by the state, reimbursement to~~
 30 ~~local agencies and school districts for those costs shall be made~~
 31 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
 32 ~~4 of Title 2 of the Government Code.~~