

**Introduced by Senator Cannella**February 10, 2014

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An act to amend Sections 17193.5, 17199.4, 17592.74, 32282, 35186, 35292.5, 41003.3, 44279.2, 44279.25, 44279.7, 44320, 44328, 47613.1, 47630, 47634.3, 47634.4, 47650, 47651, 48660, 60119, 60851, 63000, 63001, and 64000 of, to amend the heading of Article 7 (commencing with Section 60117) of Chapter 1 of Part 33 of Division 4 of Title 2 of, to repeal Sections 315.5, 316.5, 317, 1982.3, 1982.5, 1983.5, 17584.3, 17586, 17588, 17592, 32285, 41376, 41378, 45037, 46306, 47613.2, 47630.5, 47633, 47634.1, 48660.2, 48663, 48664, 60117, 60118, 62002, 62002.5, 62003, 62004, 62005, and 62005.5 of, to repeal Article 11 (commencing with Section 1830) of Chapter 6 of Part 2 of Division 1 of Title 1 of, to repeal Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of, to repeal Article 10.4 (commencing with Section 35294.10) of Chapter 2 of Part 21 of Division 3 of Title 2 of, to repeal Article 4 (commencing with Section 37252) of Chapter 2 of Part 22 of Division 3 of Title 2 of, to repeal Article 1 (commencing with Section 41500), Article 2 (commencing with Section 41505), Article 3 (commencing with Section 41510), Article 4 (commencing with Section 41520), Article 5 (commencing with Section 41530), and Article 7 (commencing with Section 41570) of Chapter 3.2 of Part 24 of Division 3 of Title 2 of, to repeal Article 13 (commencing with Section 41920) of Chapter 5 of Part 24 of Division 3 of Title 2 of, to repeal Article 11 (commencing with Section 44380), Article 12 (commencing with Section 44390), and Article 13 (commencing with Section 44395) of Chapter 2 of Part 25 of Division 3 of Title 2 of, to repeal Article 4.5 (commencing with Section 44500), Article 5 (commencing with Section 44520), Article 6 (commencing with Section 44560), Article 7 (commencing with Section 44570), Article 8 (commencing with Section 44580), Article 10 (commencing

with Section 44630), Article 10.5 (commencing with Section 44645), and Article 10.6 (commencing with Section 44650) of Chapter 3 of Part 25 of Division 3 of Title 2 of, to repeal Article 3 (commencing with Section 44681) of Chapter 3.1 of Part 25 of Division 3 of Title 2 of, to repeal Article 8.5 (commencing with Section 45370) of Chapter 5 of Part 25 of Division 3 of Title 2 of, to repeal Article 15 (commencing with Section 51870) of Chapter 5 of Part 28 of Division 4 of Title 2 of, to repeal Article 4.5 (commencing with Section 52378), Article 5 (commencing with Section 52381), Article 8 (commencing with Section 52480), and Article 9 (commencing with Section 52485) of Chapter 9 of Part 28 of Division 4 of Title 2 of, to repeal Article 4 (commencing with Section 52750) of Chapter 11 of Part 28 of Division 4 of Title 2 of, to repeal Article 1 (commencing with Section 52800) of Chapter 12 of Part 28 of Division 4 of Title 2 of, to repeal Article 7.1 (commencing with Section 54740) of Chapter 9 of Part 29 of Division 4 of Title 2 of, to repeal Article 3 (commencing with Section 60240) and Article 7 (commencing with Section 60350) of Chapter 2 of Part 33 of Division 4 of Title 2 of, to repeal Chapter 5.1 (commencing with Section 8820) of Part 6 of Division 1 of Title 1 of, to repeal Chapter 13 (commencing with Section 11200) and Chapter 17 (commencing with Section 11600) of Part 7 of Division 1 of Title 1 of, to repeal Chapter 2.5 (commencing with Section 37300) of Part 22 of Division 3 of Title 2 of, to repeal Chapter 3.3 (commencing with Section 44700), Chapter 3.33 (commencing with Section 44720), Chapter 3.34 (commencing with Section 44730), Chapter 3.36 (commencing with Section 44735), Chapter 3.45 (commencing with Section 44755), and Chapter 3.5 (commencing with Section 44760) of Part 25 of Division 3 of Title 2 of, to repeal Chapter 6.8 (commencing with Section 52080), Chapter 6.9 (commencing with Section 52100), Chapter 6.10 (commencing with Section 52120), Chapter 7 (commencing with Section 52130), Chapter 8 (commencing with Section 52200), Chapter 8.3 (commencing with Section 52240), Chapter 8.5 (commencing with Section 52250), Chapter 8.6 (commencing with Section 52270), and Chapter 12.5 (commencing with Section 52920) of Part 28 of Division 4 of Title 2 of, to repeal Chapter 1 (commencing with Section 54000) and Chapter 2 (commencing with Section 54100) of Part 29 of Division 4 of Title 2 of, to repeal Chapter 5 (commencing with Section 58700) of Part 31 of Division 4 of Title 2 of, and to repeal Chapter 4 (commencing with Section 60500) of Part 33 of Division 4 of Title 2 of, the Education Code, relating to school finance.

LEGISLATIVE COUNSEL’S DIGEST

SB 971, as introduced, Cannella. School finance: categorical programs.

Existing law establishes the public school system in this state, and, among other things, provides for the establishment of county superintendents of schools, school districts, and charter schools throughout the state and for their provision of instruction at the public elementary and secondary schools these local educational agencies maintain. Existing law establishes a public school financing system that requires state funding for county superintendents of schools, school districts, and charter schools to be calculated pursuant to a local control funding formula, as specified.

Existing law establishes various education programs under which funding is provided for specific educational purposes, which are commonly known as categorical programs, including, among many others, programs for community-based English tutoring, teacher training, and class size reduction. Existing law further authorizes local educational agencies to expend, for any local educational purpose, the funds previously required to be spent on specified categorical education programs.

This bill would repeal many provisions requiring, authorizing, or prescribing the elements of certain categorical education programs, and would make conforming changes, correct cross-references, and make other nonsubstantive changes.

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 315.5 of the Education Code is repealed.
- 2 315.5. ~~(a) In furtherance of its constitutional and legal~~
- 3 ~~requirement to offer special language assistance to children coming~~
- 4 ~~from backgrounds of limited English proficiency, the state shall~~
- 5 ~~encourage family members and others to provide personal English~~
- 6 ~~language tutoring to those children, and support these efforts by~~
- 7 ~~raising the general level of English language knowledge in the~~
- 8 ~~community.~~
- 9 ~~(b) Programs funded under this section shall be provided through~~
- 10 ~~schools or community organizations.~~

~~(e) Funding for programs authorized under this section shall be provided pursuant to an appropriation in the annual Budget Act. Funds shall be apportioned to the Superintendent for disbursement to school districts for the purpose of providing funding under this section for free or subsidized programs of adult English language instruction to parents or other members of the community who pledge to provide personal English language tutoring to improve the English language proficiency of California school children with limited English proficiency.~~

SEC. 2. Section 316.5 of the Education Code is repealed.

~~316.5. (a) The Legislature finds and declares all of the following:~~

~~(1) The more a parent or guardian is involved in the education of his or her child the better the child will perform in school.~~

~~(2) English language proficiency is critical to academic success.~~

~~(b) As a condition for receiving funding under Section 315.5 for the 2007-08 fiscal year, each school district shall develop a plan, to be approved by the governing board of the school district, certifying that it will do all of the following:~~

~~(1) Emphasize English language acquisition and tutoring skills for parents whose primary language is not English.~~

~~(2) Whenever possible, operate Community-Based English Tutoring (CBET) Programs at neighborhood schoolsites in order to provide full articulation between CBET Programs and instructional programs for school-aged English language learners.~~

~~(3) Describe in its plan how the program will encourage the following:~~

~~(A) Opportunities for parent-child tutoring activities.~~

~~(B) Opportunities for the parent to become involved at the school that his or her child attends.~~

~~(4) Describe how the program will document the following:~~

~~(A) Literacy training for adults that leads to English fluency and the ability to provide educational support for children.~~

~~(B) Development of tutoring skills.~~

~~(5) Describe the projected goals of the program with respect to participant educational achievement and the manner in which the agency will measure and report progress in meeting its goals.~~

~~(6) Describe the manner in which the program will leverage available funding from federal, state, and local sources in the area proposed to be served by the agency.~~

1 ~~(7) Include a program to recruit parents of K-12 English~~  
2 ~~language learners, especially parents of pupils enrolled in K-12~~  
3 ~~schools that are eligible to participate in the High Priority Schools~~  
4 ~~Grant Program established under Article 3.5 (commencing with~~  
5 ~~Section 52055.600) of Chapter 6.1 of Part 28.~~

6 ~~(8) The plan shall demonstrate that the CBET Program meets~~  
7 ~~the following objectives in order to ensure that adult students in~~  
8 ~~the CBET Program provide the best possible tutoring to K-12~~  
9 ~~English language learners:~~

10 ~~(A) The adult students participating in the CBET Program shall~~  
11 ~~make measurable English language learning progress.~~

12 ~~(B) The CBET Program shall be administered in accordance~~  
13 ~~with research-based strategies for teaching English language~~  
14 ~~learners.~~

15 ~~(C) The data collected under Section 317 shall be used by CBET~~  
16 ~~administrators and staff to inform curriculum, instruction,~~  
17 ~~assessment, research, and in-service staff development.~~

18 ~~(e) As a condition for receiving funding under Section 315.5~~  
19 ~~for the 2008-09 fiscal year and for each fiscal year thereafter, the~~  
20 ~~governing board of the school district shall review, revise as~~  
21 ~~necessary, and approve the plan. The plan shall be reviewed, and~~  
22 ~~revised as necessary, not less than once every three years. During~~  
23 ~~its review, the governing board shall consider the data collected~~  
24 ~~under Section 317.~~

25 ~~(d) For the purposes of this section, the term “parent” includes~~  
26 ~~a parent, legal guardian, primary caregiver, or an individual in loco~~  
27 ~~parentis.~~

28 SEC. 3. Section 317 of the Education Code is repealed.

29 ~~317. (a) As a condition for receiving funds under Section 315.5~~  
30 ~~in any fiscal year, a school district shall collect the following data~~  
31 ~~for use in updating its plans and to make available to the state as~~  
32 ~~requested:~~

33 ~~(1) Improvement in adult English-as-a-second-language literacy~~  
34 ~~skill levels in reading, writing, and speaking the English language,~~  
35 ~~numeracy, problemsolving, and other literacy skills.~~

36 ~~(2) Improvements in the attendance of pupils with~~  
37 ~~limited-English-language proficiency who have received tutoring~~  
38 ~~from adults who have been identified as participants in programs~~  
39 ~~established pursuant to Sections 315, 315.5, 316, and 316.5.~~

1 ~~(b) A school district that receives funding under Section 315.5~~  
2 ~~shall provide a pretest and a posttest of reading achievement for~~  
3 ~~adult English-as-a-second-language pupils.~~

4 ~~(c) The district shall review individual K-12 pupil data from~~  
5 ~~the English language development test administered under Section~~  
6 ~~60810 and the Standardized Testing and Reporting (STAR)~~  
7 ~~Program set forth in Article 4 (commencing with Section 60640)~~  
8 ~~of Chapter 5 of Part 33, in order to determine whether there has~~  
9 ~~been achievement progress made by K-12 pupils who were tutored~~  
10 ~~by Community-Based English Tutoring (CBET) Program students.~~

11 SEC. 4. Article 11 (commencing with Section 1830) of Chapter  
12 6 of Part 2 of Division 1 of Title 1 of the Education Code is  
13 repealed.

14 SEC. 5. Section 1982.3 of the Education Code is repealed.

15 ~~1982.3. Any amounts received by a county superintendent of~~  
16 ~~schools for revenue limit purposes that are derived from the average~~  
17 ~~daily attendance generated by pupils enrolled in a community~~  
18 ~~school shall be expended only for the purposes specified in~~  
19 ~~subdivision (b) of Section 42238.18.~~

20 SEC. 6. Section 1982.5 of the Education Code is repealed.

21 ~~1982.5. Notwithstanding subdivision (b) of Section 1982, for~~  
22 ~~purposes of making apportionments from the State School Fund,~~  
23 ~~pupils enrolled in juvenile court schools because they were expelled~~  
24 ~~pursuant to subdivision (a) of Section 48915 shall be deemed the~~  
25 ~~same as pupils enrolled in county community schools pursuant to~~  
26 ~~subdivision (a), (b), or (d) of Section 1981.~~

27 SEC. 7. Section 1983.5 of the Education Code is repealed.

28 ~~1983.5. Notwithstanding any other provision of law,~~  
29 ~~apportionments claimed by a county office of education for units~~  
30 ~~of average daily attendance for pupils enrolled pursuant to~~  
31 ~~subdivision (c) of Section 1981 in excess of the number claimed~~  
32 ~~by that county office in the 1991-92 fiscal year shall be funded at~~  
33 ~~the statewide average revenue limit per unit of average daily~~  
34 ~~attendance for that category of enrollment. This section does not~~  
35 ~~apply to pupils enrolled in kindergarten or any of grades 1 to 6,~~  
36 ~~inclusive, pursuant to paragraphs (1) or (2) of subdivision (c) of~~  
37 ~~Section 1981.~~

38 SEC. 8. Chapter 5.1 (commencing with Section 8820) of Part  
39 6 of Division 1 of Title 1 of the Education Code is repealed.

1 SEC. 9. Chapter 13 (commencing with Section 11200) of Part  
2 7 of Division 1 of Title 1 of the Education Code is repealed.

3 SEC. 10. Chapter 17 (commencing with Section 11600) of Part  
4 7 of Division 1 of Title 1 of the Education Code is repealed.

5 SEC. 11. Section 17193.5 of the Education Code is amended  
6 to read:

7 17193.5. (a) For purposes of this section, “public credit  
8 provider” means any financial institution or combination of  
9 financial institutions, that consists either solely, or has as a member  
10 or participant, a public retirement system. Notwithstanding any  
11 other law, a public credit provider, in connection with providing  
12 credit enhancement for bonds, notes, certificates of participation,  
13 or other evidences of indebtedness of a participating party, may  
14 require the participating party to agree to the following conditions:

15 (1) If a participating party adopts a resolution by a majority vote  
16 of its board to participate under this section, it shall provide notice  
17 to the Controller of that election. The notice shall include a  
18 schedule for the repayment of principal and interest on the bonds,  
19 notes, certificates of participation, or other evidence of  
20 indebtedness and identify the public credit provider that provided  
21 credit enhancement. The notice shall be provided not later than  
22 the date of issuance of the bonds.

23 (2) If, for any reason, a public credit provider is required to  
24 make principal or interest payments, or both, pursuant to a credit  
25 enhancement agreement, the public credit provider shall  
26 immediately notify the Controller of that fact and of the amount  
27 paid out by the public credit provider.

28 (3) Upon receipt of the notice required by paragraph (2), the  
29 Controller shall make an apportionment to the public credit  
30 provider in the amount of the payments made by the public credit  
31 provider for the purpose of reimbursing the public credit provider  
32 for its expenditures made pursuant to the credit enhancement  
33 agreement. The Controller shall make that apportionment only  
34 from moneys designated for apportionments to a participating  
35 party, provided that such moneys are from one or more of the  
36 following:

37 (A) Any *funding apportioned for purposes of revenue-limit*  
38 *apportionments limits or the local control funding formula pursuant*  
39 *to Section 42238.02, as implemented by Section 42238.03, to a*

1 school district or county office of education without regard to the  
2 specific funding source of the apportionment.

3 (B) Any general apportionments to a community college district  
4 without regard to the specific funding source of the apportionment.

5 ~~(C) Any charter school block grant apportionments to a charter  
6 school without regard to the specific funding source of the  
7 apportionment.~~

8 ~~(D)~~

9 (C) Any *funding apportioned for purposes of the charter school*  
10 ~~category~~ *block grant apportionments or the local control funding*  
11 *formula pursuant to Section 42238.02, as implemented by Section*  
12 *42238.03, to a charter school without regard to the specific funding*  
13 *source of the apportionment.*

14 (b) The amount apportioned for a participating party pursuant  
15 to this section shall be deemed to be an allocation to the  
16 participating party and shall be included in the computation of  
17 allocation, limit, entitlement, or apportionment for the participating  
18 party. The participating party and its creditors do not have a claim  
19 to funds apportioned or anticipated to be apportioned to the trustee  
20 by the Controller pursuant to paragraph (3) of subdivision (a).

21 SEC. 12. Section 17199.4 of the Education Code is amended  
22 to read:

23 17199.4. (a) Notwithstanding any other law, any participating  
24 party, in connection with securing financing or refinancing of  
25 projects, or working capital pursuant to this chapter, may elect to  
26 guarantee or provide for payment of the bonds and related  
27 obligations in accordance with the following conditions:

28 (1) If a participating party adopts a resolution by a majority vote  
29 of its board to participate under this section, it shall provide notice  
30 to the Controller of that election. The notice shall include a  
31 schedule for the repayment of principal and interest on the bonds,  
32 and any other costs necessary or incidental to financing pursuant  
33 to this chapter, and identify a trustee appointed by the participating  
34 party or the authority for purposes of this section. If payment of  
35 all or a portion of the principal and interest on the bond is secured  
36 by a letter of credit or other instrument of direct payment, the  
37 notice may provide for reimbursements to the provider of the  
38 instrument in lieu of payment of that portion of the principal and  
39 interest of the bonds. The notice shall be provided not later than  
40 the date of issuance of the bonds or 60 days before the next

1 payment, whichever date is later. The participating party shall  
2 update the notice at least annually if there is a change in the  
3 required payment for any reason, including, but not limited to,  
4 providing for new or increased costs necessary or incidental to the  
5 financing.

6 (2) If, for any reason, the participating party will not make a  
7 payment at the time the payment is required, the participating party  
8 shall notify the trustee of that fact and of the amount of the  
9 deficiency. If the trustee receives this notice from the participating  
10 party, or does not receive any payment by the date that payment  
11 becomes due, the trustee shall immediately communicate that  
12 information to the Controller.

13 (3) Upon receipt of the notice required by paragraph (2), the  
14 Controller shall make an apportionment to the trustee on the date  
15 shown in the schedule in the amount of the deficiency for the  
16 purpose of making the required payment. The Controller shall  
17 make that apportionment only from moneys designated for  
18 apportionment to a participating party, provided that such moneys  
19 are from one or more of the following:

20 (A) *Any funding apportioned for purposes of revenue-limit*  
21 *apportionments limits or the local control funding formula pursuant*  
22 *to Section 42238.02, as implemented by Section 42238.03, to a*  
23 *school district or county office of education without regard to the*  
24 *specific funding source of the apportionment.*

25 ~~(B) Any charter school block grant apportionments to a charter~~  
26 ~~school without regard to the specific funding source of the~~  
27 ~~apportionment.~~

28 ~~(C)~~

29 (B) *Any funding apportioned for purposes of the charter school*  
30 *categorical block grant apportionments or the local control funding*  
31 *formula pursuant to Section 42238.02, as implemented by Section*  
32 *42238.03, to a charter school without regard to the specific funding*  
33 *source of the apportionment.*

34 (4) As an alternative to the procedures set forth in paragraphs  
35 (2) and (3), the participating party may provide a transfer schedule  
36 in its notice to the Controller of its election to participate under  
37 this section. The transfer schedule shall set forth amounts to be  
38 transferred to the trustee and the date for the transfers. The  
39 Controller, subject to the limitation in paragraph (3), shall make  
40 apportionments to the trustee of those amounts on the specified

1 date for the purpose of making those transfers. The authority may  
2 require a participating party to proceed under this subdivision.

3 (b) The amount apportioned for a participating party pursuant  
4 to this section shall be deemed to be an allocation to the  
5 participating party and shall be included in the computation of  
6 allocation, limit, entitlement, or apportionment for the participating  
7 party.

8 The participating party and its creditors do not have a claim to  
9 funds apportioned or anticipated to be apportioned to the trustee  
10 by the Controller pursuant to paragraph (3) and (4) of subdivision  
11 (a), or to the funds apportioned to by the Controller to the trustee  
12 under any other provision of this section.

13 (c) (1) Participating parties that elect to participate under this  
14 section shall apply to the authority. The authority shall consider  
15 each of the following priorities in making funds available:

16 (A) First priority shall be given to school districts, charter  
17 schools, or county offices of education that apply for funding for  
18 instructional classroom space.

19 (B) Second priority shall be given to school districts, charter  
20 schools, or county offices of education that apply for funding of  
21 modernization of instructional classroom space.

22 (C) Third priority shall be given to all other eligible costs, as  
23 defined in Section 17173.

24 (2) The authority shall prioritize applications at appropriate  
25 intervals.

26 (3) A school district electing to participate under this section  
27 that has applied for revenue bond moneys for purposes of joint  
28 venture school facilities construction projects, pursuant to Article  
29 5 (commencing with Section 17060) of Chapter 12, shall not be  
30 subject to the priorities set forth in paragraph (1).

31 (d) This section shall not be construed to make the State of  
32 California liable for any payments within the meaning of Section  
33 1 of Article XVI of the California Constitution or otherwise, except  
34 as expressly provided in this section.

35 (e) A school district that has a qualified or negative certification  
36 pursuant to Section 42131, or a county office of education that has  
37 a qualified or negative certification pursuant to Section 1240, may  
38 not participate under this section.

39 SEC. 13. Section 17584.3 of the Education Code is repealed.

1 ~~17584.3. (a) A priority for use of funds appropriated pursuant~~  
2 ~~to Section 17584 shall be to ensure that facilities, including, but~~  
3 ~~not limited to, restroom facilities for pupils, are functional and that~~  
4 ~~they meet local hygiene standards generally applicable to public~~  
5 ~~facilities.~~

6 ~~(b) This section does not authorize the use of funds apportioned~~  
7 ~~pursuant to Section 17584 for regular operational and maintenance~~  
8 ~~costs of restrooms and other facilities. The funds apportioned~~  
9 ~~pursuant to Section 17584 may only be used for the deferred~~  
10 ~~maintenance of those facilities consistent with subdivision (a) of~~  
11 ~~Section 17582.~~

12 SEC. 14. Section 17586 of the Education Code is repealed.

13 ~~17586. Notwithstanding any limitations imposed as a result of~~  
14 ~~actions taken by the State Allocation Board pursuant to Section~~  
15 ~~17462, a school district shall be eligible to receive an~~  
16 ~~apportionment pursuant to subdivision (b) of Section 17584, if it~~  
17 ~~meets all of the following criteria:~~

18 ~~(a) There are excess revenues that resulted from the sale of~~  
19 ~~surplus sites upon which there was no encumbrance to the board.~~

20 ~~(b) The Superintendent of Public Instruction has verified all of~~  
21 ~~the following:~~

22 ~~(1) The district had a fiscal emergency in any one or both of the~~  
23 ~~1987–88 and 1988–89 fiscal years.~~

24 ~~(2) The fiscal emergency was caused primarily by required~~  
25 ~~expenditures.~~

26 ~~(3) The district has taken reasonable steps to address the fiscal~~  
27 ~~emergency.~~

28 SEC. 15. Section 17588 of the Education Code is repealed.

29 ~~17588. As a result of the determination made in Section 17587,~~  
30 ~~the State Allocation Board may do any of the following:~~

31 ~~(a) Increase the apportionment to an eligible school district by~~  
32 ~~the amount it determines necessary to complete the critical project,~~  
33 ~~and require a contribution by the district.~~

34 ~~(b) Waive repayment by the district, in whole or in part.~~

35 ~~(c) Reduce state apportionments pursuant to Section 17584 in~~  
36 ~~future years to offset the increased apportionment.~~

37 ~~The State Allocation Board shall develop and adopt regulations~~  
38 ~~for the application of subdivisions (a), (b), and (c). The regulations~~  
39 ~~may give consideration to a school district's financial resources;~~

1 ongoing deferred maintenance needs, and the nature of the project  
2 for which the hardship apportionment is requested.

3 The waiver authorized in subdivision (b) may be applied by the  
4 board to any repayment otherwise required by law, regardless of  
5 apportionment date.

6 SEC. 16. Section 17592 of the Education Code is repealed.

7 ~~17592. From any moneys in the State School Deferred~~  
8 ~~Maintenance Fund, the board shall make available to the Director~~  
9 ~~of General Services such amounts as it determines necessary to~~  
10 ~~provide the assistance, pursuant to this chapter, required by Section~~  
11 ~~15504 of the Government Code.~~

12 SEC. 17. Section 17592.74 of the Education Code is amended  
13 to read:

14 17592.74. Notwithstanding any other law, the funds provided  
15 to school districts from the School Facilities Emergency Repair  
16 Account pursuant to this article for the purpose of emergency repair  
17 grants shall not be used *deposited into a school district deferred*  
18 *maintenance fund for purposes established pursuant to ~~do either~~  
19 ~~of the following: Section 17582.~~*

20 (a) ~~Supplant funds provided to local educational agencies for~~  
21 ~~the deferred maintenance of school facilities pursuant to Sections~~  
22 ~~17584 and 17587.~~

23 (b) ~~Be deposited into a school district deferred maintenance~~  
24 ~~fund for the purposes established pursuant to Section 17582.~~

25 SEC. 18. Article 3.6 (commencing with Section 32228) of  
26 Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code  
27 is repealed.

28 SEC. 19. Section 32282 of the Education Code is amended to  
29 read:

30 32282. (a) The comprehensive school safety plan shall include,  
31 but not be limited to, both of the following:

32 (1) Assessing the current status of school crime committed on  
33 school campuses and at school-related functions.

34 (2) Identifying appropriate strategies and programs that will  
35 provide or maintain a high level of school safety and address the  
36 school's procedures for complying with existing laws related to  
37 school safety, which shall include the development of all of the  
38 following:

1 (A) Child abuse reporting procedures consistent with Article  
2 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of  
3 Part 4 of the Penal Code.

4 (B) Disaster procedures, routine and emergency, including  
5 adaptations for pupils with disabilities in accordance with the  
6 federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec.  
7 12101 et seq.). The disaster procedures shall also include, but not  
8 be limited to, both of the following:

9 (i) Establishing an earthquake emergency procedure system in  
10 every public school building having an occupant capacity of 50  
11 or more pupils or more than one classroom. A *school* district or  
12 county office *of education* may work with the Office of Emergency  
13 Services and the Seismic Safety Commission to develop and  
14 establish the earthquake emergency procedure system. The system  
15 shall include, but not be limited to, all of the following:

16 (I) A school building disaster plan, ready for implementation  
17 at any time, for maintaining the safety and care of pupils and staff.

18 (II) A drop procedure whereby each pupil and staff member  
19 takes cover under a table or desk, dropping to his or her knees,  
20 with the head protected by the arms, and the back to the windows.  
21 A drop procedure practice shall be held at least once each school  
22 quarter in elementary schools and at least once a semester in  
23 secondary schools.

24 (III) Protective measures to be taken before, during, and  
25 following an earthquake.

26 (IV) A program to ensure that pupils and both the certificated  
27 and classified staff are aware of, and properly trained in, the  
28 earthquake emergency procedure system.

29 (ii) Establishing a procedure to allow a public agency, including  
30 the American Red Cross, to use school buildings, grounds, and  
31 equipment for mass care and welfare shelters during disasters or  
32 other emergencies affecting the public health and welfare. The  
33 *school* district or county office *of education* shall cooperate with  
34 the public agency in furnishing and maintaining the services as  
35 the *school* district or county office *of education* may deem  
36 necessary to meet the needs of the community.

37 (C) Policies pursuant to subdivision (d) of Section 48915 for  
38 pupils who committed an act listed in subdivision (c) of Section  
39 48915 and other school-designated serious acts which would lead  
40 to suspension, expulsion, or mandatory expulsion recommendations

1 pursuant to Article 1 (commencing with Section 48900) of Chapter  
2 6 of Part 27 of Division 4 of Title 2.

3 (D) Procedures to notify teachers of dangerous pupils pursuant  
4 to Section 49079.

5 (E) A discrimination and harassment policy consistent with the  
6 prohibition against discrimination contained in Chapter 2  
7 (commencing with Section 200) of Part 1.

8 (F) The provisions of any schoolwide dress code, pursuant to  
9 Section 35183, that prohibits pupils from wearing “gang-related  
10 apparel,” if the school has adopted that type of a dress code. For  
11 those purposes, the comprehensive school safety plan shall define  
12 “gang-related apparel.” The definition shall be limited to apparel  
13 that, if worn or displayed on a school campus, reasonably could  
14 be determined to threaten the health and safety of the school  
15 environment. Any schoolwide dress code established pursuant to  
16 this section and Section 35183 shall be enforced on the school  
17 campus and at any school-sponsored activity by the principal of  
18 the school or the person designated by the principal. For purposes  
19 of this paragraph, “gang-related apparel” shall not be considered  
20 a protected form of speech pursuant to Section 48950.

21 (G) Procedures for safe ingress and egress of pupils, parents,  
22 and school employees to and from school.

23 (H) A safe and orderly environment conducive to learning at  
24 the school.

25 (I) The rules and procedures on school discipline adopted  
26 pursuant to Sections 35291 and 35291.5.

27 (b) It is the intent of the Legislature that schools develop  
28 comprehensive school safety plans using existing resources,  
29 including the materials and services of the partnership, pursuant  
30 to this chapter. It is also the intent of the Legislature that schools  
31 use the handbook developed and distributed by the School/Law  
32 Enforcement Partnership Program entitled “Safe Schools: A  
33 Planning Guide for Action” in conjunction with developing their  
34 plan for school safety.

35 ~~(e) Grants to assist schools in implementing their comprehensive~~  
36 ~~school safety plan shall be made available through the partnership~~  
37 ~~as authorized by Section 32285.~~

38 ~~(d)~~

39 (c) Each schoolsite council or school safety planning committee  
40 in developing and updating a comprehensive school safety plan

1 shall, where practical, consult, cooperate, and coordinate with  
2 other schoolsite councils or school safety planning committees.

3 (e)

4 (d) The comprehensive school safety plan may be evaluated  
5 and amended, as needed, by the school safety planning committee,  
6 but shall be evaluated at least once a year, to ensure that the  
7 comprehensive school safety plan is properly implemented. An  
8 updated file of all safety-related plans and materials shall be readily  
9 available for inspection by the public.

10 (f)

11 (e) As comprehensive school safety plans are reviewed and  
12 updated, the Legislature encourages all plans, to the extent that  
13 resources are available, to include policies and procedures aimed  
14 at the prevention of bullying.

15 (g)

16 (f) The comprehensive school safety plan, as written and updated  
17 by the schoolsite council or school safety planning committee,  
18 shall be submitted for approval under subdivision (a) of Section  
19 32288.

20 SEC. 20. Section 32285 of the Education Code is repealed.

21 ~~32285. (a) The governing board of a school district, on behalf~~  
22 ~~of one or more schools within the district that have developed a~~  
23 ~~school safety plan, may apply to the Superintendent of Public~~  
24 ~~Instruction for a grant to implement school safety plans. The~~  
25 ~~partnership shall award grants for school safety plans that include,~~  
26 ~~but are not limited to, the following criteria:~~

27 ~~(1) Assessment of the recent incidence of crime committed on~~  
28 ~~the school campus.~~

29 ~~(2) Identification of appropriate strategies and programs that~~  
30 ~~will provide or maintain a high level of school safety.~~

31 ~~(3) Development of an action plan, in conjunction with local~~  
32 ~~law enforcement agencies, for implementing appropriate safety~~  
33 ~~strategies and programs, and determining the fiscal impact of~~  
34 ~~executing the strategies and programs. The action plan shall~~  
35 ~~identify available resources which will provide for implementation~~  
36 ~~of the plan.~~

37 ~~(b) The Superintendent of Public Instruction shall award grants~~  
38 ~~pursuant to this section to school districts for the implementation~~  
39 ~~of individual school safety plans in an amount not to exceed five~~  
40 ~~thousand dollars (\$5,000) for each school. No grant shall be made~~

1 ~~unless the school district makes available, for purposes of~~  
2 ~~implementing the school safety plans, an amount of funds equal~~  
3 ~~to the amount of the grant. Grants should be awarded through a~~  
4 ~~competitive process, based upon criteria including, but not limited~~  
5 ~~to, the merit of the proposal and the need for imposing school~~  
6 ~~safety, based on school crime rates.~~

7 ~~(e) Any school receiving a grant under this section shall submit~~  
8 ~~to the Superintendent of Public Instruction verified copies of its~~  
9 ~~schoolsite crime report annually for three consecutive years~~  
10 ~~following the receipt of the grant to study the impact of the~~  
11 ~~implementation of the school safety plan on the incidence of crime~~  
12 ~~on the campus of the school.~~

13 SEC. 21. Section 35186 of the Education Code is amended to  
14 read:

15 35186. (a) A school district shall use the uniform complaint  
16 process it has adopted as required by Chapter 5.1 (commencing  
17 with Section 4600) of *Division 1 of Title 5 of the California Code*  
18 *of Regulations*, with modifications, as necessary, to help identify  
19 and resolve any deficiencies related to instructional materials,  
20 emergency or urgent facilities conditions that pose a threat to the  
21 health and safety of pupils or staff, *and* teacher vacancy or  
22 misassignment, and intensive instruction and services provided  
23 pursuant to Section 37254 to pupils who have not passed one or  
24 both parts of the high school exit examination after the completion  
25 of grade 12. *misassignment.*

26 (1) A complaint may be filed anonymously. A complainant who  
27 identifies himself or herself is entitled to a response if he or she  
28 indicates that a response is requested. A complaint form shall  
29 include a space to mark to indicate whether a response is requested.  
30 If Section 48985 is otherwise applicable, the response, if requested,  
31 and report shall be written in English and the primary language in  
32 which the complaint was filed. All complaints and responses are  
33 public records.

34 (2) The complaint form shall specify the location for filing a  
35 complaint. A complainant may add as much text to explain the  
36 complaint as he or she wishes.

37 ~~(3) Except as provided pursuant to paragraph (4), a~~ A complaint  
38 shall be filed with the principal of the school or his or her designee.  
39 A complaint about problems beyond the authority of the school  
40 principal shall be forwarded in a timely manner but not to exceed

1 10 working days to the appropriate school district official for  
2 resolution.

3 ~~(4) A complaint regarding any deficiencies related to intensive~~  
4 ~~instruction and services provided pursuant to Section 37254 to~~  
5 ~~pupils who have not passed one or both parts of the high school~~  
6 ~~exit examination after the completion of grade 12 shall be~~  
7 ~~submitted to the district official designated by the district~~  
8 ~~superintendent. A complaint may be filed at the school district~~  
9 ~~office, or it may be filed at the schoolsite and shall be immediately~~  
10 ~~forwarded to the designee of the district superintendent.~~

11 (b) The principal or the designee of the district superintendent,  
12 as applicable, shall make all reasonable efforts to investigate any  
13 problem within his or her authority. The principal or designee of  
14 the district superintendent shall remedy a valid complaint within  
15 a reasonable time period but not to exceed 30 working days from  
16 the date the complaint was received. The principal or designee of  
17 the district superintendent shall report to the complainant the  
18 resolution of the complaint within 45 working days of the initial  
19 filing. If the principal makes this report, the principal shall also  
20 report the same information in the same timeframe to the designee  
21 of the district superintendent.

22 (c) A complainant not satisfied with the resolution of the  
23 principal or the designee of the district superintendent has the right  
24 to describe the complaint to the governing board of the school  
25 district at a regularly scheduled hearing of the governing ~~board.~~  
26 *board of the school district.* As to complaints involving a condition  
27 of a facility that poses an emergency or urgent threat, as defined  
28 in paragraph (1) of subdivision (c) of Section 17592.72, a  
29 complainant who is not satisfied with the resolution proffered by  
30 the principal or the designee of the district superintendent has the  
31 right to file an appeal to the Superintendent, who shall provide a  
32 written report to the state board describing the basis for the  
33 complaint and, as appropriate, a proposed remedy for the issue  
34 described in the complaint.

35 (d) A school district shall report summarized data on the nature  
36 and resolution of all complaints on a quarterly basis to the county  
37 superintendent of schools and the governing board of the school  
38 district. The summaries shall be publicly reported on a quarterly  
39 basis at a regularly scheduled meeting of the governing board of  
40 the school district. The report shall include the number of

1 complaints by general subject area with the number of resolved  
2 and unresolved complaints. The complaints and written responses  
3 shall be available as public records.

4 (e) The procedure required pursuant to this section is intended  
5 to address all of the following:

6 (1) A complaint related to instructional materials as follows:

7 (A) A pupil, including an English learner, does not have  
8 standards-aligned textbooks or instructional materials or  
9 state-adopted or district-adopted textbooks or other required  
10 instructional material to use in class.

11 (B) A pupil does not have access to instructional materials to  
12 use at home or after school.

13 (C) Textbooks or instructional materials are in poor or unusable  
14 condition, have missing pages, or are unreadable due to damage.

15 (2) A complaint related to teacher vacancy or misassignment  
16 as follows:

17 (A) A semester begins and a teacher vacancy exists.

18 (B) A teacher who lacks credentials or training to teach English  
19 learners is assigned to teach a class with more than 20-percent  
20 English learner pupils in the class. This subparagraph does not  
21 relieve a school district from complying with state or federal law  
22 regarding teachers of English learners.

23 (C) A teacher is assigned to teach a class for which the teacher  
24 lacks subject matter competency.

25 (3) A complaint related to the condition of facilities that pose  
26 an emergency or urgent threat to the health or safety of pupils or  
27 staff as defined in paragraph (1) of subdivision (c) of Section  
28 17592.72 and any other emergency conditions the school district  
29 determines appropriate and the requirements established pursuant  
30 to subdivision (a) of Section 35292.5.

31 ~~(4) A complaint related to the provision of intensive instruction  
32 and services pursuant to paragraphs (4) and (5) of subdivision (d)  
33 of Section 37254.~~

34 (f) In order to identify appropriate subjects of complaint, a notice  
35 shall be posted in each classroom in each school in the school  
36 district notifying parents, guardians, pupils, and teachers of the  
37 following:

38 (1) There should be sufficient textbooks and instructional  
39 materials. For there to be sufficient textbooks and instructional  
40 materials each pupil, including English learners, must have a

1 textbook or instructional materials, or both, to use in class and to  
2 take home.

3 (2) School facilities must be clean, safe, and maintained in good  
4 repair.

5 (3) There should be no teacher vacancies or misassignments as  
6 defined in paragraphs (2) and (3) of subdivision (h).

7 ~~(4) Pupils who have not passed the high school exit examination~~  
8 ~~by the end of grade 12 are entitled to receive intensive instruction~~  
9 ~~and services for up to two consecutive academic years after~~  
10 ~~completion of grade 12 or until the pupil has passed both parts of~~  
11 ~~the high school exit examination, whichever comes first, pursuant~~  
12 ~~to paragraphs (4) and (5) of subdivision (d) of Section 37254. The~~  
13 ~~information in this paragraph, which is to be included in the notice~~  
14 ~~required pursuant to this subdivision, shall only be included in~~  
15 ~~notices posted in classrooms in schools with grades 10 to 12,~~  
16 ~~inclusive.~~

17 ~~(5)~~

18 (4) The location at which to obtain a form to file a complaint  
19 in case of a shortage. Posting a notice downloadable from the  
20 Internet Web site of the department shall satisfy this requirement.

21 (g) A local educational agency shall establish local policies and  
22 procedures, post notices, and implement this section on or before  
23 January 1, 2005.

24 (h) For purposes of this section, the following definitions apply:

25 (1) “Good repair” has the same meaning as specified in  
26 subdivision (d) of Section 17002.

27 (2) “Misassignment” means the placement of a certificated  
28 employee in a teaching or services position for which the employee  
29 does not hold a legally recognized certificate or credential or the  
30 placement of a certificated employee in a teaching or services  
31 position that the employee is not otherwise authorized by statute  
32 to hold.

33 (3) “Teacher vacancy” means a position to which a single  
34 designated certificated employee has not been assigned at the  
35 beginning of the year for an entire year or, if the position is for a  
36 one-semester course, a position to which a single designated  
37 certificated employee has not been assigned at the beginning of a  
38 semester for an entire semester.

39 SEC. 22. Section 35292.5 of the Education Code is amended  
40 to read:

1 35292.5. (a) Every public and private school maintaining any  
2 combination of classes from kindergarten to grade 12, inclusive,  
3 shall comply with all of the following:

4 (1) Every restroom shall at all times be maintained and cleaned  
5 regularly, fully operational and stocked at all times with toilet  
6 paper, soap, and paper towels or functional hand dryers.

7 (2) The school shall keep all restrooms open during school hours  
8 when pupils are not in classes, and shall keep a sufficient number  
9 of restrooms open during school hours when pupils are in classes.

10 (b) Notwithstanding subdivision (a), a school may temporarily  
11 close ~~any a~~ restroom as necessary for pupil safety or as necessary  
12 to repair the facility.

13 ~~(c) Any school district that operates a public school that is in~~  
14 ~~violation of this section as determined by the State Allocation~~  
15 ~~Board, is ineligible for state deferred maintenance fund matching~~  
16 ~~apportionments pursuant to Section 17584 if the school district~~  
17 ~~has not corrected the violation within 30 days after receipt of a~~  
18 ~~written notice of the violation from the board. Prior to determining~~  
19 ~~that the school district is ineligible, the board shall provide the~~  
20 ~~school district with a reasonable opportunity to cure the violation.~~  
21 ~~The board shall notify the Superintendent of Public Instruction~~  
22 ~~regarding a school district found to be in violation of this section.~~  
23 ~~The Superintendent of Public Instruction shall notify the Controller~~  
24 ~~to withhold apportionments otherwise due the school district under~~  
25 ~~Section 17584.~~

26 SEC. 23. Article 10.4 (commencing with Section 35294.10)  
27 of Chapter 2 of Part 21 of Division 3 of Title 2 of the Education  
28 Code is repealed.

29 SEC. 24. Article 4 (commencing with Section 37252) of  
30 Chapter 2 of Part 22 of Division 3 of Title 2 of the Education Code  
31 is repealed.

32 SEC. 25. Chapter 2.5 (commencing with Section 37300) of  
33 Part 22 of Division 3 of Title 2 of the Education Code is repealed.

34 SEC. 26. Section 41003.3 of the Education Code is amended  
35 to read:

36 41003.3. (a) Consistent with the provisions of Article 4  
37 (commencing with Section 17455) of Chapter 4 of Part 10.5 of  
38 Division 1 of Title 1, from July 1, 2008, to June 30, 2010, inclusive,  
39 the Dixon Unified School District may sell surplus real property  
40 previously used as the school farm on Sievers Road, located five

1 miles outside of the city and which is not feasible for future school  
2 construction, together with any personal property located thereon,  
3 purchased entirely with local funds. The proceeds of the sale shall  
4 be deposited into the general fund of the school district in order  
5 to reestablish a 3-percent reserve. The remainder of the proceeds  
6 from the sale of the property that are not utilized to reestablish the  
7 3-percent reserve shall be deposited into the capital outlay fund  
8 of the school district.

9 (b) In order to expend funds pursuant to subdivision (a), the  
10 *school* district shall meet all of the following conditions:

11 (1) The *school* district shall not be eligible for new construction  
12 funding for 10 years from the date that funds are deposited into  
13 the general fund of the school district pursuant to subdivision (a),  
14 except that the *school* district may apply for new construction  
15 funds if both of the following conditions are met:

16 (A) At least five years have elapsed since the date upon which  
17 the sale was executed pursuant to subdivision (a).

18 (B) The State Allocation Board determines that the *school*  
19 district has demonstrated enrollment growth or a need for additional  
20 sites or building construction that the *school* district could not have  
21 easily anticipated at the time the sale was executed pursuant to  
22 subdivision (a).

23 (2) The governing board of the *school* district shall complete a  
24 governance training program focusing on fiscal management  
25 provided by the County Office Fiscal Crisis and Management  
26 Assistance Team (FCMAT).

27 (3) Any remaining funds from the sale of the property shall be  
28 exhausted for capital outlay purposes ~~prior to any~~ *before a request*  
29 for modernization funding.

30 (4) Notwithstanding any other provision of law, the Dixon  
31 Unified School District, from July 1, 2008, to June 30, 2010,  
32 inclusive, shall not be eligible to receive financial hardship  
33 assistance pursuant to Article 8 (commencing with Section  
34 17075.10) of Chapter 12.5 of Part 10 of Division 1 of Title 1.

35 ~~(5) The district shall not be eligible to receive hardship funding~~  
36 ~~from the State School Deferred Maintenance Fund pursuant to~~  
37 ~~Section 17587 until all remaining funds from the sale of the~~  
38 ~~property identified in, and pursuant to, subdivision (a) are~~  
39 ~~exhausted for deferred maintenance or capital outlay purposes.~~

40 (6)

1 (5) The governing board of the *school* district shall certify all  
2 of the following to the State Allocation Board:

3 (A) The *school* district has no major deferred maintenance  
4 requirements that cannot be completed with existing capital outlay  
5 resources.

6 (B) The sale of the real property pursuant to this section does  
7 not violate any provisions of a local general obligation bond act.

8 (C) The real property sold pursuant to this section is not suitable  
9 to meet any projected school construction need for the next 10  
10 years.

11 (7)  
12 (6) Before exercising the authority granted by this section, the  
13 governing board of the *school* district, at a regularly scheduled  
14 ~~meeting of that board~~, *meeting*, shall present a plan for expending  
15 one-time resources pursuant to this section. The plan shall identify  
16 the source and use of the funds, and describe how the proposed  
17 use of funds, in combination with budget reductions, will address  
18 the *school* district's deficit spending and restore the ongoing fiscal  
19 solvency of the *school* district.

20 (8)

21 (7) No later than 10 years after the date of the sale of surplus  
22 property pursuant to subdivision (a), the *school* district shall deposit  
23 into its capital outlay fund an amount equal to the amount of the  
24 proceeds from the sale of the property that is deposited into the  
25 *school* district's general fund as needed to establish the 3-percent  
26 reserve in accordance with subdivision (a).

27 (c) This section shall remain in effect only until January 1, 2021,  
28 and as of that date is repealed, unless a later enacted statute, that  
29 is enacted before January 1, 2021, deletes or extends that date.

30 SEC. 27. Section 41376 of the Education Code is repealed.

31 ~~41376. The Superintendent of Public Instruction, in computing~~  
32 ~~apportionments and allowances from the State School Fund for~~  
33 ~~the second principal apportionment, shall determine the following~~  
34 ~~for the regular day classes of the elementary schools maintained~~  
35 ~~by each school district:~~

36 (a) ~~For grades 1 to 3, inclusive, he shall determine the number~~  
37 ~~of classes, the number of pupils enrolled in each class, the total~~  
38 ~~enrollment in all such classes, the average number of pupils~~  
39 ~~enrolled per class, and the total of the numbers of pupils which~~  
40 ~~are in excess of thirty (30) in each class.~~

1 For those districts which do not have any classes with an  
2 enrollment in excess of 32 and whose average size for all the  
3 classes is 30.0 or less, there shall be no excess declared. For those  
4 districts which have one or more classes in excess of an enrollment  
5 of 32 or whose average size for all the classes is more than 30, the  
6 excess shall be the total of the number of pupils which are in excess  
7 of 30 in each class having an enrollment of more than 30.

8 (b) For grades 4 to 8, inclusive, he shall determine the total  
9 number of pupils enrolled, the number of full-time equivalent  
10 classroom teachers, and the average number of pupils per each  
11 full-time equivalent classroom teacher. He shall also determine  
12 the excess if any, of pupils enrolled in such grades in the following  
13 manner:

14 (1) Determine the number of pupils by which the average  
15 number of pupils per each full-time equivalent classroom teacher  
16 for the current fiscal year exceeds the greater of the average number  
17 of pupils per each full-time equivalent classroom teacher in all the  
18 appropriate districts of the state, as determined by the  
19 Superintendent of Public Instruction, for October 30, 1964, or the  
20 average number of pupils per each full-time equivalent classroom  
21 teacher which existed in the district on either October 30, 1964 or  
22 March 30, 1964, as selected by the governing board.

23 (2) Multiply the number determined in (1) above by the number  
24 of full-time equivalent classroom teachers of the current fiscal  
25 year.

26 (3) Reduce the number determined in (2) above by the remainder  
27 which results from dividing such number by the average number  
28 of pupils per each full-time equivalent teacher for October 30,  
29 1964, as determined by the Superintendent of Public Instruction  
30 in (1) above.

31 (c) He shall compute the product obtained by multiplying the  
32 excess number of pupils, if any, under the provisions of subdivision  
33 (a) of this section by ninety-seven hundredths (0.97), and shall  
34 multiply the product so obtained by the ratio of statewide change  
35 in average daily attendance to district change in average daily  
36 attendance. Change in average daily attendance shall be determined  
37 by dividing average daily attendance in grades 1, 2 and 3 reported  
38 for purposes of the first principal apportionment of the current  
39 year by that reported for purposes of the first principal  
40 apportionment of the preceding year.

1     ~~(d) If the school district reports that it has maintained, during~~  
2 ~~the current fiscal year, any classes in which there were enrolled~~  
3 ~~pupils in excess of thirty (30) per class pursuant to subdivision (a)~~  
4 ~~of this section, and there is no excess number of pupils computed~~  
5 ~~pursuant to subdivision (b) of this section, he shall decrease the~~  
6 ~~average daily attendance reported under the provisions of Section~~  
7 ~~41601 by the product determined under subdivision (c) of this~~  
8 ~~section.~~

9     ~~(e) If the school district reports that it has maintained, during~~  
10 ~~the current fiscal year, no classes in which there were enrolled~~  
11 ~~pupils in excess of thirty (30) per class determined pursuant to~~  
12 ~~subdivision (a) of this section, and there is an excess number of~~  
13 ~~pupils computed pursuant to subdivision (b) of this section, he~~  
14 ~~shall make the following computation:~~

15     ~~He shall compute the product obtained by multiplying the excess~~  
16 ~~number of pupils computed pursuant to subdivision (b) of this~~  
17 ~~section by ninety-seven hundredths (0.97) and shall multiply the~~  
18 ~~product so obtained by the ratio of statewide change in average~~  
19 ~~daily attendance to the district change in average daily attendance.~~  
20 ~~He shall decrease the average daily attendance reported under the~~  
21 ~~provisions of Section 41601 by the resulting product.~~

22     ~~(f) If the school district reports that it has maintained, during~~  
23 ~~the current fiscal year, any classes in which there were enrolled~~  
24 ~~pupils in excess of thirty (30) per class determined pursuant to~~  
25 ~~subdivision (a) of this section, and there is an excess number of~~  
26 ~~pupils computed pursuant to subdivision (b) of this section, he~~  
27 ~~shall make the following computation:~~

28     ~~He shall add to the product determined under subdivision (e) of~~  
29 ~~this section, the product determined under subdivision (e) of this~~  
30 ~~section and decrease the average daily attendance reported under~~  
31 ~~the provisions of Section 41601 by this total amount.~~

32     ~~The governing board of each school district maintaining~~  
33 ~~elementary schools shall report for the fiscal year 1964-65 and~~  
34 ~~each year thereafter the information required for the determination~~  
35 ~~to be made by the Superintendent of Public Instruction under the~~  
36 ~~provisions of this section in accordance with instructions provided~~  
37 ~~on forms furnished and prescribed by the Superintendent of Public~~  
38 ~~Instruction. Such information shall be reported by the school~~  
39 ~~district together with, and at the same time as, the reports required~~  
40 ~~to be filed for the second principal apportionment of the State~~

1 ~~School Fund. The forms on which the data and information is~~  
2 ~~reported shall include a certification by each school district~~  
3 ~~superintendent or chief administrative officer that the data is correct~~  
4 ~~and accurate for the period covered, according to his best~~  
5 ~~information and belief.~~

6 ~~For purposes of this section, a “full-time equivalent classroom~~  
7 ~~teacher” means an employee of an elementary, high school, or~~  
8 ~~unified school district, employed in a position requiring~~  
9 ~~certification qualifications and whose duties require him to teach~~  
10 ~~pupils in the elementary schools of that district in regular day~~  
11 ~~classes for the full time for which he is employed during the regular~~  
12 ~~school day. In reporting the total number of full-time equivalent~~  
13 ~~classroom teachers, there shall be included, in addition to those~~  
14 ~~employees defined above, the full-time equivalent of all fractional~~  
15 ~~time for which employees in positions requiring certification~~  
16 ~~qualifications are required to devote to teaching pupils in the~~  
17 ~~elementary schools of the district in regular day classes during the~~  
18 ~~regular school day.~~

19 ~~For purposes of this section, the number of pupils enrolled in~~  
20 ~~each class means the average of the active enrollment in that class~~  
21 ~~on the last teaching day of each school month which ends prior to~~  
22 ~~April 15th of each school year.~~

23 ~~The provisions of this section are not applicable to school~~  
24 ~~districts with less than 101 units of average daily attendance for~~  
25 ~~the current fiscal year.~~

26 ~~Although no decreases in average daily attendance shall be made~~  
27 ~~for the fiscal year 1964-65, reports are required to be filed under~~  
28 ~~the provisions of this section, and the Superintendent of Public~~  
29 ~~Instruction shall notify each school district the amount of the~~  
30 ~~decrease in state allowances which would have been effected had~~  
31 ~~such decrease in average daily attendance been applied.~~

32 ~~The Superintendent of Public Instruction shall adopt rules and~~  
33 ~~regulations which he may deem necessary for the effective~~  
34 ~~administration of this section. Such rules and regulations may~~  
35 ~~specify that no decrease in average daily attendance reported under~~  
36 ~~the provisions of Section 41601 shall be made for a school district~~  
37 ~~on account of large classes due to instructional television or team~~  
38 ~~teaching, which may necessarily involve class sizes at periods~~  
39 ~~during the day larger than the standard set forth in this section.~~

40 ~~SEC. 28. Section 41378 of the Education Code is repealed.~~

1     ~~41378. The Superintendent of Public Instruction, in computing~~  
2 ~~apportionments and allowances from the State School Fund for~~  
3 ~~the second principal apportionment, shall determine the following~~  
4 ~~for the kindergarten classes maintained by each school district~~  
5 ~~maintaining kindergarten classes.~~

6     ~~(a) The number of pupils enrolled in each kindergarten class,~~  
7 ~~the total enrollment in all such classes, and the average number of~~  
8 ~~pupils enrolled per class.~~

9     ~~(b) The total number of pupils which are in excess of thirty-three~~  
10 ~~(33) in each class having an enrollment of more than thirty-three~~  
11 ~~(33).~~

12     ~~(c) The total number of pupils by which the average class size~~  
13 ~~in the district exceeds 31.~~

14     ~~(d) The greater number of pupils as determined in (b) or (c)~~  
15 ~~above.~~

16     ~~(e) He shall compute the product obtained by multiplying the~~  
17 ~~excess number of pupils computed pursuant to subdivision (d) of~~  
18 ~~this section by ninety-seven hundredths (0.97). He shall decrease~~  
19 ~~the average daily attendance reported under the provisions of~~  
20 ~~Section 41601 by the resulting product.~~

21     SEC. 29. Article 1 (commencing with Section 41500) of  
22 Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education  
23 Code is repealed.

24     SEC. 30. Article 2 (commencing with Section 41505) of  
25 Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education  
26 Code is repealed.

27     SEC. 31. Article 3 (commencing with Section 41510) of  
28 Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education  
29 Code is repealed.

30     SEC. 32. Article 4 (commencing with Section 41520) of  
31 Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education  
32 Code is repealed.

33     SEC. 33. Article 5 (commencing with Section 41530) of  
34 Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education  
35 Code is repealed.

36     SEC. 34. Article 7 (commencing with Section 41570) of  
37 Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education  
38 Code is repealed.

1 SEC. 35. Article 13 (commencing with Section 41920) of  
2 Chapter 5 of Part 24 of Division 3 of Title 2 of the Education Code  
3 is repealed.

4 SEC. 36. Section 44279.2 of the Education Code is amended  
5 to read:

6 44279.2. (a) The Superintendent and the commission shall  
7 jointly administer the California Beginning Teacher Support and  
8 Assessment System pursuant to this chapter. In administering this  
9 section, the Superintendent and the commission shall provide or  
10 contract for the provision of all of the following:

11 (1) Establishing requirements for reviewing and approving  
12 teacher induction programs.

13 (2) Developing and administering a system for ensuring teacher  
14 induction program quality and effectiveness. For purposes of this  
15 section, “program effectiveness” means producing excellent  
16 program outcomes in relation to the purposes defined in subdivision  
17 (b) of Section 44279.1. For purposes of this section, “program  
18 quality” means excellence with respect to program factors,  
19 including, but not limited to, all of the following:

20 (A) Program goals.

21 (B) Design resources.

22 (C) Management, evaluation, and improvement of the program.

23 (D) School context and working conditions.

24 (E) Support and assessment services to each beginning teacher.

25 (3) Developing purposes and functions for reviewing and  
26 approving supplemental grants and standards for program clusters  
27 and program consultants, as defined pursuant to Section 44279.7.

28 (4) Improving and refining the formative assessment system.

29 (5) Improving and refining professional development materials  
30 and strategies for all personnel involved in implementing induction  
31 programs.

32 (6) Conducting and tracking research related to beginning  
33 teacher induction.

34 (7) Periodically evaluating the validity of the California  
35 Standards for the Teaching Profession adopted by the commission  
36 and the Standards of Quality and Effectiveness for Beginning  
37 Teacher Support and Assessment Program adopted by the  
38 commission and making changes to those documents, as necessary.

1 (b) As part of the California Beginning Teacher Support and  
 2 Assessment System, the commission and the Superintendent shall  
 3 establish requirements for local teacher induction programs.

4 (c) A school district or consortium of school districts may apply  
 5 to the Superintendent for funding to establish a local teacher  
 6 induction program pursuant to this section. From amounts  
 7 appropriated for purposes of this section, the Superintendent shall  
 8 allocate three thousand dollars (\$3,000) for each beginning teacher  
 9 participating in the program. That amount shall be adjusted each  
 10 fiscal year by the inflation factor set forth in Section 42238.1. To  
 11 be eligible to receive funding, a school district or consortium of  
 12 school districts *section that* shall, at a minimum, meet all of the  
 13 following requirements:

14 (1) Develop, implement, and evaluate teacher induction  
 15 programs that meet the Quality and Effectiveness for Beginning  
 16 Teacher Induction Program Standards adopted by the commission.

17 (2) Support beginning teachers in meeting the competencies  
 18 described in the California Standards for the Teaching Profession  
 19 adopted by the commission.

20 (3) Meet criteria for the cost-effective delivery of program  
 21 services.

22 (4) From amounts received from local, state, or resources  
 23 available for purposes of teacher induction programs, contribute  
 24 not less than two thousand dollars (\$2,000) for the costs of each  
 25 beginning teacher served in the induction program.

26 (d) Teachers who have received their preliminary credential in  
 27 a district intern program pursuant to Article 7.5 (commencing with  
 28 Section 44325) or an intern program pursuant to Article 3  
 29 (commencing with Section 44450) of Chapter 3 and who are  
 30 participating in an induction program pursuant to this section are  
 31 not eligible for funding pursuant to Article 11 (commencing with  
 32 Section 44380) of Chapter 2.

33 SEC. 37. Section 44279.25 of the Education Code is amended  
 34 to read:

35 44279.25. (a) By December 1, 2007, the Superintendent and  
 36 the commission shall report to the Legislature and the Governor  
 37 on the current state of the Beginning Teacher Support and  
 38 Assessment System. The report shall review the articulation of  
 39 teacher preparation programs and teacher induction programs to

1 ~~eliminate duplicative requirements and, at a minimum, do all of~~  
2 ~~the following:~~

3 ~~(1) Recommend revisions to laws, regulations, or policies to~~  
4 ~~eliminate duplicative requirements between teacher preparation~~  
5 ~~and teacher induction programs, with particular attention paid to~~  
6 ~~eliminating duplication between induction requirements and~~  
7 ~~requirements for completion of state-approved alternative~~  
8 ~~certification programs.~~

9 ~~(2) Recommend revisions to the system to ensure that teacher~~  
10 ~~credential candidates achieve teaching competence and programs~~  
11 ~~use best practices to transition candidates from teacher preparation~~  
12 ~~programs to induction programs.~~

13 ~~(3) Recommend ways to ensure that beginning teachers receive~~  
14 ~~direct assistance from experienced teachers who are familiar with~~  
15 ~~the grade span, subject matter, and teaching and classroom~~  
16 ~~management techniques appropriate to the teaching assignment of~~  
17 ~~each beginning teacher.~~

18 ~~(b) By July 1, 2008, the Superintendent and the commission~~  
19 ~~shall review and revise, as necessary, the Standards of Quality and~~  
20 ~~Effectiveness for Professional Teacher Induction Programs of~~  
21 ~~March 2002 to ensure that these standards address the application~~  
22 ~~of knowledge and skills previously acquired in a preliminary~~  
23 ~~credential program and to remove any requirements or activities~~  
24 ~~that require candidates to duplicate the acquisition of knowledge~~  
25 ~~through coursework. This review shall include, but need not be~~  
26 ~~limited to, all of the following:~~

27 ~~(1) A review of formative assessment systems in use to ensure~~  
28 ~~that the systems are appropriately flexible and may be adapted to~~  
29 ~~reflect progress of individual candidates.~~

30 ~~(2) A review of professional development provided to induction~~  
31 ~~participants to ensure that it is not duplicative of coursework~~  
32 ~~completed during teacher preparation.~~

33 ~~(3) A review of new teacher support to ensure that the focus is~~  
34 ~~on application and enhancement of skills and knowledge acquired~~  
35 ~~in a preliminary credential program.~~

36 ~~(4) Recommendations for program monitoring with respect to~~  
37 ~~this subdivision.~~

38 ~~(e)~~

39 ~~(a) In consultation with the Superintendent, the commission~~  
40 ~~shall revise the formative assessment system for beginning~~

1 teachers, as necessary to ensure that related tasks and activities  
 2 are aligned to the revised standards: *standards adopted pursuant*  
 3 *to subdivision (c).*

4 ~~(d)~~

5 (b) The Superintendent and the commission shall identify  
 6 effective practices and techniques and provide for the dissemination  
 7 of these to local induction program providers.

8 ~~(e)~~

9 (c) Immediately following the adoption *by the commission* of  
 10 ~~revised standards pursuant to subdivision (b), standards,~~ the  
 11 commission shall review induction programs to determine whether  
 12 local teacher induction programs are meeting standards of quality  
 13 and effectiveness ~~adopted pursuant to subdivision (b)~~ and to assure  
 14 greater program quality and consistency. The commission shall  
 15 schedule regular reviews following the initial review of programs  
 16 pursuant to this subdivision.

17 ~~(f)~~

18 (d) The Superintendent and the commission shall ensure that  
 19 teacher credential candidates are notified of the opportunity to  
 20 choose an early completion option pursuant to Section 44468.

21 ~~(g) It is the intent of the Legislature that funds appropriated in~~  
 22 ~~Provision 44 of Item 6110-001-0890 of Section 2.00 of the Budget~~  
 23 ~~Act of 2006 (Chapter 47 of the Statutes of 2006) be made available~~  
 24 ~~for reviews and preparation of the reports required pursuant to~~  
 25 ~~subdivisions (a) and (b), and that the implementation of~~  
 26 ~~recommendations proceed immediately following the adoption of~~  
 27 ~~those reviews and reports.~~

28 SEC. 38. Section 44279.7 of the Education Code is amended  
 29 to read:

30 ~~44279.7. (a) The superintendent and the commission shall~~  
 31 ~~award supplemental grants on a competitive basis to Beginning~~  
 32 ~~Teacher Support and Assessment System teacher induction~~  
 33 ~~programs established pursuant to Section 44279.2 that are identified~~  
 34 ~~as having expertise according to criteria established by the~~  
 35 ~~superintendent and the commission. The supplemental grants~~  
 36 ~~received pursuant to this section shall be expended to assist clusters~~  
 37 ~~of teacher induction programs operated by school districts or~~  
 38 ~~consortiums of school districts.~~

39 ~~(b)~~

1     ~~The superintendent~~ *Superintendent* and the commission shall  
2 designate each school district and consortium of school districts  
3 participating in the Beginning Teacher Support and Assessment  
4 System established pursuant to Section 44279.2 as belonging to a  
5 cluster according to the criteria established pursuant to this  
6 subdivision. For ~~the~~ purposes of this section “cluster” means a  
7 cluster of school districts or consortium of school districts  
8 established pursuant this section. ~~The—superintendent~~  
9 *Superintendent* and the commission shall establish criteria for the  
10 formation of school districts or consortiums of school district  
11 teacher induction program clusters based upon, but not necessarily  
12 be limited to, all of the following:

- 13     (1) Geographic proximity.
- 14     (2) Program size.
- 15     (3) The number of beginning teachers served.
- 16     (4) The similarity of teacher characteristics and pupil populations  
17 in each school district.

18     ~~(e)~~

19     ~~(b) School districts and consortiums of school districts awarded~~  
20 ~~supplemental grants pursuant to this section shall~~ *may* identify a  
21 teacher induction program consultant to assist the school district  
22 or consortiums of school districts forming a cluster. The  
23 ~~superintendent~~ *Superintendent* and the commission shall identify  
24 the purpose and functions of each consultant. Those purposes and  
25 functions shall include, but not necessarily be limited to, all the  
26 following:

- 27     (1) Assisting in designing, implementing, refining, and  
28 evaluating their teacher induction programs.
- 29     (2) Assisting in building the capacity to provide professional  
30 development for all personnel involved in the implementation of  
31 teacher induction programs, including, but not limited to, beginning  
32 teachers, support providers, and administrators.
- 33     (3) Disseminating information on teacher induction programs  
34 to all interested participants within the cluster and collaborating  
35 with other consultants statewide and with state administrative  
36 agency staff to ensure ongoing program improvement.

37     ~~(d) The superintendent and the commission shall ensure that~~  
38 ~~each grant awarded pursuant to this section supports the salary and~~  
39 ~~benefits and other related costs based on the prorated amount of~~

1 ~~time dedicated to this function for a consultant to assist each~~  
2 ~~cluster.~~

3 SEC. 39. Section 44320 of the Education Code is amended to  
4 read:

5 44320. (a) Professional preparation, including student teaching,  
6 shall be made available in the upper division course offerings at  
7 all California public institutions of higher learning, except the  
8 California Maritime Academy and the Hastings College of the  
9 Law. No more than nine semester units, or the equivalent, of  
10 professional education courses may be designated as prerequisites  
11 for purposes of admission to student teaching, except that, to satisfy  
12 the English language requirement as set forth in paragraph (3) of  
13 subdivision (b) of Section 44259, candidates may be required to  
14 take 12 semester units, or the equivalent, as professional education  
15 prerequisites to student teaching.

16 (b) The commission shall encourage postsecondary *educational*  
17 institutions that offer programs of professional preparation to  
18 collaborate with school districts, county offices of education, and  
19 professional organizations in the design and delivery of local  
20 programs to function as part of the California beginning teacher  
21 support and assessment program pursuant to Section 44279.2. If  
22 local educational agencies and institutions of higher education  
23 voluntarily agree to implement the program, the following  
24 provisions shall apply to each collaborative effort:

25 (1) Postsecondary *educational* institutions and local ~~education~~  
26 *educational* agencies shall coordinate and articulate the program  
27 of professional preparation and the beginning teacher support and  
28 assessment program, so the two programs provide continuity in  
29 the preparation, support, and assessment of beginning teachers.

30 (2) At the discretion of a postsecondary *educational* institution  
31 that participates in a collaborative effort, the program of  
32 professional preparation may be submitted to the commission for  
33 approval as a program of preparation, support, and assessment that  
34 is at least two years long.

35 (3) In each program of preparation, support, and assessment,  
36 the postsecondary *educational* institution shall make it possible  
37 for each candidate to complete all requirements for a valid teaching  
38 credential in the equivalent of one year of full-time study.

39 (4) A postsecondary *educational* institution that participates in  
40 a collaborative effort may, at its discretion, determine that

1 successful completion of the support and assessment components  
2 of an articulated program of professional preparation, support, and  
3 assessment fulfills some or all of the requirements of subdivision  
4 (c) of Section 44259, and may accordingly recommend applicants  
5 for the professional teaching credential. The standards and criteria  
6 for making these determinations and recommendations shall be  
7 included in the institution’s proposal for a program.

8 (5) A local educational agency that collaborates, at its own  
9 discretion, with a postsecondary ~~education~~ *educational* institution  
10 in the design and delivery of an articulated program of professional  
11 preparation, support, and assessment that meets the standards and  
12 criteria pursuant to subdivision (c) of Section ~~44279.2, and that~~  
13 ~~receives funds pursuant to the annual Budget Act, 44279.2~~ may  
14 contract with the postsecondary *educational* institution to pay the  
15 institution’s costs of designing and delivering the support and  
16 assessment components of the program.

17 (c) Local educational agencies that are approved by the  
18 commission to provide programs of personalized preparation to  
19 candidates for designated subjects teaching credentials are  
20 encouraged to participate in the design and delivery of local  
21 programs under the California beginning teacher support and  
22 assessment program pursuant to Article 4.5 (commencing with  
23 Section 44279.2), in a manner consistent with subdivision (b).

24 (d) ~~Prior to~~ *Before* admission to either student teaching under  
25 any professional preparation program approved by the commission,  
26 or participation in a field experience program as described in  
27 Section 44324, a candidate for a credential shall obtain a certificate  
28 of clearance from the commission ~~which~~ *that* shall be issued when  
29 the commission has verified the candidate’s personal identification  
30 and health status. The fee for the certificate of clearance shall not  
31 exceed one-half of the regular fee for a credential and shall be  
32 deducted from the fee for the initial credential applied for by the  
33 certificate holder.

34 SEC. 40. Section 44328 of the Education Code is amended to  
35 read:

36 44328. (a) Unless the commission determines that substantial  
37 evidence exists that a person is unqualified to teach, upon the  
38 completion of successful service as a district intern pursuant to  
39 subdivision (b) of Section 44325, and upon the recommendation  
40 of the ~~school district~~ governing board *of the school district*, the

1 commission shall award preliminary credentials to district interns  
2 in the same manner as applicants recommended for credentials by  
3 institutions that operate approved programs of professional  
4 preparation.

5 (b) Notwithstanding paragraphs (1) and (2) of subdivision (a)  
6 of Section 44225, paragraphs (3), (4), (5), and (6) of subdivision  
7 (b) of Section 44259, paragraphs (1), (2), (3), and (4) of subdivision  
8 (c) of Section 44259, and Sections 44261, 44265, and 44335, upon  
9 recommendation by the governing board *of the school district*,  
10 district interns shall be issued preliminary credentials, upon the  
11 completion of successful service as a teacher pursuant to  
12 subdivision (b) of Section 44325, unless the governing board *of*  
13 *the school district* recommends, and the commission finds  
14 substantial evidence, that the person is not qualified to teach. A  
15 school district may require a district intern who is pursuing a clear  
16 credential to complete an approved induction program if funds are  
17 available or approved coursework in accordance with paragraph  
18 (5) of subdivision (c) of Section 44259. ~~Pursuant to Article 11~~  
19 ~~(commencing with Section 44380), teachers participating in an~~  
20 ~~induction program pursuant to Article 4.5 (commencing with~~  
21 ~~Section 44279.1) are no longer eligible for funding under the~~  
22 ~~district intern program.~~

23 (c) Notwithstanding Section 44261, the preliminary credential  
24 awarded to any district intern holding a district intern credential  
25 to teach bilingual education classes shall be a basic teaching  
26 credential with a bilingual-crosscultural language and academic  
27 development emphasis. Notwithstanding Section 44265, the  
28 preliminary credential awarded to any district intern who holds a  
29 district intern credential to teach special education pupils shall be  
30 a special education specialist instruction credential that authorizes  
31 the holder to teach special education pupils.

32 (d) It is the intent of the Legislature that institutions of higher  
33 education that operate approved programs of professional  
34 preparation work cooperatively with school districts that offer  
35 district intern programs for a special education specialist credential  
36 to apply the regular education coursework and fieldwork from the  
37 special education district intern program toward earning a multiple  
38 or single subject teaching credential through the institution.

1 SEC. 41. Article 11 (commencing with Section 44380) of  
2 Chapter 2 of Part 25 of Division 3 of Title 2 of the Education Code  
3 is repealed.

4 SEC. 42. Article 12 (commencing with Section 44390) of  
5 Chapter 2 of Part 25 of Division 3 of Title 2 of the Education Code  
6 is repealed.

7 SEC. 43. Article 13 (commencing with Section 44395) of  
8 Chapter 2 of Part 25 of Division 3 of Title 2 of the Education Code  
9 is repealed.

10 SEC. 44. Article 4.5 (commencing with Section 44500) of  
11 Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code  
12 is repealed.

13 SEC. 45. Article 5 (commencing with Section 44520) of  
14 Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code  
15 is repealed.

16 SEC. 46. Article 6 (commencing with Section 44560) of  
17 Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code  
18 is repealed.

19 SEC. 47. Article 7 (commencing with Section 44570) of  
20 Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code  
21 is repealed.

22 SEC. 48. Article 8 (commencing with Section 44580) of  
23 Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code  
24 is repealed.

25 SEC. 49. Article 10 (commencing with Section 44630) of  
26 Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code  
27 is repealed.

28 SEC. 50. Article 10.5 (commencing with Section 44645) of  
29 Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code  
30 is repealed.

31 SEC. 51. Article 10.6 (commencing with Section 44650) of  
32 Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code  
33 is repealed.

34 SEC. 52. Article 3 (commencing with Section 44681) of  
35 Chapter 3.1 of Part 25 of Division 3 of Title 2 of the Education  
36 Code is repealed.

37 SEC. 53. Chapter 3.3 (commencing with Section 44700) of  
38 Part 25 of Division 3 of Title 2 of the Education Code is repealed.

39 SEC. 54. Chapter 3.33 (commencing with Section 44720) of  
40 Part 25 of Division 3 of Title 2 of the Education Code is repealed.

1 SEC. 55. Chapter 3.34 (commencing with Section 44730) of  
2 Part 25 of Division 3 of Title 2 of the Education Code is repealed.

3 SEC. 56. Chapter 3.36 (commencing with Section 44735) of  
4 Part 25 of Division 3 of Title 2 of the Education Code is repealed.

5 SEC. 57. Chapter 3.45 (commencing with Section 44755) of  
6 Part 25 of Division 3 of Title 2 of the Education Code is repealed.

7 SEC. 58. Chapter 3.5 (commencing with Section 44760) of  
8 Part 25 of Division 3 of Title 2 of the Education Code is repealed.

9 SEC. 59. Section 45037 of the Education Code is repealed.

10 ~~45037. (a) Except as provided in Section 45036, for the fiscal~~  
11 ~~year 2001-02 and for any fiscal year thereafter in which a person~~  
12 ~~renders service as a teacher in kindergarten or any of grades 1 to~~  
13 ~~12, inclusive, who does not have a valid certification document,~~  
14 ~~the school district or county office of education in which the person~~  
15 ~~is employed shall be assessed a penalty that shall be in lieu of any~~  
16 ~~loss of funding that would otherwise result under Chapter 6.10~~  
17 ~~(commencing with Section 52120) of Part 28. The penalty shall~~  
18 ~~be calculated as provided in subdivision (b) and withheld from~~  
19 ~~state funding otherwise due to the district or county office of~~  
20 ~~education.~~

21 ~~(1) Notwithstanding Section 46300, the attendance of the~~  
22 ~~noncertificated person's pupils during the period of service shall~~  
23 ~~be included in the computation of average daily attendance.~~

24 ~~(2) The noncertificated person's period of service shall not be~~  
25 ~~excluded from the determination of eligibility for incentive funding~~  
26 ~~for a longer instructional day or year, or both, pursuant to Article~~  
27 ~~8 (commencing with Section 46200) of Chapter 2 of Part 26.~~

28 ~~(b) (1) For each person who rendered service in the employment~~  
29 ~~of the district or county office of education as a teacher in~~  
30 ~~kindergarten or any of grades 1 to 12, inclusive, during the fiscal~~  
31 ~~year, add the total number of schooldays on which the person~~  
32 ~~rendered any amount of the service.~~

33 ~~(2) For each person who rendered service in the employment~~  
34 ~~of the district or county office of education as a teacher in~~  
35 ~~kindergarten or any of grades 1 to 12, inclusive, during the fiscal~~  
36 ~~year, for a period of service during which the person did not have~~  
37 ~~a valid certification document, add the number of schooldays on~~  
38 ~~which the person rendered any amount of the service without a~~  
39 ~~valid certification document.~~

1 ~~(3) Divide the number determined in paragraph (2) by the~~  
2 ~~number determined in paragraph (1) and carry the result to four~~  
3 ~~decimal places.~~

4 ~~(4) Multiply a school district's revenue limit entitlement for the~~  
5 ~~fiscal year, calculated pursuant to Section 42238, or its funding~~  
6 ~~amount calculated pursuant to Article 4 (commencing with Section~~  
7 ~~42280) of Chapter 7 of Part 24, as applicable, or a county office~~  
8 ~~of education's funding for the fiscal year, for the program in which~~  
9 ~~the noncertificated person rendered service by the number~~  
10 ~~determined in paragraph (3).~~

11 ~~(e) Beginning in 2002-03, if a county office of education releases~~  
12 ~~a warrant in favor of a person for whom a period of school district~~  
13 ~~service is included in the calculation set forth in paragraph (2) of~~  
14 ~~subdivision (b), and the warrant is either compensation for~~  
15 ~~employment as a teacher or for employment in some other capacity~~  
16 ~~if the county office of education has direct knowledge or is in~~  
17 ~~possession of information giving rise to a reasonable inference~~  
18 ~~that the person is rendering service as a teacher, the county office~~  
19 ~~shall be assessed a penalty. The penalty assessed to a county office~~  
20 ~~for any fiscal year in which one or more district teachers did not~~  
21 ~~have a valid certification document shall be equal to the lesser of~~  
22 ~~three amounts as follows:~~

23 ~~(1) Fifty percent of all penalties assessed for that fiscal year to~~  
24 ~~all school districts in the county office's jurisdiction pursuant to~~  
25 ~~subdivision (b).~~

26 ~~(2) One-half percent of the total expenditures for that fiscal year~~  
27 ~~from unrestricted resources, as defined in the California School~~  
28 ~~Accounting Manual, in the county office's county school service~~  
29 ~~fund, when two or fewer districts in the county office's jurisdiction~~  
30 ~~are subject to penalties pursuant to subdivision (b).~~

31 ~~(3) One percent of the total expenditures for that fiscal year~~  
32 ~~from unrestricted resources, as defined in the California School~~  
33 ~~Accounting Manual, in the county office's county school service~~  
34 ~~fund, when three or more districts in the county office's jurisdiction~~  
35 ~~are subject to penalties pursuant to subdivision (b).~~

36 ~~(d) Except as provided in Section 41344.1, nothing in this section~~  
37 ~~may be waived in whole or in part.~~

38 SEC. 60. Article 8.5 (commencing with Section 45370) of  
39 Chapter 5 of Part 25 of Division 3 of Title 2 of the Education Code  
40 is repealed.

1 SEC. 61. Section 46306 of the Education Code is repealed.  
 2 ~~46306. Notwithstanding any other provision of law, the average~~  
 3 ~~daily attendance of pupils enrolled in summer schools shall be~~  
 4 ~~credited to the school district in the fiscal year in which the last~~  
 5 ~~day of the summer school falls.~~

6 SEC. 62. Section 47613.1 of the Education Code is amended  
 7 to read:

8 47613.1. The Superintendent of ~~Public Instruction~~ shall make  
 9 ~~all~~ *both* of the following apportionments on behalf of a charter  
 10 school in a school district in which all schools have been converted  
 11 to charter schools pursuant to Section ~~47606~~, and that elects not  
 12 ~~to be funded pursuant to the block grant funding model set forth~~  
 13 ~~in Section 47633 in each fiscal year that the charter school so~~  
 14 ~~elects: 47606.~~

15 (a) ~~From funds appropriated to Section A of the State School~~  
 16 ~~Fund for apportionment for that fiscal year pursuant to Article 2~~  
 17 ~~(commencing with Section 42238) of Chapter 7 of Part 24, an~~  
 18 ~~amount for each unit of current fiscal year regular average daily~~  
 19 ~~attendance in the charter school that is equal to the current fiscal~~  
 20 ~~year base revenue limit for the school district to which the charter~~  
 21 ~~petition was submitted.~~

22 (b)  
 23 (a) For each pupil enrolled in the charter school who is entitled  
 24 to special education services, the state and federal funds for special  
 25 education services for that pupil that would have been apportioned  
 26 for that pupil to the school district to which the charter petition  
 27 was submitted.

28 (c)  
 29 (b) Funds for the programs described in ~~clause (i) of~~  
 30 ~~subparagraph (B) of paragraph (1) of subdivision (a) of Section~~  
 31 ~~54761, and Sections 63000 and 64000, to the extent that any pupil~~  
 32 ~~enrolled in the charter school is eligible to participate.~~

33 SEC. 63. Section 47613.2 of the Education Code is repealed.  
 34 ~~47613.2. Notwithstanding Sections 47613.1 and 47661, for the~~  
 35 ~~2000-01 fiscal year, the revenue limit of an elementary school~~  
 36 ~~district may be determined using either the current or prior year~~  
 37 ~~second principal apportionment average daily attendance,~~  
 38 ~~whichever is greater, if all the schools in the district were converted~~  
 39 ~~to charter schools in the 2000-01 fiscal year and the district~~  
 40 ~~continued to be funded through the base revenue limit method.~~

1 SEC. 64. Section 47630 of the Education Code is amended to  
2 read:

3 47630. (a) ~~It is the intent of the Legislature that each charter~~  
4 ~~school be provided with operational funding that is equal to the~~  
5 ~~total funding that would be available to a similar school district~~  
6 ~~servng a similar pupil population, except that a charter school~~  
7 ~~may not be funded as a necessary small school or a necessary small~~  
8 ~~high-school, nor receive revenue limit funding that exceeds the~~  
9 ~~statewide average for a school district of a similar type. school.~~

10 (b) ~~The Legislature finds and declares that the funding method~~  
11 ~~established by this chapter provides for simple and, at the option~~  
12 ~~of the charter school, local or direct allocation of funds to charter~~  
13 ~~schools in a manner that is consistent with state and federal law.~~

14 SEC. 65. Section 47630.5 of the Education Code is repealed.

15 47630.5. (a) ~~This chapter applies to the calculation of~~  
16 ~~operational funding for charter schools. Except as otherwise~~  
17 ~~provided in this chapter, this chapter shall apply to all charter~~  
18 ~~schools without regard to their sponsoring local education agency.~~

19 (b) ~~For the 1999–2000, 2000–01, and 2001–02 fiscal years in~~  
20 ~~the case of a charter school that was assigned a number by the~~  
21 ~~State Board of Education prior to June 1, 1999, the use of the~~  
22 ~~charter school funding method established by this chapter shall be~~  
23 ~~at the discretion of that charter school. A charter school that elects~~  
24 ~~to have its funding determined pursuant to the method established~~  
25 ~~by this chapter shall notify the State Department of Education by~~  
26 ~~June 1 prior to the affected fiscal year. An election to be funded~~  
27 ~~pursuant to the method established by this chapter is irrevocable.~~

28 (c) ~~Additional legal or fiscal responsibilities on the part of a~~  
29 ~~county superintendent of schools are not imposed by this chapter,~~  
30 ~~except as specifically provided in this chapter.~~

31 SEC. 66. Section 47633 of the Education Code is repealed.

32 47633. ~~The Superintendent shall annually compute a~~  
33 ~~general-purpose entitlement, funded from a combination of state~~  
34 ~~aid and local funds, for each charter school as follows:~~

35 (a) ~~The Superintendent shall annually compute the statewide~~  
36 ~~average amount of general-purpose funding per unit of average~~  
37 ~~daily attendance received by school districts for each of four grade~~  
38 ~~level ranges: kindergarten and grades 1, 2, and 3; grades 4, 5, and~~  
39 ~~6; grades 7 and 8; and, grades 9 to 12, inclusive. For purposes of~~

1 making these computations, both of the following conditions shall  
2 apply:

3 (1) ~~Revenue limit funding attributable to pupils in kindergarten~~  
4 ~~and grades 1 to 5, inclusive, shall equal the statewide average~~  
5 ~~revenue limit funding per unit of average daily attendance received~~  
6 ~~by elementary school districts; revenue limit funding attributable~~  
7 ~~to pupils in grades 6, 7, and 8, shall equal the statewide average~~  
8 ~~revenue limit funding per unit of average daily attendance received~~  
9 ~~by unified school districts; and revenue limit funding attributable~~  
10 ~~to pupils in grades 9 to 12, inclusive, shall equal the statewide~~  
11 ~~average revenue limit funding per unit of average daily attendance~~  
12 ~~received by high school districts.~~

13 (2) ~~Revenue limit funding received by school districts shall~~  
14 ~~exclude the value of any benefit attributable to the presence of~~  
15 ~~necessary small schools or necessary small high schools within~~  
16 ~~the school district.~~

17 (b) ~~The Superintendent shall multiply each of the four amounts~~  
18 ~~computed in subdivision (a) by the charter school's average daily~~  
19 ~~attendance in the corresponding grade level ranges. The resulting~~  
20 ~~figure shall be the amount of the charter school's general-purpose~~  
21 ~~entitlement, which shall be funded through a combination of state~~  
22 ~~aid and local funds. From funds appropriated for this purpose~~  
23 ~~pursuant to Section 14002, the superintendent shall apportion to~~  
24 ~~each charter school this amount, less local funds allocated to the~~  
25 ~~charter school pursuant to Section 47635 and any amount received~~  
26 ~~pursuant to subparagraph (B) of paragraph (3) of subdivision (e)~~  
27 ~~of Section 36 of Article XIII of the California Constitution.~~

28 (e) ~~General-purpose entitlement funding may be used for any~~  
29 ~~public school purpose determined by the governing body of the~~  
30 ~~charter school.~~

31 (d) ~~Commencing with the 2013–14 fiscal year, this section shall~~  
32 ~~be used only for purposes of allocating revenues received pursuant~~  
33 ~~to subparagraph (B) of paragraph (3) of subdivision (c) of Section~~  
34 ~~36 of Article XIII of the California Constitution.~~

35 (e) ~~This section shall become inoperative on July 1, 2021, and,~~  
36 ~~as of January 1, 2022, is repealed, unless a later enacted statute,~~  
37 ~~that becomes operative on or before January 1, 2022, deletes or~~  
38 ~~extends the dates on which it becomes inoperative and is repealed.~~

1 SEC. 67. Section 47634.1 of the Education Code, as added by  
2 Section 24 of Chapter 2 of the Fourth Extraordinary Session of  
3 the Statutes of 2009, is repealed.

4 ~~47634.1. (a) Notwithstanding subdivision (a) of Section 47634,~~  
5 ~~a categorical block grant for charter schools for the 2005–06 fiscal~~  
6 ~~year shall be calculated as follows:~~

7 ~~(1) The Superintendent shall divide the total amount of funding~~  
8 ~~appropriated for the purpose of this block grant in the annual~~  
9 ~~Budget Act or another statute, less the total amount calculated in~~  
10 ~~paragraph (2), by the statewide total of charter school average~~  
11 ~~daily attendance, as determined at the second principal~~  
12 ~~apportionment for the 2005–06 fiscal year.~~

13 ~~(2) The statewide average amount, as computed by the~~  
14 ~~Superintendent, of funding per identified educationally~~  
15 ~~disadvantaged pupil received by school districts in the current~~  
16 ~~fiscal year pursuant to Article 2 (commencing with Section 54020)~~  
17 ~~of Chapter 1 of Part 29. This amount shall be multiplied by the~~  
18 ~~number of educationally disadvantaged pupils enrolled in the~~  
19 ~~charter school. The resulting amount, if greater than zero, shall~~  
20 ~~not be less than the minimum amount of Economic Impact Aid~~  
21 ~~funding to which a school district of similar size would be entitled~~  
22 ~~pursuant to Section 54022. For purposes of this subdivision, a~~  
23 ~~pupil who is eligible for subsidized meals pursuant to Section~~  
24 ~~49552 and is identified as an English learner pursuant to~~  
25 ~~subdivision (a) of Section 306 shall count as two pupils.~~

26 ~~(3) For each charter school, the Superintendent shall multiply~~  
27 ~~the amount calculated in paragraph (1) by the school’s average~~  
28 ~~daily attendance as determined at the second principal~~  
29 ~~apportionment for the 2005–06 fiscal year.~~

30 ~~(4) The Superintendent shall add the amounts computed in~~  
31 ~~paragraphs (2) and (3). The resulting amount shall be the charter~~  
32 ~~school categorical block grant that the Superintendent shall~~  
33 ~~apportion to each charter school from funds appropriated for this~~  
34 ~~purpose in the annual Budget Act or another statute. The~~  
35 ~~Superintendent shall allocate an advance payment of this grant as~~  
36 ~~early as possible, but no later than October 31, 2005, based on~~  
37 ~~prior year average daily attendance as determined at the second~~  
38 ~~principal apportionment or, for a charter school in its first year of~~  
39 ~~operation that commences instruction on or before September 30,~~

1 2005, on estimates of average daily attendance for the current fiscal  
2 year determined pursuant to Section 47652.

3 (b) (1) For the 2006–07 fiscal year, the categorical block grant  
4 allocated by the Superintendent for charter schools shall be four  
5 hundred dollars (\$400) per unit of charter school average daily  
6 attendance as determined at the second principal apportionment  
7 for the 2006–07 fiscal year. This amount shall be supplemented  
8 by the amount calculated in paragraph (2):

9 (2) The statewide average amount, as computed by the  
10 Superintendent, of funding per economic impact aid-eligible pupil  
11 count received by school districts in the current fiscal year,  
12 pursuant to Article 2 (commencing with Section 54020) of Chapter  
13 1 of Part 29, shall be multiplied by the number of economic impact  
14 aid-eligible pupils enrolled in the charter school. The resulting  
15 amount, if greater than zero, shall not be less than the minimum  
16 amount of Economic Impact Aid funding to which a school district  
17 of similar size would be entitled pursuant to Section 54022.

18 (c) (1) For the 2007–08 fiscal year, the categorical block grant  
19 allocated by the Superintendent for charter schools shall be five  
20 hundred dollars (\$500) per unit of charter school average daily  
21 attendance as determined at the second principal apportionment  
22 for the 2007–08 fiscal year. For each fiscal year thereafter, this  
23 per unit amount shall be adjusted for the cost-of-living adjustment,  
24 as determined pursuant to Section 42238.1, for that fiscal year.  
25 This amount shall be supplemented in the 2007–08 fiscal year and  
26 each fiscal year thereafter by the amount calculated in paragraph  
27 (2):

28 (2) The statewide average amount, as computed by the  
29 Superintendent, of funding per economic impact aid-eligible pupil  
30 count received by school districts in the current year, pursuant to  
31 Article 2 (commencing with Section 54020) of Chapter 1 of Part  
32 29, shall be multiplied by the number of economic impact  
33 aid-eligible pupils enrolled in the charter school. The resulting  
34 amount, if greater than zero, shall not be less than the minimum  
35 amount of Economic Impact Aid funding to which a school district  
36 of similar size would be entitled pursuant to Section 54022.

37 (d) It is the intent of the Legislature to fully fund the categorical  
38 block grant for charter schools as specified in this section and to  
39 appropriate additional funding that may be needed in order to  
40 compensate for unanticipated increases in average daily attendance

1 and counts of economic impact aid-eligible pupils, pursuant to  
2 Article 2 (commencing with Section 54020) of Chapter 1 of Part  
3 29, in charter schools. In any fiscal year in which the department  
4 identifies a deficiency in the categorical block grant, the department  
5 shall identify the available balance for programs that count towards  
6 meeting the requirements of Section 8 of Article XVI of the  
7 California Constitution and have unobligated funds for the year.  
8 On or before July 1, the department shall provide the Department  
9 of Finance with a list of those programs and their available  
10 balances, and the amount of the deficiency, if any, in the categorical  
11 block grant. Within 45 days of the receipt of a notification of  
12 deficiency, the Director of Finance shall verify the amount of the  
13 deficiency in the categorical block grant and direct the Controller  
14 to transfer an amount, equal to the lesser of the amount available  
15 or the amount needed to fully fund the categorical block grant,  
16 from those programs to the categorical block grant. The Department  
17 of Finance shall notify the Joint Legislative Budget Committee  
18 within 30 days of any transfer made pursuant to this section.

19 (e) Commencing October 1, 2007, the Legislative Analyst's  
20 Office shall triennially convene a work group to review,  
21 commencing with appropriations proposed for the 2008-09 fiscal  
22 year, the appropriateness of the funding level provided by the  
23 categorical block grant established in this section.

24 (f) Categorical block grant funding may be used for any purpose  
25 determined by the governing body of the charter school.

26 (g) This section shall become operative on July 1, 2013.

27 SEC. 68. Section 47634.3 of the Education Code is amended  
28 to read:

29 47634.3. For purposes of ~~Section 47633~~, *Sections 42238.02*  
30 *and 42238.03*, the Superintendent shall compute average daily  
31 attendance in each of grades 1 through 12, respectively, as follows:

32 (a) Distribute statewide total ungraded enrollment and average  
33 daily attendance among kindergarten and each of grades 1 through  
34 12, inclusive, in proportion to the amounts of graded enrollment  
35 and average daily attendance, respectively, in each of these grades.

36 (b) Multiply enrollment in each of grades 1 through 12,  
37 respectively, by the ratio of average daily attendance to enrollment  
38 in the applicable grade range: 1 through 3, inclusive, 4 through 6,  
39 inclusive; 7 and 8; and 9 through 12, inclusive.

1 SEC. 69. Section 47634.4 of the Education Code is amended  
 2 to read:

3 47634.4. (a) A charter school that elects to receive its funding  
 4 directly, pursuant to Section 47651, may apply individually for  
 5 federal and state categorical programs, not excluded in this section,  
 6 but only to the extent it is eligible for funding and meets the  
 7 provisions of the program. For purposes of determining eligibility  
 8 for, and allocation of, state or federal categorical aid, a charter  
 9 school that applies individually shall be deemed to be a school  
 10 district, except as otherwise provided in this chapter.

11 (b) A charter school that does not elect to receive its funding  
 12 directly, pursuant to Section 47651, may, in cooperation with its  
 13 chartering authority, apply for federal and state categorical  
 14 programs not specified in this section, but only to the extent it is  
 15 eligible for funding and meets the provisions of the program.

16 (c) Notwithstanding any other ~~provision of law~~, for the 2006–07  
 17 fiscal year and each fiscal year thereafter, a charter school may  
 18 not apply directly for categorical programs for which services are  
 19 exclusively or almost exclusively provided by a county office of  
 20 education.

21 (d) Consistent with subdivision (c), a charter school may not  
 22 receive direct funding for any of the following county-administered  
 23 categorical programs:

- 24 (1) American Indian Education Centers.
- 25 ~~(2) The California Association of Student Councils.~~
- 26 ~~(3) California Technology Assistance Project established~~  
 27 ~~pursuant to Article 15 (commencing with Section 51870) of~~  
 28 ~~Chapter 5 of Part 28.~~
- 29 ~~(4) The Center for Civic Education.~~
- 30 ~~(5)~~
- 31 (2) County Office Fiscal Crisis and Management Assistance  
 32 Team.
- 33 ~~(6)~~
- 34 (3) The K–12 High Speed Network.

35 (e) A charter school may apply separately for district-level or  
 36 school-level grants associated with any of the categorical programs  
 37 specified in subdivision (d).

38 (f) Notwithstanding any other ~~provision of law~~, for the 2006–07  
 39 fiscal year and each fiscal year thereafter, in addition to the

1 programs listed in subdivision (d), a charter school may not apply  
2 for any of the following categorical programs:

3 (1) Agricultural Career Technical Education Incentive Program,  
4 as set forth in Article 7.5 (commencing with Section 52460) of  
5 Chapter 9 of Part 28.

6 ~~(2) Bilingual Teacher Training Assistance Program, as set forth  
7 in Article 4 (commencing with Section 52180) of Chapter 7 of  
8 Part 28.~~

9 ~~(3) California Peer Assistance and Review Program for  
10 Teachers, as set forth in Article 4.5 (commencing with Section  
11 44500) of Chapter 3 of Part 25.~~

12 ~~(4) College preparation programs, as set forth in Chapter 12  
13 (commencing with Section 11020) of Part 7, Chapter 8.3  
14 (commencing with Section 52240) of Part 28, and Chapter 8  
15 (commencing with Section 60830) of Part 33.~~

16 ~~(5)~~

17 (2) Foster youth programs pursuant to Chapter 11.3  
18 (commencing with Section 42920) of Part 24.

19 ~~(6) Gifted and talented pupil programs pursuant to Chapter 8  
20 (commencing with Section 52200) of Part 28.~~

21 ~~(7)~~

22 (3) Home-to-school transportation programs, as set forth in  
23 Article 2 (commencing with Section 39820) of Chapter 1 of Part  
24 23.5 and Article 10 (commencing with Section 41850) of Chapter  
25 5 of Part 24.

26 ~~(8) International Baccalaureate Diploma Program, as set forth  
27 in Chapter 12.5 (commencing with Section 52920) of Part 28.~~

28 ~~(9) Mathematics and Reading Professional Development  
29 Program, as set forth in Article 3 (commencing with Section 99230)  
30 of Chapter 5 of Part 65.~~

31 ~~(10) Principal Training Program, as set forth in Article 4.6  
32 (commencing with Section 44510) of Chapter 3 of Part 25.~~

33 (11) Professional Development Block Grant, as set forth in  
34 Article 5 (commencing with Section 41530) of Chapter 3.2 of Part  
35 24.

36 ~~(12) Program to Reduce Class Size in Two Courses in Grade 9  
37 (formerly The Morgan-Hart Class Size Reduction Act of 1989),  
38 as set forth in Chapter 6.8 (commencing with Section 52080) of  
39 Part 28.~~

- 1     ~~(13) Pupil Retention Block Grant, as set forth in Article 2~~  
2     ~~(commencing with Section 41505) of Chapter 3.2 of Part 24.~~  
3     ~~(14) Reader services for blind teachers, as set forth in Article~~  
4     ~~8.5 (commencing with Section 45370) of Chapter 5 of Part 25.~~  
5     ~~(15) School and Library Improvement Block Grant, as set forth~~  
6     ~~in Article 7 (commencing with Section 41570) of Chapter 3.2 of~~  
7     ~~Part 24.~~  
8     ~~(16) School Safety Consolidated Competitive Grant, as set forth~~  
9     ~~in Article 3 (commencing with Section 41510) of Chapter 3.2 of~~  
10    ~~Part 24.~~  
11    ~~(17) School safety programs, as set forth in Article 3.6~~  
12    ~~(commencing with Section 32228) and Article 3.8 (commencing~~  
13    ~~with Section 32239.5) of Chapter 2 of Part 19.~~  
14    ~~(18) Specialized secondary schools pursuant to Chapter 6~~  
15    ~~(commencing with Section 58800) of Part 31.~~  
16    ~~(19) State Instructional Materials Fund, as set forth in Article~~  
17    ~~3 (commencing with Section 60240) of Chapter 2 of Part 33.~~  
18    ~~(20)~~  
19    (4) Targeted Instructional Improvement Block Grant, as set  
20    forth in Article 6 (commencing with Section 41540) of Chapter  
21    3.2 of Part 24.  
22    ~~(21) Teacher dismissal apportionment, as set forth in Section~~  
23    ~~44944.~~  
24    ~~(22) The deferred maintenance program, as set forth in Article~~  
25    ~~1 (commencing with Section 17565) of Chapter 5 of Part 10.5.~~  
26    ~~(23) The General Fund contribution to the State Instructional~~  
27    ~~Materials Fund pursuant to Article 3 (commencing with Section~~  
28    ~~60240) of Chapter 2 of Part 33.~~  
29    ~~(24) Year-Round School Grant Program, as set forth in Article~~  
30    ~~3 (commencing with Section 42260) of Chapter 7 of Part 24.~~  
31    SEC. 70. Section 47650 of the Education Code is amended to  
32    read:  
33    47650. A charter school shall be deemed to be a school district  
34    for purposes of determining the manner in which warrants are  
35    drawn on the State School Fund pursuant to Section 14041. For  
36    purposes of Section 14041, a charter school's "total amount  
37    certified" means the state aid portion of the charter school's total  
38    ~~general-purpose entitlement and categorical block grant computed~~  
39    ~~local control funding formula allocation pursuant to Sections~~

1 ~~47633 and 47634. Section 42238.02, as implemented by Section~~  
2 ~~42238.03.~~

3 SEC. 71. Section 47651 of the Education Code is amended to  
4 read:

5 47651. (a) A charter school may receive the state aid portion  
6 of the charter school's total ~~general-purpose entitlement and~~  
7 ~~categorical block grant~~ *local control funding formula allocation*  
8 *pursuant to Section 42238.02, as implemented by Section 42238.03,*  
9 directly or through the local educational agency that either grants  
10 its charter or was designated by the ~~State Board of Education;~~ *state*  
11 *board.*

12 (1) In the case of a charter school that elects to receive its  
13 funding directly, the warrant shall be drawn in favor of the *county*  
14 superintendent of schools of the county in which the local  
15 educational agency that approved the charter or was designated  
16 by the ~~State Board of Education~~ *state board* as the oversight agency  
17 pursuant to paragraph (1) of subdivision (k) of Section 47605 is  
18 located, for deposit to the appropriate funds or accounts of the  
19 charter school in the county treasury. The county superintendent  
20 of schools is authorized to establish appropriate funds or accounts  
21 in the county treasury for each charter school.

22 (2) In the case of a charter school that does not elect to receive  
23 its funding directly pursuant to Section 47651, the warrant shall  
24 be drawn in favor of the *county* superintendent of schools of the  
25 county in which the local educational agency that granted the  
26 charter is located or was designated the oversight agency by the  
27 *state board* pursuant to paragraph (1) of subdivision (k) of Section  
28 47605, for deposit to the appropriate funds or accounts of the local  
29 educational agency.

30 (3) In the case of a charter school, the charter of which was  
31 granted by the ~~State Board of Education;~~ *state board*, but for which  
32 the *state board* has not delegated oversight responsibilities pursuant  
33 to paragraph (1) of subdivision (k) of Section 47605, the warrant  
34 shall be drawn in favor of the *county* superintendent of schools in  
35 the county where the local educational agency is located that  
36 initially denied the charter that was later approved by the *state*  
37 board. The county superintendent of schools is authorized to  
38 establish appropriate funds or accounts in the county treasury for  
39 each charter school.

1 (b) On or before June 1 of each year, a charter school electing  
 2 to receive its funding directly shall so notify the county  
 3 superintendent of schools of the county in which the local  
 4 educational agency that granted the charter is located or, in the  
 5 case of charters for which the ~~State Board of Education~~ *state board*  
 6 has designated an oversight agency pursuant to paragraph (1) of  
 7 subdivision (k) of Section 47605, the county superintendent of  
 8 schools of the county in which the designated oversight agency is  
 9 located. An election to receive funding directly shall apply to all  
 10 funding that the charter school is eligible to receive including, but  
 11 not limited to, the ~~charter general-purpose entitlements and the~~  
 12 ~~categorical block grant computed~~ *local control funding formula*  
 13 *allocation* pursuant to ~~Sections 47633 and 47634, Section~~  
 14 *42238.02, as implemented by Section 42238.03*, other state and  
 15 federal categorical aid, and lottery funds.

16 SEC. 72. Section 48660 of the Education Code is amended to  
 17 read:

18 48660. The governing board of a school district may establish  
 19 one or more community day schools for pupils who meet one or  
 20 more of the conditions described in subdivision (b) of Section  
 21 48662. A community day school may serve pupils in any of  
 22 kindergarten and grades 1 to 6, inclusive, or any of grades 7 to 12,  
 23 inclusive, or the same or lesser included range of grades as may  
 24 be found in ~~any~~ *an* individual middle or junior high school operated  
 25 by the *school* district. If a school district is organized as a *school*  
 26 district that serves kindergarten and grades 1 to 8, inclusive, but  
 27 no higher grades, the governing board of the school district may  
 28 establish a community day school for any kindergarten and grades  
 29 1 to 8, inclusive, upon a two-thirds vote of the ~~board.~~ *governing*  
 30 *board of the school district*. It is the intent of the Legislature, that  
 31 to the extent possible, the governing board of a school district  
 32 operating a community day school for any of kindergarten and  
 33 grades 1 to 8, inclusive, separate younger pupils from older pupils  
 34 within that community day school. ~~Except as provided in Section~~  
 35 ~~47634, a charter school may not receive funding as a community~~  
 36 ~~day school unless it meets all the conditions of apportionment set~~  
 37 ~~forth in this article.~~

38 SEC. 73. Section 48660.2 of the Education Code is repealed.

39 ~~48660.2. (a) Notwithstanding any other provision of law, and~~  
 40 ~~as a condition of receiving apportionments under this article, school~~

1 ~~districts operating one or more community day schools shall~~  
2 ~~annually report to the Superintendent, on forms approved by the~~  
3 ~~State Board of Education, the direct instructional costs and~~  
4 ~~documented support costs of their community day schools, using~~  
5 ~~definitions included in the California School Accounting Manual,~~  
6 ~~Part I, as it read on July 1, 1997, except that districts may include~~  
7 ~~in these reports the costs of rents and leases for facilities used by~~  
8 ~~community day schools and maintenance and operations costs for~~  
9 ~~facilities used by community day schools. Each school district that~~  
10 ~~has received approval from the department to use the standardized~~  
11 ~~account code structure may satisfy the requirement set forth in this~~  
12 ~~subdivision by reporting the direct costs of the community day~~  
13 ~~school program, and shall maintain documentation of all~~  
14 ~~noninstructional costs charged to the community day school~~  
15 ~~program.~~

16 (b) ~~The Superintendent shall do each of the following:~~

17 (1) ~~Multiply the total of all funds received by each school district~~  
18 ~~on behalf of pupils while enrolled in community day schools by~~  
19 ~~0.9.~~

20 (2) ~~Subtract the total of each school district's costs for~~  
21 ~~community day schools, as determined pursuant to subdivision~~  
22 ~~(a), from the amount determined pursuant to paragraph (1).~~

23 (3) ~~If the amount determined pursuant to paragraph (2) for a~~  
24 ~~school district is positive, the Superintendent shall subtract that~~  
25 ~~amount from the school district's next apportionment.~~

26 (e) (1) ~~For purposes of making the computation required by~~  
27 ~~paragraph (1) of subdivision (b) for the 2004-05 fiscal year, the~~  
28 ~~"total of all funds received" means the total of all funds received~~  
29 ~~in the 2002-03 to 2004-05 fiscal years, inclusive.~~

30 (2) ~~For purposes of making the computation required by~~  
31 ~~paragraph (2) of subdivision (b) for the 2004-05 fiscal year, the~~  
32 ~~"school district's costs" means the school district's costs incurred~~  
33 ~~in the 2002-03 to 2004-05 fiscal years, inclusive.~~

34 SEC. 74. Section 48663 of the Education Code is repealed.

35 48663. (a) ~~The minimum schoolday in a community day school~~  
36 ~~is 360 minutes of classroom instruction provided by a certificated~~  
37 ~~employee of the district reporting the attendance of the pupils for~~  
38 ~~apportionment funding.~~

1 ~~(b) A pupil enrolled in a community day school may not~~  
2 ~~generate more than one day of community day school attendance~~  
3 ~~credit in a schoolday for any purpose.~~

4 ~~(c) For the purposes of calculating the additional funding~~  
5 ~~provided to a school district pursuant to Section 48664, only~~  
6 ~~community day school attendance shall be reported in clock hours.~~  
7 ~~Attendance of less than five clock hours in a schoolday shall be~~  
8 ~~disregarded for purposes of Section 48664. Five clock hours of~~  
9 ~~attendance in one schoolday shall be deemed to be one-half day~~  
10 ~~of attendance, for purposes of additional funding pursuant to~~  
11 ~~Section 48664. Six clock hours or more of attendance in one~~  
12 ~~schoolday shall be deemed to be one day of attendance, for~~  
13 ~~purposes of additional funding pursuant to Section 48664.~~

14 ~~(d) Independent study may not be utilized as a means of~~  
15 ~~providing any part of the minimum instructional day provided~~  
16 ~~pursuant to subdivision (a).~~

17 ~~(e) A community day school's academic programs shall be~~  
18 ~~comparable to those available to pupils of a similar age in the~~  
19 ~~school district.~~

20 SEC. 75. Section 48664 of the Education Code is repealed.

21 ~~48664. (a) (1) In addition to funds from all other sources, the~~  
22 ~~Superintendent shall apportion to each school district that operates~~  
23 ~~a community day school four thousand dollars (\$4,000) per year,~~  
24 ~~and for each county office of education that operates a community~~  
25 ~~day school three thousand dollars (\$3,000) per year, for each unit~~  
26 ~~of average daily attendance reported at the annual apportionment~~  
27 ~~for pupil attendance at community day schools, adjusted annually~~  
28 ~~commencing with the 1999-2000 fiscal year for the inflation~~  
29 ~~adjustment calculated pursuant to subdivision (b) of Section~~  
30 ~~42238.1. Average daily attendance reported for this program shall~~  
31 ~~not exceed 0.375 percent of a school district's prior year P2 average~~  
32 ~~daily attendance in an elementary school district, 0.5 percent of a~~  
33 ~~school district's prior year P2 average daily attendance in a unified~~  
34 ~~school district, or 0.625 percent of a school district's prior year P2~~  
35 ~~average daily attendance in a high school district. The units of~~  
36 ~~average daily attendance of a community day school operated by~~  
37 ~~a county office of education shall not exceed the unused units of~~  
38 ~~average daily attendance of the community day schools operated~~  
39 ~~by the school districts within the jurisdiction of that county office~~  
40 ~~of education.~~

1     ~~(2) The Superintendent may reallocate to any school district~~  
2 ~~any unexpended balance of the appropriations made for purposes~~  
3 ~~of this subdivision for actual pupil attendance in excess of the~~  
4 ~~percentage specified in this subdivision for the school district in~~  
5 ~~an amount not to exceed one-half of that percentage. However,~~  
6 ~~the average daily attendance generated by pupils expelled pursuant~~  
7 ~~to subdivision (d) of Section 48915, shall not be subject to these~~  
8 ~~percentage caps on average daily attendance.~~

9     ~~(b) The average daily attendance of a community day school~~  
10 ~~shall be determined by dividing the total number of days of~~  
11 ~~attendance in all full school months, by a divisor of 70 in the first~~  
12 ~~period of each fiscal year, by a divisor of 135 in the second period~~  
13 ~~of each fiscal year, and by a divisor of 180 at the annual time of~~  
14 ~~each fiscal year.~~

15     ~~(c) The Superintendent shall apportion to each school district~~  
16 ~~that operates a community day school an amount equal to four~~  
17 ~~dollars (\$4), adjusted annually commencing with the 1999-2000~~  
18 ~~fiscal year for inflation pursuant to subdivision (b) of Section~~  
19 ~~42238.1, multiplied by the total of the number of hours each~~  
20 ~~school day, up to a maximum of two hours daily, that each~~  
21 ~~community day school pupil remains at the community day school~~  
22 ~~under the supervision of an employee of the school district, or a~~  
23 ~~consortium of school districts pursuant to Section 48916.1,~~  
24 ~~reporting the attendance of the pupils for apportionment funding~~  
25 ~~following completion of the full six-hour instructional day.~~

26     ~~(d) It is the intent of the Legislature that school districts enter~~  
27 ~~into consortia, as feasible, for purposes of providing community~~  
28 ~~day school programs. A school district with fewer than 2,501 units~~  
29 ~~of average daily attendance may request a waiver for any fiscal~~  
30 ~~year of the funding limitations set forth in this section. The~~  
31 ~~Superintendent shall approve a waiver if he or she deems it~~  
32 ~~necessary in order to permit the operation of a community day~~  
33 ~~school of reasonably comparable quality to those offered in a~~  
34 ~~school district with 2,501 or more units of average daily attendance.~~  
35 ~~In no event shall the amount allocated pursuant to a waiver exceed~~  
36 ~~the amount provided for one teacher pursuant to Section 42284,~~  
37 ~~for pupils enrolled in kindergarten and grades 1 to 6, inclusive, or~~  
38 ~~the amount provided for one teacher pursuant to Section 42284,~~  
39 ~~for pupils enrolled in grades 7 to 12, inclusive. The provisions of~~  
40 ~~this act shall not apply to a school district that applied for a waiver~~

1 within the funding limits established by this subdivision but was  
2 denied funding or not fully funded.

3 (e) The department shall evaluate and report to the appropriate  
4 legislative policy committees and budget committees on or before  
5 October 1, 1998, and for two years thereafter the following  
6 programmatic and fiscal issues:

7 (1) The number of expulsions statewide.

8 (2) The number of school districts operating community day  
9 schools.

10 (3) Status of the countywide plans as defined in Section 48926.

11 (4) An evaluation of the community day school average daily  
12 attendance funding percentage cap.

13 (5) Number of small school districts requesting and the number  
14 receiving a waiver under this section.

15 (6) The effect of hourly accounting under Section 48663 for  
16 purposes of receiving the additional funding under Section 48664.

17 (7) The number of pupils and average daily attendance served  
18 in community day programs, further identified as the number  
19 expelled pursuant to subdivision (b) of Section 48915, subdivision  
20 (d) of Section 48915, other expulsion criteria, or referred through  
21 a formal school district process.

22 (8) Pupil outcome data and other data as required under Section  
23 48916.1.

24 (9) Other programmatic or fiscal matters as determined by the  
25 department.

26 (f) The additional funds provided in subdivisions (a), (e), and  
27 (d) shall only be allocated to the extent that funds are appropriated  
28 for this purpose in the annual Budget Act or other legislation, or  
29 both.

30 (g) A one-time adjustment shall be made to the amount specified  
31 in subdivision (a), for the 1998–99 fiscal year and subsequent fiscal  
32 years, by increasing that amount by the statewide average quotient  
33 resulting from dividing the average daily attendance specified in  
34 subparagraph (B) of paragraph (3) of subdivision (a) of Section  
35 42238.8 by the amount specified in subparagraph (C) of paragraph  
36 (3) of subdivision (a) of Section 42238.8.

37 SEC. 76. Article 15 (commencing with Section 51870) of  
38 Chapter 5 of Part 28 of Division 4 of Title 2 of the Education Code  
39 is repealed.

- 1 SEC. 77. Chapter 6.8 (commencing with Section 52080) of  
2 Part 28 of Division 4 of Title 2 of the Education Code is repealed.
- 3 SEC. 78. Chapter 6.9 (commencing with Section 52100) of  
4 Part 28 of Division 4 of Title 2 of the Education Code is repealed.
- 5 SEC. 79. Chapter 6.10 (commencing with Section 52120) of  
6 Part 28 of Division 4 of Title 2 of the Education Code is repealed.
- 7 SEC. 80. Chapter 7 (commencing with Section 52130) of Part  
8 28 of Division 4 of Title 2 of the Education Code is repealed.
- 9 SEC. 81. Chapter 8 (commencing with Section 52200) of Part  
10 28 of Division 4 of Title 2 of the Education Code is repealed.
- 11 SEC. 82. Chapter 8.3 (commencing with Section 52240) of  
12 Part 28 of Division 4 of Title 2 of the Education Code is repealed.
- 13 SEC. 83. Chapter 8.5 (commencing with Section 52250) of  
14 Part 28 of Division 4 of Title 2 of the Education Code is repealed.
- 15 SEC. 84. Chapter 8.6 (commencing with Section 52270) of  
16 Part 28 of Division 4 of Title 2 of the Education Code is repealed.
- 17 SEC. 85. Article 4.5 (commencing with Section 52378) of  
18 Chapter 9 of Part 28 of Division 4 of Title 2 of the Education Code  
19 is repealed.
- 20 SEC. 86. Article 5 (commencing with Section 52381) of  
21 Chapter 9 of Part 28 of Division 4 of Title 2 of the Education Code  
22 is repealed.
- 23 SEC. 87. Article 8 (commencing with Section 52480) of  
24 Chapter 9 of Part 28 of Division 4 of Title 2 of the Education Code  
25 is repealed.
- 26 SEC. 88. Article 9 (commencing with Section 52485) of  
27 Chapter 9 of Part 28 of Division 4 of Title 2 of the Education Code  
28 is repealed.
- 29 SEC. 89. Article 4 (commencing with Section 52750) of  
30 Chapter 11 of Part 28 of Division 4 of Title 2 of the Education  
31 Code is repealed.
- 32 SEC. 90. Article 1 (commencing with Section 52800) of  
33 Chapter 12 of Part 28 of Division 4 of Title 2 of the Education  
34 Code is repealed.
- 35 SEC. 91. Chapter 12.5 (commencing with Section 52920) of  
36 Part 28 of Division 4 of Title 2 of the Education Code is repealed.
- 37 SEC. 92. Chapter 1 (commencing with Section 54000) of Part  
38 29 of Division 4 of Title 2 of the Education Code is repealed.
- 39 SEC. 93. Chapter 2 (commencing with Section 54100) of Part  
40 29 of Division 4 of Title 2 of the Education Code is repealed.

1 SEC. 94. Article 7.1 (commencing with Section 54740) of  
 2 Chapter 9 of Part 29 of Division 4 of Title 2 of the Education Code  
 3 is repealed.

4 SEC. 95. Chapter 5 (commencing with Section 58700) of Part  
 5 31 of Division 4 of Title 2 of the Education Code is repealed.

6 SEC. 96. The heading of Article 7 (commencing with Section  
 7 60117) of Chapter 1 of Part 33 of Division 4 of Title 2 of the  
 8 Education Code is amended to read:

9  
 10 Article 7. ~~Pupil Textbook and Sufficiency of Instructional~~  
 11 ~~Materials Incentive Program~~  
 12

13 SEC. 97. Section 60117 of the Education Code is repealed.

14 ~~60117. This article shall be known and may be cited as the~~  
 15 ~~Pupil Textbook and Instructional Materials Incentive Program Act.~~

16 SEC. 98. Section 60118 of the Education Code is repealed.

17 ~~60118. County offices of education may, at their option, be~~  
 18 ~~eligible to receive funds pursuant to this article. Allocations to~~  
 19 ~~county offices of education shall be based upon prior year average~~  
 20 ~~daily attendance in county operated educational programs and at~~  
 21 ~~the average amount allocated to school districts per unit of average~~  
 22 ~~daily attendance. For the purposes of this article, the terms~~  
 23 ~~“governing board of a school district” and “governing board” are~~  
 24 ~~deemed to include county boards of education.~~

25 SEC. 99. Section 60119 of the Education Code is amended to  
 26 read:

27 ~~60119. (a) In order to be eligible to receive funds available~~  
 28 ~~for purposes of this article, the~~ *The* governing board of a school  
 29 district shall take the following actions:

30 (1) (A) The governing board of a school district shall hold a  
 31 public hearing or hearings at which the governing board *of the*  
 32 *school district* shall encourage participation by parents, teachers,  
 33 members of the community interested in the affairs of the school  
 34 district, and bargaining unit leaders, and shall make a  
 35 determination, through a resolution, as to whether each pupil in  
 36 each school in the school district has sufficient textbooks or  
 37 instructional materials, or both, that are aligned to the content  
 38 standards adopted pursuant to Section 60605 or 60605.8 in each  
 39 of the following subjects, as appropriate, that are consistent with

1 the content and cycles of the curriculum framework adopted by  
2 the state board:

3 (i) Mathematics.

4 (ii) Science.

5 (iii) History-social science.

6 (iv) English language arts, including the English language  
7 development component of an adopted program.

8 (B) The public hearing shall take place on or before the end of  
9 the eighth week from the first day pupils attend school for that  
10 year. A school district that operates schools on a multitrack,  
11 year-round calendar shall hold the hearing on or before the end of  
12 the eighth week from the first day pupils attend school for that  
13 year on any tracks that begin a school year in August or September.  
14 For purposes of the 2004–05 fiscal year only, the governing board  
15 of a school district shall make a diligent effort to hold a public  
16 hearing pursuant to this section on or before December 1, 2004.

17 (C) As part of the hearing required pursuant to this section, the  
18 governing board of a school district also shall make a written  
19 determination as to whether each pupil enrolled in a foreign  
20 language or health course has sufficient textbooks or instructional  
21 materials that are consistent with the content and cycles of the  
22 curriculum frameworks adopted by the state board for those  
23 subjects. The governing board of a school district also shall  
24 determine the availability of laboratory science equipment as  
25 applicable to science laboratory courses offered in grades 9 to 12,  
26 inclusive. The provision of the textbooks, instructional materials,  
27 or science equipment specified in this subparagraph is not a  
28 condition of receipt of funds provided by this subdivision.

29 (2) (A) If the governing board of a school district determines  
30 that there are insufficient textbooks or instructional materials, or  
31 both, the governing board *of the school district* shall provide  
32 information to classroom teachers and to the public setting forth,  
33 in the resolution, for each school in which an insufficiency exists,  
34 the percentage of pupils who lack sufficient standards-aligned  
35 textbooks or instructional materials in each subject area and the  
36 reasons that each pupil does not have sufficient textbooks or  
37 instructional materials, or both, and take any action, except an  
38 action that would require reimbursement by the Commission on  
39 State Mandates, to ensure that each pupil has sufficient textbooks

1 or instructional materials, or both, within two months of the  
2 beginning of the school year in which the determination is made.

3 (B) In carrying out subparagraph (A), the governing board of a  
4 school district may use moneys in any of the following funds:

5 (i) Any funds available for textbooks or instructional materials,  
6 or both, ~~from categorical programs, including any funds allocated~~  
7 ~~received pursuant to school districts that have been appropriated~~  
8 ~~in Section 8880.5 of the annual Budget Act. Government Code.~~

9 (ii) ~~Any funds of the school district that are in excess of the~~  
10 ~~amount available for each pupil during the prior fiscal year to~~  
11 ~~purchase textbooks or instructional materials, or both.~~

12 (iii)

13 (ii) Any other funds available to the school district for textbooks  
14 or instructional materials, or both.

15 (b) The governing board of a school district shall provide 10  
16 days' notice of the public hearing or hearings set forth in  
17 subdivision (a). The notice shall contain the time, place, and  
18 purpose of the hearing and shall be posted in three public places  
19 in the school district. The hearing shall be held at a time that will  
20 encourage the attendance of teachers and parents and guardians  
21 of pupils who attend the schools in the school district and shall  
22 not take place during or immediately following school hours.

23 (c) (1) For purposes of this section, "sufficient textbooks or  
24 instructional materials" means that each pupil, including English  
25 learners, has a standards-aligned textbook or instructional materials,  
26 or both, to use in class and to take home. This paragraph does not  
27 require two sets of textbooks or instructional materials for each  
28 pupil. The materials may be in a digital format as long as each  
29 pupil, at a minimum, has and can access the same materials in the  
30 class and to take home, as all other pupils in the same class or  
31 course in the school district and has the ability to use and access  
32 them at home.

33 (2) Sufficient textbooks or instructional materials as defined in  
34 paragraph (1) do not include photocopied sheets from only a  
35 portion of a textbook or instructional materials copied to address  
36 a shortage.

37 (d) The governing board of a school district that receives funds  
38 for instructional materials from any state source is subject to the  
39 requirements of this section.

1 (e) For the purpose of transitioning to instructional materials  
2 that are aligned with the common core academic content standards,  
3 it is the intent of the Legislature that textbooks, instructional  
4 materials, and supplemental instructional materials be deemed to  
5 be aligned with the content standards pursuant to subdivisions (a)  
6 and (c), and be deemed consistent with the content and cycles of  
7 the curriculum framework adopted by the state board pursuant to  
8 subdivision (a) if the textbooks, instructional materials,  
9 supplemental instructional materials, or a combination of any such  
10 materials are aligned to the content standards adopted pursuant to  
11 Section 60605 or 60605.8.

12 SEC. 100. Article 3 (commencing with Section 60240) of  
13 Chapter 2 of Part 33 of Division 4 of Title 2 of the Education Code  
14 is repealed.

15 SEC. 101. Article 7 (commencing with Section 60350) of  
16 Chapter 2 of Part 33 of Division 4 of Title 2 of the Education Code  
17 is repealed.

18 SEC. 102. Chapter 4 (commencing with Section 60500) of Part  
19 33 of Division 4 of Title 2 of the Education Code is repealed.

20 SEC. 103. Section 60851 of the Education Code is amended  
21 to read:

22 60851. (a) Commencing with the 2003–04 school year and  
23 each school year thereafter, each pupil completing grade 12 shall  
24 successfully pass the high school exit examination as a condition  
25 of receiving a diploma of graduation or a condition of graduation  
26 from high school. Funding for the administration of the high school  
27 exit examination shall be provided for in the annual Budget Act.  
28 The Superintendent shall apportion funds appropriated for this  
29 purpose to enable school districts to meet the requirements of this  
30 subdivision and subdivisions (b), (c), and (d). The state board shall  
31 establish the amount of funding to be apportioned per test  
32 administered, based on a review of the cost per test.

33 (b) Each pupil shall take the high school exit examination in  
34 grade 10 beginning in the 2001–02 school year and may take the  
35 examination during each subsequent administration, until each  
36 section of the examination has been passed.

37 (c) (1) At the parent or guardian’s request, a school principal  
38 shall submit a request for a waiver of the requirement to  
39 successfully pass the high school exit examination to the governing  
40 board of the school district for a pupil with a disability who has

1 taken the high school exit examination with modifications that  
2 alter what the test measures and has received the equivalent of a  
3 passing score on one or both subject matter parts of the high school  
4 exit examination. A governing board of a school district may waive  
5 the requirement to successfully pass one or both subject matter  
6 parts of the high school exit examination for a pupil with a  
7 disability if the principal certifies to the governing board of the  
8 school district that the pupil has all of the following:

9 (A) An individualized education program adopted pursuant to  
10 the federal Individuals with Disabilities Education Act (20 U.S.C.  
11 Sec. 1400 et seq.) or a plan adopted pursuant to Section 504 of the  
12 federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)) in place  
13 that requires the accommodations or modifications to be provided  
14 to the pupil when taking the high school exit examination.

15 (B) Sufficient high school level coursework either satisfactorily  
16 completed or in progress in a high school level curriculum  
17 sufficient to have attained the skills and knowledge otherwise  
18 needed to pass the high school exit examination.

19 (C) An individual score report for the pupil showing that the  
20 pupil has received the equivalent of a passing score on the high  
21 school exit examination while using a modification that  
22 fundamentally alters what the high school exit examination  
23 measures as determined by the state board.

24 (2) A school district shall report to the state board, in a manner  
25 and by a date determined by the Superintendent, the number and  
26 characteristics of waivers reviewed, granted, and denied under this  
27 subdivision and any additional information determined to be in  
28 furtherance of this subdivision.

29 (d) The high school exit examination shall be offered in each  
30 public school and state special school that provides instruction in  
31 grades 10, 11, or 12, on the dates designated by the Superintendent.  
32 An exit examination may not be administered on any date other  
33 than those designated by the Superintendent as examination days  
34 or makeup days.

35 (e) The results of the high school exit examination shall be  
36 provided to each pupil taking the examination within eight weeks  
37 of the examination administration and in time for the pupil to take  
38 any section of the examination not passed at the next  
39 administration. A pupil shall take again only those parts of the  
40 examination he or she has not previously passed and may not retake

1 any portion of the exit examination that he or she has previously  
2 passed.

3 (f) Supplemental instruction shall be provided to any pupil who  
4 does not demonstrate sufficient progress toward passing the high  
5 school exit examination. To the extent that school districts have  
6 aligned their curriculum with the state academic content standards  
7 adopted by the state board, the curriculum for supplemental  
8 instruction shall reflect those standards and shall be designed to  
9 assist the pupils to succeed on the high school exit examination.  
10 This chapter does not require the provision of supplemental  
11 services using resources that are not regularly available to a school  
12 or school district, including summer school ~~instruction provided~~  
13 ~~pursuant to Section 37252.~~ *instruction*. In no event shall any action  
14 taken as a result of this subdivision cause or require reimbursement  
15 by the Commission on State Mandates. Sufficient progress shall  
16 be determined on the basis of either of the following:

17 (1) The results of the assessments administered pursuant to  
18 Article 4 (commencing with Section 60640) of Chapter 5 ~~of Part~~  
19 ~~33~~ and the minimum levels of proficiency recommended by the  
20 state board pursuant to Section 60648.

21 (2) The grades of the pupil and other indicators of academic  
22 achievement designated by the school district.

23 SEC. 104. Section 62002 of the Education Code is repealed.

24 ~~62002. If the Legislature does not enact legislation to continue~~  
25 ~~a program listed in this part, the funding of that program shall~~  
26 ~~continue for the general purposes of that program as specified in~~  
27 ~~the provisions relating to the establishment and operation of the~~  
28 ~~program. The funds shall be disbursed according to the~~  
29 ~~identification criteria and allocation formulas for the program in~~  
30 ~~effect on the date the program shall cease to be operative pursuant~~  
31 ~~to this part both with regard to state-to-district and district-to-school~~  
32 ~~disbursements. The funds shall be used for the intended purposes~~  
33 ~~of the program, but all relevant statutes and regulations adopted~~  
34 ~~thereto regarding the use of the funds shall not be operative, except~~  
35 ~~as specified in Section 62002.5.~~

36 SEC. 105. Section 62002.5 of the Education Code is repealed.

37 ~~62002.5. Parent advisory committees and school site councils~~  
38 ~~which are in existence pursuant to statutes or regulations as of~~  
39 ~~January 1, 1979, shall continue subsequent to the termination of~~  
40 ~~funding for the programs sunsetted by this chapter. Any school~~

1 receiving funds from Economic Impact Aid or Bilingual Education  
2 Aid subsequent to the sunseting of these programs as provided in  
3 this chapter, shall establish a school site council in conformance  
4 with the requirements in Section 52012. The functions and  
5 responsibilities of such advisory committees and school site  
6 councils shall continue as prescribed by the appropriate law or  
7 regulation in effect as of January 1, 1979.

8 SEC. 106. Section 62003 of the Education Code is repealed.

9 ~~62003. The Department of Education shall apportion the funds  
10 specified in Section 62002 to school districts and shall audit the  
11 use of such funds to ensure that such funds are expended for  
12 eligible pupils according to the purposes for which the legislation  
13 was originally established for such programs.~~

14 SEC. 107. Section 62004 of the Education Code is repealed.

15 ~~62004. The State Auditor shall audit, on a sampling basis,  
16 school districts' use of the funds specified in Section 62002.~~

17 SEC. 108. Section 62005 of the Education Code is repealed.

18 ~~62005. If the Superintendent of Public Instruction determines  
19 that a school district did not comply with the provisions of this  
20 chapter, any apportionment subsequently made pursuant to Section  
21 62003 shall be reduced by two times the amount the superintendent  
22 determines was not used in compliance with the provisions of this  
23 chapter.~~

24 SEC. 109. Section 62005.5 of the Education Code is repealed.

25 ~~62005.5. Notwithstanding Section 62005, if the Superintendent  
26 of Public Instruction determines that a school district or county  
27 superintendent of schools fails to comply with the purposes of the  
28 funds apportioned pursuant to Section 62003, the Superintendent  
29 of Public Instruction may terminate the funding to that district or  
30 county superintendent beginning with the next succeeding fiscal  
31 year.~~

32 SEC. 110. Section 63000 of the Education Code is amended  
33 to read:

34 ~~63000. The provisions of this chapter shall apply to funds  
35 received for the following categorical programs:~~

36 ~~(a) Child—The provisions of this chapter shall apply to funds  
37 received for child care and development programs pursuant to  
38 Chapter 2 (commencing with Section 8200) of Part 6.6 of Division  
39 1 of Title 1.~~

1 ~~(b) School and Library Improvement Block Grant pursuant to~~  
2 ~~Article 7 (commencing with Section 41570) of Chapter 3.2 of Part~~  
3 ~~24.~~

4 ~~(c) Bilingual education programs pursuant to Article 1~~  
5 ~~(commencing with Section 52000) and Article 3 (commencing~~  
6 ~~with Section 52160) of Chapter 7 of Part 28.~~

7 ~~(d) Economic Impact Aid programs pursuant to Chapter 1~~  
8 ~~(commencing with Section 54000) of Part 29.~~

9 ~~(e) The Miller-Unruh Basic Reading Act of 1965 pursuant to~~  
10 ~~Chapter 2 (commencing with Section 54100) of Part 29.~~

11 ~~(f) Compensatory education programs pursuant to Chapter 4~~  
12 ~~(commencing with Section 54400) of Part 29, except for programs~~  
13 ~~for migrant children pursuant to Article 3 (commencing with~~  
14 ~~Section 54440) of Chapter 4 of Part 29.~~

15 SEC. 111. Section 63001 of the Education Code is amended  
16 to read:

17 63001. ~~Each~~ a school district that, in ~~any~~ a fiscal year, receives  
18 ~~any~~ an apportionment for ~~any~~ a program specified in Section 63000  
19 shall ~~utilize~~ use no less than 85 percent of that apportionment at  
20 schoolsites for direct services to pupils. ~~To the extent a school~~  
21 ~~district chooses to transfer, pursuant to Section 41500, up to 15~~  
22 ~~percent of School and Library Improvement Block Grant funds,~~  
23 ~~apportioned pursuant to Article 7 (commencing with Section~~  
24 ~~45170) of Chapter 3.2 of Part 24, a school district shall utilize no~~  
25 ~~less than 85 percent of the amount remaining after the transfer for~~  
26 ~~direct services to pupils.~~

27 SEC. 112. Section 64000 of the Education Code is amended  
28 to read:

29 64000. (a) The provisions of this part shall apply to  
30 applications for funds under the following categorical programs:

31 ~~(1) Bilingual education programs pursuant to Article 3~~  
32 ~~(commencing with Section 52160) of Chapter 7 of Part 28.~~

33 ~~(2) School-based coordinated categorical programs established~~  
34 ~~pursuant to Chapter 12 (commencing with Section 52800) of Part~~  
35 ~~28.~~

36 ~~(3) Economic Impact Aid programs established pursuant to~~  
37 ~~Chapter 1 (commencing with Section 54000) of Part 29.~~

38 ~~(4) The Miller-Unruh Basic Reading Act of 1965 pursuant to~~  
39 ~~Chapter 2 (commencing with Section 54100) of Part 29.~~

1 ~~(5) Compensatory education programs established pursuant to~~  
2 ~~Chapter 4 (commencing with Section 54400) of Part 29, except~~  
3 ~~for programs for migrant children pursuant to Article 3~~  
4 ~~(commencing with Section 54440) of Chapter 4 of Part 29.~~

5 ~~(6)~~

6 ~~(1) Programs providing assistance to disadvantaged pupils under~~  
7 ~~Section 6312 of Title 20 of the United States Code, and programs~~  
8 ~~providing assistance for neglected or delinquent pupils who are at~~  
9 ~~risk of dropping out of school, as funded by Section 6421 of Title~~  
10 ~~20 of the United States Code.~~

11 ~~(7) Capital expense funding, as provided by Title I of the~~  
12 ~~Improving America's Schools Act of 1994 (20 U.S.C. Sec. 1001~~  
13 ~~et seq.).~~

14 ~~(8) California Peer Assistance and Review Programs for~~  
15 ~~Teachers established pursuant to Article 4.5 (commencing with~~  
16 ~~Section 44500) of Chapter 3 of Part 25.~~

17 ~~(9)~~

18 ~~(2) Professional development programs established pursuant to~~  
19 ~~Section 6601 of Title 20 of the United States Code.~~

20 ~~(10) Innovative Program Strategies Programs established~~  
21 ~~pursuant to Section 7303 of Title 20 of the United States Code.~~

22 ~~(11) Programs established under the federal Class Size~~  
23 ~~Reduction Initiative (P.L. 106-554).~~

24 ~~(12)~~

25 ~~(3) Programs for tobacco use prevention funded by Section 7115~~  
26 ~~of Title 20 of the United States Code.~~

27 ~~(13) School safety and violence prevention programs, established~~  
28 ~~pursuant to Article 3.6 (commencing with Section 32228) of~~  
29 ~~Chapter 2 of Part 19.~~

30 ~~(14)~~

31 ~~(4) Safe and Drug Free Schools and Communities programs~~  
32 ~~established pursuant to Section 7113 of Title 20 of the United~~  
33 ~~States Code.~~

34 ~~(b) Each school district that elects to apply for any of these state~~  
35 ~~funds shall submit to the department, for approval by the state~~  
36 ~~board, a single consolidated application for approval or continuance~~  
37 ~~of those state categorical programs subject to this part.~~

38 ~~(e)~~

39 ~~(b) Each A school district that elects to apply for any of these~~  
40 ~~federal funds may submit to the department for approval, by the~~

1 state board, a single consolidated application for approval or  
2 continuance of those federal categorical programs subject to this  
3 part.

O