

AMENDED IN SENATE APRIL 9, 2014

AMENDED IN SENATE MARCH 27, 2014

SENATE BILL

No. 971

Introduced by Senator ~~Cannella~~ Huff

February 10, 2014

An act to amend Sections 17199.4, 17592.74, 32282,35292.5, 41003.3, 47613.1, 47650, 47651, 48660, and 60851 of, to repeal Sections 315.5, 316.5, 317, 1982.3, 1982.5, 1983.5, 17584.3, 17586, 17588, 17592, 32285, 46306, 47613.2, 47634.1, 48660.2, 48663, and 48664 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 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 5 (commencing with Section 44520), Article 6 (commencing with Section 44560), Article 8 (commencing with Section 44580), Article 10 (commencing with Section 44630), and Article 10.6 (commencing with Section 44650) of Chapter 3 of Part 25 of Division 3 of Title 2 of, to repeal Article 4.5 (commencing with Section 52378), Article 5 (commencing with Section 52381), and Article 8 (commencing with Section 52480) 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 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 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 3.36 (commencing with Section 44735), ~~and Chapter~~ *and Chapter* 3.45 (commencing with Section 44755) 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 8 (commencing with Section 52200), 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 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 amended, ~~Carmella Huff~~. 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 the 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. The bill 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 SEC. 2. Section 316.5 of the Education Code is repealed.
- 3 SEC. 3. Section 317 of the Education Code is repealed.
- 4 SEC. 4. Article 11 (commencing with Section 1830) of Chapter
- 5 6 of Part 2 of Division 1 of Title 1 of the Education Code is
- 6 repealed.
- 7 SEC. 5. Section 1982.3 of the Education Code is repealed.
- 8 SEC. 6. Section 1982.5 of the Education Code is repealed.
- 9 SEC. 7. Section 1983.5 of the Education Code is repealed.
- 10 SEC. 8. Chapter 13 (commencing with Section 11200) of Part
- 11 7 of Division 1 of Title 1 of the Education Code is repealed.
- 12 SEC. 9. Chapter 17 (commencing with Section 11600) of Part
- 13 7 of Division 1 of Title 1 of the Education Code is repealed.
- 14 SEC. 10. Section 17199.4 of the Education Code is amended
- 15 to read:
- 16 17199.4. (a) Notwithstanding any other law, any participating
- 17 party, in connection with securing financing or refinancing of
- 18 projects, or working capital pursuant to this chapter, may elect to
- 19 guarantee or provide for payment of the bonds and related
- 20 obligations in accordance with the following conditions:
- 21 (1) If a participating party adopts a resolution by a majority vote
- 22 of its board to participate under this section, it shall provide notice
- 23 to the Controller of that election. The notice shall include a
- 24 schedule for the repayment of principal and interest on the bonds,
- 25 and any other costs necessary or incidental to financing pursuant
- 26 to this chapter, and identify a trustee appointed by the participating
- 27 party or the authority for purposes of this section. If payment of
- 28 all or a portion of the principal and interest on the bond is secured
- 29 by a letter of credit or other instrument of direct payment, the
- 30 notice may provide for reimbursements to the provider of the
- 31 instrument in lieu of payment of that portion of the principal and

1 interest of the bonds. The notice shall be provided not later than
2 the date of issuance of the bonds or 60 days before the next
3 payment, whichever date is later. The participating party shall
4 update the notice at least annually if there is a change in the
5 required payment for any reason, including, but not limited to,
6 providing for new or increased costs necessary or incidental to the
7 financing.

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

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

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

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

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

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

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

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

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

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

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

22 (2) The authority shall prioritize applications at appropriate
23 intervals.

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

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

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

37 SEC. 11. Section 17584.3 of the Education Code is repealed.

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

39 SEC. 13. Section 17588 of the Education Code is repealed.

40 SEC. 14. Section 17592 of the Education Code is repealed.

1 SEC. 15. Section 17592.74 of the Education Code is amended
2 to read:

3 17592.74. Notwithstanding any other law, the funds provided
4 to school districts from the School Facilities Emergency Repair
5 Account pursuant to this article for the purpose of emergency repair
6 grants shall not be deposited into a school district deferred
7 maintenance fund for purposes established pursuant to Section
8 17582.

9 SEC. 16. Section 32282 of the Education Code is amended to
10 read:

11 32282. (a) The comprehensive school safety plan shall include,
12 but not be limited to, both of the following:

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

15 (2) Identifying appropriate strategies and programs that will
16 provide or maintain a high level of school safety and address the
17 school's procedures for complying with existing laws related to
18 school safety, which shall include the development of all of the
19 following:

20 (A) Child abuse reporting procedures consistent with Article
21 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of
22 Part 4 of the Penal Code.

23 (B) Disaster procedures, routine and emergency, including
24 adaptations for pupils with disabilities in accordance with the
25 federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec.
26 12101 et seq.). The disaster procedures shall also include, but not
27 be limited to, both of the following:

28 (i) Establishing an earthquake emergency procedure system in
29 every public school building having an occupant capacity of 50
30 or more pupils or more than one classroom. A school district or
31 county office of education may work with the Office of Emergency
32 Services and the Seismic Safety Commission to develop and
33 establish the earthquake emergency procedure system. The system
34 shall include, but not be limited to, all of the following:

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

37 (II) A drop procedure whereby each pupil and staff member
38 takes cover under a table or desk, dropping to his or her knees,
39 with the head protected by the arms, and the back to the windows.

40 A drop procedure practice shall be held at least once each school

1 quarter in elementary schools and at least once a semester in
2 secondary schools.

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

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

8 (ii) Establishing a procedure to allow a public agency, including
9 the American Red Cross, to use school buildings, grounds, and
10 equipment for mass care and welfare shelters during disasters or
11 other emergencies affecting the public health and welfare. The
12 school district or county office of education shall cooperate with
13 the public agency in furnishing and maintaining the services as
14 the school district or county office of education may deem
15 necessary to meet the needs of the community.

16 (C) Policies pursuant to subdivision (d) of Section 48915 for
17 pupils who committed an act listed in subdivision (c) of Section
18 48915 and other school-designated serious acts which would lead
19 to suspension, expulsion, or mandatory expulsion recommendations
20 pursuant to Article 1 (commencing with Section 48900) of Chapter
21 6 of Part 27 of Division 4 of Title 2.

22 (D) Procedures to notify teachers of dangerous pupils pursuant
23 to Section 49079.

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

27 (F) The provisions of any schoolwide dress code, pursuant to
28 Section 35183, that prohibits pupils from wearing “gang-related
29 apparel,” if the school has adopted that type of a dress code. For
30 those purposes, the comprehensive school safety plan shall define
31 “gang-related apparel.” The definition shall be limited to apparel
32 that, if worn or displayed on a school campus, reasonably could
33 be determined to threaten the health and safety of the school
34 environment. Any schoolwide dress code established pursuant to
35 this section and Section 35183 shall be enforced on the school
36 campus and at any school-sponsored activity by the principal of
37 the school or the person designated by the principal. For purposes
38 of this paragraph, “gang-related apparel” shall not be considered
39 a protected form of speech pursuant to Section 48950.

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

3 (H) A safe and orderly environment conducive to learning at
4 the school.

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

7 (b) It is the intent of the Legislature that schools develop
8 comprehensive school safety plans using existing resources,
9 including the materials and services of the partnership, pursuant
10 to this chapter. It is also the intent of the Legislature that schools
11 use the handbook developed and distributed by the School/Law
12 Enforcement Partnership Program entitled “Safe Schools: A
13 Planning Guide for Action” in conjunction with developing their
14 plan for school safety.

15 (c) Each schoolsite council or school safety planning committee
16 in developing and updating a comprehensive school safety plan
17 shall, where practical, consult, cooperate, and coordinate with
18 other schoolsite councils or school safety planning committees.

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

25 (e) As comprehensive school safety plans are reviewed and
26 updated, the Legislature encourages all plans, to the extent that
27 resources are available, to include policies and procedures aimed
28 at the prevention of bullying.

29 (f) The comprehensive school safety plan, as written and updated
30 by the schoolsite council or school safety planning committee,
31 shall be submitted for approval under subdivision (a) of Section
32 32288.

33 SEC. 17. Section 32285 of the Education Code is repealed.

34 SEC. 18. Section 35292.5 of the Education Code is amended
35 to read:

36 35292.5. (a) Every public and private school maintaining any
37 combination of classes from kindergarten to grade 12, inclusive,
38 shall comply with all of the following:

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

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

7 (b) Notwithstanding subdivision (a), a school may temporarily
8 close a restroom as necessary for pupil safety or as necessary to
9 repair the facility.

10 SEC. 19. Chapter 2.5 (commencing with Section 37300) of
11 Part 22 of Division 3 of Title 2 of the Education Code is repealed.

12 SEC. 20. Section 41003.3 of the Education Code is amended
13 to read:

14 41003.3. (a) Consistent with the provisions of Article 4
15 (commencing with Section 17455) of Chapter 4 of Part 10.5 of
16 Division 1 of Title 1, from July 1, 2008, to June 30, 2010, inclusive,
17 the Dixon Unified School District may sell surplus real property
18 previously used as the school farm on Sievers Road, located five
19 miles outside of the city and which is not feasible for future school
20 construction, together with any personal property located thereon,
21 purchased entirely with local funds. The proceeds of the sale shall
22 be deposited into the general fund of the school district in order
23 to reestablish a 3-percent reserve. The remainder of the proceeds
24 from the sale of the property that are not used to reestablish the
25 3-percent reserve shall be deposited into the capital outlay fund
26 of the school district.

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

29 (1) The school district shall not be eligible for new construction
30 funding for 10 years from the date that funds are deposited into
31 the general fund of the school district pursuant to subdivision (a),
32 except that the school district may apply for new construction
33 funds if both of the following conditions are met:

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

36 (B) The State Allocation Board determines that the school
37 district has demonstrated enrollment growth or a need for additional
38 sites or building construction that the school district could not have
39 easily anticipated at the time the sale was executed pursuant to
40 subdivision (a).

1 (2) The governing board of the school district shall complete a
2 governance training program focusing on fiscal management
3 provided by the County Office Fiscal Crisis and Management
4 Assistance Team.

5 (3) Any remaining funds from the sale of the property shall be
6 exhausted for capital outlay purposes before a request for
7 modernization funding.

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

13 (5) The governing board of the school district shall certify all
14 of the following to the State Allocation Board:

15 (A) The school district has no major deferred maintenance
16 requirements that cannot be completed with existing capital outlay
17 resources.

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

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

23 (6) Before exercising the authority granted by this section, the
24 governing board of the school district, at a regularly scheduled
25 meeting, shall present a plan for expending one-time resources
26 pursuant to this section. The plan shall identify the source and use
27 of the funds, and describe how the proposed use of funds, in
28 combination with budget reductions, will address the school
29 district's deficit spending and restore the ongoing fiscal solvency
30 of the school district.

31 (7) No later than 10 years after the date of the sale of surplus
32 property pursuant to subdivision (a), the school district shall deposit
33 into its capital outlay fund an amount equal to the amount of the
34 proceeds from the sale of the property that is deposited into the
35 school district's general fund as needed to establish the 3-percent
36 reserve in accordance with subdivision (a).

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

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

4 SEC. 22. Article 2 (commencing with Section 41505) of
5 Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education
6 Code is repealed.

7 SEC. 23. Article 3 (commencing with Section 41510) of
8 Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education
9 Code is repealed.

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

13 SEC. 25. Article 5 (commencing with Section 41530) of
14 Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education
15 Code is repealed.

16 SEC. 26. Article 7 (commencing with Section 41570) of
17 Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education
18 Code is repealed.

19 SEC. 27. Article 13 (commencing with Section 41920) of
20 Chapter 5 of Part 24 of Division 3 of Title 2 of the Education Code
21 is repealed.

22 SEC. 28. Article 5 (commencing with Section 44520) of
23 Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code
24 is repealed.

25 SEC. 29. Article 6 (commencing with Section 44560) of
26 Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code
27 is repealed.

28 SEC. 30. Article 8 (commencing with Section 44580) of
29 Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code
30 is repealed.

31 SEC. 31. Article 10 (commencing with Section 44630) of
32 Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code
33 is repealed.

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

37 SEC. 33. 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. 34. 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. 35. Chapter 3.36 (commencing with Section 44735) of
2 Part 25 of Division 3 of Title 2 of the Education Code is repealed.

3 SEC. 36. Chapter 3.45 (commencing with Section 44755) of
4 Part 25 of Division 3 of Title 2 of the Education Code is repealed.

5 SEC. 37. Section 46306 of the Education Code is repealed.

6 SEC. 38. Section 47613.1 of the Education Code is amended
7 to read:

8 47613.1. The Superintendent shall make both of the following
9 apportionments on behalf of a charter school in a school district
10 in which all schools have been converted to charter schools
11 pursuant to Section 47606:

12 (a) For each pupil enrolled in the charter school who is entitled
13 to special education services, the state and federal funds for special
14 education services for that pupil that would have been apportioned
15 for that pupil to the school district to which the charter petition
16 was submitted.

17 (b) Funds for the programs described in Sections 63000 and
18 64000, to the extent that any pupil enrolled in the charter school
19 is eligible to participate.

20 SEC. 39. Section 47613.2 of the Education Code is repealed.

21 SEC. 40. Section 47634.1 of the Education Code, as added by
22 Section 24 of Chapter 2 of the Fourth Extraordinary Session of
23 the Statutes of 2009, is repealed.

24 SEC. 41. Section 47650 of the Education Code is amended to
25 read:

26 47650. A charter school shall be deemed to be a school district
27 for purposes of determining the manner in which warrants are
28 drawn on the State School Fund pursuant to Section 14041. For
29 purposes of Section 14041, a charter school's "total amount
30 certified" means the state aid portion of the charter school's total
31 local control funding formula allocation pursuant to Section
32 42238.02, as implemented by Section 42238.03.

33 SEC. 42. Section 47651 of the Education Code is amended to
34 read:

35 47651. (a) A charter school may receive the state aid portion
36 of the charter school's total local control funding formula allocation
37 pursuant to Section 42238.02, as implemented by Section 42238.03,
38 directly or through the local educational agency that either grants
39 its charter or was designated by the state board.

1 (1) In the case of a charter school that elects to receive its
2 funding directly, the warrant shall be drawn in favor of the county
3 superintendent of schools of the county in which the local
4 educational agency that approved the charter or was designated
5 by the state board as the oversight agency pursuant to paragraph
6 (1) of subdivision (k) of Section 47605 is located, for deposit to
7 the appropriate funds or accounts of the charter school in the county
8 treasury. The county superintendent of schools is authorized to
9 establish appropriate funds or accounts in the county treasury for
10 each charter school.

11 (2) In the case of a charter school that does not elect to receive
12 its funding directly pursuant to this section, the warrant shall be
13 drawn in favor of the county superintendent of schools of the
14 county in which the local educational agency that granted the
15 charter is located or was designated the oversight agency by the
16 state board pursuant to paragraph (1) of subdivision (k) of Section
17 47605, for deposit to the appropriate funds or accounts of the local
18 educational agency.

19 (3) In the case of a charter school, the charter of which was
20 granted by the state board, but for which the state board has not
21 delegated oversight responsibilities pursuant to paragraph (1) of
22 subdivision (k) of Section 47605, the warrant shall be drawn in
23 favor of the county superintendent of schools in the county where
24 the local educational agency is located that initially denied the
25 charter that was later approved by the state board. The county
26 superintendent of schools is authorized to establish appropriate
27 funds or accounts in the county treasury for each charter school.

28 (b) On or before June 1 of each year, a charter school electing
29 to receive its funding directly shall so notify the county
30 superintendent of schools of the county in which the local
31 educational agency that granted the charter is located or, in the
32 case of charters for which the state board has designated an
33 oversight agency pursuant to paragraph (1) of subdivision (k) of
34 Section 47605, the county superintendent of schools of the county
35 in which the designated oversight agency is located. An election
36 to receive funding directly shall apply to all funding that the charter
37 school is eligible to receive including, but not limited to, the local
38 control funding formula allocation pursuant to Section 42238.02,
39 as implemented by Section 42238.03, other state and federal
40 categorical aid, and lottery funds.

1 SEC. 43. Section 48660 of the Education Code is amended to
2 read:

3 48660. The governing board of a school district may establish
4 one or more community day schools for pupils who meet one or
5 more of the conditions described in subdivision (b) of Section
6 48662. A community day school may serve pupils in any of
7 kindergarten and grades 1 to 6, inclusive, or any of grades 7 to 12,
8 inclusive, or the same or lesser included range of grades as may
9 be found in an individual middle or junior high school operated
10 by the school district. If a school district is organized as a school
11 district that serves kindergarten and grades 1 to 8, inclusive, but
12 no higher grades, the governing board of the school district may
13 establish a community day school for any kindergarten and grades
14 1 to 8, inclusive, upon a two-thirds vote of the governing board of
15 the school district. It is the intent of the Legislature, that to the
16 extent possible, the governing board of a school district operating
17 a community day school for any of kindergarten and grades 1 to
18 8, inclusive, separate younger pupils from older pupils within that
19 community day school.

20 SEC. 44. Section 48660.2 of the Education Code is repealed.

21 SEC. 45. Section 48663 of the Education Code is repealed.

22 SEC. 46. Section 48664 of the Education Code is repealed.

23 SEC. 47. Chapter 6.8 (commencing with Section 52080) of
24 Part 28 of Division 4 of Title 2 of the Education Code is repealed.

25 SEC. 48. Chapter 6.9 (commencing with Section 52100) of
26 Part 28 of Division 4 of Title 2 of the Education Code is repealed.

27 SEC. 49. Chapter 6.10 (commencing with Section 52120) of
28 Part 28 of Division 4 of Title 2 of the Education Code is repealed.

29 SEC. 50. Chapter 8 (commencing with Section 52200) of Part
30 28 of Division 4 of Title 2 of the Education Code is repealed.

31 SEC. 51. Chapter 8.5 (commencing with Section 52250) of
32 Part 28 of Division 4 of Title 2 of the Education Code is repealed.

33 SEC. 52. Chapter 8.6 (commencing with Section 52270) of
34 Part 28 of Division 4 of Title 2 of the Education Code is repealed.

35 SEC. 53. Article 4.5 (commencing with Section 52378) of
36 Chapter 9 of Part 28 of Division 4 of Title 2 of the Education Code
37 is repealed.

38 SEC. 54. Article 5 (commencing with Section 52381) of
39 Chapter 9 of Part 28 of Division 4 of Title 2 of the Education Code
40 is repealed.

1 SEC. 55. Article 8 (commencing with Section 52480) of
2 Chapter 9 of Part 28 of Division 4 of Title 2 of the Education Code
3 is repealed.

4 SEC. 56. Article 4 (commencing with Section 52750) of
5 Chapter 11 of Part 28 of Division 4 of Title 2 of the Education
6 Code is repealed.

7 SEC. 57. Article 1 (commencing with Section 52800) of
8 Chapter 12 of Part 28 of Division 4 of Title 2 of the Education
9 Code is repealed.

10 SEC. 58. Chapter 12.5 (commencing with Section 52920) of
11 Part 28 of Division 4 of Title 2 of the Education Code is repealed.

12 SEC. 59. Chapter 2 (commencing with Section 54100) of Part
13 29 of Division 4 of Title 2 of the Education Code is repealed.

14 SEC. 60. Chapter 5 (commencing with Section 58700) of Part
15 31 of Division 4 of Title 2 of the Education Code is repealed.

16 SEC. 61. Article 3 (commencing with Section 60240) of
17 Chapter 2 of Part 33 of Division 4 of Title 2 of the Education Code
18 is repealed.

19 SEC. 62. Article 7 (commencing with Section 60350) of
20 Chapter 2 of Part 33 of Division 4 of Title 2 of the Education Code
21 is repealed.

22 SEC. 63. Chapter 4 (commencing with Section 60500) of Part
23 33 of Division 4 of Title 2 of the Education Code is repealed.

24 SEC. 64. Section 60851 of the Education Code is amended to
25 read:

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

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

1 (c) (1) At the parent or guardian's request, a school principal
2 shall submit a request for a waiver of the requirement to
3 successfully pass the high school exit examination to the governing
4 board of the school district for a pupil with a disability who has
5 taken the high school exit examination with modifications that
6 alter what the test measures and has received the equivalent of a
7 passing score on one or both subject matter parts of the high school
8 exit examination. A governing board of a school district may waive
9 the requirement to successfully pass one or both subject matter
10 parts of the high school exit examination for a pupil with a
11 disability if the principal certifies to the governing board of the
12 school district that the pupil has all of the following:

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

19 (B) Sufficient high school level coursework either satisfactorily
20 completed or in progress in a high school level curriculum
21 sufficient to have attained the skills and knowledge otherwise
22 needed to pass the high school exit examination.

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

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

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

39 (e) The results of the high school exit examination shall be
40 provided to each pupil taking the examination within eight weeks

1 of the examination administration and in time for the pupil to take
2 any section of the examination not passed at the next
3 administration. A pupil shall take again only those parts of the
4 examination he or she has not previously passed and may not retake
5 any portion of the exit examination that he or she has previously
6 passed.

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

20 (1) The results of the assessments administered pursuant to
21 Article 4 (commencing with Section 60640) of Chapter 5 and the
22 minimum levels of proficiency recommended by the state board
23 pursuant to Section 60648.

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