

AMENDED IN SENATE MARCH 25, 2014

SENATE BILL

No. 1394

Introduced by Senator Wyland

February 21, 2014

An act to amend Section 42238.07 of the Education Code, relating to education finance, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1394, as amended, Wyland. Education finance: local control funding formula: implementing regulations.

(1) 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 requires the State Board of Education to adopt regulations that govern the expenditure of funds apportioned on the basis of the number and concentration of unduplicated pupils, as specified.

This bill would require the state board, on or before January 31, 2015, to amend those regulations to require an expenditure made pursuant to the local control funding formula for the primary benefit of unduplicated pupils to be expended on programs or services that are evidence based and have been shown to be effective in increasing the academic performance of those pupils ~~and~~, to require the State Department of Education to suspend funding received pursuant to the local control funding formula ~~to a county office of education, a school district, or a charter school~~ if the department makes a specified ~~finding~~ *finding, and to prohibit a school district, county office of education, or charter school from receiving funding if the school district, county office of education,*

or charter school does not submit a local control and accountability plan that includes evidence-based programs that have been proven to be effective. The bill would state a related intent of the Legislature.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

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

1 SECTION 1. Section 42238.07 of the Education Code is
2 amended to read:

3 42238.07. (a) On or before January 31, 2014, the state board
4 shall adopt regulations that govern the expenditure of funds
5 apportioned on the basis of the number and concentration of
6 unduplicated pupils pursuant to Sections 2574, 2575, 42238.02,
7 and 42238.03. The regulations shall include, but are not limited
8 to, provisions that do all of the following:

9 (1) Require a school district, county office of education, or
10 charter school to increase or improve services for unduplicated
11 pupils in proportion to the increase in funds apportioned on the
12 basis of the number and concentration of unduplicated pupils in
13 the school district, county office of education, or charter school.

14 (2) Authorize a school district, county office of education, or
15 charter school to use funds apportioned on the basis of the number
16 of unduplicated pupils for schoolwide purposes, or, for school
17 districts, districtwide purposes, for county offices of education,
18 countywide purposes, or for charter schools, charterwide purposes,
19 in a manner that is no more restrictive than the restrictions provided
20 for in Title I of the federal No Child Left Behind Act of 2001 (20
21 U.S.C. Sec. 6301 et seq.).

22 (b) The state board may adopt emergency regulations for
23 purposes of this section.

24 (c) On or before January 31, 2015, the state board shall amend
25 the regulations adopted pursuant to subdivision (a) to include
26 provisions that do ~~both~~ all of the following:

27 (1) Require an expenditure made pursuant to the local control
28 funding formula for the primary benefit of pupils to whom one or
29 more of the definitions in Section 42238.01 applies to be expended
30 on programs or services that are evidence based and have been

1 shown to be effective in increasing the academic performance of
2 those pupils.

3 (2) Require the department to suspend funding received pursuant
4 to the local control funding formula if the department makes a
5 finding ~~of any of the following~~: *that a local control and*
6 *accountability plan, adopted pursuant to Article 4.5 (commencing*
7 *with Section 52060) of Chapter 6.1 of Part 28 of Division 4, is not*
8 *significantly improving pupil reading and comprehension skills*
9 *and English learner performance.*

10 (3) *Prohibit a school district, county office of education, or*
11 *charter school from receiving funding pursuant to the local control*
12 *funding formula if the school district, county office of education,*
13 *or charter school does not submit a local control and*
14 *accountability plan, adopted pursuant to Article 4.5 (commencing*
15 *with Section 52060) of Chapter 6.1 of Part 28 of Division 4, that*
16 *includes evidence-based programs that have been proven to be*
17 *effective.*

18 ~~(A) The program or service is not meeting the targeted goals~~
19 ~~outlined by the local control funding formula.~~

20 ~~(B) The local control and accountability plan, adopted pursuant~~
21 ~~to Article 4.5 (commencing with Section 52060) of Chapter 6.1~~
22 ~~of Part 28 of Division 4, is not being adhered to by a county board~~
23 ~~of education, a governing board of a school district, or a governing~~
24 ~~body of a charter school.~~

25 ~~(C) The county office of education is not properly holding the~~
26 ~~governing board of a school district, the governing body of a~~
27 ~~charter school, and schools accountable for program performance.~~

28 SEC. 2. It is the intent of the Legislature that any expenditures
29 made pursuant to the local control funding formula in the Budget
30 Act of 2013 for the primary benefit of pupils to whom one or more
31 of the definitions in Section 42238.01 of the Education Code apply
32 shall be expended on programs or services that are evidence based
33 and have been shown to be effective in increasing the academic
34 performance of those pupils.

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

39 In order to include sufficient accountability measures in the local
40 control funding formula and the regulations adopted by the State

- 1 Board of Education in January 2014 to implement the local control
- 2 funding formula, it is necessary that this bill go into immediate
- 3 effect.

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