

AMENDED IN ASSEMBLY MARCH 5, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 158

**Introduced by Assembly Member ~~Jones-Sawyer~~ Members
O'Donnell, Atkins, and McCarty**

(Principal coauthors: Senators De León, Hertzberg, Block, and Liu)

January 20, 2015

An act to ~~amend Section 52052 of, and to add Article 5 (commencing with Section 52078) to Chapter 6.1 of Part 28 of Division 4 of Title 2 of, repeal and amend Section 41200 of the Education Code, relating to alternative schools~~ *school finance*.

LEGISLATIVE COUNSEL'S DIGEST

AB 158, as amended, ~~Jones-Sawyer O'Donnell. Alternative schools: Student Achievement via Excellence accountability system. School finance: The John B. Mockler School Finance Act.~~

The California Constitution requires from all state revenues that there first be set apart the moneys to be applied by the state for support of the public school system and public institutions of higher education and requires, commencing with the 1990–91 fiscal year, the moneys to be applied by the state for the support of school districts and community college districts be not less than the greater of certain amounts, calculated as specified. Existing law defines the words and phrases used to calculate the moneys to be applied by the state for the support of school districts and community college districts and provides the method for calculating the amount of moneys to be applied.

This bill would provide that those provisions shall be known, and may be cited, as the John B. Mockler School Finance Act. The bill would also resolve a numbering conflict within these provisions.

~~Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop an Academic Performance Index (API) to measure the performance of schools and school districts, especially the academic performance of pupils. Existing law also requires the Superintendent, with the approval of the state board, to develop an alternative accountability system for schools under the jurisdiction of a county board of education or a county superintendent of schools, community day schools, nonpublic, nonsectarian schools, and alternative schools serving high-risk pupils, including continuation high schools and opportunity schools. Existing law provides that schools in the alternative accountability system may receive an API score, but shall not be included in the API rankings.~~

~~This bill would, by July 1, 2017, require the Superintendent, with the approval of the state board, to develop the Student Achievement via Excellence (SAVE) accountability system for the schools under the jurisdiction of a county board of education or a county superintendent of schools, community day schools, certain charter schools, nonpublic, nonsectarian schools, and alternative schools, including continuation high schools and opportunity schools. The bill would require the SAVE accountability system to be designed in conformity with certain requirements, and would provide that its purpose is to annually measure the positive outcome performance of a covered school, as expressed by the school's SAVE score. The bill would, among other things, require a school's SAVE score to be calculated based upon 3 weighted categories: learning readiness, save rate, and academic achievement, and would specify indicators for each of these categories. The bill would require the Superintendent to recommend, and the state board to adopt, weights for each category. The bill would require the SAVE accountability system to be fully implemented beginning with the 2017-18 school year.~~

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

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

- 1 ~~SECTION 1. Section 41200 of the Education Code, as added~~
- 2 ~~by Section 8 of Chapter 82 of the Statutes of 1989, is repealed.~~
- 3 ~~41200. — (a) The Legislature finds and declares that the~~
- 4 ~~California Constitution, as amended by “The Classroom~~
- 5 ~~Instructional Improvement and Accountability Act” as adopted by~~

1 the voters on November 8, 1988, mandates that a specific minimum
2 level of state General Fund revenues be guaranteed and applied
3 for the support of school districts, community college districts,
4 and state agencies that provide direct elementary and secondary
5 level instructional services. The Legislature further finds and
6 declares that, by defining certain terms used in establishing a
7 method of calculation for determining the guaranteed minimum
8 level of funding, Section 14022.3, 14022.5, and this chapter further
9 the purposes of “The Classroom Instructional Improvement and
10 Accountability Act.”

11 (b) It is the intent of the Legislature that the annual Budget Bill,
12 required by Section 12 of Article IV of the California Constitution,
13 include a section that specifies the respective percentages and
14 amounts of General Fund revenues that must be set aside and
15 applied for the support of school districts, community college
16 districts, and the direct elementary and secondary level instructional
17 services of state agencies, as required by subdivision (b) of Section
18 8 of Article XVI of the California Constitution.

19 *SEC. 2. Section 41200 of the Education Code, as added by*
20 *Section 8 of Chapter 83 of the Statutes of 1989, is amended to*
21 *read:*

22 41200. (a) *The* This chapter shall be known, and may be cited,
23 *as the John B. Mockler School Finance Act.*

24 (b) The Legislature finds and declares that the California
25 Constitution, as amended by “The Classroom Instructional
26 Improvement and Accountability Act” as adopted by the voters
27 on November 8, 1988, mandates that a specific minimum level of
28 state General Fund revenues be guaranteed and applied for the
29 support of school districts, community college districts, and state
30 agencies that provide direct elementary and secondary level
31 instructional services. The Legislature further finds and declares
32 that, by defining certain terms used in establishing a method of
33 calculation for determining the guaranteed minimum level of
34 funding, ~~Section~~ Sections 14022.3; and 14022.5; and this chapter
35 further the purposes of “The Classroom Instructional Improvement
36 and Accountability Act.”

37 (b)

38 (c) It is the intent of the Legislature that the annual Budget Bill,
39 required by Section 12 of Article IV of the California Constitution,
40 include a section that specifies the respective percentages and

1 amounts of General Fund revenues that must be set aside and
2 applied for the support of school districts, community college
3 districts, and the direct elementary and secondary level instructional
4 services of state agencies, as required by subdivision (b) of Section
5 8 of Article XVI of the California Constitution.

6 ~~SECTION 1. The Legislature finds and declares all of the~~
7 ~~following:~~

8 ~~(a) Alternative high schools provide significant social, economic,~~
9 ~~and academic benefits to their pupils and to California's population~~
10 ~~as a whole.~~

11 ~~(b) Reengaged learners demonstrate higher civic achievement,~~
12 ~~contribute to the cultural strengths of their communities, and are~~
13 ~~significantly less likely to be unemployed, on public assistance,~~
14 ~~or arrested for a violent crime.~~

15 ~~(c) Alternative high schools face a number of challenges,~~
16 ~~including pupils who are often significantly below grade level.~~

17 ~~(d) Pupils who enroll in alternative high schools have displayed~~
18 ~~a gradual process of disengagement from school that encompasses~~
19 ~~years of academic and behavioral difficulties, absenteeism, and~~
20 ~~stressful life circumstances.~~

21 ~~(e) Successful alternative high schools use multiple strategies~~
22 ~~including state-of-the-art technology and career technical education~~
23 ~~to reach the variety of learning modalities of the population they~~
24 ~~serve.~~

25 ~~(f) Successful alternative high schools typically enroll pupils~~
26 ~~for less than four years, provide competency-based rather than seat~~
27 ~~time-based instruction, and operate with open entry or open exit~~
28 ~~enrollment.~~

29 ~~(g) Standardized testing depends on all pupils being present on~~
30 ~~a fixed schedule with learning competencies within a narrower~~
31 ~~band of averages than necessary to reflect the range of alternative~~
32 ~~high school pupils. Research by the National Governors~~
33 ~~Association recognizes that traditional testing and seat time~~
34 ~~education for alternative high school pupils is a substantial and~~
35 ~~unnecessary barrier.~~

36 ~~(h) Support for successful alternative high schools should~~
37 ~~include an alternative assessment mechanism that measures the~~
38 ~~individual growth in pupils that can be administered at the school~~
39 ~~level when pupils are available.~~

1 ~~SEC. 2.~~ Section 52052 of the Education Code is amended to
2 read:

3 ~~52052. (a) (1) The Superintendent, with the approval of the~~
4 ~~state board, shall develop an Academic Performance Index (API),~~
5 ~~to measure the performance of schools and school districts,~~
6 ~~especially the academic performance of pupils.~~

7 ~~(2) A school or school district shall demonstrate comparable~~
8 ~~improvement in academic achievement as measured by the API~~
9 ~~by all numerically significant pupil subgroups at the school or~~
10 ~~school district, including:~~

11 ~~(A) Ethnic subgroups.~~

12 ~~(B) Socioeconomically disadvantaged pupils.~~

13 ~~(C) English learners.~~

14 ~~(D) Pupils with disabilities.~~

15 ~~(E) Foster youth.~~

16 ~~(3) (A) For purposes of this section, a numerically significant~~
17 ~~pupil subgroup is one that consists of at least 30 pupils, each of~~
18 ~~whom has a valid test score.~~

19 ~~(B) Notwithstanding subparagraph (A), for a subgroup of pupils~~
20 ~~who are foster youth, a numerically significant pupil subgroup is~~
21 ~~one that consists of at least 15 pupils.~~

22 ~~(C) For a school or school district with an API score that is~~
23 ~~based on no fewer than 11 and no more than 99 pupils with valid~~
24 ~~test scores, numerically significant pupil subgroups shall be defined~~
25 ~~by the Superintendent, with approval by the state board.~~

26 ~~(4) (A) The API shall consist of a variety of indicators currently~~
27 ~~reported to the department, including, but not limited to, the results~~
28 ~~of the achievement test administered pursuant to Section 60640,~~
29 ~~attendance rates for pupils in elementary schools, middle schools,~~
30 ~~and secondary schools, and the graduation rates for pupils in~~
31 ~~secondary schools.~~

32 ~~(B) The Superintendent, with the approval of the state board,~~
33 ~~may also incorporate into the API the rates at which pupils~~
34 ~~successfully promote from one grade to the next in middle school~~
35 ~~and high school, and successfully matriculate from middle school~~
36 ~~to high school.~~

37 ~~(C) Graduation rates for pupils in secondary schools shall be~~
38 ~~calculated for the API as follows:~~

39 ~~(i) Four-year graduation rates shall be calculated by taking the~~
40 ~~number of pupils who graduated on time for the current school~~

1 year, which is considered to be three school years after the pupils
2 entered grade 9 for the first time, and dividing that number by the
3 total calculated in clause (ii).

4 (ii) The number of pupils entering grade 9 for the first time in
5 the school year three school years before the current school year,
6 plus the number of pupils who transferred into the class graduating
7 at the end of the current school year between the school year that
8 was three school years before the current school year and the date
9 of graduation, less the number of pupils who transferred out of the
10 school between the school year that was three school years before
11 the current school year and the date of graduation who were
12 members of the class that is graduating at the end of the current
13 school year.

14 (iii) Five-year graduation rates shall be calculated by taking the
15 number of pupils who graduated on time for the current school
16 year, which is considered to be four school years after the pupils
17 entered grade 9 for the first time, and dividing that number by the
18 total calculated in clause (iv).

19 (iv) The number of pupils entering grade 9 for the first time in
20 the school year four years before the current school year, plus the
21 number of pupils who transferred into the class graduating at the
22 end of the current school year between the school year that was
23 four school years before the current school year and the date of
24 graduation, less the number of pupils who transferred out of the
25 school between the school year that was four years before the
26 current school year and the date of graduation who were members
27 of the class that is graduating at the end of the current school year.

28 (v) Six-year graduation rates shall be calculated by taking the
29 number of pupils who graduated on time for the current school
30 year, which is considered to be five school years after the pupils
31 entered grade 9 for the first time, and dividing that number by the
32 total calculated in clause (vi).

33 (vi) The number of pupils entering grade 9 for the first time in
34 the school year five years before the current school year, plus the
35 number of pupils who transferred into the class graduating at the
36 end of the current school year between the school year that was
37 five school years before the current school year and the date of
38 graduation, less the number of pupils who transferred out of the
39 school between the school year that was five years before the

1 current school year and the date of graduation who were members
2 of the class that is graduating at the end of the current school year.

3 ~~(D) The inclusion of five- and six-year graduation rates for~~
4 ~~pupils in secondary schools shall meet the following requirements:~~

5 ~~(i) Schools and school districts shall be granted one-half the~~
6 ~~credit in their API scores for graduating pupils in five years that~~
7 ~~they are granted for graduating pupils in four years.~~

8 ~~(ii) Schools and school districts shall be granted one-quarter the~~
9 ~~credit in their API scores for graduating pupils in six years that~~
10 ~~they are granted for graduating pupils in four years.~~

11 ~~(iii) Notwithstanding clauses (i) and (ii), schools and school~~
12 ~~districts shall be granted full credit in their API scores for~~
13 ~~graduating in five or six years a pupil with disabilities who~~
14 ~~graduates in accordance with his or her individualized education~~
15 ~~program.~~

16 ~~(E) The pupil data collected for the API that comes from the~~
17 ~~achievement test administered pursuant to Section 60640 and the~~
18 ~~high school exit examination administered pursuant to Section~~
19 ~~60851, when fully implemented, shall be disaggregated by special~~
20 ~~education status, English learners, socioeconomic status, gender,~~
21 ~~and ethnic group. Only the test scores of pupils who were counted~~
22 ~~as part of the enrollment in the annual data collection of the~~
23 ~~California Basic Educational Data System for the current fiscal~~
24 ~~year and who were continuously enrolled during that year may be~~
25 ~~included in the test result reports in the API score of the school.~~

26 ~~(F) (i) Commencing with the baseline API calculation in 2016,~~
27 ~~and for each year thereafter, results of the achievement test and~~
28 ~~other tests specified in subdivision (b) shall constitute no more~~
29 ~~than 60 percent of the value of the index for secondary schools.~~

30 ~~(ii) In addition to the elements required by this paragraph, the~~
31 ~~Superintendent, with approval of the state board, may incorporate~~
32 ~~into the index for secondary schools valid, reliable, and stable~~
33 ~~measures of pupil preparedness for postsecondary education and~~
34 ~~career.~~

35 ~~(G) Results of the achievement test and other tests specified in~~
36 ~~subdivision (b) shall constitute at least 60 percent of the value of~~
37 ~~the index for primary schools and middle schools.~~

38 ~~(H) It is the intent of the Legislature that the state's system of~~
39 ~~public school accountability be more closely aligned with both the~~
40 ~~public's expectations for public education and the workforce needs~~

1 of the state's economy. It is therefore necessary that the
2 accountability system evolve beyond its narrow focus on pupil test
3 scores to encompass other valuable information about school
4 performance, including, but not limited to, pupil preparedness for
5 college and career, as well as the high school graduation rates
6 already required by law.

7 (I) The Superintendent shall annually determine the accuracy
8 of the graduation rate data. Notwithstanding any other law,
9 graduation rates for pupils in dropout recovery high schools shall
10 not be included in the API. For purposes of this subparagraph,
11 "dropout recovery high school" means a high school in which 50
12 percent or more of its pupils have been designated as dropouts
13 pursuant to the exit/withdrawal codes developed by the department
14 or left a school and were not otherwise enrolled in a school for a
15 period of at least 180 days.

16 (J) To complement the API, the Superintendent, with the
17 approval of the state board, may develop and implement a program
18 of school quality review that features locally convened panels to
19 visit schools, observe teachers, interview pupils, and examine pupil
20 work, if an appropriation for this purpose is made in the annual
21 Budget Act.

22 (K) The Superintendent shall annually provide to local
23 educational agencies and the public a transparent and
24 understandable explanation of the individual components of the
25 API and their relative values within the API.

26 (L) An additional element chosen by the Superintendent and
27 the state board for inclusion in the API pursuant to this paragraph
28 shall not be incorporated into the API until at least one full school
29 year after the state board's decision to include the element into the
30 API.

31 (b) Pupil scores from the following tests, when available and
32 when found to be valid and reliable for this purpose, shall be
33 incorporated into the API:

34 (1) The standards-based achievement tests provided for in
35 Section 60642.5.

36 (2) The high school exit examination.

37 (c) Based on the API, the Superintendent shall develop, and the
38 state board shall adopt, expected annual percentage growth targets
39 for all schools based on their API baseline score from the previous
40 year. Schools are expected to meet these growth targets through

1 effective allocation of available resources. For schools below the
2 statewide API performance target adopted by the state board
3 pursuant to subdivision (d), the minimum annual percentage growth
4 target shall be 5 percent of the difference between the actual API
5 score of a school and the statewide API performance target, or one
6 API point, whichever is greater. Schools at or above the statewide
7 API performance target shall have, as their growth target,
8 maintenance of their API score above the statewide API
9 performance target. However, the state board may set differential
10 growth targets based on grade level of instruction and may set
11 higher growth targets for the lowest performing schools because
12 they have the greatest room for improvement. To meet its growth
13 target, a school shall demonstrate that the annual growth in its API
14 is equal to or more than its schoolwide annual percentage growth
15 target and that all numerically significant pupil subgroups, as
16 defined in subdivision (a), are making comparable improvement.

17 (d) Upon adoption of state performance standards by the state
18 board, the Superintendent shall recommend, and the state board
19 shall adopt, a statewide API performance target that includes
20 consideration of performance standards and represents the
21 proficiency level required to meet the state performance target.

22 (e) (1) A school or school district with 11 to 99 pupils with
23 valid test scores shall receive an API score with an asterisk that
24 indicates less statistical certainty than API scores based on 100 or
25 more test scores.

26 (2) A school or school district annually shall receive an API
27 score, unless the Superintendent determines that an API score
28 would be an invalid measure of the performance of the school or
29 school district for one or more of the following reasons:

30 (A) Irregularities in testing procedures occurred.

31 (B) The data used to calculate the API score of the school or
32 school district are not representative of the pupil population at the
33 school or school district.

34 (C) Significant demographic changes in the pupil population
35 render year-to-year comparisons of pupil performance invalid.

36 (D) The department discovers or receives information indicating
37 that the integrity of the API score has been compromised.

38 (E) Insufficient pupil participation in the assessments included
39 in the API.

1 (F) A transition to new standards-based assessments
2 compromises comparability of results across schools or school
3 districts. The Superintendent may use the authority in this
4 subparagraph in the 2013-14 and 2014-15 school years only, with
5 approval of the state board.

6 (3) If a school or school district has fewer than 100 pupils with
7 valid test scores, the calculation of the API or adequate yearly
8 progress pursuant to the federal No Child Left Behind Act of 2001
9 (20 U.S.C. Sec. 6301 et seq.) and federal regulations may be
10 calculated over more than one annual administration of the tests
11 administered pursuant to Section 60640 and the high school exit
12 examination administered pursuant to Section 60851, consistent
13 with regulations adopted by the state board.

14 (4) Any school or school district that does not receive an API
15 calculated pursuant to subparagraph (F) of paragraph (2) shall not
16 receive an API growth target pursuant to subdivision (c). Schools
17 and school districts that do not have an API calculated pursuant
18 to subparagraph (F) of paragraph (2) shall use one of the following:

19 (A) The most recent API calculation.

20 (B) An average of the three most recent annual API calculations.

21 (C) Alternative measures that show increases in pupil academic
22 achievement for all groups of pupils schoolwide and among
23 significant subgroups.

24 (f) Only schools with 100 or more test scores contributing to
25 the API may be included in the API rankings.

26 (g) Schools in the Student Achievement via Excellence
27 accountability system, as specified in Article 5 (commencing with
28 Section 52078), may receive an API score, but shall not be included
29 in the API rankings.

30 (h) For purposes of this section, county offices of education
31 shall be considered school districts.

32 SEC. 3. Article 5 (commencing with Section 52078) is added
33 to Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education
34 Code, to read:

35
36 Article 5. Student Achievement via Excellence (SAVE)
37 Accountability System
38

39 52078. By July 1, 2017, the Superintendent, with the approval
40 of the state board, shall develop the Student Achievement via

1 Excellence (SAVE) accountability system for the schools under
2 the jurisdiction of a county board of education or a county
3 superintendent of schools, community day schools, charter schools
4 operated pursuant to subdivision (g) of Section 47605.1, nonpublic,
5 nonsectarian schools pursuant to Section 56366, and alternative
6 schools, including continuation high schools and opportunity
7 schools.

8 52079. — (a) The SAVE accountability system developed
9 pursuant to Section 52078 shall be fully implemented beginning
10 with the 2017–18 school year.

11 (b) The SAVE accountability system shall be designed in
12 conformity with the requirements specified in subdivision (c), and
13 its purpose shall be to annually measure the positive outcome
14 performance of a covered school, as expressed by the school's
15 SAVE score.

16 (c) A school's SAVE score shall be calculated based upon three
17 separate categories: learning readiness, save rate, and academic
18 achievement. The Superintendent shall recommend, and the state
19 board shall adopt, weights for each category. Each weighted
20 category shall be measured based upon indicators specific to each
21 category and appropriate to the school being measured.

22 (1) Learning readiness indicators shall include all of the
23 following:

24 (A) Improved pupil behavior, as measured by the number of
25 and rate of classroom-based long-term pupils suspended or
26 recommended for expulsion pursuant to Article 1 (commencing
27 with Section 48900) of Chapter 6 of Part 27. Reductions in
28 classroom-based suspensions shall also be weighted positively
29 based on the percentage reduction.

30 (B) Reduction of the suspension rate below the statewide
31 average, as measured by the percentage of long-term pupils who
32 receive out-of-school suspensions.

33 (C) Improved pupil punctuality, as measured by the percentage
34 of long-term pupils who are present on time at the beginning of
35 the school day.

36 (D) Sustained daily attendance, as measured by the percentage
37 of classroom-based long-term pupils who are present in class and
38 complete their full assigned school day.

- 1 ~~(E) Pupil persistence, as measured by the percentage of~~
2 ~~long-term pupils considered accounted for by the annual California~~
3 ~~Basic Educational Data System (CBEDS) Information Day.~~
4 ~~(F) Improved attendance, as measured by the percentage of~~
5 ~~apportionment days claimed for all long-term pupils.~~
6 ~~(2) The save rate shall measure the effectiveness of the~~
7 ~~educational options at a school by tracking the outcome for each~~
8 ~~individual pupil. A pupil shall be considered saved upon enrollment~~
9 ~~in a SAVE accountability school, and shall remain saved over the~~
10 ~~course of his or her enrollment at the school. A pupil shall maintain~~
11 ~~his or her saved status so long as his or her transition out of the~~
12 ~~SAVE accountability system school is a positive outcome, as~~
13 ~~determined by the positive outcome indicators. A pupil whose~~
14 ~~transition out of a SAVE accountability school is not a positive~~
15 ~~outcome, shall lose his or her saved status. A school's save rate~~
16 ~~shall be calculated by determining the proportion of a school's~~
17 ~~pupils that transition out of the school with a positive outcome.~~
18 ~~The positive outcome indicators shall include all of the following:~~
19 ~~(A) Attainment of a high school diploma.~~
20 ~~(B) Continued enrollment in the same SAVE accountability~~
21 ~~system school with progress being made toward graduation.~~
22 ~~(C) Reenrollment in a traditional school.~~
23 ~~(D) Attainment of a General Educational Development (GED)~~
24 ~~credential.~~
25 ~~(3) Academic achievement indicators shall include all of the~~
26 ~~following:~~
27 ~~(A) The writing, reading, and mathematic achievement measures~~
28 ~~and instruments adopted by the state board pursuant to subdivision~~
29 ~~(b) of Section 52052.~~
30 ~~(B) An individual pupil growth model certified by the~~
31 ~~Superintendent pursuant to Section 52052.3.~~
32 ~~(C) Promotion to the next grade, as measured by the percentage~~
33 ~~of pupils in kindergarten and grades 1 to 6, inclusive, who are~~
34 ~~promoted to the next grade level.~~
35 ~~(D) Actual course completion, as measured by the percentage~~
36 ~~of courses passed by all middle school long-term pupils based on~~
37 ~~the number of courses attempted.~~
38 ~~(E) Actual credit completion, as measured by the percentage of~~
39 ~~graduation credits earned, both full and partial, by all high school~~

1 ~~long-term pupils based on the number of graduation credits~~
2 ~~attempted.~~

3 ~~(F) Other indicators that may be recommended by the~~
4 ~~Superintendent and adopted by the state board.~~

5 ~~(d) For purposes of this section, “long-term pupil” means a pupil~~
6 ~~enrolled at a school for 90 days or more.~~

7 ~~(e) In addition to the indicators required by this section, the~~
8 ~~Superintendent, with the approval of the state board, may~~
9 ~~incorporate additional indicators into a SAVE score category that~~
10 ~~are valid, reliable, and stable measures, and consistent with the~~
11 ~~purposes of the SAVE accountability system.~~

12 ~~(f) The Superintendent, with the approval of the state board,~~
13 ~~shall request that the United States Secretary of Education accept~~
14 ~~the data collected pursuant to this section in either the next~~
15 ~~consolidated state application accountability workbook or the next~~
16 ~~waiver request under the federal Elementary and Secondary~~
17 ~~Education Act (20 U.S.C. Sec. 6301 et seq.).~~

18 ~~(g) The department may adopt regulations necessary to~~
19 ~~implement the provisions of this article.~~