

**Introduced by Senator Berryhill**February 18, 2015

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An act to amend Section 42283 of the Education Code, relating to school finance.

## LEGISLATIVE COUNSEL'S DIGEST

SB 256, as introduced, Berryhill. School finance: necessary small schools.

Existing law, for specified purposes, provides that a necessary small school is an elementary school with an average daily attendance of less than 97, excluding pupils attending the 7th and 8th grades of a junior high school, maintained by a school district to which any of certain conditions apply.

This bill would make nonsubstantive changes to that provision.

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

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

- 1     SECTION 1. Section 42283 of the Education Code is amended  
2     to read:  
3     42283. (a) For purposes of Sections 42281 and 42282, a  
4     “necessary small school” is an elementary school with an average  
5     daily attendance of less than ~~97~~, *97 pupils*, excluding pupils  
6     attending the seventh and eighth grades of a junior high school,  
7     maintained by a school district to which any of the following  
8     conditions apply:  
9     (1) If as many as five pupils residing in the school district and  
10    attending kindergarten and grades 1 to 8, inclusive, excluding

1 pupils attending the seventh and eighth grades of a junior high  
2 school, in the elementary school with an average daily attendance  
3 of less than 97 *pupils* would be required to travel more than 10  
4 miles one way from a point on a well-traveled road nearest their  
5 home to the nearest other public elementary school.

6 (2) If as many as 15 pupils residing in the school district and  
7 attending kindergarten and grades 1 to 8, inclusive, excluding  
8 pupils attending the seventh and eighth grades of a junior high  
9 school, in the elementary school with an average daily attendance  
10 of less than 97 *pupils* would be required to travel more than five  
11 miles one way from a point on a well-traveled road nearest their  
12 home to the nearest other public elementary school.

13 (3) If topographical or other conditions exist in a school district  
14 ~~which that~~ would impose unusual hardships if the number of miles  
15 specified in paragraph (1) or (2) were required to be traveled, or  
16 if during the fiscal year the roads ~~which that~~ would be traveled  
17 have been impassable for more than an average of two weeks per  
18 year for the preceding five years, the governing board of the school  
19 district may, on or before April 1, request the Superintendent, in  
20 writing, for an exemption from these requirements or for a  
21 reduction in the miles required. The request shall be accompanied  
22 by a statement of the conditions upon which the request is based,  
23 giving the information in a form required by the Superintendent.  
24 The Superintendent shall cause an investigation to be made, and  
25 shall either grant the request to the extent he or she deems  
26 necessary, or deny the request.

27 (b) For purposes of this section, “other public elementary  
28 school” is a public school, including a charter school, that serves  
29 kindergarten or any of grades 1 to 8, inclusive, ~~exclusive of~~  
30 *excluding* grades 7 and 8 of a junior high school.