

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 256

Introduced by Senator Berryhill

February 18, 2015

An act to ~~amend~~ *add* Section ~~42283~~ of 42283.5 to the Education Code, relating to school ~~finance~~; *finance*, and *declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 256, as amended, Berryhill. School finance: necessary small ~~schools~~; *schools: Calaveras Unified School District.*

~~Existing~~

(1) *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.~~

Existing law requires the county superintendent of schools to make computations for each elementary and secondary school district that has fewer than 2,501 units of second principal apportionment average daily attendance and maintains at least one school that meets the criteria for a necessary small school.

This bill would deem Rail Road Flat Elementary School to be a necessary small school and make the Calaveras Unified School District eligible to receive apportionments for this school pursuant to its status as a necessary small school. The bill would provide that if the average daily attendance of this school exceeds 96, then the school would no longer be eligible to receive apportionments as a necessary small school.

(2) *This bill would make legislative findings and declarations as to the necessity of a special statute for the Calaveras Unified School District.*

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

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~^{yes}. State-mandated local program: no.

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

1 *SECTION 1. The Legislature finds and declares that the*
2 *Calaveras Unified School District is considered to be a large*
3 *unified school district that serves pupils from a wide and varied*
4 *geographic area. Within these areas, Rail Road Flat Elementary*
5 *School has an average daily attendance of fewer than 97 pupils.*
6 *Pupils presently attending Rail Road Flat Elementary School would*
7 *have to travel long distances over hazardous terrain in order to*
8 *attend other schools within the Calaveras Unified School District.*

9 *SEC. 2. Section 42283.5 is added to the Education Code, to*
10 *read:*

11 *42283.5. (a) Notwithstanding any other law, the Rail Road*
12 *Flat Elementary School shall be deemed a necessary small school,*
13 *as defined in Section 42283. Notwithstanding any other law,*
14 *commencing with the 2015–16 fiscal year, the Calaveras Unified*
15 *School District shall receive apportionments for the Rail Road*
16 *Flat Elementary School pursuant to Section 42282.*

17 *(b) If the average daily attendance of the Rail Road Flat*
18 *Elementary School exceeds 96, then that school shall no longer*
19 *be entitled to receive apportionments as a necessary small school.*

20 *SEC. 3. The Legislature finds and declares that a special law*
21 *is necessary and that a general law cannot be made applicable*
22 *within the meaning of Section 16 of Article IV of the California*
23 *Constitution because of the unique circumstances relating to the*
24 *Calaveras Unified School District as set forth in Section 1 of this*
25 *act.*

26 *SEC. 4. This act is an urgency statute necessary for the*
27 *immediate preservation of the public peace, health, or safety within*
28 *the meaning of Article IV of the Constitution and shall go into*
29 *immediate effect. The facts constituting the necessity are:*

1 *In order to make necessary small school apportionments*
2 *available to the Calaveras Unified School District prior to the*
3 *2015–16 school year, it is necessary that this act take effect*
4 *immediately.*

5 SECTION 1. Section 42283 of the Education Code is amended
6 to read:

7 ~~42283. (a) For purposes of Sections 42281 and 42282, a~~
8 ~~“necessary small school” is an elementary school with an average~~
9 ~~daily attendance of less than 97 pupils, excluding pupils attending~~
10 ~~the seventh and eighth grades of a junior high school, maintained~~
11 ~~by a school district to which any of the following conditions apply:~~

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

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

26 ~~(3) If topographical or other conditions exist in a school district~~
27 ~~that would impose unusual hardships if the number of miles~~
28 ~~specified in paragraph (1) or (2) were required to be traveled, or~~
29 ~~if during the fiscal year the roads that would be traveled have been~~
30 ~~impassable for more than an average of two weeks per year for~~
31 ~~the preceding five years, the governing board of the school district~~
32 ~~may, on or before April 1, request the Superintendent, in writing,~~
33 ~~for an exemption from these requirements or for a reduction in the~~
34 ~~miles required. The request shall be accompanied by a statement~~
35 ~~of the conditions upon which the request is based, giving the~~
36 ~~information in a form required by the Superintendent. The~~
37 ~~Superintendent shall cause an investigation to be made, and shall~~
38 ~~either grant the request to the extent he or she deems necessary,~~
39 ~~or deny the request.~~

- 1 ~~(b) For purposes of this section, “other public elementary~~
- 2 ~~school” is a public school, including a charter school, that serves~~
- 3 ~~kindergarten or any of grades 1 to 8, inclusive, excluding grades~~
- 4 ~~7 and 8 of a junior high school.~~