

AMENDED IN SENATE MARCH 31, 2016

**SENATE BILL**

**No. 1356**

---

**Introduced by Senator Allen**

February 19, 2016

---

An act to ~~amend~~ *add* Section ~~60200.9~~ of 41030.5 to the Education Code, relating to ~~instructional materials~~. *school finance*.

LEGISLATIVE COUNSEL'S DIGEST

SB 1356, as amended, Allen. ~~Instructional materials~~. *School finance: Nonrecurring Special Revenue Fund.*

*Existing law requires a school district that receives bequests or gifts of money not required for the immediate necessities of the district to place that money in a district special fund in the county treasury designated as the Foundation Fund and authorizes the district to invest that money.*

*Existing federal law, The Middle Class Tax Relief and Job Creation Act of 2012, (Public Law 112-96) authorizes the Federal Communication Commission (FCC) to conduct an auction of spectrum in the Ultra High Frequency (UHF) band used for television broadcasting, to accept bids for use of recaptured spectrum for wireless broadband communications, and to offer cash payments as an incentive to television broadcasting licensees to participate in the auction in any markets in which the FCC determines that it cannot otherwise clear enough UHF spectrum for wireless broadband purposes.*

*This bill would require a school district to place proceeds received, if any, from transactions in connection with selling spectrum at this auction that are not required for the immediate necessities of the district into a fund designated as the Nonrecurring Special Revenue Fund, subject to the same requirements and restrictions as bequests or gifts*

*of surplus money placed in a Foundation Fund. The bill would also restrict the purposes for which these moneys may be used, as provided. To the extent this bill would impose additional duties on the county treasurer, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Existing law requires the State Board of Education to consider the adoption of a revised curriculum framework and evaluation criteria for instructional materials in science, as provided.~~

~~This bill would make a nonsubstantive change to that provision.~~

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

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

- 1     SECTION 1. Section 41030.5 is added to the Education Code,
- 2     to read:
- 3     41030.5. (a) For purposes of this section, “nonrecurring
- 4     special revenue” is the revenue from transactions in connection
- 5     with a school district selling spectrum pursuant to Section 6401
- 6     of the federal Middle Class Tax Relief and Job Creation Act of
- 7     2012 that is surplus money not required for the immediate
- 8     necessities of the school district. The school district may invest
- 9     this revenue pursuant to the provisions of this article.
- 10    (b) Nonrecurring special revenue, if any, shall be subject to the
- 11    same requirements and restrictions as bequests or gifts of surplus
- 12    money placed in a Foundation Fund, as set forth in Sections 41030,
- 13    41031, 41033, 41034, 41035, 41036, 41037, and 41038, except
- 14    that the fund into which that revenue shall be deposited shall be
- 15    known as the Nonrecurring Special Revenue Fund rather than the
- 16    Foundation Fund and any special account created within the
- 17    Nonrecurring Special Revenue Fund shall include in its name the
- 18    term “Nonrecurring Special Revenue Account” rather than
- 19    “Foundation Account.”

1     (c) *The moneys deposited in the Nonrecurring Special Revenue*  
2 *Fund, if any, shall be expended only for the purposes designated*  
3 *by the governing board of the school district in the resolution*  
4 *establishing the fund.*

5     (d) *The moneys in the Nonrecurring Special Revenue Fund, if*  
6 *any, shall be considered as separate and apart from all other funds*  
7 *of the school district, and, notwithstanding any other law, shall*  
8 *not be considered part of the working cash of the school district*  
9 *in compiling annual financial budgets. The moneys in the*  
10 *Nonrecurring Special Revenue Fund shall not be used to pay the*  
11 *salaries or related fringe benefits of teachers or administrators,*  
12 *except for salaries and fringe benefits directly attributable to the*  
13 *purposes for which the fund is designated.*

14     (e) *On or before September 1 of each year, if there are moneys*  
15 *in the Nonrecurring Special Revenue Fund, the advisory committee*  
16 *for the Nonrecurring Special Revenue Fund shall advise the*  
17 *governing board of the school district as to the amounts of*  
18 *investment earnings with respect to the Nonrecurring Special*  
19 *Revenue Fund during the immediately preceding fiscal year and*  
20 *recommend expenditures from each account for the current fiscal*  
21 *year, provided that the expenditures conform to the purposes set*  
22 *forth by the governing board of the school district when designating*  
23 *the fund.*

24     SEC. 2. *If the Commission on State Mandates determines that*  
25 *this act contains costs mandated by the state, reimbursement to*  
26 *local agencies and school districts for those costs shall be made*  
27 *pursuant to Part 7 (commencing with Section 17500) of Division*  
28 *4 of Title 2 of the Government Code.*

29     ~~SECTION 1. Section 60200.9 of the Education Code is~~  
30 ~~amended to read:~~

31     ~~60200.9. On or before January 31, 2017, the state board shall~~  
32 ~~consider the adoption of a revised curriculum framework and~~  
33 ~~evaluation criteria for instructional materials in science. The revised~~  
34 ~~curriculum framework shall be based on the standards adopted~~  
35 ~~pursuant to former Section 60605.85, as that section read on June~~  
36 ~~30, 2014. In adopting the revised curriculum framework, the state~~  
37 ~~board shall ensure both of the following:~~

38     ~~(a) Inclusion of English language development strategies that~~  
39 ~~are aligned to the standards adopted pursuant to Section 60811.~~

- 1     ~~(b) Inclusion of strategies to address the needs of pupils with~~
- 2     ~~disabilities.~~
- 3     -

O