

AMENDED IN ASSEMBLY APRIL 26, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 112

Introduced by Assembly Member Willard Murray

January 10, 1995

An act to add Section 41326.1 to the Education Code, relating to public schools, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 112, as amended, W. Murray. Education: emergency loans.

(1) Under existing law, the acceptance by a school district of an emergency apportionment that exceeds an amount equal to 200% of the amount of the reserve recommended for that district under certain standards and criteria is an agreement by the school district to comply with certain conditions. As part of those conditions, the Superintendent of Public Instruction or an administrator appointed by the superintendent assumes the legal rights, duties, and powers of the governing board of the qualified school district for a specified period of time. For this period of time, the governing board of the school district is required to serve as an advisory body that reports to the state-appointed administrator.

This bill would ~~specify that~~ *authorize* the ~~governing board of any school district that is subject to the conditions for receipt of the emergency apportionment specified above and that is also under the control of a~~ state-appointed

administrator *that controls a school district* pursuant to a specified section of the Education Code and, in addition, is ~~under that control~~ *controls the school district* for purposes of demonstrating academic progress pursuant to a plan of action to improve the school district ~~shall not serve as an advisory body reporting to the state-appointed administrator. to consider information from one or more specified groups, including the governing board of the school district.~~ The bill would also make a statement of legislative intent ~~and would make legislative findings and declarations.~~

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

Vote: ²/₃. 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 41326.1 is added to the
2 Education Code, to read:

3 ~~41326.1. Notwithstanding subdivision (e) of Section~~
4 ~~41326 or any other provision of law, the governing board~~
5 ~~of any school district that is complying with this article~~
6 ~~and is under the control of a state-appointed~~
7 ~~administrator pursuant to Section 41326 and, in addition,~~
8 ~~is under that control for purposes of demonstrating~~
9 ~~academic progress pursuant to a plan of action to improve~~
10 ~~the school district, shall not serve as an advisory body~~
11 ~~reporting to the state-appointed administrator during the~~
12 ~~period of time that the Superintendent of Public~~
13 ~~Instruction exercises the authority described in~~
14 ~~subdivision (b) of Section 41326.~~

15 *41326.1. (a) A state-appointed administrator who has*
16 *control over a school district pursuant to subdivision (b)*
17 *shall consider, on a monthly basis, or more frequently if*
18 *so desired by the administrator, information from one or*
19 *more of the following groups:*

- 20 (1) *The governing board of the school district.*
- 21 (2) *Any advisory council of the school district.*
- 22 (3) *Any parent-teacher organization of the school*
23 *district.*



1 (4) *Representatives from the community in which the*
2 *school district is located.*

3 (b) *This section applies to a school district that has a*
4 *state-appointed administrator pursuant to Section 41326*
5 *and is under the control of the state-appointed*
6 *administrator for purposes of demonstrating academic*
7 *progress pursuant to a plan of action to improve the*
8 *school district.*

9 SEC. 2. It is the intent of the Legislature that this act
10 ~~apply to the governing board of any school district that,~~
11 ~~prior to the effective date of this act, was receiving an~~
12 ~~emergency apportionment, and in order to qualify for~~
13 ~~that loan, is complying with Article 2.5 (commencing~~
14 ~~with Section 41325) of Chapter 3 of Part 24 of the~~
15 ~~Education Code and is currently under the control of a~~
16 ~~state-appointed administrator pursuant to Section 41326~~
17 ~~apply to any state-appointed administrator who has~~
18 ~~control over a school district pursuant to Section 41326 of~~
19 ~~the Education Code, and, in addition, is under that~~
20 ~~control controls that school district for purposes of~~
21 ~~demonstrating academic progress pursuant to a plan of~~
22 ~~action to improve the school district.~~

23 SEC. 3. ~~The Legislature finds and declares that~~
24 ~~Section 1 of this act, which is applicable only to a school~~
25 ~~district that is under the control of a state-appointed~~
26 ~~administrator pursuant to Section 41326 of the Education~~
27 ~~Code and, in addition, is under that control for purposes~~
28 ~~of demonstrating academic progress pursuant to a plan of~~
29 ~~action to improve the school district, is necessary in order~~
30 ~~to protect the fundamental right of children in California~~
31 ~~to public education by reducing the ability of the~~
32 ~~governing board of school districts to impede the progress~~
33 ~~of the state toward reversing the effects of the~~
34 ~~mismanagement of the financial and academic affairs of~~
35 ~~the school districts by the governing boards.~~

36 SEC. 4. ~~This act is an urgency statute necessary for the~~
37 *SEC. 3. This act is an urgency statute necessary for the*
38 *immediate preservation of the public peace, health, or*
39 *safety within the meaning of Article IV of the*



1 Constitution and shall go into immediate effect. The facts
2 constituting the necessity are:

3 In order to ensure that the state is able to proceed
4 toward improvement during the current school year in
5 school districts that have been subject to fiscal and
6 academic mismanagement, as specified, it is necessary
7 that this act take effect immediately.

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