

Assembly Bill No. 174

Passed the Assembly September 15, 1995

Chief Clerk of the Assembly

Passed the Senate September 14, 1995

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 1995, at ____ o'clock __M.

Private Secretary of the Governor

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CHAPTER ____

An act to add and repeal Sections 41601.1 and 48200.7 of the Education Code, relating to the Compton Unified School District.

LEGISLATIVE COUNSEL'S DIGEST

AB 174, W. Murray. Compton Unified School District.

(1) Existing law requires persons between the ages of 6 and 18 years to be subject to compulsory full-time education.

This bill, until January 1, 2001, would define compulsory full-time education to mean a school year consisting of 219 schooldays for specified pupils in the Compton Unified School District as identified by the State Department of Education, thereby creating a state-mandated local program. The bill would require instruction for these pupils during schooldays in excess of schooldays offered to other pupils to be devoted to instruction in basic skills in mathematics and English language arts.

(2) Existing law requires the governing board of a school district to report average daily attendance for apportionment purposes and to calculate that attendance by dividing the number of days of attendance by the number of days school was in session, as specified.

This bill, until January 1, 2001, would alter the calculation of the average daily attendance of pupils for whom compulsory full-time education means a school year consisting of 219 schooldays to reflect the difference between this longer school year and the school year for other pupils in the elementary schools identified by the department in the Compton Unified School District. The bill would withhold a specified amount from the district's apportionment if the district fails to operate its school for 219 days for specified pupils.

(3) The bill would also contain a declaration of legislative intent.

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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$1,000,000, shall be made from the State Mandates Claims Fund.

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

SECTION 1. Section 41601.1 is added to the Education Code, to read:

41601.1. (a) Notwithstanding Section 41601, the average daily attendance of pupils subject to Section 48200.7 shall be determined by dividing the total number of days of attendance in all full-time school months in the first period by a divisor of 70, in the second period by 135, and at annual time by 175.

(b) If a district fails to operate its school for 219 days for pupils subject to Section 48200.7, the Superintendent of Public Instruction shall withhold from the district's apportionment based upon average daily attendance a product of 0.00870 times the district's apportionment for each additional day the district would have had to maintain operations to meet the 219 -day requirement.

(c) This section shall remain in effect only until January 1, 2001, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2001, deletes or extends that date.

SEC. 2. Section 48200.7 is added to the Education Code, to read:

48200.7. (a) The State Department of Education shall identify the three lowest performing elementary schools in the Compton Unified School District for purposes of increasing the school year for pupils enrolled



in kindergarten or grades 1 and 2 and for those pupils in any of grades 3 to 5, inclusive, who are performing in mathematics or English language arts two or more grade levels below the grade in which those pupils are enrolled as determined under subdivision (b).

(b) The determination that a pupil is performing two or more grade levels below the grade in which that pupil is enrolled, shall be based on any combination of the following:

- (1) The California Achievement Test-Form E.
- (2) The Spanish assessment of basic education.
- (3) Proficiency tests required for graduation.
- (4) District criterion reference tests based on state curriculum guides.

(c) The Compton Unified School District shall test all pupils in kindergarten and grades 1 to 5, inclusive, in its three lowest performing elementary schools prior to those pupils beginning an extended schoolday or school year program under this section. At the end of the school year the school district shall again test the pupils in kindergarten and grades 1 to 5, inclusive, to determine the grade level at which those pupils are performing.

(d) The State Department of Education shall approve each of the following areas in each elementary school identified as low performing pursuant to subdivision (a):

- (1) Curricula.
- (2) Testing instruments.
- (3) Schoolday length.
- (4) Teacher selection, teacher mentoring, and staff development processes.

(e) The State Department of Education shall review teacher compensation, including salary and benefits, in each elementary school identified as low performing pursuant to subdivision (a).

(f) The State Department of Education shall also collect data as to each of the following items:

- (1) Instructional materials used by, and made available to, the school.
- (2) Teacher capacity.



(3) Any other baseline data deemed necessary by the department.

(g) Instruction provided to pupils subject to this section during schooldays in excess of schooldays offered to other pupils shall be devoted to instruction in basic skills in mathematics and English language arts.

(h) This section shall remain in effect only until January 1, 2001, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2001, deletes or extends that date.

SEC. 3. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances of the Compton Unified School District. The facts constituting the special circumstances that distinguish the district from other school districts are:

Pupil performance has been historically and consistently among the poorest in the state. For example, The "Report of Priority Corrective Actions for the Compton Unified School District" published on May 4, 1993, by the Los Angeles County Office of Education notes that pupils of the district "continue to score in the 1st percentile on state assessments." In addition, 70 percent of the pupils of the Compton Unified School District who are promoted from the eighth to the ninth grade do not meet the minimum academic standards to qualify for high school enrollment. Furthermore, a state administrator for the district who was appointed as a condition of the district receiving an emergency loan has been authorized to retain authority for the operation of the district until the district has made specified academic progress.

SEC. 4. (a) It is the intent of the Legislature to appropriate one million five hundred thousand dollars (\$1,500,000) in the Budget Act of 1996 and in each year through the Budget Act of 2000.

(b) Notwithstanding any other law, the Compton Unified School District may redirect its existing resources



for purposes of extending its schoolday, or school year pursuant to Section 48200.7 of the Education Code.

(c) It is the further intent of the Legislature that any funding provided for the purposes of this act shall not supplant any special education funding provided through the special education program for extended year instruction required as part of a pupil's individualized education plan. The extended year instruction required by this act shall not be a basis for including extended year instruction in a pupil's individualized education plan.

SEC. 5. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.



Approved _____, 1995

Governor

