

AMENDED IN ASSEMBLY APRIL 18, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 967**

**Introduced by Assembly Member Ducheny**

February 22, 1995

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An act to amend Sections 1629, 8450, 33593, 39005, 39901, 42103, 42132, 42260, 42647, 42920, 42920.5, 42921, 46300.4, ~~49558~~, 51210, and 51220 of, and to repeal Sections 39006 and 39007 of, and to add Chapter 4 (commencing with Section 32450) to Part 19 of, the Education Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

AB 967, as amended, Ducheny. Education.

(1) Existing law requires the county board of education to adopt a resolution to identify the estimated appropriations limit for the county office of education for the current fiscal year and the actual appropriation limits for the county office of education for the previous fiscal year. The documentation used to make that identification is required to be made available to the public 15 days prior to the meeting. Existing law makes the same requirement of the governing board of each schools district.

This bill would require that the documentation used to make that identification of the appropriations limit be made available on the date of the meeting at which the resolution was adopted.

(2) Existing law encourages child development contracts to develop and maintain a reserve within the child

development fund derived from earned by unexpended funds.

This bill would make a technical change to that provision.

(3) Existing law requires the Superintendent of Public Instruction or the superintendent’s representative to serve as executive secretary to the Advisory Committee on Special Education.

This bill would make technical changes to that provision.

(4) Existing law requires the State Department of Education, on behalf of the state, to participate in the federal child care food program established pursuant to specified federal law. The State Department of Education is required to provide the food care program for all eligible, participating entities that provide child development services programs and alternative child care programs, as specified.

This bill would require the State Department of Education to participate in the federal adult day care center food program established pursuant to specified federal law. The bill would require the department to provide reimbursement to adult day care centers, as defined, that provide food to eligible persons, including, among other persons, chronically impaired disabled persons. The bill would impose certain requirements on adult day care centers requesting reimbursement, including, among other requirements, a requirement that the center make reasonable efforts to serve foods in forms palatable to participants.

(5) Existing law requires the governing board of each school district, before acquiring title to property for a new schoolsite, to give the Department of Transportation written notice of the proposed acquisition, as specified, if the proposed site is within 2 miles of an airport, as specified. The department is required to take certain factors into consideration in making recommendations on the site acquisition, including, among other factors, specific characteristics of the airports, as specified. If the recommendation of the Department of Transportation is unfavorable, the department’s recommendation cannot be overruled without the express approval of the State Allocation Board.



This bill would eliminate the requirement that the Department of Transportation take certain factors into consideration in making its determination and the requirement that an unfavorable recommendation by the department may only be overruled with the express approval of the State Allocation Board and would instead prohibit state and local funds from being allocated or expended for the purposes of that site, as specified. The bill would also make technical changes to those provisions.

(6) Existing law authorizes each school district maintaining an accumulative cafeteria equipment replacement reserve to include in the annual cafeteria fund budget of the district an amount to be a charge against the operations of the cafeterias for that year as a depreciation cost for wear and tear on cafeteria equipment.

This bill would instead provide funds in the cafeteria replacement reserve may only be used for the replacement of wornout or obsolete cafeteria equipment.

(7) Existing law requires the governing board of each school district to hold a public hearing on the proposed budget in a district facility or some other place conveniently accessible to the residents of the district.

This bill would make technical changes to that provision.

(8) Existing law establishes the Year-Round School Grant Program to provide financial assistance to school districts implementing new multitrack year-round educational programs and school districts that currently operate those programs.

This bill would define “multitrack year-round school” for the purpose of that grant program to mean a school for which the applicant district demonstrates that pupils are divided into 3 or more groups or tracks that rotate attendance, as specified, and that the operation of the school on a multitrack year-round basis has increased the enrollment capacity of the school.

(9) Existing law provides that, with the approval of the Superintendent of Public Instruction, the governing board of a unified school district or other specified school districts may cause to be drawn all warrants on the county treasurer against specified funds of the district for payment of the expenses of



the district. To receive that approval the school district must submit a written application to the county superintendent of schools. The county superintendent of schools must cause a survey to be made of the district, as specified, according to standards prescribed by the Department of Finance.

This bill would instead require those standards to be required by the Controller.

(10) Existing law provides funding for the purpose of foster children services programs operated by 4 designated school districts.

This bill would also include within the programs eligible for that funding, foster children services programs operated by the Paramount School District and the consortia that exists for that purpose between the Placer High School District and the Nevada School District. The bill would make conforming changes to related provisions of law.

(11) Existing law requires that if a pupil 21 years of age or older or a pupil 19 years of age or older, has not been continuously enrolled in kindergarten or any of grades 1 to 12, inclusive, as specified, any attendance credit for independent study coursework is only eligible for apportionment if it is a specified type of coursework.

This bill would add to those types of coursework, any course required by the governing board as a prerequisite to receiving a diploma of high school graduation.

~~(12) Existing law provides that all applications and records concerning any other individual made or kept by any public officer or agency in connection with the administration of any provision of this code relating to free or reduced price meal eligibility is confidential and is not open to examination for any purpose not directly connected with the administration of the program, except as specified.~~

~~This bill would provide that to the extent permitted by federal law, any agency that has an agreement with the State Department of Education to provide a child nutrition program may use the applications submitted for the nutrition program for other education activities that are provided without cost, provided that the parent or guardian has waived the right to confidentiality on the application and the application identifies the agencies that may receive the~~



~~information and the purpose for which the information may be used.~~

(13) Existing law sets forth the course of study for grades 1 to 6, inclusive, and for grades 7 to 12, inclusive, and includes within that course of study, fine arts.

This bill would change the term “fine arts” to “visual and performing arts.”

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

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

1 SECTION 1. Section 1629 of the Education Code is  
2 amended to read:

3 1629. On or before September 30 of each year, the  
4 county board of education shall adopt a resolution to  
5 identify, pursuant to Division 9 (commencing with  
6 Section 7900) of Title 1 of the Government Code, the  
7 estimated appropriations limit for the county office of  
8 education for the current fiscal year and the actual  
9 appropriations limit for the county office of education for  
10 the preceding fiscal year. That resolution shall be adopted  
11 at a regular or special meeting of the board.  
12 Notwithstanding Section 7910 of the Government Code,  
13 documentation used in the identification of the  
14 appropriations limits shall be made available to the public  
15 on the date of meeting at which the resolution is adopted.

16 SEC. 2. Section 8450 of the Education Code is  
17 amended to read:

18 8450. (a) All child development contractors are  
19 encouraged to develop and maintain a reserve within the  
20 child development fund, derived from earned but  
21 unexpended funds. For the purpose of this section,  
22 “earned funds” are those for which the required number  
23 of eligible service units have been provided.

24 (b) In calculating the amount of final reimbursement  
25 for each contractor, the State Department of Education  
26 shall include all actual and allowable net costs, plus the  
27 amount of earned but unexpended funds added to the  
28 reserve fund in that fiscal year, as specified in subdivision



1 (c). The total of actual and allowable net costs, plus that  
2 addition to the reserve fund, shall not exceed the  
3 maximum reimbursable amount of the contract or the  
4 contracted rate per unit of service, multiplied by the  
5 actual total services provided.

6 (c) A contractor may retain a reserve fund balance  
7 equal to 2 percent of the sum of the maximum  
8 ~~reimbursable amounts of all contracts to which the~~  
9 *reimbursable amounts of all contracts to which the*  
10 contractor is a party, or two thousand dollars (\$2,000),  
11 whichever is greater. This subdivision does not apply to  
12 resource and referral programs or to alternative payment  
13 model and certificate child care contracts.

14 (d) Notwithstanding subdivisions (a) and (b), a  
15 contractor may retain a reserve fund balance for a  
16 resource and referral program, separate from the balance  
17 retained pursuant to subdivision (c), not to exceed 3  
18 percent of the contract amount.

19 (e) Notwithstanding subdivisions (a) and (b), a  
20 contractor may retain a reserve fund for alternative  
21 payment model and certificate child care contracts,  
22 separate from the reserve fund retained pursuant to  
23 subdivisions (c) and (d), in an amount equal to either of  
24 the following, whichever is greater:

25 (1) Two percent of the sum of the parts of each  
26 contract to which that contractor is a party that is allowed  
27 for administration pursuant to Section 8276.7 and that is  
28 allowed for supportive services pursuant to the provisions  
29 of the contract.

30 (2) One thousand dollars (\$1,000).

31 (f) Each contractor's audit shall identify any funds  
32 earned by the contractor for each contract through the  
33 provision of contracted services in excess of funds  
34 expended.

35 (g) Any interest earned on reserve funds shall be  
36 included in the fund balance of the reserve. This reserve  
37 fund shall be maintained in an interest-bearing account.

38 (h) Moneys in a contractor's reserve fund shall be used  
39 only for expenses which are reimbursable allowable  
40 expenses under Section 8265.



1 (i) Any reserve fund balance in excess of the amount  
 2 authorized pursuant to subdivisions (c), (d), and (e) shall  
 3 be returned to the State Department of Education  
 4 pursuant to procedures established by the department  
 5 and reappropriated as second-year funds consistent with  
 6 Section 8278.

7 (j) Upon termination of all child development  
 8 contracts between a contractor and the State  
 9 Department of Education, all moneys in a contractor's  
 10 reserve fund shall be returned to the department  
 11 pursuant to procedures established by the department,  
 12 and reappropriated as second-year funds consistent with  
 13 Section 8278.

14 (k) Expenditures from, additions to, and balances in,  
 15 the reserve fund shall be included in the agency's annual  
 16 financial statements and audit.

17 SEC. 3. Chapter 4 (commencing with Section 32450)  
 18 is added to Part 19 of the Education Code, to read:

19

20 CHAPTER 4. ADULT DAY CARE FOOD PROGRAM

21

22 32450. The State Department of Education shall, on  
 23 behalf of the state, participate in the federal adult day  
 24 care food program as set forth in subsection (o) of Section  
 25 1766 of Title 42 of the United States Code, and shall not  
 26 terminate its participation in the program unless the  
 27 Legislature authorizes that termination.

28 32451. The State Department of Education is hereby  
 29 designated as the single state agency to administer the  
 30 adult day care food program established pursuant to this  
 31 chapter.

32 32452. For the purposes of this chapter, adult day care  
 33 centers as defined in Section 32543 are eligible for  
 34 reimbursement for meals or supplements served to  
 35 persons 60 years of age or older or to chronically impaired  
 36 disabled persons, including victims of Alzheimer's disease  
 37 and related disorders with neurological and organic brain  
 38 dysfunction, provided the adult day care centers meet  
 39 the following requirements:



1 (a) Reimbursement provided to those institutions for  
2 those purposes shall improve the quality of meals or level  
3 of services provided or increase participation in the  
4 program.

5 (b) Lunches shall provide, on the average,  
6 approximately one-third of the daily recommended  
7 dietary allowance established by the Food and Nutrition  
8 Board of the National Research Council of the National  
9 Academy of Sciences.

10 (c) The adult day care center makes reasonable efforts  
11 to serve meals that meet the special dietary requirements  
12 of participants, including efforts to serve foods in forms  
13 that are palatable to participants.

14 32453. The State Department of Education shall  
15 administer the adult day care food program for all  
16 eligible, participating adult day care centers that provide  
17 adult day care services to the persons described in Section  
18 32452. For the purposes of this chapter, "adult day care  
19 center" means any public agency or private nonprofit  
20 organization, or any proprietary Title XIX center or Title  
21 XX center that meets the following requirements:

22 (a) The center is licensed pursuant to Chapter 3.5  
23 (commencing with Section 1570) of Division 2 of the  
24 Health and Safety Code.

25 (b) The center provides for care and services directly  
26 or under arrangements under which the public agency,  
27 nonprofit organization, or proprietary Title XIX of Title  
28 XX center maintains professional management  
29 responsibility for all of the services.

30 The terms "proprietary Title XIX" or "proprietary  
31 Title XX center" means any private, for-profit center that  
32 provides adult day care services for which it receives  
33 compensation from amounts granted to the states  
34 pursuant to Title XIX of XX of the federal Social Security  
35 Act as set forth in Section 1396 and following of Title 42  
36 of the United States Code and for which not less than 25  
37 percent of the enrolled eligible participants were served  
38 by the center in the calendar month preceding initial  
39 application or annual reapplication for program  
40 participation.



1 32454. For the purposes of establishing eligibility for  
2 free or reduced price meals or supplements pursuant to  
3 this chapter, income shall include only the income of an  
4 eligible person and, if any, the spouse and dependents  
5 with whom the eligible person resides. A person  
6 described in Section 32542 shall not be considered  
7 automatically eligible for free meals or supplements  
8 under this chapter without further application or  
9 eligibility determination if the person is either of the  
10 following:

11 (a) A member of a household receiving assistance  
12 under the Food Stamp Act of 1977 as set forth in Section  
13 2011 and following of Title 7 of the United States Code.

14 (b) A recipient of assistance under Title XVI or XIX of  
15 the Social Security Act as set forth in Section 1381 and  
16 following of the United States Code.

17 32455. The State Department of Education shall  
18 promulgate any rules and regulations necessary for the  
19 administration of this chapter in a manner consistent with  
20 Section 1766 of Title 42 of the United States Code and any  
21 federal regulations adopted thereto, including, but not  
22 limited to, regulations setting forth eligibility  
23 requirements.

24 SEC. 4. Section 33593 of the Education Code is  
25 amended to read:

26 33593. The Superintendent of Public Instruction or  
27 the superintendent's designee shall serve as executive  
28 secretary to the commission.

29 SEC. 5. Section 39005 of the Education Code is  
30 amended to read:

31 39005. (a) In order to promote the safety of pupils,  
32 comprehensive community planning, and greater  
33 educational usefulness of schoolsites before acquiring  
34 title to property for a new schoolsite, the governing board  
35 of each school district, including any district governed by  
36 a city board of education, shall give the Department of  
37 Transportation written notice of the proposed acquisition  
38 and shall submit any information required by the  
39 department if the proposed site is within two miles,  
40 measured by air line, of that point on an airport runway



1 or a potential runway included in an airport master plan  
2 that is nearest to the site.

3 (b) If the Department of Transportation is no longer  
4 in operation, the governing board of the school district  
5 shall, in lieu of notifying the Department of  
6 Transportation, notify the United States Department of  
7 Transportation or any other appropriate agency, in  
8 writing, of the proposed acquisition for the purpose of  
9 obtaining from the department or other agency any  
10 information or assistance that it may desire to give.

11 (c) The Department of Transportation shall  
12 investigate the proposed site and, within 30 working days  
13 after receipt of the notice, shall submit to the governing  
14 board a written report and its recommendations  
15 concerning acquisition of the site. As part of the  
16 investigation, the Department of Transportation shall  
17 give notice thereof to the owner and operator of the  
18 airport who shall be granted the opportunity to comment  
19 upon the proposed schoolsite.

20 (d) The governing board shall not acquire title to the  
21 property until the report of the Department of  
22 Transportation has been received. If the report does not  
23 favor the acquisition of the property for a schoolsite or an  
24 addition to a present schoolsite, the governing board shall  
25 not acquire title to the property until 30 days after the  
26 department's report is received and until the  
27 department's report has been read at a public hearing  
28 duly called after 10 days' notice published once in a  
29 newspaper of general circulation within the school  
30 district or, if there is no newspaper of general circulation  
31 within the school district, in a newspaper of general  
32 circulation within the county in which the property is  
33 located.

34 (e) Except as provided in subdivision (e), if the  
35 Department of Transportation in its report submitted to  
36 a governing board of a school district does not favor  
37 acquisition of a proposed site that is within two miles of  
38 the centerline of an active runway, no state funds or local  
39 funds shall be apportioned or expended for the  
40 acquisition of that site, construction of any school building



1 on that site, or for the expansion of any existing site to  
2 include that site.

3 (f) This section does not apply to sites acquired prior  
4 to January 1, 1966, nor to any additions or extension to  
5 those sites.

6 (g) If the recommendations of the Department of  
7 Transportation are unfavorable, the recommendations  
8 shall not be overruled without the express approval of the  
9 State Allocation Board.

10 SEC. 6. Section 39006 of the Education Code is  
11 repealed.

12 SEC. 7. Section 39007 of the Education Code is  
13 repealed.

14 SEC. 8. Section 39901 of the Education Code is  
15 amended to read:

16 39901. The governing board of any school district  
17 operating school cafeterias may establish and maintain a  
18 cafeteria fund reserve for the replacement of wornout or  
19 obsolete cafeteria equipment, to be known as the  
20 cafeteria equipment replacement reserve. The funds for  
21 this reserve are to be derived from the sales of food in the  
22 school cafeterias in an amount to be determined by the  
23 governing board and may be accumulated from year to  
24 year until expended for this purpose. Funds in the  
25 cafeteria replacement reserve shall only be used for the  
26 replacement of wornout or obsolete cafeteria equipment.

27 Nothing in this section shall prohibit any school district  
28 from replacing cafeteria equipment from district funds as  
29 provided in Section 39900.

30 SEC. 9. Section 42103 of the Education Code is  
31 amended to read:

32 42103. The governing board of each school district  
33 shall hold a public hearing on the proposed budget in a  
34 district facility, or some other place conveniently  
35 accessible to the residents of the district. The public  
36 hearing shall be held any day on or before the date  
37 specified for this purpose in subdivision (e) or (i),  
38 respectively, of Section 42127, but not less than three  
39 working days following availability of the proposed  
40 budget for public inspection. At the hearing any resident



1 in the district may appear and object to the proposed  
2 budget or any item in the budget.

3 The hearing may be concluded on the proposed budget  
4 when there are no requests for further hearing on file,  
5 and shall be concluded no later than the date specified for  
6 this purpose in subdivision (e) or (i), respectively, of  
7 Section 42127. The budget shall not be finally adopted by  
8 the governing board of the district until after the public  
9 hearing has been held.

10 The proposed budget shall show expenditures, cash  
11 balances, and all revenues as required to be tabulated in  
12 Sections 42122 and 42123, and also shall include an  
13 estimate of those figures, unaudited, for the preceding  
14 fiscal year. In addition, any tax statement submitted by  
15 the governing board of the school district pursuant to  
16 subdivision (a) of Section 42127, any district tax  
17 requirement computed pursuant to subdivision (b) of  
18 Section 42127 for the school year to which the proposed  
19 budget is intended to apply, and any recommendations  
20 made by the county superintendent pursuant to  
21 subdivision (d) of Section 42127 shall be made available  
22 by the district for public inspection in a facility of the  
23 district or in some other place conveniently accessible to  
24 residents of the district.

25 Notification of dates and location or locations at which  
26 the proposed budget may be inspected by the public and  
27 the date, time, and location of the public hearing on the  
28 proposed budget shall be published by the county  
29 superintendent of schools in a newspaper of general  
30 circulation in the district or, if there is no ~~such newspaper~~  
31 *newspaper of general circulation in the district*, in any  
32 newspaper of general circulation in the county, at least  
33 three days prior to the availability of the proposed budget  
34 for public inspection. The publication of the dates and  
35 location shall occur no earlier than 45 days prior to the  
36 final date for the hearing as specified in subdivision (e)  
37 or (i), respectively, of Section 42127, but not less than 10  
38 days prior to the date set for hearing. The cost of the  
39 publication shall be a legal and proper charge against the  
40 school district for which the publication is made.



1 SEC. 10. Section 42132 of the Education Code is  
2 amended to read:

3 42132. On or before September 30 of each year, the  
4 governing board of each school district shall adopt a  
5 resolution to identify, pursuant to Division 9  
6 (commencing with Section 7900) of Title 1 of the  
7 Government Code, the estimated appropriations limit for  
8 the district for the current fiscal year and the actual  
9 appropriations limit for the district for the preceding  
10 fiscal year. That resolution shall be adopted at a regular  
11 or special meeting of the governing board.  
12 Notwithstanding Section 7910 of the Government Code,  
13 documentation used in the identification of the  
14 appropriations limits shall be made available to the public  
15 on the date of the meeting.

16 SEC. 11. Section 42260 of the Education Code is  
17 amended to read:

18 42260. (a) There is hereby established the  
19 Year-Round School Grant Program to provide financial  
20 assistance to both school districts implementing new  
21 multitrack year-round educational programs and school  
22 districts that currently operate those programs.

23 (b) The grant program shall be administered by the  
24 Superintendent of Public Instruction. The  
25 superintendent shall award grants separately under this  
26 article for the implementation of multitrack year-round  
27 school programs and for year-round operations purposes.

28 (c) The Superintendent of Public Instruction shall  
29 establish criteria for the selection of implementation  
30 grant applicants to be funded. The criteria shall include,  
31 but not be limited to, all of the following:

32 (1) Severity of school district overcrowding in excess  
33 of State Allocation Board or court-mandated pupil  
34 loading standards.

35 (2) The amount of overcrowding that would be  
36 alleviated by the implementation of multitrack  
37 year-round educational programs, as proposed in the  
38 school district's grant application proposal.



1 (3) The lack of other educationally sound alternatives  
2 to multitrack year-round educational programs to reduce  
3 overcrowding in the applicant school district.

4 (d) For the purposes of this section, “multitrack  
5 year-round school” means a school for which the  
6 applicant district demonstrates that is satisfies both of the  
7 following criteria:

8 (1) The pupils are divided into three or more groups  
9 or tracks that rotate attendance so that for a majority of  
10 the schooldays during the school year, at least one group  
11 or track is not in attendance at the school while all other  
12 groups or tracks are in attendance.

13 (2) The operation of the school on a multitrack  
14 year-round calendar has increased the enrollment  
15 capacity of the school.

16 SEC. 12. Section 42647 of the Education Code is  
17 amended to read:

18 42647. With the approval of the Superintendent of  
19 Public Instruction, the governing board of a unified  
20 school district, or district with over 10,000 average daily  
21 attendance, may cause to be drawn all warrants on the  
22 county treasurer against all the funds, except debt  
23 service, of the district in the county treasury in the  
24 payment of the expenses of the district. The warrants  
25 shall be issued by a person designated as the district  
26 auditor or district disbursing officer for the school district  
27 on the county treasurer in favor of the persons entitled  
28 thereto in payment of all claims chargeable against the  
29 district which have been legally examined, allowed, and  
30 ordered paid by the governing board. The district auditor  
31 shall issue warrants on the county treasurer for all debts  
32 and demands against the district when the amounts are  
33 fixed by law. The form of the warrant shall be as  
34 prescribed by the governing board and approved by the  
35 county auditor or county treasurer having jurisdiction.

36 Notwithstanding Section 42631, the cost of printing the  
37 warrants shall be borne by the district.

38 No county officer shall be responsible for producing  
39 reports, statements, and other data relating to or based on  
40 these payments of the expenses of the districts. Those



1 districts issuing warrants as provided by this section shall  
2 provide the county superintendent of schools, in the form  
3 prescribed by him or her, with the data necessary to make  
4 retirement reports and other reports required of him or  
5 her by law. All warrants, vouchers, and supporting  
6 documents shall be kept by the school districts that draw  
7 their own warrants.

8 Notwithstanding Section 27005 of the Government  
9 Code, or any other section requiring orders for warrants  
10 or warrants to be signed by the county superintendent of  
11 schools or the county auditor, or both, the county  
12 treasurer shall pay the warrant, if money is available.

13 Notwithstanding Section 41000, except for assessing  
14 and tax collecting, the county auditor and the county  
15 treasurer may charge those districts that draw their own  
16 warrants for the cost of all fiscal services.

17 The person authorized by the governing board of the  
18 district to issue warrants pursuant to this section shall  
19 execute an official bond in an amount fixed by the  
20 governing board conditioned upon the faithful  
21 performance of his or her duties under this section. A  
22 county superintendent of schools or a county auditor shall  
23 not be liable under the terms of their bonds or otherwise  
24 for any warrant issued pursuant to this section. It is not  
25 intended that this provision shall be applied so as to  
26 impair the obligation of any contract in the bond of ~~such~~  
27 *the* officer in effect on the effective date of this section.

28 A listing of the warrants issued under this section by  
29 each school district shall be forwarded to the county  
30 auditor having jurisdiction, upon his or her request, and  
31 to the county superintendent of schools having  
32 jurisdiction over the district on the same day warrants are  
33 issued. The listing, which may be magnetic tape, punched  
34 cards, or in other form, shall report, among other things,  
35 the warrant number, date of the warrant, amount of the  
36 warrant, the name of the payee, and the fund on which  
37 drawn.

38 The form and content of the warrant listing shall be as  
39 prescribed by the governing board and approved by the  
40 county auditor having jurisdiction.



1 Each unified school district or district with over 10,000  
2 average daily attendance which issues warrants pursuant  
3 to this section shall furnish monthly to the county  
4 superintendent of schools and the county auditor of the  
5 county of jurisdiction, upon his or her request, a  
6 statement showing for the current fiscal year to date, for  
7 each required expenditure classification, the amount  
8 budgeted, actual expenditures, encumbrances and  
9 unencumbered balances.

10 In order to obtain the approval of the Superintendent  
11 of Public Instruction, a unified school district, or district  
12 with over 10,000 average daily attendance, shall file a  
13 written application with the county superintendent of  
14 schools of jurisdiction. Upon receipt of an application  
15 from the district, the county superintendent of schools  
16 shall cause a survey to be made of the district's accounting  
17 controls by an independent certified public accountant or  
18 public accountant in accordance with standards  
19 prescribed by the Controller. The certified public  
20 accountant or public accountant shall report his or her  
21 findings and recommendations to the county  
22 superintendent, county auditor, and to the applicant  
23 district.

24 The county superintendent shall forward the district's  
25 application, together with his or her other  
26 recommendations and the recommendations of the  
27 county auditor and a report of the survey, to the  
28 Superintendent of Public Instruction for approval or  
29 disapproval of the application. The Superintendent of  
30 Public Instruction shall approve the application only if he  
31 or she finds that the accounting controls of the district are  
32 adequate. If the Superintendent of Public Instruction  
33 determines that these controls are inadequate, he or she  
34 shall disapprove the application.

35 The county superintendent of schools shall be  
36 reimbursed for all costs incident to the accounting  
37 controls survey made pursuant to the district's  
38 application from the district's funds.

39 When approved by the Superintendent of Public  
40 Instruction, the issuance of warrants pursuant to this



1 section shall be effective at the beginning of the fiscal  
2 year if the approval had been made prior to the preceding  
3 first day in January. In the event that the issuance of  
4 warrants has been disapproved, the Superintendent of  
5 Public Instruction and the county superintendent of  
6 schools shall state the specific steps which must be taken  
7 by the school district in order to receive approval. If at  
8 any time the county superintendent of schools  
9 determines that the accounting controls of the district  
10 have become inadequate, he or she may recommend to  
11 the Superintendent of Public Instruction that the  
12 approval be revoked, to be effective on the first day of the  
13 next following fiscal year.

14 SEC. 13. Section 42920 of the Education Code is  
15 amended to read:

16 42920. (a) The Legislature finds as follows:

17 (1) It is essential to recognize, identify and plan for the  
18 critical and unique needs of children residing in licensed  
19 community care facilities.

20 (2) A high percentage of these foster children are  
21 working substantially below grade level, are being  
22 retained at least one year in the same grade level, and  
23 become school dropouts.

24 (3) Without programs specifically designed to meet  
25 their individual needs, foster children are frequently  
26 dysfunctional human beings at great penal and welfare  
27 costs.

28 (b) The Legislature further finds and declares that the  
29 instruction, counseling, tutoring, and related services for  
30 foster children that provide program effectiveness and  
31 potential cost savings shall be a state priority. Funding for  
32 that purpose is hereby provided to the following unified  
33 school districts, and consortia, that have successfully  
34 operated foster children services program sites: Elk  
35 Grove, Mount Diablo, Sacramento City, San Juan and  
36 Paramount, and the Placer-Nevada consortium.

37 SEC. 14. Section 42920.5 of the Education Code is  
38 amended to read:

39 42920.5. (a) Commencing with fiscal year 1982-83,  
40 and each fiscal year thereafter, each of the six program



1 sites specified in subdivision (b) of Section 42920 shall  
 2 receive, in addition to the base revenue limit, an  
 3 allowance from the amount annually transferred to  
 4 Section A of the State School Fund equal to the amount  
 5 the district spent on foster children service programs in  
 6 fiscal year 1981–82, adjusted to reflect cost-of-living  
 7 increases by the total percentage increase received by all  
 8 categorical education programs. In no event shall this  
 9 cost-of-living adjustment exceed the inflation adjustment  
 10 provided pursuant to Section 42238.

11 This allowance shall be used exclusively for foster  
 12 children services.

13 The six program sites may continue to record revenue  
 14 received pursuant to this subdivision in the same manner  
 15 used to record revenue received for foster children  
 16 services in the 1981–82 fiscal year.

17 The six program sites shall maintain their foster  
 18 children services programs in fiscal year 1995–96 and each  
 19 subsequent fiscal year at a program level comparable to  
 20 that at which they administered those programs in fiscal  
 21 year 1994–95.

22 (b) Commencing with fiscal year 1982–83, the base  
 23 revenue of each of the six school districts specified in  
 24 subdivision (b) of Section 42920 shall be permanently  
 25 reduced in an amount equal to the amount spent on foster  
 26 children services in fiscal year 1981–82.

27 SEC. 15. Section 42921 of the Education Code is  
 28 amended to read:

29 42921. In addition to the six program sites specified in  
 30 Section 42920, any other school district may provide  
 31 educational services for children who reside in a regularly  
 32 established licensed or approved foster home, located  
 33 within the boundaries of the program site, pursuant to a  
 34 commitment for placement under Chapter 2  
 35 (commencing with Section 200) of Part 1 of Division 1 of  
 36 the Welfare and Institutions Code.

37 SEC. 16. Section 46300.4 of the Education Code is  
 38 amended to read:

39 46300.4. If a pupil 21 years of age or older, or a pupil  
 40 19 years of age or older, has not been continuously



1 enrolled in kindergarten or any of grades 1 to 12,  
2 inclusive, since his or her 18th birthday, any attendance  
3 credit for coursework he or she is pursuing through  
4 independent study shall be eligible for apportionment  
5 only if it is one or more of the types of courses set forth in  
6 paragraph (1) of subdivision (a) of Section 51225.3 or any  
7 course required by the governing board as a prerequisite  
8 to receiving a diploma of high school graduation.

9 This section shall become operative on July 1, 1990.

10 ~~SEC. 17. Section 49558 of the Education Code is~~  
11 ~~amended to read:~~

12 ~~49558. All applications and records concerning any~~  
13 ~~individual made or kept by any public officer or agency~~  
14 ~~in connection with the administration of any provision of~~  
15 ~~this code relating to free or reduced price meal eligibility~~  
16 ~~shall be confidential, and shall not be open to examination~~  
17 ~~for any purpose not directly connected with the~~  
18 ~~administration of any such program, or any investigation,~~  
19 ~~prosecution, or criminal or civil proceeding conducted in~~  
20 ~~connection with the administration of any such program.~~

21 ~~(b) Notwithstanding subdivision (a), and to the extent~~  
22 ~~permitted by federal law, any agency that has an~~  
23 ~~agreement with the State Department of Education to~~  
24 ~~provide a child nutrition program may use the~~  
25 ~~application submitted for the nutrition program for other~~  
26 ~~free education activities if the parent or guardian of the~~  
27 ~~applicant has waived the right to confidentiality and the~~  
28 ~~application precisely identifies the agencies with whom~~  
29 ~~the information will be shared and for what purposes. The~~  
30 ~~agencies receiving the application shall not redistribute~~  
31 ~~or utilize the information contained therein for any~~  
32 ~~purposes other than the purposes stated in the~~  
33 ~~application.~~

34 ~~SEC. 18.—~~

35 ~~SEC. 17. Section 51210 of the Education Code is~~  
36 ~~amended to read:~~

37 ~~51210. The adopted course of study for grades 1 to 6,~~  
38 ~~inclusive, shall include instruction, beginning in grade 1~~  
39 ~~and continuing through grade 6, in the following areas of~~  
40 ~~study:~~



1 (a) English, including knowledge of, and appreciation  
 2 for literature and the language, as well as the skills of  
 3 speaking, reading, listening, spelling, handwriting, and  
 4 composition.

5 (b) Mathematics, including concepts, operational  
 6 skills, and problem solving.

7 (c) Social sciences, drawing upon the disciplines of  
 8 anthropology, economics, geography, history, political  
 9 science, psychology, and sociology, designed to fit the  
 10 maturity of the pupils. Instruction shall provide a  
 11 foundation for understanding the history, resources,  
 12 development, and government of California and the  
 13 United States of America; the development of the  
 14 American economic system including the role of the  
 15 entrepreneur and labor; the relations of persons to their  
 16 human and natural environment; eastern and western  
 17 cultures and civilizations; contemporary issues; and the  
 18 wise use of natural resources.

19 (d) Science, including the biological and physical  
 20 aspects, with emphasis on the processes of experimental  
 21 inquiry and on man's place in ecological systems.

22 (e) Visual and performing arts, including instruction  
 23 in the subjects of art and music, aimed at the  
 24 development of aesthetic appreciation and the skills of  
 25 creative expression.

26 (f) Health, including instruction in the principles and  
 27 practices of individual, family, and community health.

28 (g) Physical education, with emphasis upon the  
 29 physical activities for the pupils that may be conducive to  
 30 health and vigor of body and mind, for a total period of  
 31 time of not less than 200 minutes each 10 schooldays,  
 32 exclusive of recesses and the lunch period.

33 (h) Other studies that may be prescribed by the  
 34 governing board.

35 ~~SEC. 19.—~~

36 *SEC. 18.* Section 51220 of the Education Code is  
 37 amended to read:

38 51220. The adopted course of study for grades 7 to 12,  
 39 inclusive, shall offer courses in the following areas of  
 40 study:



1 (a) English, including knowledge of and appreciation  
2 for literature, language, and composition, and the skills of  
3 reading, listening, and speaking.

4 (b) Social sciences, drawing upon the disciplines of  
5 anthropology, economics, geography, history, political  
6 science, psychology, and sociology, designed to fit the  
7 maturity of the pupils. Instruction shall provide a  
8 foundation for understanding the history, resources,  
9 development, and government of California and the  
10 United States of America; instruction in our American  
11 legal system, the operation of the juvenile and adult  
12 criminal justice systems, and the rights and duties of  
13 citizens under the criminal and civil law and the State and  
14 Federal Constitutions; the development of the American  
15 economic system, including the role of the entrepreneur  
16 and labor; the relations of persons to their human and  
17 natural environment; eastern and western cultures and  
18 civilizations; human rights issues, with particular  
19 attention to the study of the inhumanity of genocide,  
20 slavery, and the Holocaust, and contemporary issues.

21 (c) Foreign language or languages, beginning not  
22 later than grade 7, designed to develop a facility for  
23 understanding, speaking, reading, and writing the  
24 particular language.

25 (d) Physical education, with emphasis given to  
26 physical activities that are conducive to health and to  
27 vigor of body and mind.

28 (e) Science, including the physical and biological  
29 aspects, with emphasis on basic concepts, theories, and  
30 processes of scientific investigation and on the place of  
31 humans in ecological systems, and with appropriate  
32 applications of the interrelation and interdependence of  
33 the sciences.

34 (f) Mathematics, including instruction designed to  
35 develop mathematical understandings, operational skills,  
36 and insight into problem-solving procedures.

37 (g) Visual and performing arts, including art, music,  
38 or drama, with emphasis upon development of aesthetic  
39 appreciation and the skills of creative expression.



- 1 (h) Applied arts, including instruction in the areas of  
2 consumer and homemaking education, industrial arts,  
3 general business education, or general agriculture.
- 4 (i) Vocational-technical education designed and  
5 conducted for the purpose of preparing youth for gainful  
6 employment in the occupations and in the numbers that  
7 are appropriate to the personnel needs of the state and  
8 the community served and relevant to the career desires  
9 and needs of the pupils.
- 10 (j) Automobile driver education, designed to develop  
11 a knowledge of the provisions of the Vehicle Code and  
12 other laws of this state relating to the operation of motor  
13 vehicles, a proper acceptance of personal responsibility in  
14 traffic, a true appreciation of the causes, seriousness and  
15 consequences of traffic accidents, and to develop the  
16 knowledge and attitudes necessary for the safe operation  
17 of motor vehicles. A course in automobile driver  
18 education shall include education in the safe operation of  
19 motorcycles.
- 20 (k) Other studies as may be prescribed by the  
21 governing board.

