

Assembly Bill No. 967

Passed the Assembly September 15, 1995

Chief Clerk of the Assembly

Passed the Senate September 15, 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



CHAPTER ____

An act to amend Sections 1629, 8360.1, 8450, 33593, 33595, 39005, 39901, 42103, 42132, 42260, 42647, 42920, 42920.5, 42921, 46300.4, 51210, 51220, 51747, 52616.17, 54726, 56001, 56026, 56426.9, and 63001 of, to add Sections 8266.1, 8330, and 8358, to, and to repeal Sections 39006, 39007, 46300.3, and 51749.5, of, and to add Chapter 4 (commencing with Section 32450) to Part 19 of, the Education Code, and to amend Section 33 of Chapter 308 of the Statutes of 1995, relating to education, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 967, 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 school 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 is adopted.

(2) Existing law provides for assigned reimbursement rates for eligible child care and development program providers.

This bill would set forth the percentage of the standard reimbursement rate that may be reimbursed to eligible child care and development program providers, except as specified, according to the number of hours in which the program is in operation.

(3) Existing law authorizes county boards of supervisors to impose specified taxes for child development programs, as specified.



This bill would provide that community college districts that imposed permissive override taxes and obtained certain fiscal relief in 1979 shall not receive reimbursement for child care services in excess of 75% of the standard reimbursement rate for child care providers.

(4) Existing law establishes the At Risk Child Care Program for the purpose of providing funding for child care for certain pupils.

This bill would authorize the State Department of Education to expend the unencumbered balance of any appropriation for that program for any fiscal year until June 30 of the fiscal year following the fiscal year in which the appropriation is made.

(5) Existing law requires that, except as specified, for the purpose of the Schoolage Community Child Care and Development Programs any entity operating child care and development programs providing direct services to children must meet certain qualifications until January 1, 1996, and other qualifications commencing with July 1, 1996.

This bill would change those dates to January 1, 1997.

(6) Existing law encourages child development contracts to develop and maintain a reserve within the child development fund derived from earned but unexpended funds.

This bill would make a technical change to that provision.

(7) 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.

(8) Existing law requires the Advisory Commission on Special Education to, among other things, study and provide assistance and advice, as specified.

This bill would also require the commission to report to the State Board of Education, the Superintendent of Public Instruction, the Legislature, and the Governor,



not less than once a year on, among other things, activities necessary to be undertaken regarding special education for individuals with exceptional needs.

(9) 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 reimbursements be supplemental to all other state and federal funding and that the center make reasonable efforts to serve foods in forms palatable to participants.

(10) 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.

(11) 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 that funds in the cafeteria equipment reserve may only be used for the purchase, lease, maintenance, or replacement of cafeteria equipment.

(12) 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.

(13) 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.

(14) 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.

(15) 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 exist 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.

(16) Existing law requires that the apportionments for concurrent enrollment in adult education by independent study pupils 21 years of age or older, and independent study pupils 19 years of age or older, who have not been continuously enrolled in kindergarten or any of grades 1 to 12, inclusive, since their 18th birthday, not exceed the adult revenue limit.

This bill would repeal that provision.

(17) 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.

(18) 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.”

(19) Existing law provides that a school district or county office of education is not eligible to receive apportionments for independent study pupils, unless it has adopted certain written policies, including, among others, a requirement that a written agreement be signed prior to the commencement of independent study, by among other persons, the pupil, and if the pupil is under 18 years of age, his or her parent or guardian.

This bill would authorize that agreement to be signed by the pupil’s caregiver, as defined, as an alternative to his or her parent or guardian.

(20) Existing law requires that commencing with the 1995–96 fiscal year and each fiscal year thereafter, a school district’s adult education average daily attendance for apportionment purposes is its authorized adult education average daily attendance for the prior fiscal year, multiplied by 1.025.

This bill would set forth a different method for computing a school district’s adult education average daily attendance for apportionment purposes for the 1995–96 fiscal year, and would instead make the computation provided for in existing law applicable to the 1996–97 fiscal year, and each fiscal year thereafter.

(21) Under existing law, the schoolsite council established at schools participating in the school-based motivation and maintenance program are required to develop a school plan for increasing the retention rate of the school for all pupils with special emphasis on the needs of high-risk pupils. The plan must include, among other things, a student study team composed of specified persons and representatives of specified entities.

This bill would include among the persons on the student study team, whenever appropriate, representatives of park and recreation agencies.

(22) Existing law defines “individuals with exceptional needs” for the purpose of special education programs, to include, among other children, children from 3 to 5 years of age, identified by the district, the special education



local plan area, or the county offices as requiring intensive special education services, as specified. Existing law provides that this provision only remain in effect until California terminates its participation in special education programs for individuals with exceptional needs from 3 to 5 years of age, as specified.

This bill would eliminate the requirement that those children be identified as requiring intensive special education services.

(23) Existing law provides that any infant who becomes 3 years of age while participating in an early education program may continue in the program until June 30 of the current program year, if determined appropriate by the individualized service plan team, as specified.

This bill would provide that any child who becomes 3 years of age while participating in an early education program may continue in the program until June 30 of the current program year, if the individualized education program team determines that the preschooler is eligible, as specified.

(24) This bill would also make technical changes to various provisions of law.

(25) Under existing law, the funds appropriated under specified items of the Budget Act of 1995 are in lieu of the amounts that would otherwise be required to be appropriated for the purposes identified in those items under any other law.

This bill would additionally provide that funds appropriated in Item 6110-105-001 of the Budget Act of 1995 for regional occupational centers and programs are in lieu of the amounts that would otherwise be required to be appropriated for the purposes identified in that item under any other law.

(26) The Budget Act of 1993 appropriated a specified amount from the General Fund to the Superintendent of Public Instruction for allocation for designated apprenticeship education programs for the 1993–94 fiscal year.



This bill would reappropriate the unencumbered balance of the aforementioned appropriation to the superintendent for allocation for designated apprenticeship education programs for the 1989–90 fiscal year.

To the extent the funds appropriated by this bill are for the support of public schools, those funds would be counted toward the minimum funding requirements imposed by Section 8 of Article XVI of the California Constitution.

Appropriation: yes.

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

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

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

SEC. 2. Section 8266.1 is added to the Education Code, to read:

8266.1. (a) Commencing with the 1995–96 fiscal year and each fiscal year thereafter, for the purposes of this chapter, reimbursement rates shall be adjusted by the following reimbursement factors for child care and development programs with a standard reimbursement rate, but shall not apply to the Resource and Referral Programs set forth in Article 2 (commencing with Section 8210), the Alternative Payment Programs set forth in



Article 3 (commencing with Section 8220), the State Preschool Programs set forth in Article 7 (commencing with Section 8235), the School-age Community Child Care Services programs set forth in Article 22 (commencing with Section 8460), or to the school-age parent and infant development programs:

(a) For child care and development program providers serving children for less than four hours per day, the reimbursement factor is 55 percent of the standard reimbursement rate.

(b) For child care and development program providers serving children for not less than four hours per day, and less than six and one-half hours per day, the reimbursement factor is 75 percent of the standard reimbursement rate. For providers operating under the At Risk Child Care Program set forth in Article 15.5 (commencing with Section 8350) and serving children for not less than four hours per day, and less than seven hours per day, the reimbursement factor is 75 percent of the standard reimbursement rate.

(c) For child care and development program providers serving children for not less than six and one-half hours per day, and less than ten and one-half hours per day, the reimbursement factor is 100 percent of the standard reimbursement rate. For providers operating under the At Risk Child Care Program set forth in Article 15.5 (commencing with Section 8350) and serving children for not less than seven hours per day, and less than ten hours per day, the reimbursement factor is 100 percent of the standard reimbursement rate.

(d) For child care and development program providers serving children for ten and one-half hours or more per day, the reimbursement factor is 118 percent of the standard reimbursement rate.

SEC. 3. Section 8330 is added to the Education Code, to read:

8330. Community college districts that levied child development permissive override taxes pursuant to Section 8329 of the Education Code and former Section 8330 of the Education Code in the 1977–78 fiscal year and



received fiscal relief pursuant to Chapter 282 of the Statutes of 1979 to compensate for the loss of permissive override taxes shall not receive reimbursement for child care services from the Superintendent of Public Instruction in excess of 75 percent of the standard reimbursement rate for campus child care programs. Campus child care programs operated by the University of California, the California State University, and community colleges that did not levy a permissive override tax in the 1977–78 fiscal year shall receive reimbursement from the Superintendent of Public Instruction that equals 100 percent of the standard reimbursement rate for campus child care and development programs.

SEC. 4. Section 8358 is added to the Education Code, to read:

8358. Notwithstanding any other provision of law, the unencumbered balance of any amounts appropriated to the State Department of Education for this article for any fiscal year may be expended by the department for the purposes of this article until June 30 of the fiscal year following the fiscal year in which the appropriation is made.

SEC. 5. Section 8360.1 of the Education Code, as added by Section 6 of Chapter 533 of the Statutes of 1992, is amended to read:

8360.1. Except as waived under Section 8242 and except as stated in Section 18203 of Title 5 of the California Code of Regulations regarding program directors in schoolage community child care services programs, any entity operating child care and development programs providing direct services to children, as defined in Section 8244, at two or more sites, shall employ a program director who possesses one of the following:

(a) Children’s center supervision permit.

(b) Regular children’s center instructional permit, in addition to all of the following:

(1) Twelve units in early childhood education or child development, or both, at an advanced level. For purposes of this paragraph, instruction at an “advanced” level



means courses beyond those taken to qualify for the instructional permit.

(2) Six units in administration and supervision of early childhood education or child development, or both.

(3) Two experience periods working as a teacher or supervisor, or both, in a child care and development program, or working directly with children and families in a social service program.

(4) Passage of the California Basic Education and Skills Test, or a proficiency test in English, math, and writing, or completion of three semester units or equivalent quarter units of English, math, and writing at the college level with a grade of “C” or better.

(5) One of the following:

(A) A baccalaureate degree.

(B) An associate of arts degree plus making progress towards a baccalaureate degree.

(C) Thirty units in addition to the units required in paragraphs (1) and (2).

(D) Eight years’ experience as a supervisor of one or more programs in early childhood education or child development, or both.

(c) Master’s degree in early childhood education or child development from an accredited institution of higher education, in addition to both of the following:

(1) Six units in administration and supervision of early childhood education or child development, or both.

(2) Two experience periods working as a teacher or administrator, or both, in a child care and development program, or working directly with children and families in a social service program.

(d) Master’s or equivalent degree or credential from an accredited institution, in addition to both of the following:

(1) A regular children’s center instructional permit.

(2) Six units in administration and supervision of early childhood education or child development, or both.

(e) Any administrative or supervision credential authorizing services in public schools in California, and either 12 units in early childhood education or child



development, or both, or at least two years' experience in early childhood education or a child care and development program.

(f) Any person who meets the following criteria shall be deemed to hold a children's center supervision permit that will authorize supervision and instruction of children or supervision of a child development program:

(1) Possesses a current credential issued by the Commission on Teacher Credentialing authorizing teaching service in elementary school or a single subject credential in home economics.

(2) Six units in administration and supervision of early childhood education or child development, or both. The requirement set forth in this paragraph does not apply to any person who was employed as a program director prior to January 1, 1993, in a child care and development program receiving funding under this chapter.

(3) Twelve units in early childhood education or child development, or both, or at least two years' experience in early childhood education or a child care and development program.

(g) A waiver issued by the Superintendent of Public Instruction pursuant to Section 8244.

For the purposes of this section, an "experience period" means paid or volunteer services for not less than 200 hours. The services must be provided for a minimum of two hours per day during not more than 36 consecutive months.

For the purposes of this section, "making progress towards a baccalaureate degree" means being continuously enrolled in an institution of higher education, excluding summer sessions, taking at least two units, and completing the course with a grade of "C" or better.

This section shall remain in effect only until January 1, 1997, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1997, deletes or extends that date.



SEC. 6. Section 8360.1 of the Education Code, as added by Section 6.5 of the Statutes of 1992, is amended to read:

8360.1. Except as waived under Section 8242 and except as stated in Section 18203 of Title 5 of the California Code of Regulations regarding program directors in schoolage community child care services programs, any entity operating child care and development programs providing direct services to children, as defined in Section 8244, at two or more sites, shall employ a program director who possesses one of the following:

(a) Children's center supervision permit.

(b) Any person who meets the following criteria shall be deemed to hold a children's center supervision permit that will authorize supervision and instruction of children or supervision of a child development program:

(1) Possesses a current credential issued by the Commission on Teacher Credentialing authorizing teaching service in elementary school or a single subject credential in home economics.

(2) Six units in administration and supervision of early childhood education or child development, or both. The requirement set forth in this paragraph does not apply to any person who was employed as a program director prior to January 1, 1993, in a child care and development program receiving funding under this chapter.

(3) Twelve units in early childhood education or child development, or both, or at least two years' experience in early childhood education or a child care and development program.

(c) A waiver issued by the Superintendent of Public Instruction pursuant to Section 8244.

This section shall become operative on January 1, 1997.

SEC. 6.5. Section 8450 of the Education Code is amended to read:

8450. (a) All child development contractors are encouraged to develop and maintain a reserve within the child development fund, derived from earned but unexpended funds. For the purpose of this section,



“earned funds” are those for which the required number of eligible service units have been provided.

(b) In calculating the amount of final reimbursement for each contractor, the State Department of Education shall include all actual and allowable net costs, plus the amount of earned but unexpended funds added to the reserve fund in that fiscal year, as specified in subdivision (c). The total of actual and allowable net costs, plus that addition to the reserve fund, shall not exceed the maximum reimbursable amount of the contract or the contracted rate per unit of service, multiplied by the actual total services provided.

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

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

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

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

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

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



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

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

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

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

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

SEC. 7. Chapter 4 (commencing with Section 32450) is added to Part 19 of the Education Code, to read:

CHAPTER 4. ADULT DAY CARE FOOD PROGRAM

32450. The State Department of Education shall, on behalf of the state, participate in the federal Adult Day Care Food Program as set forth in subsection (o) of Section 1766 of Title 42 of the United States Code, and shall not terminate its participation in the program unless the Legislature authorizes that termination.

32451. The State Department of Education is hereby designated as the single state agency to administer the Adult Day Care Food Program established pursuant to this chapter.

32452. For the purposes of this chapter, adult day care centers, as defined in Section 32543, are eligible for reimbursement for meals or supplements served to



persons 60 years of age or older or to chronically impaired disabled persons, including victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction, provided the adult day care centers meet the following requirements:

(a) Reimbursement provided to those institutions for those purposes shall be supplemental to all other state and federal funding and improve the quality of meals or level of services provided or increase participation in the program.

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

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

32453. The State Department of Education shall administer the Adult Day Care Food Program for all eligible, participating adult day care centers that provide adult day care services to the persons described in Section 32452. For the purposes of this chapter, "adult day care center" means any public agency or private nonprofit organization, or any proprietary Title XIX center or Title XX center that meets the following requirements:

(a) The center is licensed pursuant to Chapter 3.5 (commencing with Section 1570) of Division 2 of the Health and Safety Code, or otherwise approved to operate by a state or federal agency.

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

The terms "proprietary Title XIX" or "proprietary Title XX center" means any private, for-profit center that provides adult day care services for which it receives compensation from amounts granted to the states



pursuant to Title XIX or XX of the federal Social Security Act as set forth in Section 1396 and following of Title 42 of the United States Code and for which not less than 25 percent of the enrolled eligible participants were served by the center in the calendar month preceding initial application or annual reapplication for program participation.

32454. The State Department of Education shall promulgate any rules and regulations necessary for the administration of this chapter in a manner consistent with Section 1766 of Title 42 of the United States Code and any federal regulations adopted thereto, including, but not limited to, regulations setting forth eligibility requirements.

SEC. 8. Section 33593 of the Education Code is amended to read:

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

SEC. 9. Section 33595 of the Education Code is amended to read:

33595. (a) The commission shall study and provide assistance and advice to the State Board of Education, the Superintendent of Public Instruction, the Legislature, and the Governor in new or continuing areas of research, program development, and evaluation in special education.

(b) The commission shall report to the State Board of Education, the Superintendent of Public Instruction, the Legislature, and the Governor not less than once a year on the following with respect to special education:

(1) Activities enumerated in Section 56100 that are necessary to be undertaken regarding special education for individuals with exceptional needs.

(2) The priorities and procedures utilized in the distribution of federal and state funds.

(3) The unmet educational needs of individuals with exceptional needs within the state.

(4) Recommendations relating to providing better education services to individuals with exceptional needs,



including, but not limited to, the development, review, and revision, of the definition of “appropriate” as that term is used in the phrase “free and appropriate public education” for the purposes of the federal Individuals with Disabilities Act (20 U.S.C. Sec. 1400 and following).

(c) Commission recommendations or requests shall be transmitted by letter from the commission chairperson to the president of the State Board of Education. Each communication shall be placed on the agenda of the next forthcoming state board meeting in accordance with the announced annual state board agenda cutoff dates. Following the state board meeting, the commission shall be notified by the state board as to what action has been taken on each request. Commission requests shall also be transmitted by letter from the commission chairperson to the Superintendent of Public Instruction, the Governor, and to appropriate Members of the Legislature.

SEC. 10. Section 39005 of the Education Code is amended to read:

39005. (a) In order to promote the safety of pupils, comprehensive community planning, and greater educational usefulness of schoolsites before acquiring title to property for a new schoolsite, the governing board of each school district, including any district governed by a city board of education, shall give the Department of Transportation written notice of the proposed acquisition and shall submit any information required by the department if the proposed site is within two miles, measured by air line, of that point on an airport runway or a potential runway included in an airport master plan that is nearest to the site.

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



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

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

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

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

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



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

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

SEC. 13. Section 39901 of the Education Code is amended to read:

39901. The governing board of any school district operating school cafeterias may establish and maintain a cafeteria fund reserve for the purchase, lease, maintenance, or replacement of cafeteria equipment, to be known as the cafeteria equipment reserve. The funds for this reserve are to be derived from the sales of food in the school cafeterias in an amount to be determined by the governing board and may be accumulated from year to year until expended for this purpose. Funds in the cafeteria equipment reserve shall only be used for the purchase, lease, maintenance, or replacement of cafeteria equipment.

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

SEC. 14. Section 42103 of the Education Code is amended to read:

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

The hearing may be concluded on the proposed budget when there are no requests for further hearing on file, and shall be concluded no later than the date specified for this purpose in subdivision (e) or (i), respectively, of Section 42127. The budget shall not be finally adopted by



the governing board of the district until after the public hearing has been held.

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

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

SEC. 15. Section 42132 of the Education Code is amended to read:

42132. On or before September 30 of each year, the governing board of each school district shall adopt a resolution to identify, pursuant to Division 9 (commencing with Section 7900) of Title 1 of the Government Code, the estimated appropriations limit for



the district for the current fiscal year and the actual appropriations limit for the district for the preceding fiscal year. That resolution shall be adopted at a regular or special meeting of the governing board. Notwithstanding Section 7910 of the Government Code, documentation used in the identification of the appropriations limits shall be made available to the public on the date of the meeting.

SEC. 15.5. Section 42260 of the Education Code is amended to read:

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

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

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

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

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

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

(d) For the purposes of this section, "multitrack year-round school" means a school that the applicant district demonstrates has satisfied both of the following criteria:

(1) The pupils are divided into three or more groups or tracks that rotate attendance so that for a majority of



the schooldays during the school year, at least one group or track is not in attendance at the school while all other groups or tracks are in attendance.

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

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

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

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

No county officer shall be responsible for producing reports, statements, and other data relating to or based on these payments of the expenses of the districts. Those districts issuing warrants as provided by this section shall provide the county superintendent of schools, in the form prescribed by him or her, with the data necessary to make retirement reports and other reports required of him or her by law. All warrants, vouchers, and supporting documents shall be kept by the school districts that draw their own warrants.

Notwithstanding Section 27005 of the Government Code, or any other section requiring orders for warrants



or warrants to be signed by the county superintendent of schools or the county auditor, or both, the county treasurer shall pay the warrant, if money is available.

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

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

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

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

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



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

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

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

When approved by the Superintendent of Public Instruction, the issuance of warrants pursuant to this section shall be effective at the beginning of the fiscal year if the approval had been made prior to the preceding first day in January. If the issuance of warrants has been disapproved, the Superintendent of Public Instruction and the county superintendent of schools shall state the specific steps that must be taken by the school district in order to receive approval. If at any time the county superintendent of schools determines that the accounting controls of the district have become



inadequate, he or she may recommend to the Superintendent of Public Instruction that the approval be revoked, to be effective on the first day of the following fiscal year.

SEC. 17. Section 42920 of the Education Code is amended to read:

42920. (a) The Legislature finds as follows:

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

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

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

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

SEC. 18. Section 42920.5 of the Education Code is amended to read:

42920.5. (a) Commencing with fiscal year 1982–83, and each fiscal year thereafter, each of the six program sites specified in subdivision (b) of Section 42920 shall receive, in addition to the base revenue limit, an allowance from the amount annually transferred to Section A of the State School Fund equal to the amount the district spent on foster children service programs in fiscal year 1981–82, adjusted to reflect cost-of-living increases by the total percentage increase received by all categorical education programs. In no event shall this



cost-of-living adjustment exceed the inflation adjustment provided pursuant to Section 42238.

This allowance shall be used exclusively for foster children services.

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

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

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

SEC. 19. Section 42921 of the Education Code is amended to read:

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

SEC. 20. Section 46300.3 of the Education Code is repealed.

SEC. 21. Section 46300.4 of the Education Code is amended to read:

46300.4. 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, since his or her 18th birthday, any attendance credit for coursework he or she is pursuing through independent study shall be eligible for apportionment only if it is one or more of the types of courses set forth in paragraph (1) of subdivision (a) of Section 51225.3 or any



course required by the governing board as a prerequisite to receiving a diploma of high school graduation.

This section shall become operative on July 1, 1990.

SEC. 22. Section 51210 of the Education Code is amended to read:

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

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

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

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

(d) Science, including the biological and physical aspects, with emphasis on the processes of experimental inquiry and on the place of humans in ecological systems.

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

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

(g) Physical education, with emphasis upon the physical activities for the pupils that may be conducive to health and vigor of body and mind, for a total period of



time of not less than 200 minutes each 10 schooldays, exclusive of recesses and the lunch period.

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

SEC. 23. Section 51220 of the Education Code is amended to read:

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

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

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

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

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

(e) Science, including the physical and biological aspects, with emphasis on basic concepts, theories, and processes of scientific investigation and on the place of humans in ecological systems, and with appropriate



applications of the interrelation and interdependence of the sciences.

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

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

(h) Applied arts, including instruction in the areas of consumer and homemaking education, industrial arts, general business education, or general agriculture.

(i) Vocational-technical education designed and conducted for the purpose of preparing youth for gainful employment in the occupations and in the numbers that are appropriate to the personnel needs of the state and the community served and relevant to the career desires and needs of the pupils.

(j) Automobile driver education, designed to develop a knowledge of the provisions of the Vehicle Code and other laws of this state relating to the operation of motor vehicles, a proper acceptance of personal responsibility in traffic, a true appreciation of the causes, seriousness and consequences of traffic accidents, and to develop the knowledge and attitudes necessary for the safe operation of motor vehicles. A course in automobile driver education shall include education in the safe operation of motorcycles.

(k) Other studies as may be prescribed by the governing board.

SEC. 24. Section 51747 of the Education Code is amended to read:

51747. A school district or county office of education shall not be eligible to receive apportionments for independent study by pupils, regardless of age, unless it has adopted written policies, pursuant to rules and regulations adopted by the Superintendent of Public Instruction, that include, but are not limited to, all of the following:

(a) The maximum length of time, by grade level and type of program, that may elapse between the time an



independent study assignment is made and the date by which the pupil must complete the assigned work.

(b) The number of missed assignments that will be allowed before an evaluation is conducted to determine whether it is in the best interests of the pupil to remain in independent study, or whether he or she should return to the regular school program. A written record of the findings of any evaluation made pursuant to this subdivision shall be maintained in the pupil's permanent record.

(c) A requirement that a current written agreement for each independent study pupil shall be maintained on file including, but not limited to, all of the following:

(1) The manner, time, frequency, and place for submitting a pupil's assignments and for reporting his or her progress.

(2) The objectives and methods of study for the pupil's work, and the methods utilized to evaluate that work.

(3) The specific resources, including materials and personnel, that will be made available to the pupil.

(4) A statement of the policies adopted pursuant to subdivisions (a) and (b) regarding the maximum length of time allowed between the assignment and the completion of a pupil's assigned work, and the number of missed assignments allowed prior to an evaluation of whether or not the pupil should be allowed to continue in independent study.

(5) The duration of the independent study agreement, including the beginning and ending dates for the pupil's participation in independent study under the agreement. No independent study agreement shall be valid for any period longer than one semester, or one-half year for a school on a year-round calendar.

(6) A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the pupil upon completion.

(7) The inclusion of a statement in each independent study agreement that independent study is an optional educational alternative in which no pupil may be



required to participate. In the case of a pupil who is referred or assigned to any school, class, or program pursuant to Section 48915 or 48917, the agreement also shall include the statement that instruction may be provided to the pupil through independent study only if the pupil is offered the alternative of classroom instruction.

(8) Each written agreement shall be signed, prior to the commencement of independent study, by the pupil, the pupil's parent, legal guardian, or caregiver, if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the pupil. For purposes of this paragraph "caregiver" means a person who has met the requirements of Part 1.5 (commencing with Section 6550) of the Family Code.

SEC. 25. Section 51749.5 of the Education Code is repealed.

SEC. 26. Section 52616.17 of the Education Code is amended to read:

52616.17. Commencing July 1, 1993, the Superintendent of Public Instruction shall determine an authorized limit of adult education average daily attendance for all high school districts and unified school districts that operated and claimed adult education state apportionment for the 1992–93 fiscal year, as follows:

(a) For the 1993–94 fiscal year, the district's authorized adult education average daily attendance shall be one of the following:

(1) The district's adult education average daily attendance added to the district's average daily attendance for concurrently enrolled high school pupils in adult education programs that was certified for the annual principal apportionment report and for which state apportionment for the 1991–92 fiscal year was received.

(2) If the district's average daily attendance for concurrently enrolled high school pupils in adult education used in paragraph (1) exceeds 10 percent of



the district's total average daily attendance for all pupils in grades 9 to 12, inclusive, for the same reporting period, the district's authorized adult education average daily attendance pursuant to paragraph (1) shall be reduced by multiplying the amount of certified average daily attendance for concurrently enrolled high school pupils in adult education that exceeds 10 percent by 0.33 and subtracting that amount from the district's authorized adult education average daily attendance pursuant to paragraph (1).

(3) For a school district offering adult education courses and classes pursuant to Section 41976.2, add to the amount calculated pursuant to paragraphs (1) or (2) the number of units of average daily attendance claimed by that district for the second principal apportionment made in the 1991–92 fiscal year for independent study pupils 21 years of age or older and pupils 19 years of age or older who have not been continuously enrolled in kindergarten or any of the grades 1 to 12, inclusive, since their 18th birthday, as calculated pursuant to Section 46300.1, as that section read on January 1, 1992.

(b) For the 1994–95 fiscal year, the district's authorized adult education average daily attendance shall be one of the following:

(1) The district's adult education average daily attendance added to the district's average daily attendance for concurrently enrolled high school pupils in adult education programs that was certified for the annual principal apportionment report and for which state apportionment for the 1991–92 fiscal year was received.

(2) If the district's average daily attendance for concurrently enrolled high school pupils in adult education used in paragraph (1) exceeds 10 percent of the district's total average daily attendance for all pupils in grades 9 to 12, inclusive, for the same reporting period, the district's authorized adult education average daily attendance pursuant to paragraph (1) shall be reduced by multiplying the amount of certified average daily attendance for concurrently enrolled high school pupils



in adult education that exceeds 10 percent by 0.67 and subtracting that amount from the district's authorized adult education average daily attendance pursuant to paragraph (1).

(3) For a school district offering adult education courses and classes pursuant to Section 41976.2, add to the amount calculated pursuant to paragraphs (1) or (2) the number of units of average daily attendance claimed by that district for the second principal apportionment made in the 1991–92 fiscal year for independent study pupils 21 years of age or older and pupils 19 years of age or older who have not been continuously enrolled in kindergarten or any of the grades 1 to 12, inclusive, since their 18th birthday, as calculated pursuant to Section 46300.1, as that section read on January 1, 1992.

(c) For the 1995–96 fiscal year, the district's authorized adult education average day attendance shall be one of the following:

(1) The district's adult education average daily attendance added to the district's average daily attendance for concurrently enrolled high school pupils in adult education programs that was certified for the annual principal apportionment report and for which the state apportionment for the 1991–92 fiscal year was received.

(2) If the district's average daily attendance for concurrently enrolled high school pupils in adult education used in paragraph (1) exceeds 10 percent of the district's total average daily attendance for all pupils in grades 9 to 12, inclusive, for the same reporting period, the district's authorized adult education average daily attendance pursuant to paragraph (1) shall be reduced by multiplying the amount of certified average daily attendance for concurrently enrolled high school pupils in adult education that exceeds 10 percent by 1.00 and subtracting that amount from the district's authorized adult education average daily attendance pursuant to paragraph (1).

(3) For a school district offering adult education courses and classes pursuant to Section 41976.2, add to the



amount calculated pursuant to paragraph (1) or (2), whichever is applicable, the number of units of average daily attendance claimed by the district for the second principal apportionment for the 1991–92 fiscal year for independent study pupils 21 years of age and older and pupils 19 years of age or older who have not been continuously enrolled in kindergarten, or any of grades 1 to 12, inclusive, since their 18th birthday, as calculated pursuant to Section 46300.1, as that section read on January 1, 1992.

(d) For the 1996–97 fiscal year, and each fiscal year thereafter, a school district's adult education average daily attendance for apportionment purposes shall be its authorized adult education average daily attendance for the prior fiscal year multiplied by 1.025.

(e) Commencing July 1, 1996, a school district shall not certify for apportionment purposes, that portion of any average daily attendance in adult education programs generated by pupils who are concurrently enrolled for apportionment purposes in high school that exceeds 10 percent of the district's average daily attendance for all pupils in grades 9 to 12, inclusive, for the same reporting period.

(f) It is the intent of the Legislature that, commencing July 1, 1993, each school district that conducted programs in the 1991–92 fiscal year through independent study for pupils 21 years of age or older and pupils 19 years of age or older who have not been continuously enrolled in kindergarten or any of grades 1 to 12, inclusive, since their 18th birthday, as calculated pursuant to Section 46300.1, as that section read on January 1, 1992, continue to serve at least the same number of units of average daily attendance through adult education for high school diploma programs in all subsequent years as were funded through those independent study programs in the 1991–92 fiscal year, unless the school district governing board determines that meeting this service requirement would incur costs in excess of the revenue received.

SEC. 27. Section 54726 of the Education Code is amended to read:



54726. For school-based motivation and maintenance programs, the schoolsite council shall develop a school plan for increasing the retention rate of the school for all pupils with special emphasis on the needs of high-risk pupils. For schools establishing school-based motivation and maintenance programs, the plan shall include, but need not be limited to, all of the following:

(a) A staff development program for teachers, other school personnel, paraprofessionals, and volunteers, including those participating in special programs.

(b) Provisions for the utilization of the student study team process to identify and assess the needs of pupils who are dropouts or potential dropouts, and to develop programs to meet the needs of those pupils. Each student study team shall include all of the following:

(1) Pupils identified as dropouts or potential dropouts wherever appropriate.

(2) The pupil's parents or guardians.

(3) One of the pupil's teachers or, in the case of a school dropout, a teacher who would have provided instruction to the pupil if he or she were still attending school.

(4) The school principal or the principal's designee.

(5) Other appropriate resource teachers or specialists.

(6) Whenever appropriate, representatives of public or private community organizations, park and recreation agencies, law enforcement agencies, or business and industry.

(c) Procedures for coordinating services from funding sources at the school level to assist pupils to participate successfully in the core academic curricula and specialized curricula related to jobs and career opportunities.

(d) Instructional and auxiliary services to meet the special needs of pupils identified as being at high risk of not succeeding in the regular school program or dropping out of school, non-English-speaking or limited-English-speaking pupils, including instruction in a language these pupils understand; educationally



disadvantaged pupils; gifted and talented pupils; and pupils with exceptional needs.

(e) At the elementary school level, provisions for early identification and intervention to address learning problems including, but not limited to, the assessment of primary grade pupils to identify and commence remediation of developmental and other learning difficulties.

(f) An emphasis on literacy and basic skills development.

(g) An emphasis on curriculum content and teaching strategies that are relevant to job or career opportunities.

(h) A plan that integrates and coordinates the skills and talents of outreach consultants.

(i) Other activities and objectives established by the council.

(j) The proposed expenditure of funds available to the school through the programs described in Section 54723 and other available funds.

(k) The schoolsite council shall consult with local officials, including officials from law enforcement and public health, and with representatives from nonprofit organizations that work with at-risk youth before making this proposal.

The schoolsite council shall annually review the school plan, establish a new budget, and, if necessary, make other modifications in the plan to reflect changing needs and priorities.

SEC. 28. Section 56001 of the Education Code, as amended by Section 11.8 of Chapter 1296, of the Statutes of 1993, is amended to read:

56001. It is the intent of the Legislature that special education programs provide all of the following:

(a) Each individual with exceptional needs is assured an education appropriate to his or her needs in publicly supported programs through completion of his or her prescribed course of study or until the time that he or she has met proficiency standards prescribed pursuant to Sections 51215 and 51216.



(b) By June 30, 1991, early educational opportunities shall be available to all children between the ages of three and five years who require special education and services.

(c) Early educational opportunities shall be made available to children younger than three years of age pursuant to Chapter 4.4 (commencing with Section 56425), appropriate sections of this part, and the California Early Intervention Service Act, Title 14 (commencing with Section 95000) of the Government Code.

(d) Any child younger than three years, potentially eligible for special education, shall be afforded the protections provided pursuant to the California Early Intervention Services Act, Title 14 (commencing with Section 95000) of the Government Code and Section 1480 of Title 20 of the United States Code and implementing regulations.

(e) Each individual with exceptional needs shall have his or her educational goals, objectives, and special education and related services specified in a written individualized education program.

(f) Education programs are provided under an approved local plan for special education that sets forth the elements of the programs in accordance with this part. This plan for special education shall be developed cooperatively with input from the community advisory committee and appropriate representation from special and regular teachers and administrators selected by the groups they represent to ensure effective participation and communication.

(g) Individuals with exceptional needs are offered special assistance programs that promote maximum interaction with the general school population in a manner that is appropriate to the needs of both, taking into consideration, for hard-of-hearing or deaf children, the individual's needs for a sufficient number of age and language mode peers and for special education teachers who are proficient in the individual's primary language mode.



(h) Pupils be transferred out of special education programs when special education services are no longer needed.

(i) The unnecessary use of labels is avoided in providing special education and related services for individuals with exceptional needs.

(j) Procedures and materials for assessment and placement of individuals with exceptional needs shall be selected and administered so as not to be racially, culturally, or sexually discriminatory. No single assessment instrument shall be the sole criterion for determining placement of a pupil. The procedures and materials for assessment and placement shall be in the individual's mode of communication. Procedures and materials for use with pupils of limited English proficiency, as defined in subdivision (m) of Section 52163, shall be in the individual's primary language. All assessment materials and procedures shall be selected and administered pursuant to Section 56320.

(k) Educational programs are coordinated with other public and private agencies, including preschools, child development programs, nonpublic nonsectarian schools, regional occupational centers and programs, and postsecondary and adult programs for individuals with exceptional needs.

(l) Psychological and health services for individuals with exceptional needs shall be available to each schoolsite.

(m) Continuous evaluation of the effectiveness of these special education programs by the school district, special education local plan area, or county office shall be made to ensure the highest quality educational offerings.

(n) Appropriate qualified staff are employed, consistent with credentialing requirements, to fulfill the responsibilities of the local plan and positive efforts are made to employ qualified disabled individuals.

(o) Regular and special education personnel are adequately prepared to provide educational instruction and services to individuals with exceptional needs.



(p) This section shall remain in effect only until California terminates its participation in special education programs for individuals with exceptional needs between the ages of three and five years, pursuant to Section 56448, and as of that date is repealed.

SEC. 29. Section 56001 of the Education Code, as amended by Section 11.9 of Chapter 1296, of the Statutes of 1993, is amended to read:

56001. It is the intent of the Legislature that special education programs provide all of the following:

(a) Each individual with exceptional needs is assured an education appropriate to his or her needs in publicly supported programs through completion of his or her prescribed course of study or until the time that he or she has met proficiency standards prescribed pursuant to Sections 51215 and 51216.

(b) Early educational opportunities are available to all children between the ages of three and four years and nine months who require intensive special education and services.

(c) Early educational opportunities shall be made available to children younger than three years of age pursuant to Chapter 4.4 (commencing with Section 56425), appropriate sections of this part, and the California Early Intervention Service Act, Title 14 (commencing with Section 95000) of the Government Code.

(d) Any child younger than three years, potentially eligible for special education shall be afforded the protections provided pursuant to the California Early Intervention Services Act, Title 14 (commencing with Section 95000) of the Government Code and Section 1480 of Title 20 of the United States Code and implementing regulations.

(e) Each individual with exceptional needs shall have his or her educational goals, objectives, and special education and related services specified in a written individualized education program.

(f) Education programs are provided under an approved local plan for special education that sets forth



the elements of the programs in accordance with the provisions of this part. This plan for special education shall be developed cooperatively with input from the community advisory committee and appropriate representation from special and regular teachers and administrators selected by the groups they represent to ensure effective participation and communication.

(g) Individuals with exceptional needs are offered special assistance programs that promote maximum interaction with the general school population in a manner which is appropriate to the needs of both, taking into consideration, for hard-of-hearing or deaf children, the individual's needs for a sufficient number of age and language mode peers and for special education teachers who are proficient in the individual's primary language mode.

(h) Pupils be transferred out of special education programs when special education services are no longer needed.

(i) The unnecessary use of labels is avoided in providing special education and related services for individuals with exceptional needs.

(j) Procedures and materials for assessment and placement of individuals with exceptional needs shall be selected and administered so as not to be racially, culturally, or sexually discriminatory. No single assessment instrument shall be the sole criterion for determining placement of a pupil. The procedures and materials for assessment and placement shall be in the individual's mode of communication. Procedures and materials for use with pupils of limited-English proficiency as defined in subdivision (m) of Section 52163, shall be in the individual's primary language. All assessment materials and procedures shall be selected and administered pursuant to Section 56320.

(k) Educational programs are coordinated with other public and private agencies, including preschools, child development programs, nonpublic, nonsectarian schools, regional occupational centers and programs, and



postsecondary and adult programs for individuals with exceptional needs.

(l) Psychological and health services for individuals with exceptional needs shall be available to each schoolsite.

(m) Continuous evaluation of the effectiveness of these special education programs by the school district, special education local plan area, or county office shall be made to ensure the highest quality educational offerings.

(n) Appropriate qualified staff are employed, consistent with credentialing requirements, to fulfill the responsibilities of the local plan and positive efforts are made to employ qualified disabled individuals.

(o) Regular and special education personnel are adequately prepared to provide educational instruction and services to individuals with exceptional needs.

(p) This section shall become operative on the date that California terminates its participation in special education programs for individuals with exceptional needs between the ages of three and five years, pursuant to Section 56448.

SEC. 30. Section 56026 of the Education Code, as amended by Section 12 of Chapter 1296 of the Statutes of 1993, is amended to read:

56026. "Individuals with exceptional needs" means those persons who satisfy all the following:

(a) Identified by an individualized education program team as children with disabilities as that phrase is defined in paragraph (1) of subdivision (a) of Section 1401 of Title 20 of the United States Code.

(b) Their impairment, as described by subdivision (a), requires instruction, services, or both which cannot be provided with modification of the regular school program.

(c) Come within one of the following age categories:

(1) Younger than three years of age and identified by the district, the special education local plan area, or the county office as requiring intensive special education and services, as defined by the State Board of Education.



(2) Between the ages of three to five years, inclusive, and identified by the district, the special education local plan area, or the county office pursuant to Section 56441.11.

(3) Between the ages of five and 18 years, inclusive.

(4) Between the ages of 19 and 21 years, inclusive; enrolled in or eligible for a program under this part or other special education program prior to his or her 19th birthday; and has not yet completed his or her prescribed course of study or who has not met proficiency standards prescribed pursuant to Sections 51215 and 51216.

(A) Any person who becomes 22 years of age during the months of January to June, inclusive, while participating in a program under this part may continue his or her participation in the program for the remainder of the current fiscal year, including any extended school year program for individuals with exceptional needs established pursuant to regulations adopted by the State Board of Education, pursuant to Article 1 (commencing with Section 56100) of Chapter 2.

(B) Any person otherwise eligible to participate in a program under this part shall not be allowed to begin a new fiscal year in a program if he or she becomes 22 years of age in July, August, or September of that new fiscal year. However, if a person is in a year-round school program and is completing his or her individualized education program in a term that extends into the new fiscal year, then the person may complete that term.

(C) Any person who becomes 22 years of age during the months of October, November, or December while participating in a program under this act shall be terminated from the program on December 31 of the current fiscal year, unless the person would otherwise complete his or her individualized education program at the end of the current fiscal year or unless the person has not had an individual transition plan incorporated into his or her individualized education program and implemented from the age of 20 years, in which case the person shall be terminated from the program at the end of the fiscal year.



(D) No school district, special education local plan area, or county office of education may develop an individualized education program that extends these eligibility dates, and in no event may a pupil be required or allowed to attend school under the provisions of this part beyond these eligibility dates solely on the basis that the individual has not met his or her goals or objectives.

(d) Meet eligibility criteria set forth in regulations adopted by the board, including, but not limited to, those adopted pursuant to Article 2.5 (commencing with Section 56333) of Chapter 4.

(e) Unless disabled within the meaning of subdivisions (a) to (d), inclusive, pupils whose educational needs are due primarily to unfamiliarity with the English language; temporary physical disabilities; social maladjustment; or environmental, cultural, or economic factors are not individuals with exceptional needs.

(f) This section shall remain in effect only until California terminates its participation in special education programs for individuals with exceptional needs between the ages of three and five years, inclusive, pursuant to Section 56448, and as of that date is repealed.

SEC. 31. Section 56426.9 of the Education Code is amended to read:

56426.9. Any child who becomes three years of age while participating in an early education program under this chapter may continue in the program until June 30 of the current program year, if the individualized education program team determines that the preschooler is eligible pursuant to Section 56441.11, develops an individualized education program, and determines that the early education program remains appropriate. No later than June 30 of that year, the individualized education program team shall meet to review the preschooler's progress and revise the individualized education program accordingly. The individualized education program team meeting shall be conducted by the local education agency responsible for the provision of preschool special education services.



Representatives of the early education program shall be invited to that meeting.

SEC. 32. Section 63001 of the Education Code is amended to read:

63001. Each school district that, in any fiscal year, receives any apportionment for any program specified in Section 63000 shall utilize no less than 85 percent of that apportionment at schoolsites for direct services to pupils.

SEC. 33. Section 33 of Chapter 308 of the Statutes of 1995, is amended to read:

Sec. 33. The funds appropriated in Items 6110-105-001, 6110-156-001, 6110-158-001, 6110-161-001, 6110-196-001 and 6110-230-001 of Section 2.00 of the Budget Act of 1995 are in lieu of the amounts that would otherwise be required to be appropriated for the purposes identified in those items pursuant to any other provision of law.

SEC. 34. Notwithstanding Section 41972 of the Education Code or any other provision of law, the unencumbered balance of the funds appropriated by Item 6110-103-001 of Section 2.00 of the Budget Act of 1993, as set forth in Chapter 55 of the Statutes of 1993, is hereby reappropriated to the Superintendent of Public Instruction, in augmentation of Schedule (d) of Item 6110-101-001 of Section 2.00 of the Budget Act of 1989, as set forth in Chapter 93 of the Statutes of 1989, for allocation for the 1989-90 fiscal year to fund apprenticeship education programs pursuant to Article 8 (commencing with Section 8150) of Chapter 1 of Part 6 of the Education Code. Funds appropriated by this section shall be allocated to reimburse school districts for disbursements made to apprenticeship programs that have not been reimbursed by the Superintendent of Public Instruction.



Approved _____, 1995

Governor

