

AMENDED IN SENATE JUNE 20, 1996  
AMENDED IN ASSEMBLY MAY 2, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2972**

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**Introduced by Assembly Member Olberg**  
*(Coauthor: Senator Thompson)*

February 23, 1996

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An act to add *Sections 41855 and 41856 to, to add* Article 10.5 (commencing with Section 41860) to Chapter 5 of Part 24 of, the Education Code, relating to schools, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2972, as amended, Olberg. Schools: transportation funding.

Existing law provides that each school district or county office of education shall receive a home-to-school transportation allowance in the amount received in the prior fiscal year, but in no event in excess of the prior year's approved home-to-school transportation costs, increased by the amount provided in the annual Budget Act. *Existing law also provides for a home-to-school transportation allowance for school districts and county offices of education that provide transportation services by means of a joint powers agreement.*

*This bill would, for the 1996–97 fiscal year only, require the Superintendent of Public Instruction to provide a*

*home-to-school transportation allowance of \$3,012,000 to school districts and county offices of education that provide transportation services by means of a joint powers authority, in lieu of the amount otherwise authorized in existing law and in the provisions of this bill, if the joint powers authority meets specified conditions as of June 30, 1996.*

*This bill would provide that the home-to-school transportation allowance received by the Oakland Unified School District in the 1996–97 fiscal year and each fiscal year thereafter shall be computed as if the home-to-school transportation aid received by the district in the 1995–96 fiscal year was \$2,500,000.*

This bill would prescribe criteria for determining the eligibility of school districts for supplemental home-to-school transportation funds, if funds are specifically appropriated therefor. The bill would require the Superintendent of Public Instruction to apportion funds, when appropriated, to reimburse eligible school districts, as specified, for the unreimbursed cost of home-to-school transportation per unit of average daily attendance, as specified.

The bill would appropriate \$50,000,000 from the General Fund for the purpose of home-to-school transportation funding equalization as established by this act and existing law, *for the purpose of the 1996–97 home-to-school transportation allowance for school districts and county offices of education that provide transportation services by means of a joint powers authority, and for the purpose of the home-to-school transportation allowance provided to the Oakland Unified School District, as specified.*

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

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

1 SECTION 1. *Section 41855 is added to the Education*  
 2 *Code, to read:*  
 3 *41855. (a) For the 1996–97 fiscal year, the*  
 4 *Superintendent of Public Instruction shall provide a*  
 5 *home-to-school transportation allowance of three million*  
 6 *twelve thousand dollars (\$3,012,000) to school districts*



1 and county superintendents of schools that provide  
2 transportation services by means of a joint powers  
3 authority in lieu of the amount that would otherwise have  
4 been provided pursuant to the provisions of this article  
5 and Article 10.5 (commencing with Section 41860), if the  
6 joint powers authority meets the following conditions as  
7 of June 30, 1996:

8 (1) The joint powers authority provides pupils of  
9 member school districts with home-to-school  
10 transportation on school buses that are operated by the  
11 joint powers authority.

12 (2) The joint powers authority provides school  
13 transportation services to at least six other school districts  
14 in the area who are not members of the joint powers  
15 authority.

16 (3) The joint powers authority provides maintenance  
17 services for vehicles owned and operated by the member  
18 school districts, other school districts in the area, fire  
19 districts, and vehicles owned by cities or counties.

20 (4) The cost per mile of home-to-school transportation  
21 services provided by the joint powers authority to  
22 member districts for the 1994–95 school year did not  
23 exceed the statewide average cost per mile for  
24 home-to-school transportation for all school districts in  
25 the state for the 1994–95 school year.

26 (b) For the 1997–98 fiscal year and each fiscal year  
27 thereafter, the home-to-school school transportation  
28 allowance shall revert to the 1995–96 level.

29 SEC. 2. Section 41856 is added to the Education Code,  
30 to read:

31 41856. For purposes of this article and Article 10.5  
32 (commencing with Section 41860), the home-to-school  
33 transportation allowance received by the Oakland  
34 Unified School District in the 1996–97 fiscal year and each  
35 fiscal year thereafter shall be computed as if the  
36 home-to-school transportation aid received by the school  
37 district in the 1995–96 fiscal year was two million five  
38 hundred thousand dollars (\$2,500,000). The amounts  
39 allocated to the Oakland Unified School District pursuant  
40 to this section shall be contingent upon approval of the



1 district's home-to-school transportation costs and shall  
2 not exceed those costs.

3 SEC. 3. Article 10.5 (commencing with Section  
4 41860) is added to Chapter 5 of Part 24 of the Education  
5 Code, to read:

6  
7 Article 10.5. Supplemental Allowances for  
8 Transportation  
9

10 41860. (a) Sections 41850, ~~41852, 41851.12,~~ 41851.12,  
11 41852, and 41853 shall apply to this article.

12 (b) As used in this article, "average daily attendance"  
13 means the average daily attendance used to compute a  
14 school district's second principal apportionment.

15 41861. For any fiscal year in which funds are  
16 specifically appropriated for home-to-school  
17 transportation apportionments pursuant to this article,  
18 the Superintendent of Public Instruction shall apportion  
19 to each school district that is eligible under this article, in  
20 addition to any apportionments pursuant to Sections  
21 41851 and 41851.11, the amount calculated pursuant to  
22 Section 41863.

23 41862. School districts that meet all of the following  
24 criteria are eligible to receive an apportionment pursuant  
25 to this article:

26 (1) The number of students who received  
27 home-to-school transportation services in the prior fiscal  
28 year were equivalent to at least 33 percent of the total  
29 number of units of average daily attendance in the prior  
30 fiscal year.

31 (2) The total cost per mile for the prior fiscal year for  
32 home-to-school transportation does not exceed the  
33 statewide average cost per mile.

34 (3) In the prior fiscal year, the amount of the school  
35 district's *approved* cost of home-to-school transportation  
36 per unit of average daily attendance ~~approved by the~~  
37 ~~State Department of Education~~ exceeded one hundred  
38 thirty dollars (\$130).

39 41863. (a) The Superintendent of Public Instruction  
40 ~~shall determine the apportionment for each school~~



1 ~~district's unreimbursed cost of home-to-school~~  
 2 ~~transportation per unit of average daily attendance in the~~  
 3 *shall determine for each school district meeting the*  
 4 *standards of Section 41682 the apportionment for that*  
 5 *school district's unreimbursed cost of home-to-school*  
 6 *transportation in the prior fiscal year as follows:*

7 (1) Add the following amounts:

8 (A) The home-to-school transportation allowance for  
 9 the school district received pursuant to Sections 41851  
 10 and 41851.11 for the prior fiscal year.

11 (B) The amount of funding received for the costs of  
 12 transportation associated with court-ordered or  
 13 voluntary desegregation programs.

14 (2) Subtract from the sum computed pursuant to  
 15 paragraph (1) all supplemental grant funding received in  
 16 the prior fiscal year by the school district for  
 17 home-to-school transportation or court-ordered or  
 18 voluntary desegregation.

19 (3) Subtract from the school district's prior year's  
 20 approved costs of home-to-school transportation the  
 21 amount computed pursuant to paragraph (2).

22 ~~(4) Divide the amount computed pursuant to~~  
 23 ~~paragraph (3) by the total number of units of average~~  
 24 ~~daily attendance for the prior fiscal year.~~

25 ~~(b)~~

26 *(b) The Superintendent of Public Instruction shall*  
 27 *calculate data for school districts within a joint powers*  
 28 *authority as separate entities, but apportionments shall*  
 29 *be the same as under existing law, provided that the joint*  
 30 *powers authority submits in a timely fashion the data*  
 31 *required by the superintendent to make the calculation.*

32 (c) In the event the funds appropriated for the  
 33 purposes of this article are not sufficient to fully fund the  
 34 formula established by this section, the amounts  
 35 apportioned shall be reduced on a proportionate basis.

36 ~~SEC. 2.~~

37 *SEC. 4.* The sum of fifty million dollars (\$50,000,000)  
 38 is hereby appropriated from the General Fund to the  
 39 State Department of Education for allocation by the  
 40 Superintendent of Public Instruction as follows:



1 ~~(1) Forty million dollars (\$40,000,000)~~  
 2 (a) Two million dollars (\$2,000,000) to be apportioned  
 3 pursuant to Section 41855 of the Education Code.  
 4 (b) Two million five hundred thousand dollars  
 5 (\$2,500,000) to be apportioned pursuant to Section 41856  
 6 of the Education Code.  
 7 (c) Thirty five million five hundred thousand dollars  
 8 (\$35,500,000) to be apportioned pursuant to Section  
 9 41851.11 of the Education Code.

10 ~~(2)~~  
 11 (d) Ten million dollars (\$10,000,000) to be  
 12 apportioned pursuant to Article 10.5 (commencing with  
 13 Section 41860) of Chapter 5 of Part 24 of the Education  
 14 Code.

15 SEC. 5. The Legislature finds and declares that due to  
 16 the unique circumstances in Section 2 of this act  
 17 regarding the Oakland Unified School District, a general  
 18 statute cannot be made applicable within the meaning of  
 19 Section 16 of Article IV of the California Constitution.

