

Senate Bill No. 1414

CHAPTER 621

An act to amend Sections 17770, 17775, 17776, 46205, 52122, 52123, and 52124 of, to add Sections 37611.5, 52121.5, and 52122.5 to, and to add and repeal Section 17775.5 of, the Education Code, relating to class size reduction in public elementary schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 19, 1996. Filed
with Secretary of State September 19, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1414, Greene. Education: class size reduction.

(1) Existing law establishes the Class Size Reduction Facilities Funding Program for the purpose of assisting school districts with the facilities-related costs associated with reducing class size in kindergarten and grades 1 to 3, inclusive, pursuant to the Class Size Reduction Program. Existing law provides that funds allocated to school districts for that purpose be expended solely for the purpose of providing the additional teaching stations necessary for the implementation of the Class Size Reduction Program described in (3). If a school district receives that funding but has not implemented its class size reduction program for all grades and classes for which it received the funding, an amount equal to the amount received by the school district under the Class Size Reduction Facilities Program is required to be deducted from the school district's next apportionment or apportionments of state funds, as specified.

This bill would instead provide that funds allocated pursuant to the Class Size Reduction Facilities Funding Program be expended solely for the purpose of school facilities-related costs associated with the implementation of the Class Size Reduction Program. The bill would further provide that the amount deducted from a school district's next principal apportionment or apportionments of state funds be an amount equal to the amount received by the school district for each class that the school district failed to reduce to a class size of 20 or less pupils.

This bill would additionally provide that the amount apportioned for each additional teaching station shall be increased by 15% for teaching stations if portable classrooms are used and the Superintendent of Public Instruction determines that the schoolsites require classrooms specially designed to accommodate a snow load.

(2) Existing law authorizes a school district to operate a continuous school program in one or more schools of the district. Whenever the governing board of a school district determines to



operate one or more schools of the district as a continuous school program the governing board is required to publish public notice of the commencement and operation of the program not later than November 1 of the school year preceding the commencement of the program of its intention to operate a continuous program, as specified.

This bill would provide that a school district establishing and operating a continuous school program in one or more schools for the purpose of implementing the Class Size Reduction Program described in (3) for the 1996–97 and 1997–98 school years is not subject to that publication of notice requirement for those school years.

(3) Existing law establishes the Class Size Reduction Program to provide funding to school districts to reduce class size in kindergarten and grades 1 to 3, inclusive, to not more than 20 pupils per certificated teacher.

This bill would provide that charter schools are eligible to receive funds pursuant to the Class Size Reduction Program. Charter schools would be subject to the requirements of that program and would be required to employ teachers for purposes of that program who meet the requirements specified in the approved charter.

(4) Existing law requires the Superintendent of Public Instruction to apportion to each applicant school district an amount equal to \$650 per each pupil enrolled in classes participating in Option One of the Class Size Reduction Program, as specified. To participate in Option One, a school district must provide a reduced class size for all pupils in each classroom in each grade level for which funding is claimed.

This bill would further specify that for the purposes of Option One the school district must provide a reduced class size for those pupils in each classroom for a full regular schoolday, as defined.

The bill would also permit school districts applying for funds under Option One to request a 2-year authorization from the State Board of Education to have a teacher-pupil ratio that average 1 to 20, whether or not each group is enrolled in a separate class, provided certain conditions are met, including, among others, that the schoolsite or schoolsites for which a waiver is requested is on a multitrack year-round calendar and that the school district includes a plan demonstrating to the satisfaction of the board that it will fully meet Option One requirements upon expiration of that authorization.

(5) Existing law provides that any school district that chooses to reduce class size through the use of an early-late instructional program is ineligible under the provision of law relating to the computation of instructional time for purposes of the Incentive for Longer Instructional Day and Year in any grade level for which class size reduction funding is received.



This bill would require a school district participating in Option One of the Class Size Reduction Program as described in (3) to provide a reduced class size for all pupils in each classroom for the total number of instructional minutes offered per day in each grade level for which funding is claimed. The bill would provide that any school district that operated under the provision of law relating to the computation of instructional time for purposes of the Incentive for Longer Instructional Day and Year prior to July 1, 1996, may receive funding pursuant to Option One in any grade level for which class size reduction funding would otherwise be received pursuant to Option One.

(6) Existing law requires a school district to certify in its application for funding to implement a class size reduction program that it meets certain criteria, including, among other criteria, that the school district has maintained or further reduced class sizes accomplished through previous apportionments under the program, that the school district has not increased the average class size in any kindergarten, or in any of grades 1 to 3, inclusive, in the district, above the average that existed in the school year preceding the school year in which the district first received an apportionment under the program, and that the school district will maintain specified data that will aid in evaluation of the program, including, but not limited to, individual test scores or other records of pupil achievement and pupil behavior.

This bill would instead require the school district to certify that it has maintained class sizes of no more than 20 pupils per each class that was reduced through previous apportionments made under the Class Size Reduction Program. The bill would also eliminate the requirement that the school district certify that it has not increased the average class size in any kindergarten, or in any of grades 1 to 3, inclusive, in the district, above the average that existed in the school year preceding the school year in which the district first received an apportionment under the Class Size Reduction Program and the requirement that the school district certify it will collect and maintain data on records of pupil behavior, as specified.

The bill would require the school district to certify commencing with the 1997-98 school year, that each certificated teacher employed for purposes of the program is providing direct instructional services to each pupil enrolled in the separate class to which the teacher is assigned.

The bill would also require, commencing with the 1997-98 school year and each school year thereafter, that a school district certify that each reduced class is housed in a separate self-contained classroom, or that the square footage per pupil is not less than a specified average at the schoolsite for the 1995-96 school year.

(7) Existing law requires a school district's application for funding under the Class Size Reduction Program to certify pupil enrollment



and specifies that classes comprised of special education pupils enrolled in special day classes on a full-time basis shall not be included.

This bill would further provide that a school district may not claim funding for any pupil who is enrolled in independent study for the full regular schoolday nor for any pupil for any portion of the day that the pupil is enrolled in independent study. The bill would also provide that a charter school may not claim funding for any pupil who is enrolled in a program of home-study for the full regular schoolday nor for any pupil for any portion of the full regular day that the pupil is enrolled in a program of home-study.

(8) Existing law provides that if a school district received funding pursuant to the Class Size Reduction Program but has not implemented its class size reduction program for all grades and classes for which it received funding, that an amount equal to the amount received by the school district pursuant to the program be deducted from the next apportionment or apportionments of state funds to the district, as specified. Existing law requires the Superintendent of Public Instruction to develop an enforcement procedure and to incorporate that procedure as an integral part of the school district audit and compliance review.

This bill would, instead, provide that the amount deducted from a school district's next principal apportionment or apportionments of state funds be an amount equal to the amount received by the school district under the Class Size Reduction Program for each class that the school district failed to reduce to a class size of 20 or less pupils. This bill would also instead require the enforcement procedure to be incorporated as an integral part of the school district financial audit and other investigations.

(9) This bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 17770 of the Education Code is amended to read:

17770. There is hereby established the Class Size Reduction Facilities Funding Program, for the purpose of assisting school districts and charter schools with the facilities-related costs associated with reducing class size in kindergarten and grades 1 to 3, inclusive, pursuant to Chapter 6.10 (commencing with Section 52120) of Part 28. For the purposes of this chapter, any reference to school districts shall be deemed to include charter schools.

SEC. 2. Section 17775 of the Education Code is amended to read:

17775. (a) From the sum appropriated for the purposes of this chapter, the Superintendent of Public Instruction shall apportion to each applicant school district the sum of twenty-five thousand dollars



(\$25,000) for each additional teaching station that needs to be established for the purposes of class size reduction that cannot be housed in existing teaching stations, as determined pursuant to this chapter.

(b) (1) If the funds appropriated for the purposes of this chapter are insufficient to fund all applicant school districts pursuant to this chapter, the Superintendent of Public Instruction shall first apportion funds for all applications from school districts related to reducing class size in grade 1. If funds are insufficient to fund all applications related to reducing class size in grade 1, the Superintendent of Public Instruction shall apportion to each applicant school district its pro rata share of funding for all new grade 1 teaching stations that need to be established for the purpose of class size reduction. In determining the pro rata share for each school district the Superintendent of Public Instruction shall round to the nearest twenty-five thousand dollar (\$25,000) increment, but no qualifying school district shall receive less than twenty-five thousand dollars (\$25,000).

(2) If funds remain available after funding all applications related to reducing class size in grade 1, the Superintendent of Public Instruction shall next apportion funds for all applications related to reducing class size in grade 2. If funds are insufficient to fund all applications related to reducing class size in grade 2, the Superintendent of Public Instruction shall apportion to each applicant school district its pro rata share of funding for all new grade 2 teaching stations that need to be established for the purpose of class size reduction. In determining the pro rata share for each school district the Superintendent of Public Instruction shall round to the nearest twenty-five thousand dollar (\$25,000) increment, but no qualifying school district shall receive less than twenty-five thousand dollars (\$25,000).

(3) If funds remain available after funding all applications related to reducing class size in grades 1 and 2, the Superintendent of Public Instruction shall then apportion funds for applications related to reducing class size in kindergarten or grade 3. If funds are insufficient to fund all applications related to reducing class size in kindergarten or grade 3, the Superintendent of Public Instruction shall apportion to each applicant school district its pro rata share of funding for all new kindergarten or grade 3 teaching stations that need to be established for the purpose of class size reduction. In determining the pro rata share for each school district the Superintendent of Public Instruction shall round to the nearest twenty-five thousand dollar (\$25,000) increment, but no qualifying school district shall receive less than twenty-five thousand dollars (\$25,000).

SEC. 2.5. Section 17775.5 is added to the Education Code, to read:

17775.5. The amount apportioned for each additional teaching station pursuant to Section 17775 shall be increased by 15 percent for



teaching stations located at schoolsites for which the governing board of the school district certifies that the funds will be used for portable classrooms and for which the Superintendent of Public Instruction determines that those schoolsites require portable classrooms specially designed to accommodate a snow load.

SEC. 3. Section 17776 of the Education Code is amended to read:

17776. (a) Funds allocated to school districts pursuant to this chapter shall be expended solely for the purpose of facilities-related costs associated with the implementation of the Class Size Reduction Program contained in Chapter 6.10 (commencing with Section 52120) of Part 28.

(b) Funds shall not be allocated to school districts pursuant to this chapter for the purpose of assisting school districts in implementing Option Two, as set forth in paragraph (2) of subdivision (b) of Section 52122.

(c) Funds shall not be allocated to a school district pursuant to this chapter if the school district fails to submit to the Superintendent of Public Instruction an application for funds by November 1, 1996, pursuant to the Class Size Reduction Program contained in Chapter 6.10 (commencing with Section 52120) of Part 28.

(d) If a school district receives funding pursuant to this chapter but has not implemented its class size reduction program for all grades and classes for which it received funding pursuant to this chapter, the Superintendent of Public Instruction shall notify the Controller and the school district in writing and the Controller shall deduct an amount equal to the amount received by the school district under this chapter for each class that the school district failed to reduce to a class size of 20 or less pupils from the school district's next principal apportionment or apportionments of state funds to the district, other than basic aid apportionments required by Section 6 of Article IX of the California Constitution.

SEC. 4. Section 37611.5 is added to the Education Code, to read:

37611.5. Notwithstanding Section 37611, a school district that establishes and operates a continuous school program in one or more schools pursuant to this chapter for the purposes of implementing the Class Size Reduction Program set forth in Chapter 6.10 (commencing with Section 52120) of Part 28 for the 1996-97 and 1997-98 school years shall not be subject to the publication of notice requirements set forth in Section 37611 for those school years.

SEC. 5. Section 46205 of the Education Code is amended to read:

46205. (a) For purposes of this article, instructional time for school districts conducting early-late instructional programs in kindergarten and grades 1 to 8, inclusive, shall be computed by adding the total amount of instructional time provided in each portion of the early-late instructional programs to the amount of instructional time offered when all pupils in the class are scheduled to attend. It is not the intent of the Legislature to disrupt or restrict



early-late instructional programs for pupils in kindergarten and grades 1 to 8, inclusive.

(b) This section shall be applicable only if the early-late instructional program was in operation during the 1983–84 fiscal year, except that the Superintendent of Public Instruction may approve, based on educational reasons, the application of this section to programs commencing operation after the 1983–84 fiscal year.

(c) Notwithstanding any other provision of law, this section is not applicable to any class in any grade level for which class size reduction funding is received pursuant to the Class Size Reduction Program contained in Chapter 6.10 (commencing with Section 52120) of Part 28; provided, however, that this section may be applicable to any class in any grade level for which class size reduction funding is received pursuant to subparagraph (A) of paragraph (2) of subdivision (b) of Section 52122 if a school district operated under this section prior to July 1, 1996.

SEC. 6. Section 52121.5 is added to the Education Code, to read:

52121.5. Charter schools are eligible for funding pursuant to this chapter and shall comply with all the requirements of this chapter, except that for the purposes of subdivision (c) of Section 52123 and for any other purpose of this chapter, the classroom teacher shall meet the qualifications specified pursuant to paragraph (5) of subdivision (b) of Section 47605, and included in the approved charter, for teachers employed by the charter school. For the purposes of this chapter, any reference to school districts shall be deemed to include charter schools.

SEC. 7. Section 52122 of the Education Code is amended to read:

52122. (a) Except as otherwise provided by Section 52123, any school district that maintains any kindergarten or any of grades 1 to 3, inclusive, may apply to the Superintendent of Public Instruction for an apportionment to implement a class size reduction program in that school district in any kindergarten or any of grades 1 to 3, inclusive.

(b) An application submitted pursuant to this chapter shall identify both of the following:

(1) Each class that will participate in the Class Size Reduction Program.

(2) For each class that will participate in the Class Size Reduction Program, whether that class will operate under Option One or Option Two:

(A) Option One: A school district shall provide a reduced class size for all pupils in each classroom for the full regular schoolday in each grade level for which funding is claimed. For the purposes of this chapter, “full regular schoolday” means a substantial majority of the instructional minutes per day, but shall permit limited periods of time during which pupils are brought together for a particular phase of education in groups that are larger than 20 pupils per certificated



teacher. It is the intent of the Legislature that those limited periods of time be kept to a minimum and that instruction in reading and mathematics not be delivered during those limited periods of time. For the purposes of this subparagraph, class size shall be determined in the same manner as provided in Sections 41376 and 41378 and any rules or regulations related thereto adopted by the Superintendent of Public Instruction prior to July 1, 1996.

(B) Option Two: A school district shall provide a reduced class size for all pupils in each classroom for at least one-half of the instructional minutes offered per day in each grade level for which funding is claimed. School districts selecting this option shall primarily devote those instructional minutes to the subject areas of reading and mathematics. For the purposes of this subparagraph, class size for each class participating in the program shall be determined in the same manner as provided in Sections 41376 and 41378 and any related rules or regulations adopted by the Superintendent of Public Instruction prior to July 1, 1996.

(c) A school district that intends to implement a Class Size Reduction Program for the 1996-97 school year shall submit an application for funds pursuant to this chapter to the Superintendent of Public Instruction not later than November 1, 1996. In order to receive the total amount of funding for which the school district is eligible pursuant to Section 52126, a school district shall implement the Class Size Reduction Program by February 16, 1997, within the meaning of paragraph (2) of subdivision (b).

(d) A school district that intends to implement or continue to implement a Class Size Reduction Program for the 1997-98 school year and any subsequent school year shall submit an application for funding pursuant to this chapter to the Superintendent of Public Instruction not later than the June 30 prior to the commencement of the new school year.

(e) Any school district that chooses to reduce class size through the use of an early-late instructional program is ineligible to also use Section 46205, relating to the computation of instructional time for purposes of the Incentive for Longer Instructional Day and Year, in any grade level for which class size reduction funding is received pursuant to this chapter; provided, however, that any school district that operated under Section 46205 prior to July 1, 1996, may receive class size reduction funding pursuant to Option One in any grade level for which class size reduction funding would otherwise be received pursuant to Option One.

SEC. 8. Section 52122.5 is added to the Education Code, to read:

52122.5. (a) A school district applying for funds to implement a Class Size Reduction Program pursuant to Option One, as a part of its application for that funding, may request that the State Board of Education grant the school district a two-year authorization to have a teacher-pupil ratio that averages 1 to 20, whether or not each group



of 20 pupils is enrolled in a separate class; provided that there is not less than one full-time certificated teacher hired for each group of 20 pupils for each grade level for which Option One funding is requested. The State Board of Education may grant that authorization even though the pupils may be in groups of greater than 20 pupils for a portion of the full regular schoolday. The State Board of Education shall not renew or extend the authorization granted for any schoolsite pursuant to this section for any additional period of time.

(b) The State Board of Education may grant an authorization to proceed under subdivision (a) if all of the following requirements are met:

(1) The schoolsite or schoolsites for which the waiver is requested is currently operating on a multitrack year-round education calendar.

(2) The school district has documented to the satisfaction of the board that special circumstances exist at the schoolsite or schoolsites, including, but not limited to, the schoolsite or schoolsites are so crowded that if any additional area at the schoolsite or schoolsites is utilized for the purposes of providing the additional facilities necessary to meet the requirements of this chapter, that utilization would result in a severe impairment of the adequacy of the education program or programs at that schoolsite or those schoolsites.

(3) The school district submits a plan demonstrating to the satisfaction of the board that it will fully meet the requirements of subparagraph (A) of paragraph (2) of subdivision (b) of Section 52122 pertaining to Option One funding for the grade levels for which the two-year authorization is requested pursuant to this section upon the expiration of that authorization.

SEC. 9. Section 52123 of the Education Code is amended to read:

52123. A school district's application for funding to implement a program pursuant to this chapter shall include the district's certification of each of the following items as a condition to receiving any apportionment under Section 52126:

(a) Certification of the number of classes in each eligible grade level selected for a class size reduction apportionment pursuant to this chapter.

(b) Certification of pupil enrollment, as of October of the previous calendar year, in each class selected for class size reduction pursuant to subdivision (a). Classes comprised of special education pupils enrolled in special day classes on a full-time basis shall not be included in this program. School districts may not claim funding pursuant to this chapter for any pupil who is enrolled in independent study pursuant to Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 for the full regular schoolday nor may school districts claim funding pursuant to this chapter for any pupil for any portion of the full regular day that the pupil is enrolled in independent study



pursuant to that article. Charter schools may not claim funding pursuant to this chapter for any pupil who is enrolled in a program of home-study for the full regular schoolday nor may charter schools claim funding for any pupil for any portion of the full regular schoolday that the pupil is enrolled in a program of home-study.

(c) Certification that a certificated teacher has been hired by the school district and is providing direct instructional services to each class selected for class size reduction pursuant to this chapter and that there are not more than 20 pupils per each such class. For the purposes of this subdivision, class size for each class participating in the program shall be determined in the same manner as provided in Sections 41376 and 41378, and any rules or regulations related thereto adopted by the Superintendent of Public Instruction prior to July 1, 1996.

(d) Certification that the school district has maintained class sizes of not more than 20 pupils per each class that was reduced through previous apportionments made under this chapter.

(e) Certification that the school district has a staff development program pursuant to Section 52127 and that the program has been approved by the governing board of the school district.

(f) Certification that the school district will collect and maintain any data required by the Superintendent of Public Instruction that will aid in the evaluation of the Class Size Reduction Program. The data shall include, but not be limited to, individual test scores or other records of pupil achievement. Any data collected shall be protected in a manner that will not permit the personal identification of any pupil or parent.

(g) Commencing with the 1997–98 school year and each school year thereafter, certification that each class reduced pursuant to this chapter is housed in either a separate, self-contained classroom or that the space of each such class for each grade level at that schoolsite provides a square footage per pupil enrolled in each such class that is not less than the average square footage per pupil enrolled in those grade levels at that schoolsite in the 1995–96 school year.

SEC. 10. Section 52124 of the Education Code is amended to read:

52124. (a) Any school district that implements a Class Size Reduction Program pursuant to this chapter is subject to this section.

(b) A school district may establish a program to reduce class size in kindergarten and grades 1 to 3, inclusive, and that program shall be implemented at each schoolsite according to the following priorities:

(1) If only one grade level is reduced at a schoolsite, the grade level shall be grade 1.

(2) If only two grade levels are reduced at a schoolsite, the grade levels shall be grades 1 and 2.

(3) If three grade levels are reduced at a schoolsite, then those grade levels shall be kindergarten and grades 1 and 2 or grades 1 to



3, inclusive. Priority shall be given to the reduction of class sizes in grades 1 and 2 before the class sizes of kindergarten or grade 3 are reduced.

(4) If four grade levels are reduced at a schoolsite, then those grade levels shall be kindergarten and grades 1 to 3, inclusive. First priority shall be given to the reduction of class sizes in grades 1 and 2, second priority shall be given to the reduction of class size in kindergarten and grade 3. This paragraph shall be operative only in those fiscal years for which funds are appropriated expressly for the purposes of this paragraph.

(c) It is the intent of the Legislature to continue to permit the use of combination classes of more than one grade level to the extent that school districts are otherwise permitted to use that instructional strategy. However, any school district that uses a combination class in any class for which funding is received pursuant to this chapter may not claim funding pursuant to this chapter if the total number of pupils in the combination class, regardless of grade level, for any class that exceeds 20 pupils per certificated teacher assigned to provide direct instructional services.

(d) The governing board of a school district shall certify to the Superintendent of Public Instruction that it has met the requirements of this section in implementing its class size reduction program. If a school district receives funding pursuant to this chapter but has not implemented its class size reduction program for all grades and classes for which it received funding pursuant to this chapter, the Superintendent of Public Instruction shall notify the Controller and the school district in writing and the Controller shall deduct an amount equal to the amount received by the school district under this chapter for each class that the school district failed to reduce to a class size of 20 or less pupils from the school districts next principal apportionment or apportionments of state funds to the district, other than basic aid apportionments required by Section 6 of Article IX of the California Constitution.

(e) The Superintendent of Public Instruction shall develop a procedure to enforce subdivision (d) and shall incorporate that procedure as an integral part of the school district financial audit and other investigations conducted by the State Department of Education. The Controller shall include a provision appropriate to the enforcement of subdivision (d) in the audit guide required by subdivision (a) of Section 14502.

SEC. 11. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for statutory changes necessary for the implementation of the Class Size Reduction Program established by Chapter 6.10 (commencing with Section 52120) of Part 28 of the Education Code



and the Class Size Reduction Facilities Funding Program established pursuant to Chapter 23 (commencing with Section 17770) of Part 10 of the Education Code to be effective for the entire 1996-97 school year, it is necessary for this act to take effect immediately.

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