

AMENDED IN ASSEMBLY APRIL 23, 1997  
AMENDED IN ASSEMBLY MARCH 31, 1997  
AMENDED IN ASSEMBLY FEBRUARY 19, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 89**

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**Introduced by Assembly Members Pringle and Mazzoni  
(Coauthors: Assembly Members Alby, Ashburn, Baldwin,  
Battin, Baugh, Bordonaro, Bowler, Brewer, Campbell,  
House, Kuykendall, Leonard, Margett, Miller, Morrissey,  
Morrow, Olberg, Oller, Pacheco, Poochigian, Prenter,  
Richter, and Runner)**

(Coauthors: Senators Haynes, Johnson, Kopp, and Rainey)

December 30, 1996

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An act relating to class size in the public elementary schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 89, as amended, Pringle. Class size reduction.

Existing law establishes the Class Size Reduction Program to provide funding to school districts and charter schools to reduce class size in kindergarten and grades 1 to 3, inclusive, to not more than 20 pupils per certificated teacher. Existing law appropriates \$771,000,000 to the Superintendent of Public Instruction for the exclusive purpose of allocating funds to school districts pursuant to the Class Size Reduction Program. Existing law establishes the Class Size Reduction Facilities

Funding Program for the purpose of assisting school districts and charter schools with the facilities-related costs associated with the implementation of the Class Size Reduction Program. Existing law appropriates \$200,000,000 to the Superintendent of Public Instruction for allocation to school districts for the purposes of the Class Size Reduction Facilities Funding Program.

This bill would require the Superintendent of Public Instruction to certify to the Controller by June 25, 1997, the amount of funds remaining from the \$771,000,000 appropriation that shall not be allocated to school districts in the 1996-97 fiscal year for the purposes of the Class Size Reduction Program. The bill would provide that any of the \$771,000,000 appropriation made for the purposes of the Class Size Reduction Program that shall not be allocated by the Superintendent of Public Instruction to school districts in the 1996-97 fiscal year are reappropriated, without regard to fiscal year, to the Superintendent of Public Instruction for allocation on or after June 25, 1997, to school districts for the purposes of the Class Size Reduction Facilities Funding Program, *as specified*.

~~This bill would appropriate \$1,646,000, without regard to fiscal year, from the General Fund to the Superintendent of Public Instruction exclusively for allocation to school districts for the purposes of the Class Size Reduction Facilities Funding Program. The bill would require that the appropriation be included in the amounts appropriated by the state in the 1994-95 fiscal year for the purpose of meeting the state's minimum funding obligation to school districts and community college districts under Section 8 of Article XVI of the California Constitution for that fiscal year.~~

~~The bill would reappropriate \$9,354,000 without regard to fiscal year, from the Proposition 98 Reversion Account of the General Fund to the Superintendent of Public Instruction exclusively for allocation to school districts for the purposes of the Class Size Reduction Facilities Funding Program.~~

The bill would make related declarations of legislative intent.

*The bill would also express the Legislature's intent that out of the next general obligation bond act for kindergarten and*



*grades 1 to 12, inclusive, first priority allocation of those bond funds shall be to fund all identified 1996–97 class size reduction needs, as specified.*

The bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

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

1 SECTION 1. (a) It is the intent of the Legislature  
2 that all school districts that desire to implement a class  
3 size reduction program in kindergarten and grades 1 to  
4 3, inclusive, are able to do so.

5 (b) It is the intent of the Legislature that barriers to  
6 successful implementation of class size reduction in  
7 kindergarten and grades 1 to 3, inclusive, in all school  
8 districts shall be eliminated. To that end, strategies must  
9 be developed to ensure that all students in kindergarten  
10 and grades 1 to 3, inclusive, have equal access to classroom  
11 settings that are not larger than 20 pupils per certified  
12 teacher.

13 (c) The Legislature recognizes that there may be  
14 extraordinary circumstances related to available space  
15 for additional classrooms that would impede the  
16 implementation of a class size reduction program in all  
17 eligible grades. These circumstances would include, but  
18 not be limited to, school districts that have exhausted all  
19 options in using existing space as evidenced by operation  
20 of multitrack year round operations, redrawing  
21 attendance boundaries, and reconfiguring grade levels  
22 among sites. It is the intent of the Legislature that, when  
23 considering future allocations to school districts for  
24 facilities for class size reduction, special consideration  
25 shall be given to school districts that have been unable to  
26 participate fully in class size reduction efforts due to these  
27 extraordinary circumstances.

28 (d) It is further the intent of the Legislature that  
29 temporary options be developed to allow school districts  
30 with these extraordinary circumstances to participate in



1 class size reduction efforts in a manner different from, but  
2 with the same objectives of, the regular class size  
3 reduction program of improving performance in reading  
4 and math in kindergarten and grades 1 to 3, inclusive, and  
5 increasing teacher to student one-on-one interaction  
6 time. However, it is the intent of the Legislature that  
7 school districts using these temporary options shall  
8 develop a plan that specifies the steps necessary to  
9 provide classroom settings that are not larger than 20  
10 pupils per certified teacher in kindergarten and grades 1  
11 to 3, inclusive.

12 (e) It is the intent of the Legislature to find methods  
13 of easing the particular problems associated with land  
14 acquisition for schools that have insufficient space  
15 available for additional classrooms.

16 (f) It is the intent of the Legislature to consider  
17 reducing the barriers to local financial participation in  
18 the Class Size Reduction Program.

19 SEC. 2. (a) It is the intent of the Legislature to fully  
20 fund the demand identified by the Superintendent of  
21 Public Instruction from school districts for  
22 facilities-related grants for the 1996–97 fiscal year  
23 pursuant to the Class Size Reduction Facilities Funding  
24 Program contained in Chapter 23 (commencing with  
25 Section 17770) of Part 10 of the Education Code.

26 (b) It is also the intent of the Legislature to fund the  
27 demand for those facilities-related grants from savings  
28 recognized from the first-year implementation of the  
29 Class Size Reduction Program established pursuant to  
30 Chapter 6.10 (commencing with Section 52120) of Part 28  
31 of the Education Code.

32 (c) It is further the intent of the Legislature that all  
33 school districts receive the grants for which they are  
34 eligible pursuant to Chapter 6.10 (commencing with  
35 Section 52120) of Part 28 of the Education Code and if the  
36 reappropriation in Section 2 results in unfunded demand  
37 for those grants for the 1996–97 fiscal year, the Legislature  
38 will take action to fully fund the deficiency.

39 SEC. 3. (a) The Superintendent of Public Instruction  
40 shall certify to the Controller by June 25, 1997, the amount



1 of funds appropriated pursuant to Section 6 of Chapter  
2 163 of the Statutes of 1996 that shall not be allocated by  
3 the Superintendent of Public Instruction to school  
4 districts in the 1996-97 fiscal year for the purposes of the  
5 Class Size Reduction Program established pursuant to  
6 Chapter 6.10 (commencing with Section 52120) of Part 28  
7 of the Education Code.

8 (b) Any funds appropriated pursuant to Section 6 of  
9 Chapter 163 of the Statutes of 1996 that shall not be  
10 allocated by the Superintendent of Public Instruction to  
11 school districts in the 1996-97 fiscal year for the purposes  
12 of the Class Size Reduction Program established pursuant  
13 to Chapter 6.10 (commencing with Section 52120) of Part  
14 28 of the Education Code are hereby reappropriated,  
15 without regard to fiscal year, to the Superintendent of  
16 Public Instruction for allocation on or after June 25, 1997,  
17 to school districts for the purposes of the Class Size  
18 Reduction Facilities Funding Program contained in  
19 Chapter 23 (commencing with Section 17770) of Part 10  
20 of the Education Code.

21 ~~SEC. 4. (a) The sum of one million six hundred~~  
22 ~~forty six thousand dollars (\$1,646,000) is hereby~~  
23 ~~appropriated, without regard to fiscal year, from the~~  
24 ~~General Fund to the Superintendent of Public~~  
25 ~~Instruction exclusively for allocation to school districts for~~  
26 ~~the purposes of the Class Size Reduction Facilities~~  
27 ~~Funding Program contained in Chapter 23 (commencing~~  
28 ~~with Section 17770) of Part 10 of the Education Code.~~

29 ~~(b) For the purpose of making the computations~~  
30 ~~required by Section 8 of Article XVI of the California~~  
31 ~~Constitution, the appropriation made by this section shall~~  
32 ~~be deemed to be "General Fund revenues appropriated~~  
33 ~~to school districts," as defined in subdivision (c) of Section~~  
34 ~~41202 for the 1994-95 fiscal year and be included within~~  
35 ~~the "total allocations to school districts and community~~  
36 ~~college districts from the General Fund proceeds of taxes~~  
37 ~~appropriated pursuant to Article XIII B," as defined in~~  
38 ~~subdivision (e) of Section 41202 for the 1994-95 fiscal~~  
39 ~~year.~~



1 ~~SEC. 5. The sum of nine million three hundred~~  
 2 ~~fifty four thousand dollars (\$9,354,000) is hereby~~  
 3 ~~reappropriated, without regard to fiscal year, from the~~  
 4 ~~Proposition 98 Reversion Account of the General Fund to~~  
 5 ~~the Superintendent of Public Instruction exclusively for~~  
 6 ~~allocation to school districts for the purposes of the Class~~  
 7 ~~Size Reduction Facilities Funding Program contained in~~  
 8 ~~Chapter 23 (commencing with Section 17770) of Part 10~~  
 9 ~~of the Education Code.~~

10 ~~SEC. 6.—~~

11 *(c) To be eligible to receive any of the funds*  
 12 *reappropriated pursuant to this section, a school district*  
 13 *shall, by June 25, 1997, file a new or amended application,*  
 14 *or shall certify the validity of an application previously*  
 15 *filed with the State Department of Education, in*  
 16 *accordance with Chapter 23 (commencing with Section*  
 17 *17770) of Part 10 of the Education Code, except that the*  
 18 *October 1, 1996, application deadline specified in Section*  
 19 *17772 of the Education Code shall not apply. A new or*  
 20 *amended application filed pursuant to this subdivision*  
 21 *shall be only for new classes established during the*  
 22 *1996–97 fiscal year pursuant to Chapter 6.10*  
 23 *(commencing with Section 52120 of Part 28 of the*  
 24 *Education Code.*

25 *(d) Pursuant to subdivision (c), the Superintendent of*  
 26 *Public Instruction shall fully fund all applications in order*  
 27 *to ensure that all grade 1 class size reduction facilities are*  
 28 *funded.*

29 *(e) Upon completion of funding all outstanding grade*  
 30 *1 facilities pursuant to subdivision (d), the*  
 31 *Superintendent of Public Instruction shall give first*  
 32 *priority to funding applications of school districts which*  
 33 *were submitted prior to April 1, 1997, but were unfunded.*

34 *(f) To the extent that funds pursuant to subdivision*  
 35 *(b) are insufficient to fully fund applications pursuant to*  
 36 *subdivision (e), the Superintendent of Public Instruction*  
 37 *shall proportionately reduce all district allocations in*  
 38 *order to stay within amounts available for this purpose.*

39 ~~SEC. 4. It is the intent of the Legislature that, out of~~  
 40 ~~the next voter approved general obligation bond act for~~



1 *K-12 facility needs, first priority for allocation of those*  
2 *funds shall be to fund all identified 1996–97 fiscal year*  
3 *class size reduction facilities identified pursuant to*  
4 *subdivision (c), but which were unfunded. It is the intent*  
5 *of the Legislature to ensure that class size reduction*  
6 *pursuant to Chapter 163 of the Statutes of 1996 is*  
7 *implemented.*

8 SEC. 5. This act is an urgency statute necessary for the  
9 immediate preservation of the public peace, health, or  
10 safety within the meaning of Article IV of the  
11 Constitution and shall go into immediate effect. The facts  
12 constituting the necessity are:

13 In order to ensure adequate facilities to implement  
14 class size reduction for all schools qualifying for the Class  
15 Size Reduction Facilities Funding Program in the  
16 1996–97 school year, it is necessary that this act take effect  
17 immediately.

