

AMENDED IN ASSEMBLY MARCH 10, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 167**

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**Introduced by Assembly Members Brewer and Morrissey**  
**(Coauthor: Assembly Member Bustamante)**  
(Coauthor: Senator Costa)

January 27, 1997

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An act to amend Section 46201 of the Education Code, relating to school finance, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 167, as amended, Brewer. School finance.

(1) Existing law establishes the minimum number of schooldays for a school district, as specified, to receive an apportionment based on average daily attendance.

Existing law sets forth a method of providing school districts with financial incentives to lengthen the schoolday and school year. Those financial incentives were added to the respective revenue limits of school districts during the 1984–85, 1985–86, and 1986–87 fiscal years, as specified. School districts that offered an amount of instructional minutes in the 1982–83 fiscal year, that exceeded the minimum number of instructional minutes set forth in the 1986–87 fiscal year, must maintain the actual number of instructional minutes offered in the 1982–83 fiscal year to receive the incentive funding. The Superintendent of Public Instruction is required to reduce the base revenue limit of a school district in any fiscal year

subsequent to a fiscal year in which the school district that received longer day incentive apportionments as part of its revenue limit reduces the amount of instructional time required to receive the apportionments. That reduction also applies to the base revenue limit of a school district required to maintain instructional time at the level maintained in the 1982–83 fiscal year, as specified.

This bill would instead provide that, commencing with the 1990–91 fiscal year and each fiscal year through the 1995–96 fiscal year, for any school district that does not maintain the number of instructional minutes for a particular grade level that the school district maintained for the 1982–83 fiscal year, as adjusted to comply with the maximum instructional day allowed for kindergarten, that school district is not subject to a reduction to its base revenue limit if the school district maintains the minimum number of instructional minutes for each grade level that is set forth for the 1986–87 fiscal year.

This bill would also require the Superintendent of Public Instruction to take any steps necessary, including, but not limited to, adjustments to the respective base revenue limits of those school districts for the 1990–91, 1991–92, 1992–93, 1993–94, or 1994–95 fiscal years, or the 1995–96 fiscal year for districts whose instructional minutes were adjusted to comply with the maximum instructional day allowed for kindergarten, to ensure that those school districts do not have their base revenue limits reduced in the 1990–91 fiscal year, or any fiscal year through the 1994–95 fiscal year, or the 1995–96 fiscal year for districts whose instructional minutes were adjusted to comply with the maximum instructional day allowed for kindergarten, if they maintain, at a minimum, the number of instructional minutes set forth for the 1986–87 fiscal year.

This bill would also provide that certain school districts that failed to maintain the level of instructional minutes required in any of the fiscal years 1990–91 ~~through~~ *to* 1994–95, *inclusive*, *or with respect to a specified school district, fiscal years 1990–91 to 1995–96, inclusive*, and subject to fiscal penalties resulting from audits of instructional minutes, shall pay the required fiscal assessments in equal annual installments over an 8-year period commencing with the 1996–97 fiscal year.



The bill would require the Superintendent of Public Instruction to make the necessary adjustments to facilitate withholding the appropriate amounts from each school district's apportionments. The bill would also provide an additional amount equal to  $\frac{1}{2}$  the amount specified above be withheld from the apportionments to the Graves Elementary School District if the district failed to comply with the 175 day minimum school year, as specified.

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

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

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

1 SECTION 1. Section 46201 of the Education Code is  
2 amended to read:

3 46201. (a) In each of the 1984–85, 1985–86, and  
4 1986–87 fiscal years, for each school district that certifies  
5 to the Superintendent of Public Instruction that it offers  
6 at least the amount of instructional time specified in this  
7 subdivision at a grade level or levels, the Superintendent  
8 of Public Instruction shall determine an amount equal to  
9 twenty dollars (\$20) per unit of current year second  
10 principal apportionment regular average daily  
11 attendance in kindergarten and grades 1 to 8, inclusive,  
12 and forty dollars (\$40) per unit of current year second  
13 principal apportionment regular average daily  
14 attendance in grades 9 to 12, inclusive. This section shall  
15 not apply to adult average daily attendance, the average  
16 daily attendance for pupils attending summer school,  
17 alternative school, regional occupational centers and  
18 programs, continuation high schools, or opportunity  
19 schools, and the attendance of pupils while participating  
20 in community college or independent study programs.

21 (1) In the 1984–85 fiscal year, for kindergarten and  
22 each of grades 1 to 12, inclusive, the sum of subparagraphs  
23 (A) and (B):

24 (A) The number of instructional minutes offered at  
25 that grade level in the 1982–83 fiscal year.



1 (B) One-third of the difference between the number  
2 of minutes specified for that grade level in paragraph (3)  
3 and the number of instructional minutes offered at that  
4 grade level in the 1982–83 fiscal year.

5 (2) In the 1985–86 fiscal year, for kindergarten and  
6 each of grades 1 to 12, inclusive, the sum of subparagraphs  
7 (A) and (B):

8 (A) The number of instructional minutes offered at  
9 that grade level in the 1982–83 fiscal year.

10 (B) Two-thirds of the difference between the number  
11 of minutes specified for that grade level in paragraph (3)  
12 and the number of instructional minutes offered at that  
13 grade level in the 1982–83 fiscal year.

14 (3) In the 1986–87 fiscal year:

15 (A) Thirty-six thousand minutes in kindergarten.

16 (B) Fifty thousand four hundred minutes in grades 1  
17 to 3, inclusive.

18 (C) Fifty-four thousand minutes in grades 4 to 8,  
19 inclusive.

20 (D) Sixty-four thousand eight hundred minutes in  
21 grades 9 to 12, inclusive.

22 (4) In any fiscal year, each school district that receives  
23 an apportionment pursuant to subdivision (a) for average  
24 daily attendance in grades 9 to 12, inclusive, shall offer a  
25 program of instruction that allows each student to receive  
26 at least 24 course years of instruction, or the equivalent,  
27 during grades 9 to 12, inclusive.

28 (5) For any schoolsite at which programs are operated  
29 in more than one of the grade levels enumerated in  
30 subparagraph (B) or (C) of paragraph (3), the school  
31 district may calculate a weighted average of minutes for  
32 those grade levels at that schoolsite for purposes of  
33 making the certification authorized by this subdivision.

34 (b) If any of the amounts of instructional time  
35 specified in paragraph (3) of subdivision (a) is a lesser  
36 number of minutes for that grade level than actually  
37 provided by the district in the same grade in the 1982–83  
38 fiscal year, the 1982–83 fiscal year number of minutes for  
39 that grade level, adjusted to comply with Section 46111,  
40 shall instead be the requirement for the purposes of



1 paragraphs (1), (2), and (3) of subdivision (a).  
2 Commencing with the 1990–91 fiscal year, and each fiscal  
3 year through ~~1995–96~~ *the 1995–96 fiscal year*, any school  
4 district subject to this subdivision that does not maintain  
5 the number of instructional minutes for a particular  
6 grade level that the school district maintained for the  
7 1982–83 fiscal year, adjusted to comply with Section 46111,  
8 shall not be subject to paragraphs (1) to (3), inclusive, of  
9 subdivision (c) if that school district maintains at least the  
10 minimum number of instructional minutes for each  
11 grade level set forth in paragraph (3) of subdivision (a)  
12 in the 1990–91 fiscal year and each fiscal year through  
13 ~~1994–95, or through 1995–96~~ *the 1994–95 fiscal year or the*  
14 *1995–96 fiscal year* for districts whose instructional  
15 minutes were adjusted to comply with Section 46111, and  
16 thereafter returns to the number of instructional minutes  
17 maintained for each grade level in the 1982–83 fiscal year.

18 (c) (1) For any school district that receives an  
19 apportionment pursuant to subdivision (a) in the 1984–85  
20 fiscal year and that reduces the amount of instructional  
21 time offered below the minimum amounts specified in  
22 paragraph (1) of subdivision (a) in the 1985–86 fiscal year  
23 or any fiscal year thereafter, the Superintendent of Public  
24 Instruction shall reduce the base revenue limit per unit  
25 of average daily attendance for the fiscal year in which  
26 the reduction occurs by an amount attributable to the  
27 increase in the 1985–86 fiscal year base revenue limit per  
28 unit of average daily attendance pursuant to paragraph  
29 (4) of subdivision (b) of Section 42238, as adjusted in the  
30 1985–86 fiscal year and fiscal years thereafter.

31 (2) For each school district that receives an  
32 apportionment pursuant to subdivision (a) in the 1985–86  
33 fiscal year and that reduces the amount of instructional  
34 time offered below the minimum amounts specified in  
35 paragraph (2) of subdivision (a) in the 1986–87 fiscal year  
36 or any fiscal year thereafter, the Superintendent of Public  
37 Instruction shall reduce the base revenue limit per unit  
38 of average daily attendance for the fiscal year in which  
39 the reduction occurs by an amount attributable to the  
40 increase in the 1986–87 fiscal year base revenue limit per



1 unit of average daily attendance pursuant to paragraph  
2 (4) of subdivision (b) of Section 42238, as adjusted in the  
3 1986–87 fiscal year and fiscal years thereafter.

4 (3) For each school district that receives an  
5 apportionment pursuant to subdivision (a) in the 1986–87  
6 fiscal year and that reduces the amount of instructional  
7 time offered below the minimum amounts specified in  
8 paragraph (3) of subdivision (a) in the 1987–88 fiscal year  
9 or any fiscal year thereafter, the Superintendent of Public  
10 Instruction shall reduce the base revenue limit per unit  
11 of average daily attendance for the fiscal year in which  
12 the reduction occurs by an amount attributable to the  
13 increase in the 1987–88 fiscal year base revenue limit per  
14 unit of average daily attendance pursuant to paragraph  
15 (4) of subdivision (b) of Section 42238, as adjusted in the  
16 1987–88 fiscal year and fiscal years thereafter.

17 SEC. 2. (a) It is the intent of the Legislature that,  
18 commencing with the 1990–91 fiscal year and each fiscal  
19 year through the 1995–96 fiscal year, for any school district  
20 that is subject to subdivision (b) of Section 46201 of the  
21 Education Code and that failed to maintain the number  
22 of instructional minutes for each grade level that the  
23 school district maintained for the 1982–83 fiscal year, as  
24 adjusted to comply with Section 46111, but that provided,  
25 at a minimum, the number of instructional minutes for  
26 each grade level set forth in paragraph (3) of subdivision  
27 (a) of Section 46201 of the Education Code, that school  
28 district shall not have its base revenue limits for any of  
29 those fiscal years reduced as a result of that failure.

30 (b) The Superintendent of Public Instruction shall  
31 take any steps necessary, including, but not limited to,  
32 adjustments to the base revenue limit of any school  
33 district described in subdivision (a) for any of the  
34 1990–91, 1991–92, 1992–93, 1993–94, or 1994–95 fiscal years,  
35 or the 1995–96 fiscal year for districts whose instructional  
36 minutes were adjusted to comply with Section 46111, to  
37 ensure that any school district described in subdivision  
38 (a) does not have its base revenue limit reduced in the  
39 1990–91 fiscal year, or any fiscal year through 1994–95, or  
40 the 1995–96 fiscal year for districts whose instructional



1 minutes were adjusted to comply with Section 46111, for  
2 failing to maintain the number of instructional minutes  
3 for any grade level that it maintained in the 1982–83 fiscal  
4 year so long as the school district maintained, at a  
5 minimum, the number of instructional minutes for each  
6 grade level set forth in paragraph (3) of subdivision (a)  
7 of Section 46201, and in the 1995–96 fiscal year, or the  
8 1996–97 fiscal year for districts whose instructional  
9 minutes were adjusted to comply with Section 46111,  
10 returns to the number of instructional minutes  
11 maintained for each grade level in the 1982–83 fiscal year.

12 SEC. 3. (a) Notwithstanding Sections 46201, 46202,  
13 and 46206 of the Education Code, the school districts  
14 identified in subdivision (b) which failed to maintain the  
15 level of instructional minutes required in paragraph (3)  
16 of subdivision (a) of Section 46201 of the Education Code  
17 in any of the fiscal years 1990–91 ~~through 1994–95~~ to  
18 *1994–95, inclusive, or with respect to the Ferndale*  
19 *Unified School District, the fiscal years 1990–91 to*  
20 *1995–96, inclusive,* and subject to fiscal penalties resulting  
21 from audits of instructional minutes, shall pay the  
22 required fiscal assessments in equal annual installments  
23 over an eight-year period commencing with the 1996–97  
24 fiscal year. The Superintendent of Public Instruction shall  
25 make the necessary adjustments to facilitate withholding  
26 the appropriate amounts from each school district's  
27 apportionments.

28 (b) The following school districts are subject to  
29 subdivision (a):

- 30 (1) Butte Valley Unified School District.
- 31 (2) Calaveras Unified School District.
- 32 (3) Etna Union High School District.
- 33 (4) *Ferndale Unified School District.*
- 34 (5) Fort Sage Unified School District.
- 35 ~~(5)~~
- 36 (6) Graves Elementary School District.
- 37 ~~(6)~~
- 38 (7) Los Angeles Unified School District.
- 39 ~~(7)~~
- 40 (8) Parlier Unified School District.



1 ~~(8)~~

2 (9) Siskiyou Union High School District.

3 (c) In addition to the amount specified in subdivision  
4 (a), the Graves Elementary School District shall have  
5 one-half the amount specified in subdivision (b) of  
6 Section 41420 of the Education Code withheld from its  
7 apportionments on the same terms as specified in  
8 subdivision (a), if the district failed to comply with the  
9 175 day minimum school year in any school year  
10 described in subdivision (a).

11 SEC. 4. The Legislature finds and declares that, due  
12 to the unique circumstances that would cause financial  
13 hardship for the Butte Valley Unified School District,  
14 Calaveras Unified School District, Etna Union High  
15 School District, *Ferndale Unified School District*,  
16 Fieldbrook Elementary School District, Fort Sage  
17 Unified School District, Graves Elementary School  
18 District, La Honda Pescadero Unified School District, Los  
19 Angeles Unified School District, Parlier Unified School  
20 District, Santa Ana Unified School District, Siskiyou  
21 Union High School District, and Terra Bella Elementary  
22 School District, a general statute cannot be made  
23 applicable within the meaning of Section 16 of Article IV  
24 of the California Constitution.

25 SEC. 5. This act is an urgency statute necessary for the  
26 immediate preservation of the public peace, health, or  
27 safety within the meaning of Article IV of the  
28 Constitution and shall go into immediate effect. The facts  
29 constituting the necessity are:

30 In order to relieve as soon as possible the potential  
31 financial hardship of the school districts specified in  
32 Section 4 of this act, it is necessary that this act take effect  
33 immediately.

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