

**ASSEMBLY BILL**

**No. 544**

---

---

**Introduced by Assembly Member Lempert**

February 25, 1997

---

---

An act to amend Sections 52122, 52123, and 52126 of the Education Code, relating to class size reduction.

LEGISLATIVE COUNSEL'S DIGEST

AB 544, as introduced, Lempert. Class size reduction.

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. Existing law establishes 2 options under which a school district may apply for program funding. Under Option One, the Superintendent of Public Instruction is required to apportion to each applicant school district an amount equal to \$650 per each pupil enrolled in classes participating in the program, as specified, for class size reduction, provided the school district certifies that it has met certain requirements. Under Option Two, the superintendent is required to apportion an amount equal to \$325 per each pupil enrolled in each class that is reduced, as specified, for at least 1/2 of the instructional minutes offered per day.

This bill would establish a third option under which school districts may apply for program funding. Under Option Three, the superintendent would be required to apportion an amount equal to \$325 per each pupil enrolled in classes participating in the program that have one full-time

certificated teacher and one full-time instructional aide per each class of not more than 30 pupils. The bill would specify the criteria for instructional aides, and require participating school districts to adopt a protocol for the use of these instructional aides. The bill would require participating school districts to provide staff development for both the instructional aides and supervising teachers that includes training in the implementation of the district-adopted protocol. This bill would require the Superintendent of Public Instruction to evaluate the effectiveness of the use of instructional aides and smaller class sizes.

This bill would also make conforming changes to related provisions of law.

Vote: majority. 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 52122 of the Education Code is  
2 amended to read:

3 52122. (a) Except as otherwise provided by Section  
4 52123, any school district that maintains any kindergarten  
5 or any of grades 1 to 3, inclusive, may apply to the  
6 Superintendent of Public Instruction for an  
7 apportionment to implement a class size reduction  
8 program in that school district in any kindergarten or any  
9 of grades 1 to 3, inclusive.

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

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

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

17 (A) Option One: A school district shall provide a  
18 reduced class size for all pupils in each classroom for the  
19 full regular schoolday in each grade level for which  
20 funding is claimed. For the purposes of this chapter, “full  
21 regular schoolday” means a substantial majority of the  
22 instructional minutes per day, but shall permit limited



1 periods of time during which pupils are brought together  
2 for a particular phase of education in groups that are  
3 larger than 20 pupils per certificated teacher. It is the  
4 intent of the Legislature that those limited periods of time  
5 be kept to a minimum and that instruction in reading and  
6 mathematics not be delivered during those limited  
7 periods of time. For the purposes of this subparagraph,  
8 class size shall be determined in the same manner as  
9 provided in Sections 41376 and 41378 and any *related*  
10 rules or regulations ~~related thereto~~ adopted by the  
11 Superintendent of Public Instruction prior to July 1, 1996.

12 (B) Option Two: A school district shall provide a  
13 reduced class size for all pupils in each classroom for at  
14 least one-half of the instructional minutes offered per day  
15 in each grade level for which funding is claimed. School  
16 districts selecting this option shall primarily devote those  
17 instructional minutes to the subject areas of reading and  
18 mathematics. For the purposes of this subparagraph, class  
19 size for each class participating in the program shall be  
20 determined in the same manner as provided in Sections  
21 41376 and 41378 and any related rules or regulations  
22 adopted by the Superintendent of Public Instruction  
23 prior to July 1, 1996.

24 (C) *Option Three: A school district shall provide a*  
25 *reduced class size for all pupils in each classroom in each*  
26 *grade level for which funding is claimed by having a*  
27 *pupil-to-instructor ratio of 15 to 1 that is achieved by*  
28 *having in each classroom one full-time certificated*  
29 *teacher providing direct instructional services and one*  
30 *full-time instructional aide for a class size of not more than*  
31 *30 pupils.*

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



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

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

20 SEC. 2. Section 52123 of the Education Code is  
21 amended to read:

22 52123. A school district’s application for funding to  
23 implement a program pursuant to this chapter shall  
24 include the district’s certification of each of the following  
25 items as a condition to receiving any apportionment  
26 under Section 52126:

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

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



1 the full regular day that the pupil is enrolled in  
2 independent study pursuant to that article. Charter  
3 schools may not claim funding pursuant to this chapter for  
4 any pupil who is enrolled in a program of home-study for  
5 the full regular schoolday nor may charter schools claim  
6 funding for any pupil for any portion of the full regular  
7 schoolday that the pupil is enrolled in a program of  
8 home-study.

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

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

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

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

35 (g) Commencing with the 1997–98 school year and  
36 each school year thereafter, certification that each class  
37 reduced pursuant to this chapter is housed in either a  
38 separate, self-contained classroom or that the space of  
39 each such class for each grade level at that schoolsite  
40 provides a square footage per pupil enrolled in each such



1 class that is not less than the average square footage per  
2 pupil enrolled in those grade levels at that schoolsite in  
3 the 1995–96 school year.

4 *(h) Certification, for each school district choosing*  
5 *Option Three pursuant to subparagraph (C) of*  
6 *paragraph (2) of subdivision (b) of Section 51222, of all of*  
7 *the following:*

8 *(1) That each instructional aide employed for*  
9 *purposes of this chapter has either completed a program*  
10 *of postsecondary education resulting in an associates of*  
11 *arts degree or higher, or has passed a competency*  
12 *assessment that has been approved by the Commission on*  
13 *Teacher Credentialing pursuant to Section 44225.*

14 *(2) That the school district has developed a protocol*  
15 *for the use of instructional aides in kindergarten and*  
16 *grades 1 to 3, inclusive.*

17 *(3) That the instructional aides and the supervising*  
18 *teachers have had staff development that includes*  
19 *training in the implementation of the district adopted*  
20 *protocol.*

21 SEC. 3. Section 52126 of the Education Code is  
22 amended to read:

23 52126. The amount of funding that each school district  
24 implementing a Class Size Reduction Program pursuant  
25 to this chapter is eligible to receive shall be computed as  
26 follows:

27 (a) If a school district applies to participate in Option  
28 One, pursuant to subparagraph (A) of paragraph (2) of  
29 subdivision (b) of Section 52122, the Superintendent of  
30 Public Instruction shall apportion to the applicant school  
31 district an amount equal to six hundred fifty dollars  
32 (\$650) for each pupil actually enrolled in the classes in  
33 which the school district implements the program, except  
34 that the maximum number of pupils for which a school  
35 district may claim funding for any class shall not exceed  
36 20. The number of pupils claimed pursuant to this  
37 subdivision shall be pupils actually enrolled in classes  
38 participating in the Class Size Reduction Program and  
39 shall not be based on the average size of the classes for any  
40 grade levels for which funding is claimed.



1 (b) If a school district applies to participate in Option  
2 Two, pursuant to subparagraph (B) of paragraph (2) of  
3 subdivision (b) of Section 52122, the Superintendent of  
4 Public Instruction shall apportion to the applicant school  
5 district an amount equal to three hundred twenty-five  
6 dollars (\$325) per pupil actually enrolled in the classes in  
7 which the school district implements the program, except  
8 that the number of pupils in any class for which a school  
9 district may claim funding for the instructional minutes  
10 offered shall not exceed 20. The number of pupils claimed  
11 pursuant to this subdivision shall be pupils actually  
12 enrolled in classes participating in the Class Size  
13 Reduction Program and shall not be based on the average  
14 size of the classes for any grade levels for which funding  
15 is claimed.

16 (c) *If a school district applies to participate in Option*  
17 *Three, pursuant to subparagraph (C) of paragraph (2) of*  
18 *subdivision (b) of Section 52122, the Superintendent of*  
19 *Public Instruction shall apportion to the applicant school*  
20 *district an amount equal to three hundred twenty-five*  
21 *dollars (\$325) for each pupil actually enrolled in the*  
22 *classes in which the school district implements the*  
23 *program, except that the number of pupils in any class for*  
24 *which a school district may claim funding shall not exceed*  
25 *30. The number of pupils claimed pursuant to this*  
26 *subdivision shall be pupils actually enrolled in classes*  
27 *participating in the Class Size Reduction Program and*  
28 *shall not be based on the average size of classes for any*  
29 *grade levels for which funding is claimed.*

30 (d) The per pupil amount set forth in subdivisions (a)  
31 and (b) shall be increased annually for inflation by the  
32 percentage change determined pursuant to subdivision  
33 (b) of Section 42238.1.

34 ~~(d)~~

35 (e) The Superintendent of Public Instruction shall  
36 only apportion funds to a school district upon certification  
37 that its class size reduction program has been  
38 implemented for that fiscal year.

39 ~~(e)~~



1 (f) It is the intent of the Legislature that the total  
2 statewide amount computed for the purposes of this  
3 chapter pursuant to this section, commencing with the  
4 1997-98 fiscal year, be appropriated to the  
5 Superintendent of Public Instruction in the annual  
6 Budget Act.

7 SEC. 4. The Superintendent of Public Instruction  
8 shall evaluate the educational effectiveness of the use of  
9 instructional aides used pursuant to subparagraph (C) of  
10 paragraph (2) of subdivision (b) of Section 52122 of the  
11 Education Code, and the effectiveness of small class sizes  
12 under the Class Size Reduction Program.

