

Assembly Bill No. 1639

CHAPTER 743

An act to add Section 37252.5 to the Education Code, relating to summer school, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 22, 1998. Filed
with Secretary of State September 23, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1639, Sweeney. Schools: mandatory summer school: required intensive instructional programs.

(1) Existing law requires the governing board of each school district maintaining any or all of grades 7 to 12, inclusive, to offer summer school instructional programs for pupils enrolled in grades 7 to 12, inclusive, who were assessed as not meeting the school district's adopted standards of proficiency in basic skills.

This bill would require the governing board of each school district maintaining any or all of grades 2 to 6, inclusive, to offer programs of direct, systematic, and intensive supplemental instruction to pupils enrolled in grades 2 to 6, inclusive, who have been retained pursuant to specified provisions of law. The bill would authorize a school district to require a pupil who has been retained to participate in that supplemental instructional program. The bill would require the school district to provide a mechanism whereby a parent or guardian may decline to enroll his or her child in the program. The bill would also authorize the governing board of each school district maintaining any or all of grades 2 to 6, inclusive, to offer programs of direct, systematic, and intensive supplemental instruction to pupils with low mathematics, reading, or written expression scores to allow those pupils to achieve proficiency in standards adopted by the State Board of Education. The bill would prescribe the priority for offering those instructional services to pupils and would prescribe criteria for funding these programs. By imposing new duties on school districts regarding the provision of supplemental instruction programs, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(3) 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 37252.5 is added to the Education Code, to read:

37252.5. (a) The governing board of each district maintaining any or all of grades 2 to 9, inclusive, shall offer programs of direct, systematic, and intensive supplemental instruction to pupils enrolled in grades 2 to 9, inclusive, who have been retained pursuant to Section 48070.5, as added by Assembly Bill 1626 of the 1997–98 Regular Session. A school district may require a pupil who has been retained to participate in supplemental instructional programs. Notwithstanding the requirements of this section, the school district shall provide a mechanism for a parent or guardian to decline to enroll his or her child in the program. Attendance in supplemental instructional programs shall not be compulsory within the meaning of Section 48200.

(b) The governing board of each district maintaining any or all of grades 2 to 6, inclusive, may offer programs of direct, systematic, and intensive supplemental instruction to pupils enrolled in grades 2 to 6, inclusive, with low mathematics, reading, or written expression scores to allow those pupils to achieve proficiency in standards adopted by the State Board of Education. Services offered pursuant to this subdivision shall be provided to pupils in the following priority order:

(1) Pupils who have been recommended for retention or who have been identified as being at risk of retention pursuant to Section 48070.5, as added by Assembly Bill 1626 of the 1997–98 Regular Session, or school district policies.

(2) Pupils who have been identified as having a deficiency in mathematics, reading, or written expression based on the results of the tests administered under the Standardized Testing and Reporting Program established pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33.

(c) Supplemental educational services pursuant to subdivisions (a) and (b) shall be offered during the summer, after school, on Saturdays, or during intersession, or in a combination of summer school, after school, Saturday, or intersession instruction. Services shall not be provided during the pupil's regular instructional day if it would result in the pupil being removed from classroom instruction in the core curriculum.



(d) For purposes of this section, a pupil shall be considered to be enrolled in a grade immediately upon completion of the preceding grade. Summer school instruction may also be offered to pupils who were enrolled in grade 6 during the prior fiscal year after the completion of grade 6. For ninth grade pupils identified in subdivision (a), summer school instruction may also be offered to pupils who were enrolled in grade 9 during the prior fiscal year after the completion of grade 9.

(e) Each school district shall use results from tests administered under the Standardized Testing and Reporting Program, established pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 or other evaluative criteria to identify eligible pupils pursuant to subdivision (b).

(f) An intensive remedial program in reading or written expression offered pursuant to this section shall, as needed, include instruction in phoneme awareness, systematic explicit phonics and decoding, word attack skills, spelling and vocabulary, explicit instruction of reading comprehension, writing, and study skills.

(g) Each school district shall seek the active involvement of parents and classroom teachers in the development and implementation of supplemental instructional programs provided pursuant to this section.

(h) It is the intent of the Legislature that pupils who are at risk of failing to meet state adopted standards, or who are at risk of retention, be identified as early in the school year, and as early in their school careers as possible and be provided the opportunity for supplemental instruction sufficient to assist them in attaining expected levels of academic achievement.

(i) (1) The maximum amount of funding for the purposes of programs offered pursuant to this section to serve pupils in grades 2 to 6, inclusive, shall not exceed 10 percent of the statewide total enrollment in grades 2 to 6, inclusive, for the prior fiscal year multiplied by 120 hours, multiplied by the hourly rate for the current fiscal year determined pursuant to subdivision (c) of Section 42239, as added by Senate Bill 1370 of the 1997-98 Regular Session (hereafter Section 42239). Any funding provided for the purposes of this section shall first be used by the district to provide services required pursuant to subdivision (a), and shall be allocated in the following manner:

(A) Notwithstanding subdivision (e) of Section 42239, a school district that offers instruction pursuant to subdivisions (a) and (b) to serve pupils in grades 2 to 6, inclusive, shall be entitled to receive an additional reimbursement in an amount up to 5 percent of the district's total enrollment in grades 2 to 6, inclusive, for the prior fiscal year multiplied by 120 hours, multiplied by the hourly rate for the current fiscal year determined pursuant to subdivision (c) of Section 42239.



(B) The balance of the appropriation made for the purposes of funding programs offered pursuant to this section to serve pupils in grades 2 to 6, inclusive, shall be allocated for reimbursement for pupil attendance in instruction pursuant to subdivisions (a) and (b) that is in excess of 5 percent of the district's enrollment for the prior year in grades 2 to 6, inclusive, multiplied by 120 hours, multiplied by the hourly rate for the current fiscal year determined pursuant to subdivision (c) of Section 42239.

(2) If the funds claimed by school districts pursuant to subparagraph (B) of paragraph (1) of this subdivision exceed the available balance of the appropriation made for the purposes of funding programs offered pursuant to this section in paragraph (1) of this subdivision after the minimum allocation to eligible districts has been made pursuant to subparagraph (A) of paragraph (1) of this subdivision, the allocation of the balance shall be prorated based on each district's share of the total additional hours of instruction offered pursuant to subparagraph (B) of paragraph (1) of this subdivision.

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 3. 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 to implement the intensive supplemental instruction programs established by this act as expeditiously as possible, it is necessary that this measure take effect immediately.

