

AMENDED IN SENATE MARCH 13, 1997  
AMENDED IN SENATE MARCH 6, 1997  
AMENDED IN SENATE FEBRUARY 25, 1997

**SENATE BILL**

**No. 50**

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**Introduced by Senator O'Connell**  
**(Coauthors: Senators Dills, McPherson, Peace, Rosenthal,**  
**and Watson)**  
(Coauthors: Assembly Members Bowen, Cardoza, Kuehl,  
Machado, and Sweeney)

December 2, 1996

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An act to amend Sections 52080, 52084, 52086, 52122, 52123, 52124, and 52126 of, *and to repeal Section 52090 of*, the Education Code, relating to class size reduction.

LEGISLATIVE COUNSEL'S DIGEST

SB 50, as amended, O'Connell. Class size reduction.

(1) *Existing law, the Morgan-Hart Class Size Reduction Act of 1989, establishes the Program to Reduce Class Size in Grades 9 to 12, inclusive, requires the program to include only one grade level in the first fiscal year of implementation, and authorizes other grade levels to be phased in in subsequent years. Existing law requires all courses that count toward completion of the graduation requirements and that are taught in any of the English, mathematics, social studies, or science departments in the grade level or levels that are included in the program to average no more than 20 pupils per certificated teacher, per class in the subject selected for state reimbursement. Existing law authorizes a school district*

*to achieve that average with a 50% improvement toward that goal for the first fiscal year of funding for which a subject is chosen in a particular grade level. Existing law requires the Superintendent of Public Instruction to apportion available funds on a pro rata basis by applying a deficit factor to the apportionment calculated for each applicant district if the funds appropriated by the Budget Act for the purposes of funding the Program to Reduce Class Size in Grades 9 to 12, inclusive, are insufficient to fully fund the program in any fiscal year.*

*This bill would change the name of the Morgan-Hart Class Size Reduction Act of 1989 to the Morgan-Hart-O'Connell Class Size Reduction Act of 1997. The bill would authorize more than one grade level to be included in the program in the first fiscal year of implementation and would limit the program to courses that count toward completion of the graduation requirements and that are taught in the English and mathematics departments. The bill would require any program that includes courses other than English and mathematics and that was funded before December 31, 1997, to continue to be funded for those other courses. The bill would eliminate the option of achieving an average of no more than 20 pupils per certificated teacher, per class in the subject selected for state reimbursement with a 50% improvement toward that goal for the first fiscal year of funding for which a subject is chosen in a particular grade level. The bill would repeal the provision that requires the Superintendent of Public Instruction to apportion available funds on a pro rata basis if the funds appropriated are insufficient to fully fund the program in any fiscal year.*

(2) Existing law establishes ~~the~~ a 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. A school district establishing a class size reduction program with funds from the program is required to reduce class size at each schoolsite according to specified priorities, with up to 3 grade levels reduced at each schoolsite. If only one grade level is reduced at a schoolsite, the grade level must be grade 1. If only 2 grade levels are reduced at a schoolsite, the grade ~~level~~ levels must



be grades 1 and 2. If 3 grade levels are reduced at a schoolsite, the grade levels must be kindergarten and grades 1 and 2 or grades 1 to 3, inclusive. Up to 4 grade levels may be reduced at a schoolsite if funds are appropriated expressly for that purpose.

This bill would provide that if 4 grade levels at a schoolsite are reduced pursuant to the program, those grade levels must be kindergarten and grades 1 to 3, inclusive.

(2)

(3) Existing law establishes 2 options under which a school district may apply for program funding *to reduce class size in kindergarten and grades 1 to 3, inclusive*. 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  $\frac{1}{2}$  of the instructional minutes offered per day.

This bill would change the amount the superintendent is required to apportion under Option One and Option Two to \$800 and \$400, respectively.

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*This* bill would also establish a third option under which school districts may apply for program funding *to reduce class size in kindergarten and grades 1 to 3, inclusive*. Under Option Three, the superintendent would be required to apportion an amount equal to \$400 per each pupil enrolled in classes participating in the program that have one full-time certificated teacher and one full-time instructional aide, with training as specified, per each class of not more than 30 pupils.

(4) *Existing law requires the number of pupils claimed for funding to reduce class size in kindergarten and grades 1 to 3, inclusive, to be the number of pupils actually enrolled in classes participating in the Class Size Reduction Program and prohibits that number from being based on the average size of the classes for any grade levels for which funding is claimed.*



*This bill would instead permit that number, for classes reduced under Options One and Two to be based upon an average of 20 pupils, provided that the average is computed on an individual school basis and not on a districtwide basis. The bill would permit the average to be the average of each grade level reduced at a schoolsite under the program. The bill would require the number of pupils claimed for funding under Option Three to be the number of pupils actually enrolled in classes reduced under that option.*

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*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 52080 of the Education Code is*  
2 *amended to read:*

3 52080. This chapter shall be known and may be cited  
4 as the ~~Morgan-Hart~~ *Morgan-Hart-O'Connell Class Size*  
5 *Reduction Act of 1989 1997.*

6 SEC. 2. *Section 52084 of the Education Code is*  
7 *amended to read:*

8 52084. A school district's application to implement a  
9 program pursuant to this chapter shall comprise the  
10 following:

11 (a) Certification of the grade level *or grade levels* to  
12 be included in the program ~~for the first fiscal year of~~  
13 ~~implementation, during which only one grade level may~~  
14 ~~be certified, or, for any subsequent fiscal year, of the~~  
15 ~~grade level to be added to the program, for the fiscal year~~  
16 ~~for which funding is sought. No more than one additional~~  
17 ~~grade level shall be added to the program in any one fiscal~~  
18 ~~year. That. Once a grade level is included in the program,~~  
19 *that* grade level shall continue to be included in the  
20 program in subsequent fiscal years for which an  
21 apportionment is sought.

22 (b) Certification that all courses that count toward  
23 completion of the graduation requirements established in



1 Section 51225.3 and that are taught in ~~any of the English,~~  
2 ~~or mathematics, social studies, or science departments~~  
3 ~~department~~ in the grade level or levels designated  
4 pursuant to subdivision (a) shall on the average be no  
5 more than 20 pupils, per certificated teacher, per class in  
6 the subject selected for state reimbursement. ~~For the first~~  
7 ~~fiscal year of funding for which a subject is chosen in a~~  
8 ~~particular grade level, a school district may certify a pupil~~  
9 ~~load that represents a 50 percent improvement toward~~  
10 ~~the goal of an average of 20 pupils, per certificated~~  
11 ~~teacher, per class for the 1988-89 fiscal year calculated by~~  
12 ~~subject area selected for state funding.~~ Once a  
13 department has been designated pursuant to this  
14 subdivision, it shall remain in the program as ~~additional~~  
15 ~~departments~~ *are the other department is* added in  
16 subsequent fiscal years.

17 (c) Certification of pupil enrollment as of October of  
18 the prior fiscal year in each grade level designated  
19 pursuant to subdivision (a). For purposes of this  
20 subdivision, the enrollment figure shall equal total  
21 enrollment minus the sum of the following:

22 (1) The number of special education pupils enrolled in  
23 special day classes on a full-time basis.

24 (2) The number of pupils enrolled in necessary small  
25 schools that receive funding pursuant to Article 4  
26 (commencing with Section 42280) of Chapter 7 of Part 24.

27 (d) If, in any subsequent fiscal year for which an  
28 apportionment is sought, the district certifies that the  
29 program in a particular grade level designated pursuant  
30 to subdivision (a) will be expanded to include courses  
31 required for graduation taught in the ~~departments~~  
32 ~~department~~ not previously designated pursuant to  
33 subdivision (b), the enrollment figure obtained pursuant  
34 to subdivision (c) for that grade level shall be increased  
35 proportionately for that fiscal year and each fiscal year  
36 thereafter for which an apportionment is sought.

37 (e) A district shall also certify, as a condition for the  
38 continued receipt of state apportionments pursuant to  
39 Section 52086, that the district has maintained all class size  
40 reductions accomplished through previous



1 apportionments under this chapter. The district's  
2 certification shall include a statement that  
3 implementation of a class size reduction program  
4 pursuant to this chapter has not adversely affected  
5 existing class size in courses not referenced in this  
6 chapter.

7 (f) While it is the intent of the Legislature that this  
8 program not increase the need for additional classroom  
9 facilities, a school district may utilize any funds  
10 apportioned pursuant to Section 52086 for the purpose of  
11 leasing additional classroom space in order to reduce  
12 overcrowded classroom conditions and to reduce  
13 pupil-to-teacher ratios.

14 (g) *Any program that includes courses other than*  
15 *English and mathematics and that was funded before*  
16 *December 31, 1997, shall continue to be funded for those*  
17 *other courses.*

18 *SEC. 3. Section 52086 of the Education Code is*  
19 *amended to read:*

20 52086. (a) The Superintendent of Public Instruction  
21 shall apportion to each applicant district an amount equal  
22 to two hundred fifty dollars (\$250) per unit of enrollment  
23 reported pursuant to subdivision (c) or (d) of Section  
24 52084 if the district certifies an average class size of 20  
25 pupils. ~~If a district uses the alternate option of reducing~~  
26 ~~class size via two stepdown increments pursuant to~~  
27 ~~subdivision (b) of Section 52084, the district shall receive~~  
28 ~~an amount equal to one hundred twenty-five dollars~~  
29 ~~(\$125) per unit of enrollment for each increment, which~~  
30 ~~shall be increased to a total of two hundred fifty dollars~~  
31 ~~(\$250) commencing with the fiscal year in which the~~  
32 ~~district certifies an average class size of 20 pupils.~~

33 (b) Funds apportioned pursuant to this section shall  
34 not become part of a district's revenue limit, and shall be  
35 identified as a separate item of expenditure on any  
36 financial reports filed by school districts with the state  
37 pursuant to statute or regulation.

38 *SEC. 4. Section 52090 of the Education Code is*  
39 *repealed.*



1 ~~52090. In any fiscal year, if the funds appropriated for~~  
2 ~~the purposes of this chapter by the Budget Act are~~  
3 ~~insufficient to fully fund the program pursuant to the~~  
4 ~~formula established in Section 52086, the Superintendent~~  
5 ~~of Public Instruction shall apportion the available funds~~  
6 ~~on a pro rata basis by applying a deficit factor to the~~  
7 ~~apportionment calculated for each applicant district~~  
8 ~~pursuant to Section 52086.~~

9 *SEC. 5.* Section 52122 of the Education Code is  
10 amended to read:

11 52122. (a) Except as otherwise provided by Section  
12 52123, for the 1996–97 fiscal year and for each fiscal year  
13 thereafter, any school district that maintains any  
14 kindergarten or any of grades 1 to 3, inclusive, may apply  
15 to the Superintendent of Public Instruction for an  
16 apportionment to implement a class size reduction  
17 program in that school district in any of those grades, as  
18 provided in this chapter.

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

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

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

26 (A) Option One: A school district shall provide a  
27 reduced class size for all pupils in each classroom for the  
28 full regular schoolday in each grade level for which  
29 funding is claimed. For the purposes of this chapter, “full  
30 regular schoolday” means a substantial majority of the  
31 instructional minutes per day, but shall permit limited  
32 periods of time during which pupils are brought together  
33 for a particular phase of education in groups that are  
34 larger than 20 pupils per certificated teacher. It is the  
35 intent of the Legislature that those limited periods of time  
36 be kept to a minimum and that instruction in reading and  
37 mathematics not be delivered during those limited  
38 periods of time. For the purposes of this subparagraph,  
39 class size shall be determined in the same manner as  
40 provided in Sections 41376 and 41378 and any related



1 rules or regulations adopted by the Superintendent of  
2 Public Instruction prior to July 1, 1996.

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

15 (C) Option Three: A school district shall provide a  
16 reduced class size for all pupils in each classroom in each  
17 grade level for which funding is claimed by having a  
18 pupil-to-instructor ratio of 15 to one that is achieved by  
19 having in each classroom one full-time certificated  
20 teacher providing direct instructional services and one  
21 full-time instructional aide for a class size of not more than  
22 30 pupils.

23 (c) A school district that intends to implement a Class  
24 Size Reduction Program for the 1996–97 school year shall  
25 submit an application for funds pursuant to this chapter  
26 to the Superintendent of Public Instruction not later than  
27 November 1, 1996. To receive the total amount of funding  
28 for which the school district is eligible pursuant to Section  
29 52126, a school district shall implement the Class Size  
30 Reduction Program by February 16, 1997, within the  
31 meaning of paragraph (2) of subdivision (b).

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

39 (e) Any school district that chooses to reduce class size  
40 through the use of an early-late instructional program is



1 ineligible to also use Section 46205, relating to the  
2 computation of instructional time for purposes of the  
3 Incentive for Longer Instructional Day and Year, in any  
4 grade level for which class size reduction funding is  
5 received pursuant to this chapter. However, any school  
6 district that operated under Section 46205 prior to July 1,  
7 1996, may receive class size reduction funding pursuant  
8 to Option One in any grade level for which class size  
9 reduction funding would otherwise be received pursuant  
10 to Option One.

11 ~~SEC. 2.—~~

12 *SEC. 6.* Section 52123 of the Education Code is  
13 amended to read:

14 52123. A school district's application for funding to  
15 implement a program pursuant to this chapter shall  
16 include the district's certification of each of the following  
17 items as a condition to receiving any apportionment  
18 under Section 52126:

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

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



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

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

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

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

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

36 (h) Certification, for each school district choosing  
37 Option Three pursuant to subparagraph (C) of  
38 paragraph (2) of subdivision (b) of Section 51222, of both  
39 of the following:



1 (1) That each instructional aide employed for  
2 purposes of this chapter has either completed a program  
3 of postsecondary education, comparable to the training  
4 required by Article 7.5 (commencing with Section 45350)  
5 of Chapter 5 of Part 25, resulting in an associate of arts  
6 degree or higher, or has passed a competency assessment  
7 that has been approved by the Commission on Teacher  
8 Credentialing pursuant to Section 44225.

9 (2) That the school district has developed a protocol  
10 for the use of instructional aides in reading and math  
11 instruction for kindergarten and grades 1 to 3, inclusive.

12 ~~SEC. 3.—~~

13 *SEC. 7.* Section 52124 of the Education Code is  
14 amended to read:

15 52124. (a) Any school district that implements a  
16 Class Size Reduction Program pursuant to this chapter is  
17 subject to this section.

18 (b) A school district may establish a program to reduce  
19 class size for the 1996–97 fiscal year, and for each fiscal  
20 year thereafter, in kindergarten and grades 1 to 3,  
21 inclusive, and that program shall be implemented at each  
22 schoolsite in accordance with the following priorities:

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

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

27 (3) If three grade levels are reduced at a schoolsite, the  
28 grade levels shall be kindergarten and grades 1 and 2 or  
29 grades 1 to 3, inclusive. First priority shall be given to  
30 reducing class sizes in grades 1 and 2 before the class sizes  
31 of kindergarten or grade 3 are reduced.

32 (4) If four grade levels are reduced at a schoolsite, the  
33 grade levels shall be kindergarten and grades 1 to 3,  
34 inclusive. First priority shall be given to reducing class  
35 sizes in grades 1 and 2 and second priority shall be given  
36 to reducing class size in kindergarten and grade 3. This  
37 paragraph shall be operative in the 1996–97 fiscal year  
38 only if funds are appropriated expressly for the purposes  
39 of this paragraph.



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

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

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

37 ~~SEC. 4.—~~

38 SEC. 8. Section 52126 of the Education Code is  
39 amended to read:



1 52126. The amount of funding that each school district  
2 implementing a Class Size Reduction Program pursuant  
3 to this chapter is eligible to receive shall be computed as  
4 follows:

5 (a) If a school district applies to participate in Option  
6 One, pursuant to subparagraph (A) of paragraph (2) of  
7 subdivision (b) of Section 52122, the Superintendent of  
8 Public Instruction shall apportion to the applicant school  
9 district an amount equal to eight hundred dollars (\$800)  
10 for each pupil actually enrolled in the classes in which the  
11 school district implements the program, except that the  
12 maximum number of pupils for which a school district  
13 may claim funding for any class shall not exceed 20. The  
14 number of pupils claimed pursuant to this subdivision  
15 shall be *the number of* pupils actually enrolled in classes  
16 participating in the Class Size Reduction Program. That  
17 number may be based upon an average of 20 pupils  
18 provided that the average is computed on an individual  
19 school basis and not on a districtwide basis. The average  
20 may be the average ~~of all the grade levels~~ *of each grade*  
21 *level* reduced at a schoolsite pursuant to this chapter.

22 (b) If a school district applies to participate in Option  
23 Two, pursuant to subparagraph (B) of paragraph (2) of  
24 subdivision (b) of Section 52122, the Superintendent of  
25 Public Instruction shall apportion to the applicant school  
26 district an amount equal to four hundred dollars (\$400)  
27 for each pupil actually enrolled in the classes in which the  
28 school district implements the program, except that the  
29 number of pupils in any class for which a school district  
30 may claim funding for the instructional minutes offered  
31 shall not exceed 20. The number of pupils claimed  
32 pursuant to this subdivision shall be *the number of* pupils  
33 actually enrolled in classes participating in the Class Size  
34 Reduction Program. That number may be based upon an  
35 average of 20 pupils provided that the average is  
36 computed on an individual school basis and not on a  
37 districtwide basis. The average may be the average ~~of all~~  
38 ~~the grade levels~~ *of each grade level* reduced at a  
39 schoolsite pursuant to this chapter.



1 (c) If a school district applies to participate in Option  
2 Three, pursuant to subparagraph (C) 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 four hundred dollars (\$400)  
6 for each pupil actually enrolled in the classes in which the  
7 school district implements the program, except that the  
8 number of pupils in any class for which a school district  
9 may claim funding shall not exceed 30. The number of  
10 pupils claimed pursuant to this subdivision shall be *the*  
11 *number of* pupils actually enrolled in classes participating  
12 in the Class Size Reduction Program.

13 (d) The per pupil amount set forth in subdivisions (a),  
14 (b), and (c) shall be increased annually for inflation by  
15 the percentage change determined pursuant to  
16 subdivision (b) of Section 42238.1.

17 (e) The Superintendent of Public Instruction shall  
18 only apportion funds to a school district upon certification  
19 that its class size reduction program has been  
20 implemented for that fiscal year.

21 (f) It is the intent of the Legislature that the total  
22 statewide amount computed for the purposes of this  
23 chapter pursuant to this section, commencing with the  
24 1997-98 fiscal year, be appropriated to the  
25 Superintendent of Public Instruction in the annual  
26 Budget Act.

