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AMENDED IN SENATE APRIL 1, 1997
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AMENDED IN SENATE MARCH 6, 1997
AMENDED IN SENATE FEBRUARY 25, 1997

SENATE BILL

No. 50

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

An act to amend Sections 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 during 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 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 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 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.

(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.

(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, in accordance with specified criteria, 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.

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 52084 of the Education Code is
 2 amended to read:
 3 52084. A school district’s application to implement a
 4 program pursuant to this chapter shall comprise the
 5 following:
 6 (a) Certification of the grade level or grade levels to
 7 be included in the program. Once a grade level is
 8 included in the program, that grade level shall continue
 9 to be included in the program in subsequent fiscal years
 10 for which an apportionment is sought.
 11 (b) Certification that all courses that count toward
 12 completion of the graduation requirements established in
 13 Section 51225.3 and that are taught in the English or
 14 mathematics department in the grade level or levels
 15 designated pursuant to subdivision (a) shall on the
 16 average be no more than 20 pupils, per certificated
 17 teacher, per class in the subject selected for state
 18 reimbursement. Once a department has been designated
 19 pursuant to this subdivision, it shall remain in the
 20 program as the other department is added in subsequent
 21 fiscal years.
 22 (c) Certification of pupil enrollment as of October of
 23 the prior fiscal year in each grade level designated
 24 pursuant to subdivision (a). For purposes of this
 25 subdivision, the enrollment figure shall equal total
 26 enrollment minus the sum of the following:
 27 (1) The number of special education pupils enrolled in
 28 special day classes on a full-time basis.
 29 (2) The number of pupils enrolled in necessary small
 30 schools that receive funding pursuant to Article 4
 31 (commencing with Section 42280) of Chapter 7 of Part 24.
 32 (d) If, in any subsequent fiscal year for which an
 33 apportionment is sought, the district certifies that the
 34 program in a particular grade level designated pursuant
 35 to subdivision (a) will be expanded to include courses



1 required for graduation taught in the department not
2 previously designated pursuant to subdivision (b), the
3 enrollment figure obtained pursuant to subdivision (c)
4 for that grade level shall be increased proportionately for
5 that fiscal year and each fiscal year thereafter for which
6 an apportionment is sought.

7 (e) A district shall also certify, as a condition for the
8 continued receipt of state apportionments pursuant to
9 Section 52086, that the district has maintained all class size
10 reductions accomplished through previous
11 apportionments under this chapter. The district's
12 certification shall include a statement that
13 implementation of a class size reduction program
14 pursuant to this chapter has not adversely affected
15 existing class size in courses not referenced in this
16 chapter.

17 (f) While it is the intent of the Legislature that this
18 program not increase the need for additional classroom
19 facilities, a school district may utilize any funds
20 apportioned pursuant to Section 52086 for the purpose of
21 leasing additional classroom space in order to reduce
22 overcrowded classroom conditions and to reduce
23 pupil-to-teacher ratios.

24 (g) Any program that includes courses other than
25 English and mathematics and that was funded before
26 December 31, 1997, shall continue to be funded for those
27 other courses.

28 SEC. 2. Section 52086 of the Education Code is
29 amended to read:

30 52086. (a) The Superintendent of Public Instruction
31 shall apportion to each applicant district an amount equal
32 to two hundred fifty dollars (\$250) per unit of enrollment
33 reported pursuant to subdivision (c) or (d) of Section
34 52084 if the district certifies an average class size of 20
35 pupils.

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



1 ~~SEC. 3. Section 52090 of the Education Code is~~
2 ~~repealed.~~

3 ~~SEC. 4.~~

4 *SEC. 3.* Section 52122 of the Education Code is
5 amended to read:

6 52122. (a) Except as otherwise provided by Section
7 52123, for the 1996–97 fiscal year and for each fiscal year
8 thereafter, any school district that maintains any
9 kindergarten or any of grades 1 to 3, inclusive, may apply
10 to the Superintendent of Public Instruction for an
11 apportionment to implement a class size reduction
12 program in that school district in any of those grades, as
13 provided in this chapter.

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

16 (1) Each class that will participate in the Class Size
17 Reduction Program.

18 (2) For each class that will participate in the Class Size
19 Reduction Program, whether that class will operate
20 under Option One or Option Two:

21 (A) Option One: A school district shall provide a
22 reduced class size for all pupils in each classroom for the
23 full regular schoolday in each grade level for which
24 funding is claimed. For the purposes of this chapter, “full
25 regular schoolday” means a substantial majority of the
26 instructional minutes per day, but shall permit limited
27 periods of time during which pupils are brought together
28 for a particular phase of education in groups that are
29 larger than 20 pupils per certificated teacher. It is the
30 intent of the Legislature that those limited periods of time
31 be kept to a minimum and that instruction in reading and
32 mathematics not be delivered during those limited
33 periods of time. For the purposes of this subparagraph,
34 class size shall be determined in the same manner as
35 provided in Sections 41376 and 41378 and any related
36 rules or regulations adopted by the Superintendent of
37 Public Instruction prior to July 1, 1996.

38 (B) Option Two: A school district shall provide a
39 reduced class size for all pupils in each classroom for at
40 least one-half of the instructional minutes offered per day



1 in each grade level for which funding is claimed. School
2 districts selecting this option shall primarily devote those
3 instructional minutes to the subject areas of reading and
4 mathematics. For the purposes of this subparagraph, class
5 size for each class participating in the program shall be
6 determined in the same manner as provided in Sections
7 41376 and 41378 and any related rules or regulations
8 adopted by the Superintendent of Public Instruction
9 prior to July 1, 1996.

10 (c) A school district that intends to implement a Class
11 Size Reduction Program for the 1996–97 school year shall
12 submit an application for funds pursuant to this chapter
13 to the Superintendent of Public Instruction not later than
14 November 1, 1996. To receive the total amount of funding
15 for which the school district is eligible pursuant to Section
16 52126, a school district shall implement the Class Size
17 Reduction Program by February 16, 1997, within the
18 meaning of paragraph (2) of subdivision (b).

19 (d) A school district that intends to implement or
20 continue to implement a Class Size Reduction Program
21 for the 1997–98 school year and any subsequent school
22 year shall submit an application for funding pursuant to
23 this chapter to the Superintendent of Public Instruction
24 not later than the June 30 prior to the commencement of
25 the new school year.

26 (e) Any school district that chooses to reduce class size
27 through the use of an early-late instructional program is
28 ineligible to also use Section 46205, relating to the
29 computation of instructional time for purposes of the
30 Incentive for Longer Instructional Day and Year, in any
31 grade level for which class size reduction funding is
32 received pursuant to this chapter. However, any school
33 district that operated under Section 46205 prior to July 1,
34 1996, may receive class size reduction funding pursuant
35 to Option One in any grade level for which class size
36 reduction funding would otherwise be received pursuant
37 to Option One.

38 ~~SEC. 5.~~

39 *SEC. 4.* Section 52123 of the Education Code is
40 amended to read:



1 52123. A school district's application for funding to
2 implement a program pursuant to this chapter shall
3 include the district's certification of each of the following
4 items as a condition to receiving any apportionment
5 under Section 52126:

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

9 (b) Certification of pupil enrollment, as of October of
10 the previous calendar year, in each class selected for class
11 size reduction pursuant to subdivision (a). Classes
12 comprised of special education pupils enrolled in special
13 day classes on a full-time basis shall not be included in this
14 program. School districts may not claim funding pursuant
15 to this chapter for any pupil who is enrolled in
16 independent study pursuant to Article 5.5 (commencing
17 with Section 51745) of Chapter 5 for the full regular
18 schoolday nor may school districts claim funding
19 pursuant to this chapter for any pupil for any portion of
20 the full regular day that the pupil is enrolled in
21 independent study pursuant to that article. Charter
22 schools may not claim funding pursuant to this chapter for
23 any pupil who is enrolled in a program of home study for
24 the full regular schoolday nor may charter schools claim
25 funding for any pupil for any portion of the full regular
26 schoolday that the pupil is enrolled in a program of home
27 study.

28 (c) (1) (A) Certification that a certificated teacher
29 has been hired by the school district and is providing
30 direct instructional services to each class selected for class
31 size reduction pursuant to this chapter and that, except
32 as provided in subparagraph (B), there are not more than
33 20 pupils per each of those classes.

34 (B) With regard to schools where the average number
35 of classes per grade in which the Class Size Reduction
36 Program is implemented is four or less and where
37 approval for the procedure set forth in this subparagraph
38 is granted by the exclusive representative for certificated
39 employees, certification shall be provided that there is an
40 average of no more than 20 pupils per each of those classes



1 in any of the schools of that school district participating
2 in the Class Size Reduction Program. The ratio of pupils
3 to teachers shall not exceed the 20 to 1 standard by more
4 than 10 percent in any of the classes included in this
5 average.

6 (2) In authorizing the averaging that is permitted
7 under subparagraph (B) of paragraph (1), it is the intent
8 of the Legislature to minimize the number of multigrade
9 combination classes created solely in response to the
10 implementation of the Class Size Reduction Program.

11 (3) For the purposes of this subdivision, class size for
12 each class participating in the program shall be
13 determined in the same manner as provided in Sections
14 41376 and 41378 and any related rules or regulations
15 adopted by the Superintendent of Public Instruction
16 prior to July 1, 1996.

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

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

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

33 (g) Commencing with the 1997-98 school year and
34 each school year thereafter, certification that each class
35 reduced pursuant to this chapter is housed in either a
36 separate, self-contained classroom or that the space of
37 each class reduced pursuant to this chapter for each grade
38 level at that schoolsite provides a square footage per pupil
39 enrolled in each of those classes that is not less than the



1 average square footage per pupil enrolled in those grade
2 levels at that schoolsite in the 1995–96 school year.

3 ~~SEC. 6.~~

4 *SEC. 5.* Section 52124 of the Education Code is
5 amended to read:

6 52124. (a) Any school district that implements a
7 Class Size Reduction Program pursuant to this chapter is
8 subject to this section.

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

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

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

18 (3) If three grade levels are reduced at a schoolsite, the
19 grade levels shall be kindergarten and grades 1 and 2 or
20 grades 1 to 3, inclusive. First priority shall be given to
21 reducing class sizes in grades 1 and 2 before the class sizes
22 of kindergarten or grade 3 are reduced.

23 (4) If four grade levels are reduced at a schoolsite, the
24 grade levels shall be kindergarten and grades 1 to 3,
25 inclusive. First priority shall be given to reducing class
26 sizes in grades 1 and 2 and second priority shall be given
27 to reducing class size in kindergarten and grade 3. This
28 paragraph shall be operative in the 1996–97 fiscal year
29 only if funds are appropriated expressly for the purposes
30 of this paragraph.

31 (c) It is the intent of the Legislature to continue to
32 permit the use of combination classes of more than one
33 grade level to the extent that school districts are
34 otherwise permitted to use that instructional strategy.
35 However, any school district that uses a combination class
36 in any class for which funding is received pursuant to this
37 chapter may not claim funding pursuant to this chapter
38 if the total number of pupils in the combination class,
39 regardless of grade level, for any class that exceeds 20



1 pupils per certificated teacher assigned to provide direct
2 instructional services.

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

20 (e) The Superintendent of Public Instruction shall
21 develop a procedure to enforce subdivision (d) and shall
22 incorporate that procedure as an integral part of the
23 school district financial audit and other investigations
24 conducted by the State Department of Education. The
25 Controller shall include a provision appropriate to the
26 enforcement of subdivision (d) in the audit guide
27 required by subdivision (a) of Section 14502.

28 ~~SEC. 7.~~

29 *SEC. 6.* Section 52126 of the Education Code is
30 amended to read:

31 52126. The amount of funding that each school district
32 implementing a Class Size Reduction Program pursuant
33 to this chapter is eligible to receive shall be computed as
34 follows:

35 (a) If a school district applies to participate in Option
36 One, pursuant to subparagraph (A) of paragraph (2) of
37 subdivision (b) of Section 52122, the Superintendent of
38 Public Instruction shall apportion to the applicant school
39 district an amount equal to eight hundred dollars (\$800)
40 for each pupil actually enrolled in the classes in which the



1 school district implements the program, except that the
2 maximum number of pupils for which a school district
3 may claim funding for any class shall not exceed 20. The
4 number of pupils claimed pursuant to this subdivision
5 shall be the number of pupils actually enrolled in classes
6 participating in the Class Size Reduction Program. That
7 number may be based upon an average of 20 pupils,
8 averaged in accordance with subdivision (c) of Section
9 52123, provided that the average is computed on an
10 individual school basis and not on a districtwide basis. The
11 average may be the average of each grade level reduced
12 at a schoolsite pursuant to this chapter.

13 (b) If a school district applies to participate in Option
14 Two, pursuant to subparagraph (B) of paragraph (2) of
15 subdivision (b) of Section 52122, the Superintendent of
16 Public Instruction shall apportion to the applicant school
17 district an amount equal to four hundred dollars (\$400)
18 for each pupil actually enrolled in the classes in which the
19 school district implements the program, except that the
20 number of pupils in any class for which a school district
21 may claim funding for the instructional minutes offered
22 shall not exceed 20. The number of pupils claimed
23 pursuant to this subdivision shall be the number of pupils
24 actually enrolled in classes participating in the Class Size
25 Reduction Program. That number may be based upon an
26 average of 20 pupils, averaged in accordance with
27 subdivision (c) of Section 52123, provided that the
28 average is computed on an individual school basis and not
29 on a districtwide basis. The average may be the average
30 of each grade level reduced at a schoolsite pursuant to this
31 chapter.

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

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



1 (e) 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.

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