

AMENDED IN ASSEMBLY AUGUST 25, 1997

SENATE BILL

No. 727

Introduced by ~~Committee on Budget and Fiscal Review~~
Senators Rosenthal, Alpert, and Watson
(Coauthor: Assembly Member Leonard)

February 26, 1997

~~An act relating to education finance, and declaring the urgency thereof, to take effect immediately. An act to amend Sections 2550.3 and 46010 of, to amend and renumber Section 46010.5 of, to add Section 42238.7 to, to repeal Section 46015 of, and to repeal and add Sections 2550.4, 42238.8, and 46010.2 of, the Education Code, relating to school finance.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 727, as amended, ~~Committee on Budget and Fiscal Review~~ *Rosenthal. Education School finance: days of attendance.*

(1) Existing law requires the Superintendent of Public Instruction, at the request of a county superintendent of schools or a school district, and with the approval of the Director of Finance, to calculate the days of attendance in schools or classes maintained by the county superintendent of schools or school district in a specified alternative manner for the 1993-94 or 1994-95 fiscal year, as specified, or any later fiscal year, and the succeeding fiscal years, and to verify certain percentages to be calculated.

This bill would delete the provisions above regarding the alternative manner for calculating days of attendance and would instead, effective July 1, 1998, make one-time

adjustments to the revenue limits per unit of average daily attendance, as specified.

(2) Existing law provides that in a county office of education or school district that requests to calculate its days of attendance in the alternative manner specified above, certain absences of a pupil from school or class are not deemed absences.

This bill would repeal this provision.

(3) Existing law requires county superintendents of schools and governing boards of school districts, to report specified attendance information for purpose of apportionment.

This bill would require additional information, as specified.

(4) This bill would declare that specified sections of this act shall become operative July 1, 1998.

~~The Budget Act of 1997 includes appropriations for the support of elementary and secondary education and community colleges. Existing law, the California Constitution, establishes a method of calculating the minimum funding obligation to school districts and community college districts for each fiscal year.~~

~~This bill would express the intent of the Legislature to make the necessary statutory changes to implement the Budget Act of 1997 relative to elementary and secondary education, community colleges, and the state's minimum funding obligation to school districts and community college districts under Section 8 of Article XVI of the California Constitution for prior fiscal years.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

~~Vote: $\frac{2}{3}$ 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. It is the intent of the Legislature in~~
- 2 ~~SECTION 1. Section 2550.3 of the Education Code is~~
- 3 ~~amended to read:~~
- 4 ~~2550.3. Each county superintendent of schools, as a~~
- 5 ~~condition of apportionment, shall report separately to the~~



1 Superintendent of Public Instruction, not later than July
2 1, 1992, the actual *September 1, 1997, what portions of*
3 *attendance and apportionable absences for in the schools*
4 *and classes maintained by the county superintendent that*
5 *was reported for each full school month in the 1990-91 the*
6 *1996-97 school year pursuant to Section 41601 consisted*
7 *of absences excused pursuant to subdivision (b) of*
8 *Section 46010.2 and to Section 46015, as those sections*
9 *read on July 1, 1996.*

10 Each report shall be prepared in accordance with
11 instructions and on forms prescribed by the
12 Superintendent of Public Instruction.

13 *SEC. 2. Section 2550.4 of the Education Code is*
14 *repealed.*

15 ~~2550.4. Any county superintendent of schools may~~
16 ~~request permission from the Superintendent of Public~~
17 ~~Instruction to calculate the days of attendance in schools~~
18 ~~and classes maintained by that county superintendent of~~
19 ~~schools, for the 1994-95 fiscal year, or any later fiscal year,~~
20 ~~and the succeeding fiscal years thereafter, as provided in~~
21 ~~Section 46010.2. The Superintendent of Public~~
22 ~~Instruction shall, subject to the approval of the Director~~
23 ~~of Finance, approve the request and verify the~~
24 ~~percentages that are determined pursuant to subdivision~~
25 ~~(b) of Section 46010.2 for schools and classes maintained~~
26 ~~by the county superintendent that has made the request.~~

27 *SEC. 3. Section 2550.4 is added to the Education*
28 *Code, to read:*

29 *2550.4. (a) Effective July 1, 1998, the Superintendent*
30 *of Public Instruction shall make one-time adjustments to*
31 *the revenue limits per unit of average daily attendance*
32 *of each county office of education for those programs*
33 *which, prior to July 1, 1998, were authorized in Section*
34 *46010 as it read on July 1, 1996, to include certain absences*
35 *in reports of attendance made pursuant to Section 41601.*
36 *Those one-time adjustments shall apply for the 1998-99*
37 *fiscal year, and for each fiscal year thereafter, but not for*
38 *any year prior to 1998-99, and shall be accomplished by*
39 *revision of the prior fiscal year revenue limits per unit of*



1 average daily attendance calculated for those programs,
2 as follows:

3 (1) Determine revised revenue limits per unit of
4 average daily attendance for the 1996–97 fiscal year for
5 each of the programs. Each revised revenue limit per unit
6 of average daily attendance shall equal funding received
7 for the program for the 1996–97 fiscal year that is directly
8 attributable to the original revenue limit per unit of
9 average daily attendance, divided by the attendance,
10 excluding absences excused pursuant to subdivision (b)
11 of Section 46010 as it read on July 1, 1996, reported
12 pursuant to Section 41601 for that program in the 1996–97
13 fiscal year.

14 (2) For the 1996–97 and 1997–98 fiscal years,
15 recalculate the revenue limits per unit of average daily
16 attendance for each program to reflect the revision in the
17 revenue limits per unit of average daily attendance
18 determined pursuant to paragraph (1).

19 (3) The calculation made pursuant to paragraph (2)
20 shall not be used for apportionment purposes for either
21 of those years or for adjustments for those years.

22 (b) If any county superintendent of schools
23 demonstrates to the satisfaction of the Superintendent of
24 Public Instruction that, because of extraordinary
25 circumstances beyond the control of the county office of
26 education, the amount of absences excused in one or
27 more county office programs in fiscal year 1996–97
28 pursuant to subdivision (b) of Section 46010 as it read on
29 July 1, 1996, was significantly lower than it would
30 ordinarily have been in comparison to the amount of
31 actual attendance in fiscal year 1996–97, the
32 Superintendent of Public Instruction shall make a
33 compensating adjustment, consistent with the provisions
34 of Section 2 of the Education Code, in the calculation set
35 forth in this section.

36 SEC. 4. Section 42238.7 is added to the Education
37 Code, to read:

38 42238.7. The governing board of each school district,
39 as a condition of apportionment, shall report to the
40 Superintendent of Public Instruction, not later than



1 September 1, 1997, the portion of the attendance in the
2 schools and classes maintained by the district that was
3 reported for the 1996-97 school year pursuant to Section
4 41601 that consisted of absences excused pursuant to
5 subdivision (b) of Section 46010.2 and to Section 46015, as
6 those sections read on July 1, 1996.

7 SEC. 5. Section 42238.8 of the Education Code is
8 repealed.

9 ~~42238.8. Any school district may request permission
10 from the Superintendent of Public Instruction to
11 calculate the days of attendance in schools and classes
12 maintained by that school district, for the 1993-94 fiscal
13 year, or any later fiscal year, and the succeeding fiscal
14 years thereafter, as provided in Section 46010.2. The
15 Superintendent of Public Instruction shall, subject to the
16 approval of the Director of Finance, approve the request
17 and verify the percentages determined pursuant to
18 subdivision (b) of Section 46010.2 for the schools and
19 classes maintained by the school district.~~

20 SEC. 6. Section 42238.8 is added to the Education
21 Code, to read:

22 42238.8. (a) Effective July 1, 1998, the
23 Superintendent of Public Instruction shall make one-time
24 adjustments to the revenue limits per unit of average
25 daily attendance of each school district for those
26 programs which, prior to July 1, 1998, were authorized in
27 Section 46010 as it read on July 1, 1996, to include certain
28 absences in reports of attendance made pursuant to
29 Section 41601. Those one-time adjustments shall apply for
30 the 1998-99 fiscal year, and for each fiscal year thereafter,
31 but not for any year prior to 1998-99, and shall be
32 accomplished by revision of the prior fiscal year revenue
33 limits per unit of average daily attendance calculated for
34 those programs, as follows:

35 (1) Determine revised revenue limits per unit of
36 average daily attendance for the 1996-97 fiscal year for
37 each of the programs. Each revised revenue limit per unit
38 of average daily attendance shall equal funding received
39 for the program for the 1996-97 fiscal year that is directly
40 attributable to the original revenue limit per unit of



1 average daily attendance, divided by the attendance,
2 excluding absences excused pursuant to subdivision (b)
3 of Section 46010 as it read on July 1, 1996, reported
4 pursuant to Section 41601 for that program in the 1996-97
5 fiscal year.

6 (2) For the 1996-97 and 1997-98 fiscal years,
7 recalculate the revenue limits per unit of average daily
8 attendance for each program to reflect the revision in the
9 revenue limits per unit of average daily attendance
10 determined pursuant to paragraph (1).

11 (3) The calculation made pursuant to paragraph (2)
12 shall not be used for apportionment purposes for either
13 of those years or for adjustments for those years.

14 (b) If the governing board of any school district
15 demonstrates to the satisfaction of the Superintendent of
16 Public Instruction that, because of extraordinary
17 circumstances beyond the control of the school district,
18 the amount of absences excused in one or more district
19 programs in fiscal year 1996-97 pursuant to subdivision
20 (b) of Section 46010 as it read on July 1, 1996, was
21 significantly lower than it would ordinarily have been in
22 comparison to the amount of actual attendance in fiscal
23 year 1996-97, the Superintendent of Public Instruction
24 shall make a compensating adjustment, consistent with
25 the provisions of Section 2 of the Education Code, in the
26 calculation set forth in this section.

27 SEC. 7. Section 46010 of the Education Code is
28 amended to read:

29 46010. (a) The total days of attendance of a pupil
30 upon the schools and classes maintained by a school
31 district, or schools or classes maintained by the county
32 superintendent of schools during the fiscal year shall be
33 the number of days school was actually taught for not less
34 than the minimum schooldays during the fiscal year less
35 the sum of his or her absences.

36 (b) The absence of a pupil from school or class shall be
37 excused for the purposes of Section 48260 ~~and shall not, in~~
38 ~~any county office of education or school district that has~~
39 ~~not had a request pursuant to Section 2550.4 or 42238.8,~~
40 ~~respectively, to calculate its days of attendance as~~



1 ~~provided in Section 46010.2 approved, be deemed an~~
2 ~~absence in computing the attendance of a pupil if that~~
3 ~~absence was:~~

- 4 (1) Due to his or her illness.
- 5 (2) Due to quarantine under the direction of a county
6 or city health officer.
- 7 (3) For the purpose of having medical, dental,
8 optometrical, or chiropractic services rendered.
- 9 (4) For the purpose of attending the funeral services
10 of a member of his or her immediate family, so long as the
11 absence is not more than one day if the service is
12 conducted in California and not more than three days if
13 the service is conducted outside California.
- 14 (5) For the purpose of jury duty in the manner
15 provided for by law.

16 ~~(6) Due to exclusion from school pursuant to Section~~
17 ~~120335 of the Health and Safety Code, so long as the~~
18 ~~absence is not more than five schooldays pursuant to~~
19 ~~Section 46010.5.~~

20 “Immediate family,” as used in this subdivision, has the
21 same meaning as that set forth in Section 45194 except
22 that references therein to “employee” shall be deemed to
23 be references to “pupil.”

24 ~~This subdivision shall not apply in the case of pupils~~
25 ~~attending summer school, adult schools, and classes, or~~
26 ~~regional occupational centers and programs other than~~
27 ~~pupils concurrently enrolled in a regular high school~~
28 ~~program and a regional occupational center or program.~~

29 (c) For purposes of reporting pupil attendance for any
30 purpose to an agency of the federal government, the
31 phrase “total days of attendance of a pupil” shall be
32 defined only as set forth in subdivision (a).

33 *SEC. 8. Section 46010.2 of the Education Code is*
34 *repealed.*

35 ~~46010.2. In county offices of education and school~~
36 ~~districts that have had a request pursuant to Section~~
37 ~~2550.4 or 42238.8, respectively, to calculate their days of~~
38 ~~attendance as provided in this section approved, the~~
39 ~~following shall apply:~~



1 ~~(a) For the purpose of determining “changes in~~
2 ~~enrollment” pursuant to subdivision (b) of Section 8 of~~
3 ~~Article XVI of the California Constitution, as required by~~
4 ~~subdivision (d) of Section 41204, the total days of~~
5 ~~attendance by pupils in schools and classes maintained by~~
6 ~~a county office of education or school district shall, in the~~
7 ~~initial fiscal year for which their days of attendance are~~
8 ~~calculated as provided in this section, be separately~~
9 ~~calculated both as if subdivision (b) of Section 46010 did~~
10 ~~and did not apply to them. The amount resulting from the~~
11 ~~application of subdivision (b) of Section 46010 shall be~~
12 ~~used in comparison with the year prior to the initial year.~~
13 ~~The amount calculated without applying subdivision (b)~~
14 ~~of Section 46010 shall be used in comparison with the year~~
15 ~~subsequent to that initial fiscal year.~~

16 ~~(b) For purposes other than determining changes in~~
17 ~~enrollment as provided in subdivision (a), the total days~~
18 ~~of attendance by pupils in schools and classes maintained~~
19 ~~by a county office of education or school district shall first~~
20 ~~be calculated according to subdivision (a) of Section~~
21 ~~46010, and then increased by the same percentage of~~
22 ~~apportionable absences authorized pursuant to~~
23 ~~subdivision (b) of Section 46010 for that county office of~~
24 ~~education or school district in the fiscal year prior to the~~
25 ~~initial fiscal year for which the days of attendance are~~
26 ~~calculated as provided in this section. This amount shall~~
27 ~~not exceed the corresponding statewide average in the~~
28 ~~1990-91 fiscal year, for county offices of education or~~
29 ~~elementary school districts, high school districts, or~~
30 ~~unified school districts, as applicable, of the number of~~
31 ~~days of attendance by pupils in the 1990-91 school year,~~
32 ~~calculated as provided in subdivision (a) of Section 46010.~~

33 *SEC. 9. Section 46010.2 is added to the Education*
34 *Code, to read:*

35 *46010.2. For the purpose of determining “changes in*
36 *enrollment” pursuant to subdivision (b) of Section 8 of*
37 *Article XVI of the California Constitution, as required by*
38 *subdivision (d) of Section 41204, the total days of*
39 *attendance by pupils in schools and classes maintained by*
40 *a school district shall, in the 1997-98 fiscal year, be*



1 *separately determined both as if subdivision (b) of*
2 *Section 46010, as it read in the 1997–98 fiscal year, did and*
3 *did not apply. The days of attendance figure resulting*
4 *from the application of subdivision (b) of Section 46010*
5 *shall be used in calculating average daily attendance for*
6 *comparison with average daily attendance in the 1996–97*
7 *fiscal year. The days of attendance figure determined*
8 *without applying subdivision (b) of Section 46010 shall be*
9 *used in calculating average daily attendance for*
10 *comparison with average daily attendance in the 1998–99*
11 *fiscal year.*

12 *SEC. 10. Section 46010.5 of the Education Code is*
13 *amended and renumbered to read:*

14 ~~46010.5.~~

15 48216. (a) The county office of education or the
16 governing board of the school district of attendance shall
17 exclude any pupil who has not been immunized properly
18 pursuant to Chapter 1 (commencing with Section
19 120325) of Part 2 of Division 105 of the Health and Safety
20 Code. ~~In any county office of education or school district~~
21 ~~that has not had a request pursuant to Section 2550.4 or~~
22 ~~Section 42238.8, respectively, to calculate its days of~~
23 ~~instruction as provided in Section 46010.2 approved, the~~
24 ~~first five schooldays of the exclusion shall not be deemed~~
25 ~~an absence in computing average daily attendance if the~~
26 ~~following conditions are complied with:~~

27 ~~(a)~~

28 (b) The governing board of the district ~~notifies shall~~
29 ~~notify~~ the parent or guardian of the pupil that they have
30 two weeks to supply evidence either that the pupil has
31 been properly immunized, or that the pupil is exempted
32 from the immunization requirement pursuant to Section
33 120365 or 120370 of the Health and Safety Code.

34 ~~(b)~~

35 (c) The governing board of the district, in ~~that the~~
36 ~~notice, refers shall refer~~ the parent or guardian of the
37 pupil to the pupil's usual source of medical care to obtain
38 the immunization, or if no usual source exists, either
39 ~~refers refer~~ the parent or guardian to the county health
40 department, or ~~notifies notify~~ the parent or guardian that



1 the immunizations will be administered at a school of the
2 district.

3 *SEC. 11. Section 46015 of the Education Code is*
4 *repealed.*

5 ~~46015. The absence of any pupil may be claimed for~~
6 ~~apportionment credit pursuant to Section 46010 only if an~~
7 ~~employee of the school district or county office of~~
8 ~~education verifies and records the reason for the absence~~
9 ~~not more than four calendar weeks after its occurrence.~~
10 ~~“Four calendar weeks” means 20 schooldays, not to~~
11 ~~exceed 14 calendar days after the last schoolday of the~~
12 ~~school year.~~

13 *SEC. 12. Sections 7, 8, 9, 10, and 11 of this act shall*
14 *become operative on July 1, 1998.*

15 ~~enacting this act to make the necessary statutory changes~~
16 ~~to implement the Budget Act of 1997 relative to~~
17 ~~elementary and secondary education, community~~
18 ~~colleges, and the state’s minimum funding obligation to~~
19 ~~school districts and community college districts under~~
20 ~~Section 8 of Article XVI of the California Constitution for~~
21 ~~prior fiscal years.~~

22 ~~SEC. 2. This act is an urgency statute necessary for the~~
23 ~~immediate preservation of the public peace, health, or~~
24 ~~safety within the meaning of Article IV of the~~
25 ~~Constitution and shall go into immediate effect. The facts~~
26 ~~constituting the necessity are:~~

27 ~~In order to make the necessary statutory changes to~~
28 ~~implement the Budget Act of 1997 at the earliest possible~~
29 ~~time, it is necessary that this act take effect immediately.~~

