

Senate Bill No. 727

CHAPTER 855

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.

[Approved by Governor October 10, 1997. Filed
with Secretary of State October 10, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

SB 727, Rosenthal. 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 people of the State of California do enact as follows:

SECTION 1. Section 2550.3 of the Education Code is amended to read:

2550.3. Each county superintendent of schools, as a condition of apportionment, shall report separately to the Superintendent of Public Instruction, not later than September 1, 1997, what portions of attendance in the schools and classes maintained by the county

superintendent that was reported for the 1996–97 school year pursuant to Section 41601 consisted of absences excused pursuant to subdivision (b) of Section 46010.2 and to Section 46015, as those sections read on July 1, 1996.

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

SEC. 2. Section 2550.4 of the Education Code is repealed.

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

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

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

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

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

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

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

42238.7. The governing board of each school district, as a condition of apportionment, shall report to the Superintendent of Public Instruction, not later than September 1, 1997, the portion of the attendance in the schools and classes maintained by the district that was reported for the 1996–97 school year pursuant to Section 41601 that consisted of absences excused pursuant to subdivision (b) of Section 46010.2 and to Section 46015, as those sections read on July 1, 1996.

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

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

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

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

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

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

(b) If the governing board of any school district demonstrates to the satisfaction of the Superintendent of Public Instruction that, because of extraordinary circumstances beyond the control of the school district, the amount of absences excused in one or more district programs in fiscal year 1996–97 pursuant to subdivision (b) of Section 46010 as it read on July 1, 1996, was significantly lower than it would ordinarily have been in comparison to the amount of actual attendance in fiscal year 1996–97, the Superintendent of Public Instruction shall make a compensating adjustment, consistent with

the provisions of Section 2 of the Education Code, in the calculation set forth in this section.

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

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

(b) The absence of a pupil from school or class shall be excused for the purposes of Section 48260 if that absence was:

(1) Due to his or her illness.

(2) Due to quarantine under the direction of a county or city health officer.

(3) For the purpose of having medical, dental, optometrical, or chiropractic services rendered.

(4) For the purpose of attending the funeral services of a member of his or her immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.

(5) For the purpose of jury duty in the manner provided for by law.

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

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

SEC. 8. Section 46010.2 of the Education Code is repealed.

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

46010.2. For the purpose of determining “changes in enrollment” pursuant to subdivision (b) of Section 8 of Article XVI of the California Constitution, as required by subdivision (d) of Section 41204, the total days of attendance by pupils in schools and classes maintained by a school district shall, in the 1997–98 fiscal year, be separately determined both as if subdivision (b) of Section 46010, as it read in the 1997–98 fiscal year, did and did not apply. The days of attendance figure resulting from the application of subdivision (b) of Section 46010 shall be used in calculating average daily attendance for comparison with average daily attendance in the 1996–97 fiscal year. The days of attendance figure determined without applying subdivision (b) of Section 46010 shall be used in calculating average daily attendance for comparison with average daily attendance in the 1998–99 fiscal year.

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

48216. (a) The county office of education or the governing board of the school district of attendance shall exclude any pupil who has not been immunized properly pursuant to Chapter 1 (commencing with Section 120325) of Part 2 of Division 105 of the Health and Safety Code.

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

(c) The governing board of the district, in the notice, shall refer the parent or guardian of the pupil to the pupil's usual source of medical care to obtain the immunization, or if no usual source exists, either refer the parent or guardian to the county health department, or notify the parent or guardian that the immunizations will be administered at a school of the district.

SEC. 11. Section 46015 of the Education Code is repealed.

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

