

AMENDED IN ASSEMBLY JULY 3, 1997

AMENDED IN SENATE JUNE 3, 1997

AMENDED IN SENATE APRIL 21, 1997

SENATE BILL

No. 802

Introduced by Senator Costa
(Coauthor: Senator Maddy)

February 26, 1997

An act relating to independent study.

LEGISLATIVE COUNSEL'S DIGEST

SB 802, as amended, Costa. Independent study apportionments.

Existing law authorizes the governing board of a school district or county office of education to offer independent study to meet the educational needs of pupils *and provides a cap on the number of units of average daily attendance for independent study to be funded that reflects a specified pupil-teacher ratio*. Existing law requires each county superintendent of schools to provide for an audit of all funds under his or her jurisdiction, as specified. Not later than December 15 of each year, a report of each audit for the preceding fiscal year is required to be filed with the county superintendent of schools in which the school district is located, the State Department of Education, and the Controller. The Superintendent of Public Instruction is required to make any adjustments necessary in future apportionments of state funds to correct any audit exceptions contained in an audit of a school district under his or her

jurisdiction and to take specified corrective action. The county superintendent of schools is required to identify by school district any attendance-related audit exceptions that had a fiscal impact on state funds, as specified.

~~This bill would declare the Legislature's intent to settle the dispute for audit exceptions with respect to independent study apportionments made to~~ *require* the Carruthers Union High School District, the Coalinga/Huron Joint Unified School District, the Dos Palos-Oro Loma Joint Union High School District, the Fowler Unified School District, the Kerman Unified School District, the Laton Joint Unified School District, the Mendota Unified School District, the Parlier Unified School District, the Reef-Sunset Unified School District, and the Selma Unified School District *to pay specified fiscal assessments claimed by the State Department of Education or the Department of Finance, or both, for audit exceptions with respect to independent study apportionments made to those school districts. Some of those school districts would be required to repay an amount that is 100% of the total amount of the claimed fiscal assessment for the 1992-93, 1993-94, and 1994-95 fiscal years. School districts paying that fiscal assessment would not be subject to any adjustment for the 1990-91 or 1991-92 fiscal years with respect to independent study apportionments. Each school district that has assigned all of its rights against all 3rd-party consultants who received any portion of the independent study apportionments made to the school district for each of the 1990-91, 1991-92, 1992-93, 1993-94, and 1994-95 fiscal years, would be required to repay an amount that is 50% of the fiscal assessment claimed for each of the 1992-93, 1993-94, and 1994-95 fiscal years. The bill would also place a cap on the number of units of average daily attendance eligible to be funded for the school districts for independent study that is based on a pupil-teacher ratio determined in the 1991-92 fiscal year, as specified. The fiscal assessment would be repaid over a period of not less than 4 years or more than 8 years to be determined for each school district subject to these provisions by the State Department of Education. Commencing with the 1997-98 fiscal year, the fiscal assessment would be repaid with interest, as specified.*



This bill would provide that the repayment of those fiscal assessments shall be deemed to settle all claims that may arise from audit exceptions for those school districts for the 1990–91, 1991–92, 1992–93, 1993–94, and 1994–95 fiscal years with respect to the use of state funds allocated to those school districts from those fiscal years for the purposes of independent study.

This bill would make a declaration of unique circumstances in that regard.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~—yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) Notwithstanding Sections 41020
2 and 51747 of the Education Code or any other provision
3 of law, the school districts specified in subdivision (e)
4 shall be required to pay a fiscal assessment with respect
5 to independent study offered pursuant to Article 5.5
6 (commencing with Section 51745) of Chapter 5 of Part 28
7 of the Education Code in an amount that is equal to 100
8 percent of the total amount of the fiscal assessment
9 claimed by the State Department of Education or the
10 Department of Finance, or both, from those school
11 districts for the 1992–93, 1993–94, and 1994–95 fiscal years.
12 School districts paying the fiscal assessment pursuant to
13 this subdivision shall not be subject to any adjustment for
14 the 1990–91 or 1991–92 fiscal years with respect to
15 independent study offered pursuant to Article 5.5
16 (commencing with Section 51745) of Chapter 5 of Part 28
17 of the Education Code or with respect to the revenue
18 limits of these school districts.

19 (b) For each school district specified in subdivision (e)
20 that has assigned all of its rights against all third-party
21 consultants who received any portion of the independent
22 study apportionments made to the school district for each
23 of the 1990–91, 1991–92, 1992–93, 1993–94, and 1994–95
24 fiscal years, the amount claimed by the State Department
25 of Education or the Department of Finance, or both, from
26 the school district and the amount to be paid pursuant to



1 *this section with respect to independent study offered*
2 *pursuant to Article 5.5 (commencing with Section 51745)*
3 *of Chapter 5 of Part 28 of the Education Code for each of*
4 *the 1992–93, 1993–94, and 1994–95 fiscal years shall be*
5 *reduced by 50 percent.*

6 *(c) Notwithstanding Section 51745.6 of the Education*
7 *Code, the number of units of average daily attendance*
8 *eligible for a fiscal apportionment for the school districts*
9 *specified in subdivision (e) shall be equal to the following:*

10 *(1) For the 1992–93, 1993–94, and 1994–95 fiscal years,*
11 *the number of units of average daily attendance eligible*
12 *for a fiscal apportionment shall be equal to the number*
13 *determined pursuant to Section 51745.6 of the Education*
14 *Code for the 1991–92 fiscal year.*

15 *(2) For the 1995–96 and 1996–97 fiscal years, the*
16 *number of units of average daily attendance eligible for*
17 *a fiscal apportionment shall be equal to 50 percent of the*
18 *number determined pursuant to Section 51745.6 of the*
19 *Education Code for the 1991–92 fiscal year.*

20 *(3) For the 1997–98 fiscal year, the number of units of*
21 *average daily attendance eligible for a fiscal*
22 *apportionment shall be equal to 25 percent of the number*
23 *determined pursuant to Section 51745.6 of the Education*
24 *Code in the 1991–92 fiscal year.*

25 *(d) A fiscal assessment computed pursuant to this*
26 *section shall be repaid by the school districts specified in*
27 *subdivision (e) over a period to be determined for each*
28 *school district by the State Department of Education,*
29 *provided that no school district shall have less than four*
30 *years or more than eight years to complete the*
31 *repayment. Commencing in the 1997–98 fiscal year, the*
32 *outstanding amount of the fiscal assessment computed*
33 *pursuant to this section shall be repaid with interest*
34 *calculated at the rate earned by the Pooled Money*
35 *Investment Account.*

36 *(e) The following school districts are subject to the*
37 *fiscal assessment required by this section: ~~It is the intent~~*
38 *~~of the Legislature to settle the dispute for audit~~*
39 *~~exceptions with respect to independent study~~*
40 *~~apportionments made to the following 10 school districts:~~*



- 1 (1) Carruthers Union High School District.
- 2 (2) Coalinga/Huron Joint Unified School District.
- 3 (3) Dos Palos-Oro Loma Joint Union High School
- 4 District.
- 5 (4) Fowler Unified School District.
- 6 (5) Kerman Unified School District.
- 7 (6) Laton Joint Unified School District.
- 8 (7) Mendota Unified School District.
- 9 (8) Parlier Unified School District.
- 10 (9) Reef-Sunset Unified School District.
- 11 (10) Selma Unified School District.

12 *(f) The repayment plan described in this section shall*
13 *be deemed to settle all claims that may arise from audit*
14 *exceptions for the school districts identified in subdivision*
15 *(e) for the 1990–91, 1991–92, 1992–93, 1993–94, and*
16 *1994–95 fiscal years with respect to the use of state funds*
17 *allocated to those school districts from those fiscal years*
18 *for the purposes of independent study offered pursuant*
19 *to Article 5.5 (commencing with Section 51745) of*
20 *Chapter 5 of Part 28 of the Education Code.*

21 *SEC. 2. The Legislature finds and declares that due to*
22 *the unique circumstances described in Section 1 of this*
23 *act regarding the school districts identified in subdivision*
24 *(e) of that section, a general statute cannot be made*
25 *applicable within the meaning of Section 16 of Article IV*
26 *of the California Constitution.*

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