

AMENDED IN SENATE SEPTEMBER 2, 1999

AMENDED IN ASSEMBLY APRIL 12, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 798**

**Introduced by Assembly Member Wildman**

February 24, 1999

An act to amend, repeal, and add Section 41841.6 of the Education Code, relating to education of prisoners.

LEGISLATIVE COUNSEL'S DIGEST

AB 798, as amended, Wildman. Education of prisoners.

Existing law sets forth a formula for the calculation of average daily attendance for schools or classes for adults in correctional facilities, and provides that a school district or county boards of education may not claim or report any increase in average daily attendance in excess of the authorized limit of adult education average daily attendance unless the Legislature approves the increase for that fiscal year in the annual Budget Act.

This bill would ~~instead provide, commencing with the 1999–2000 fiscal year, that a school district or county boards of education may not claim or report any increase in average daily attendance for schools or classes for adults in correctional facilities in excess of the highest average daily attendance claimed and authorized during any of the 5 previous fiscal years multiplied by 1.025 unless the Legislature approves the increase for that fiscal year in the annual Budget Act~~ *revise*



*the formula for the calculation of average daily attendance for schools or classes for adults in correctional facilities for the 2000–01 fiscal year, the 2001–02 fiscal year, and each fiscal year thereafter.*

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 41841.6 of the Education Code is  
2 amended to read:

3 41841.6. (a) Except as otherwise provided in  
4 subdivision (b) of Section 46191, commencing with the  
5 1994–95 fiscal year, and for each fiscal year thereafter, for  
6 purposes of Sections 1909 and 41841.5, the calculation of  
7 the average daily attendance for schools or classes for  
8 adults in correctional facilities is subject to the following  
9 condition: A school district or county board of education  
10 shall not claim or report any increase in average daily  
11 attendance in excess of the percentage authorized by  
12 subdivision (c) of Section 52616.17, unless the Legislature  
13 approves the increase for that fiscal year in the annual  
14 Budget Act.

15 (b) No state funds shall be allocated to a school district  
16 or county board of education for units of average daily  
17 attendance that have not been approved by the  
18 Legislature pursuant to subdivision (a).

19 (c) This section shall become inoperative on July 1,  
20 ~~1999, 2000~~, and as of January 1, ~~2000, 2001~~, is repealed,  
21 unless a later enacted statute, that becomes effective on  
22 or before January 1, ~~2000, 2001~~, deletes or extends the  
23 dates on which it becomes inoperative and is repealed.

24 SEC. 2. Section 41841.6 is added to the Education  
25 Code, to read:

26 41841.6. (a) Except as otherwise provided in  
27 subdivision (b) of Section 46191, ~~commencing with the~~  
28 ~~1999–2000 for the 2000–01~~ fiscal year, and ~~for each fiscal~~  
29 ~~year thereafter~~, for purposes of Sections 1909 and 41841.5,  
30 the calculation of the average daily attendance for schools  
31 or classes for adults in correctional facilities is subject to



1 the following condition: Notwithstanding any other  
2 provision of law, a school district or county board of  
3 education may not claim or report ~~any increase in~~  
4 ~~average daily attendance in excess of the highest average~~  
5 ~~daily attendance claimed and authorized pursuant to this~~  
6 ~~article during any of the five previous fiscal years~~  
7 ~~multiplied by 1.025, unless the Legislature approves a~~  
8 ~~greater increase for that fiscal year in the annual Budget~~  
9 ~~Act.~~

10 ~~(b) excess of the greater of the following:~~

11 ~~(1) The average of the average daily attendance~~  
12 ~~claimed and authorized pursuant to this article during the~~  
13 ~~six prior fiscal years.~~

14 ~~(2) The average daily attendance claimed during the~~  
15 ~~prior fiscal year.~~

16 ~~(b) Except as otherwise provided in subdivision (b) of~~  
17 ~~Section 46191, commencing with the 2001–02 fiscal year~~  
18 ~~and each fiscal year thereafter, for purposes of Sections~~  
19 ~~1909 and 41841.5, the calculation of the average daily~~  
20 ~~attendance for schools or classes for adults in correctional~~  
21 ~~facilities is subject to the following condition:~~  
22 ~~Notwithstanding any other provision of law, a school~~  
23 ~~district or county board of education may claim or report~~  
24 ~~the maximum amount authorized for the prior fiscal year~~  
25 ~~multiplied by 1.025, unless the Legislature approves a~~  
26 ~~greater increase for that fiscal year in the annual Budget~~  
27 ~~Act.~~

28 ~~(c) No state funds shall be allocated to a school district~~  
29 ~~or county board of education for units of average daily~~  
30 ~~attendance that have not been approved by the~~  
31 ~~Legislature pursuant to subdivision (a) or (b).~~

32 ~~(e)~~

33 ~~(d) This section shall become operative on July 1, 1999~~  
34 ~~2000.~~

