

AMENDED IN SENATE JUNE 15, 1999
AMENDED IN ASSEMBLY APRIL 28, 1999
AMENDED IN ASSEMBLY APRIL 15, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 907

Introduced by ~~Assembly Member Alquist~~ *Assembly Members Alquist, Scott, and Torlakson* and *Senators Johnston and Costa*

February 25, 1999

~~An act to add Article 12.5 (commencing with Section 51840) to Chapter 5 of Part 28 of the Education Code, relating to pupil assistance. An act to amend Sections 2550, 2561, 2562, 2563, 2566, and 14054 of, to amend and repeal Section 2551 of, and to add Section 2567 to, the Education Code, relating to education finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 907, as amended, Alquist. ~~Pupil Assistance for School Success Program~~ *School finance: equalization adjustments.*

~~Existing law requires the establishment of a high school exit exam, and requires each pupil to successfully complete the examination as a condition of receiving a high school diploma.~~

~~This bill would establish the Pupil Assistance for School Success (PASS) Program to provide pupils with assistance in developing the academic foundation necessary to successfully~~

~~complete the high school exit examination and achieve grade level academic standards of performance.~~

~~This bill would enable school districts to use specified funds that the district receives to provide services to PASS program pupils.~~

Existing law requires the Superintendent of Public Instruction to make certain computations to determine the amount to be allocated for direct services and other purposes provided by county superintendents of schools and to determine each county superintendent's revenue limit for county superintendent responsibilities and direct services. Existing law sets forth a method for equalizing the revenue limits for county offices of education for the 1995-96 fiscal year. Existing law defines the term "general purpose revenues" for the purposes of this method.

This bill would repeal, as of July 1, 2000, the existing formulas for determining each county superintendent's revenue limit for county superintendent responsibilities and services. The bill would delete the term "general purpose revenues" and replace it with the term "core revenues." The bill would require the Superintendent of Public Instruction to apportion equalization funding for the 1999-2000 fiscal year to certain county offices of education in prescribed amounts. The bill would make various conforming changes to existing provisions of law, including changes to the computations to be made by the Superintendent of Public Instruction to determine the amounts to be allocated for direct and other services provided by county superintendents of schools.

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

Vote: majority 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

- 1 ~~SECTION 1. The Legislature finds and declares all of~~
- 2 ~~the following:~~
- 3 ~~(a) California pupils in the 2003-04 school year will be~~
- 4 ~~required by other provisions of law to pass an examination~~



1 in mathematics and English language in order to
2 graduate from high school.

3 (b) The ability to develop the skills and knowledge
4 that will be needed to pass a skills test by the 12th grade
5 is dependent upon the pupil's basic academic foundation
6 that is established in the earlier school grades.

7 (c) Educational intervention for a pupil who is not
8 progressing satisfactorily is an essential part of a system of
9 pupil performance and accountability.

10 (d) Intervention programs, to be successful, must be
11 instituted in early school grades and must be provided at
12 significant points throughout the instructional program
13 as the individual pupil may need.

14 (e) Successful preparation for a high school graduation
15 examination requires an alignment of the curriculum and
16 instruction throughout the K-12 system and a statewide
17 testing system that provides an effective and accurate
18 measure of pupil progress toward attainment of the skills
19 that a pupil is expected to possess at the end of the K-12
20 school experience.

21 SEC. 2. Article 12.5 (commencing with Section
22 51840) is added to Chapter 5 of Part 28 of the Education
23 Code, to read:

24 51840. There is hereby established the Pupil
25 Assistance for School Success ("PASS") Program to
26 provide pupils with assistance in developing the
27 academic foundation necessary to successfully complete
28 the high school exit examinations required by Section
29 60851 and to achieve grade level academic standards of
30 performance for each school year.

31 51841. (a) The governing board of each school
32 district that receives any of the funds identified in Section
33 51842, shall ensure that the following pupils receive the
34 appropriate services:

35 (1) Pupils who do not demonstrate sufficient progress
36 toward passing the examination required for high school
37 graduation as determined by the school district or the
38 proficiency in basic skills standards adopted pursuant to
39 Section 51215.



1 ~~(2) Pupils who are retained or at risk of being retained~~
2 ~~and are eligible to be served pursuant to Section 37252.5.~~

3 ~~(3) Any pupil recommended by his or her current or~~
4 ~~most recent teacher, a school counselor or psychologist,~~
5 ~~or school principal, who is in need of remedial instruction~~
6 ~~in mathematics, English language arts, or core subjects~~
7 ~~that are essential to achievement of the grade level~~
8 ~~standards that have been adopted by the State Board of~~
9 ~~Education.~~

10 ~~(4) Programs may include instruction during school,~~
11 ~~after school, Saturdays, summer recess, intersession~~
12 ~~recess, or any combination of these times.~~

13 ~~(b) Notwithstanding Section 33050, a school district~~
14 ~~may apply to the State Board of Education for waiver of~~
15 ~~funding restrictions and legal requirements in order to~~
16 ~~provide an intervention program for PASS pupils. The~~
17 ~~Superintendent of Public Instruction shall review the~~
18 ~~application and make recommendations to the State~~
19 ~~Board of Education regarding the waiver requests. The~~
20 ~~State Board of Education shall grant the requests if the~~
21 ~~school district demonstrates that the waiver would~~
22 ~~facilitate implementation of the PASS program.~~

23 ~~51842. (a) Notwithstanding any other provision of~~
24 ~~law, to serve PASS program pupils, a school district may~~
25 ~~use funds from any of the programs identified in~~
26 ~~subdivision (b) of which the school district is otherwise~~
27 ~~eligible to receive.~~

28 ~~(b) Included in the programs eligible for rule waiver~~
29 ~~requests are any of the following:~~

30 ~~(1) Remedial Supplemental Instruction for grades 2 to~~
31 ~~9, inclusive.~~

32 ~~(2) Core Academic Summer School.~~

33 ~~(3) After School Learning and Safe Neighborhoods~~
34 ~~Partnership for grades K to 9, inclusive to the extent that~~
35 ~~core academic programs are funded by this program.~~

36 ~~(4) Remedial Summer School for grades 7 to 12,~~
37 ~~inclusive.~~

38 ~~51843. School districts that participate in the PASS~~
39 ~~program may provide all of the following:~~

40 ~~(a) The highest quality instruction.~~



1 ~~(b) Innovative and effective instructional strategies.~~

2 ~~(c) Program evaluation and plans for followup.~~

3 ~~(d) Teacher-pupil ratios that are appropriate for~~
4 ~~remedial instruction.~~

5 ~~(e) Flexible use of local resources, and where possible,~~
6 ~~augmented by regular school program funds, and private~~
7 ~~sources of funds.~~

8 ~~(f) Appropriate diagnosis and remedial instruction at~~
9 ~~the level of individual pupils.~~

10 *SECTION 1. It is the intent of the Legislature that,*
11 *within three fiscal years of the enactment of the act*
12 *adding this section, financing will be provided in the*
13 *annual Budget Act or other item of appropriation to fund*
14 *the full amount set forth in subdivision (a) of Section 2567*
15 *of the Education Code.*

16 *SEC. 2. Section 2550 of the Education Code is*
17 *amended to read:*

18 2550. For each fiscal year, the Superintendent of
19 Public Instruction shall make the following computations
20 to determine the amount to be allocated for direct
21 services and other purposes provided by county
22 superintendents of schools:

23 (a) For programs operated pursuant to subdivision (a)
24 of Section 14054, the Superintendent of Public Instruction
25 shall:

26 (1) Determine the allowances that county
27 superintendents received per unit of average daily
28 attendance in the prior fiscal year. The Superintendent
29 of Public Instruction shall increase each amount by a
30 percentage equal to the inflation allowance calculated for
31 the current fiscal year pursuant to Section 2557.

32 (2) Multiply each amount determined in paragraph
33 (1) by the actual number of units of average daily
34 attendance in the prior fiscal year for programs
35 maintained by each county superintendent. For purposes
36 of this paragraph, the number of units of average daily
37 attendance shall include only *units generated by*
38 elementary districts with less than 901 units of average
39 daily attendance, high school districts with less than 301
40 units of average daily attendance, and unified school



1 districts with less than 1,501 units of average daily
2 attendance within each county superintendent's
3 jurisdiction.

4 (b) For programs operated pursuant to subdivision
5 (b) of Section 14054, the Superintendent of Public
6 Instruction shall:

7 (1) Determine the allowances ~~that county~~
8 ~~superintendents received per unit of average daily~~
9 ~~attendance in the prior fiscal year for programs for~~
10 ~~kindergarten and grades 1 to 12, inclusive. The~~
11 ~~Superintendent of Public Instruction shall increase each~~
12 ~~amount~~ rate calculated for each county office of
13 education pursuant to subdivision (b) of Section 2567 and
14 increase each rate by a percentage equal to the inflation
15 allowance calculated in Section 2557.

16 (2) Multiply each amount determined in paragraph
17 (1) by the estimated units of average daily attendance in
18 the current fiscal year for programs for kindergarten and
19 grades 1 to 12, inclusive, maintained by each county
20 superintendent. For the purposes of this paragraph, the
21 estimate shall include only the total units of average daily
22 attendance credited to all elementary, high school, and
23 unified school districts within each county
24 superintendent's jurisdiction and to the county
25 superintendent.

26 *SEC. 3. Section 2551 of the Education Code is*
27 *amended to read:*

28 2551. The Superintendent of Public Instruction shall
29 perform the computations prescribed in this section to
30 determine each county superintendent's revenue limit
31 for county superintendent responsibilities and district
32 services:

33 (a) For the 1981-82 fiscal year, the superintendent
34 shall add to the revenue limit amount computed pursuant
35 to subdivision (a) of Section 2551 for the 1980-81 fiscal
36 year, the revenue limit amount computed pursuant to
37 Section 2552 for the 1980-81 fiscal year reduced by 55.9
38 percent. This adjusted revenue limit shall then be
39 increased by the inflation allowance calculated in
40 subdivision (a) of Section 2557.



1 (b) For the 1981–82 fiscal year and for each fiscal year
2 thereafter, the Superintendent of Public Instruction shall
3 increase the amount calculated in subdivision (a) by the
4 amounts computed according to Sections 2507.5 and 2510.

5 (c) The total amounts for each program calculated
6 pursuant to subdivision (a) may be used for any of the
7 services or programs specified in this section, or Section
8 2552 as it read prior to the enactment of this act.

9 (d) *This section shall become inoperative on July 1,
10 1999, and as of January 1, 2000, is repealed, unless a later
11 enacted statute, that becomes operative on or before
12 January 1, 2000, deletes or extends the dates on which it
13 becomes inoperative and is repealed.*

14 *SEC. 4. Section 2561 of the Education Code is
15 amended to read:*

16 2561. For purposes of this article, the following
17 definitions shall apply:

18 (a) “Countywide ADA” means the aggregate number
19 of annual units of regular average daily attendance for the
20 fiscal year in all school districts within the county.

21 (b) “Services ADA” means the countywide ADA plus
22 12.5 percent of the number of full-time equivalent
23 students in community college districts within the county
24 for which the county office of education provides fiscal
25 and other services.

26 (c) ~~“General purpose—Core revenues”~~ means the sum
27 of the following amounts received by the county office of
28 education in the fiscal year:

29 (1) Apportionments received for purposes of
30 subdivision (b) of Section 2550 and for purposes of county
31 superintendent office operations and capital outlay.

32 (2) Any financial support provided to the county office
33 of education from the general fund of the county,
34 including, but not limited to, salary and benefits
35 expenditures for county office of education staff paid for
36 by the county, other expenditures to support the
37 operations of the county office of education paid for the
38 county, revenues transferred from the county general
39 fund to the county office of education, and any other
40 direct or indirect support provided to the county office of



1 education by the county general fund. As a condition of
2 receipt of funds pursuant to this article, the county
3 superintendent of schools shall certify the amount of this
4 financial support from the county general fund to the
5 Superintendent of Public Instruction in a manner
6 determined by the Superintendent of Public Instruction.

7 *SEC. 5. Section 2562 of the Education Code is*
8 *amended to read:*

9 2562. For purposes of ~~this article~~ *Section 2563*, the
10 following classes of counties shall apply:

11 (a) Class 1: Counties with 1994–95 countywide ADA of
12 more than 500,000.

13 (b) Class 2: Counties with 1994–95 countywide ADA of
14 at least 180,000 but less than 500,000.

15 (c) Class 3: Counties with 1994–95 countywide ADA of
16 at least 60,000 but less than 180,000.

17 (d) Class 4: Counties with 1994–95 countywide ADA of
18 at least 30,000 but less than 60,000.

19 (e) Class 5: Counties with 1994–95 countywide ADA of
20 at least 14,000 but less than 30,000.

21 (f) Class 6: Counties with 1994–95 countywide ADA of
22 at least 7,000 but less than 14,000.

23 (g) Class 7: Counties with 1994–95 countywide ADA of
24 less than 7,000.

25 *SEC. 6. Section 2563 of the Education Code is*
26 *amended to read:*

27 2563. The Superintendent of Public Instruction shall
28 make the following calculations for the 1995–96 fiscal
29 year:

30 (a) For each county office of education, divide its
31 1994–95 ~~general-purpose~~ *core* revenues by its 1994–95
32 services ADA.

33 (b) For each class of counties, except ~~Class~~ *class* 1
34 counties, divide the sum of the 1994–95 ~~general-purpose~~
35 *core* revenues for all of the county offices of education in
36 that class by the sum of the services ADA for all of the
37 counties in that class, and multiply that quotient by 0.88.
38 For ~~Class~~ *class* 1 counties, the amount shall be eighteen
39 dollars and 98 cents (\$18.98).



1 (c) For each county office of education, subtract the
2 amount determined pursuant to subdivision (a) from the
3 amount determined pursuant to subdivision (b) of the
4 class of counties of which it is a member. If this difference
5 is less than zero, it shall be deemed to be zero.

6 (d) For each county office of education, multiply the
7 amount determined pursuant to subdivision (c) by its
8 1994–95 services ADA.

9 (e) Divide five million dollars (\$5,000,000) by the
10 statewide sum of the amounts determined pursuant to
11 subdivision (d) and, for each county office of education,
12 multiply that quotient by ~~its~~ *the* amount determined *for*
13 *it* pursuant to subdivision (d).

14 *SEC. 7. Section 2566 of the Education Code is*
15 *amended to read:*

16 2566. (a) The total amount apportioned *for the*
17 *1995–96 fiscal year* pursuant to this article shall not exceed
18 ~~5~~ *five* million dollars (\$5,000,000).

19 (b) This article shall only become operative if the
20 Director of Finance certifies that a settlement agreement
21 in California Teachers Association v. Gould (Sacramento
22 County Superior Court Case CV 373415) is effective. No
23 funds shall be disbursed under this article before August
24 1, 1996.

25 (c) For the purpose of making the computations
26 required by Section 8 of Article XVI of the California
27 Constitution, the appropriations made by this paragraph
28 for the 1995–96 fiscal year shall be deemed to be “General
29 Fund revenues appropriated to school districts,” as
30 defined in subdivision (c) of Section 41202 for the 1995–96
31 fiscal year and be included within the “total allocations to
32 school districts and community college districts from
33 General Fund proceeds of taxes appropriated pursuant to
34 Article XIII B,” as defined in subdivision (e) of Section
35 41202 for that fiscal year.

36 *SEC. 8. Section 2567 is added to the Education Code,*
37 *to read:*

38 2567. (a) *The Superintendent of Public Instruction*
39 *shall apportion equalization funding for the 1999–2000*
40 *fiscal year to the following county offices of education,*



1 adjusted for the deficit factor pursuant to Section 2558.45,
2 pursuant to the following schedule:

3		
4	Alameda	\$655,915
5	Butte	122,621
6	Calaveras	113,407
7	Colusa	111,661
8	Contra Costa	1,635,257
9	El Dorado	134,690
10	Fresno	2,524,656
11	Glenn	39,294
12	Humboldt	144,123
13	Imperial	613,130
14	Kern	133,470
15	Kings	306,758
16	Lassen	55,479
17	Los Angeles	6,805,186
18	Madera	284,994
19	Merced	303,003
20	Nevada	159,019
21	Orange	1,632,568
22	Placer	2,771
23	Sacramento	2,293,851
24	San Benito	129,193
25	San Bernardino	2,346,446
26	San Joaquin	1,317,689
27	Shasta	214,714
28	Solano	1,087,058
29	Stanislaus	1,265,200
30	Sutter	305,535
31	Tehama	135,315
32	Trinity	17,483
33	Tulare	1,609,231
34	Tuolumne	94,236
35	Ventura	343,369
36	Yolo	144,922
37	Yuba	138,497
38		
39		<hr/>
40		\$27,220,744



1 (b) (1) For purposes of paragraph (1) of subdivision
2 (b) of Section 2550, the Superintendent of Public
3 Instruction shall divide the amount of equalization aid
4 received by each county office of education pursuant to
5 subdivision (a) by its 1998–99 countywide ADA and add
6 the resulting quotient to the 1998–99 core revenue rate
7 per unit of average daily attendance. For purposes of this
8 calculation, the core revenue rate per unit of average
9 daily attendance is determined by dividing the
10 apportionments set forth in paragraph (1) of subdivision
11 (c) of Section 2561 by the 1998–99 countywide ADA.

12 (2) For purposes of paragraph (1) of subdivision (b)
13 of Section 2550, for county offices of education not listed
14 in subdivision (a), the 1998–99 core revenue rate per unit
15 of average daily attendance is determined by dividing the
16 apportionments set forth in paragraph (1) of subdivision
17 (c) of Section 2561 by the 1998–99 countywide ADA.

18 (c) If, in the 1999–2000 fiscal year, insufficient funding
19 is appropriated to fully fund the schedule set forth in
20 subdivision (a), the Superintendent of Public Instruction
21 shall allocate the appropriated funds to county offices of
22 education in proportion to the scheduled amounts. If
23 funds are appropriated in fiscal years subsequent to the
24 1999–2000 fiscal year for purposes of funding the amounts
25 remaining to fully fund each county office of education in
26 the amounts listed in subdivision (a) and the amounts
27 appropriated in those fiscal years are insufficient to fully
28 fund the amounts remaining, the Superintendent of
29 Public Instruction shall in each subsequent fiscal year
30 allocate the appropriated funds in proportion to the
31 scheduled amounts until the county offices of education
32 receive the full amounts listed in the schedule set forth in
33 subdivision (a).

34 SEC. 9. Section 14054 of the Education Code is
35 amended to read:

36 14054. The Superintendent of Public Instruction
37 shall, during each fiscal year ~~allow~~, allocate to the county
38 school service fund of each county from the State School
39 Fund ~~such amounts as~~ an amount that the budget
40 submitted by the county superintendent of schools and



1 approved by the Superintendent of Public Instruction,
2 under Section 14050, shows is necessary, but:

3 (a) The total amount ~~allowed~~ *allocated* by the
4 Superintendent of Public Instruction under this section
5 to all county school service funds for supervision of
6 instruction and health, attendance, and guidance services
7 pursuant to ~~Sections 1730 to 1762, inclusive~~ *Article 4*
8 *(commencing with Section 1730) of, Article 5*
9 *(commencing with Section 1740) of, Article 6*
10 *(commencing with Section 1750) of, and Article 7*
11 *(commencing with Section 1760) of, Chapter 6 of Part 2,*
12 for pupils in elementary school districts which, during the
13 next preceding fiscal year, had less than 901 units of
14 average daily attendance, in high school districts which,
15 during the preceding year, had less than 301 units of
16 average daily attendance, and in unified school districts,
17 which during the next preceding fiscal year, had less than
18 1,501 units of average daily attendance, shall not exceed
19 the sum provided by law for ~~such~~ *this* purpose or the
20 amounts shown necessary by ~~such~~ *those* budgets, for ~~such~~
21 *that* purpose, whichever is the lesser.

22 (b) The total amount ~~allowed~~ *allocated* by the
23 Superintendent of Public Instruction under this section
24 to all county school service funds for ~~all other purposes~~
25 *core revenues* shall not exceed the sum provided by law
26 for ~~such~~ *those* purposes or the amounts shown necessary
27 by ~~such~~ *those* budgets, whichever is the lesser.

28 *SEC. 10. This act is an urgency statute necessary for*
29 *the immediate preservation of the public peace, health,*
30 *or safety within the meaning of Article IV of the*
31 *Constitution and shall go into immediate effect. The facts*
32 *constituting the necessity are:*

33 *In order to implement the Budget Act of 1999 with*
34 *respect to public schools and community colleges, it is*
35 *necessary that this act take effect immediately.*

