

AMENDED IN SENATE JUNE 20, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2429**

**Introduced by Assembly Member Wildman**

February 24, 2000

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An act to amend, repeal, and add Section 41841.6 of the Education Code, relating to education of prisoners, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2429, 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, *for the 2000–01 fiscal year, that a school district or county board 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 average daily attendance claimed and authorized during the previous fiscal year multiplied by 1.14. The bill would also provide commencing with the ~~2000–01~~ 2001–02 fiscal year, that a school district or county ~~boards~~ board 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 6~~ previous fiscal ~~years~~ year multiplied by 1.025 unless the Legislature approves the increase for that fiscal year in the annual Budget Act.

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

Vote: <sup>2</sup>/<sub>3</sub>. 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 2000, and as of January 1, 2001, is repealed, unless a later  
21 enacted statute, that becomes effective on or before  
22 January 1, 2001, deletes or extends the dates on which it  
23 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~~ *for*  
28 ~~the 2000–01 fiscal year, and for each fiscal year thereafter,~~



1 for purposes of Sections 1909 and 41841.5, in calculating  
 2 the average daily attendance for schools or classes for  
 3 adults in correctional facilities, a school district or county  
 4 board of education may not claim or report any increase  
 5 in average daily attendance in excess of the ~~highest~~  
 6 average daily attendance claimed and authorized  
 7 pursuant to this article during ~~any of the six~~ the previous  
 8 fiscal ~~years~~ year multiplied by ~~—1.025, unless the~~  
 9 Legislature ~~approves a greater increase for that fiscal~~  
 10 year in the annual Budget Act. 1.14.

11 (b) *Except as otherwise provided in subdivision (b) of*  
 12 *Section 46191, commencing with the 2001-02 fiscal year,*  
 13 *and for each fiscal year thereafter, for purposes of*  
 14 *Sections 1909 and 41841.5, in calculating the average daily*  
 15 *attendance for schools or classes for adults in correctional*  
 16 *facilities, a school district or county board of education*  
 17 *may not claim or report any increase in average daily*  
 18 *attendance in excess of the average daily attendance*  
 19 *authorized pursuant to this article during the previous*  
 20 *fiscal year multiplied by 1.025, unless the Legislature*  
 21 *approves a greater increase for that fiscal year in the*  
 22 *annual Budget Act.*

23 (c) No state funds shall be allocated to a school district  
 24 or county board of education for units of average daily  
 25 attendance that have not been approved by the  
 26 Legislature pursuant to subdivision (a) or (b).

27 ~~(e)~~

28 (d) This section shall become operative on July 1, 2000.

29 SEC. 3. This act is an urgency statute necessary for the  
 30 immediate preservation of the public peace, health, or  
 31 safety within the meaning of Article IV of the  
 32 Constitution and shall go into immediate effect. The facts  
 33 constituting the necessity are:

34 In order to ensure that adults in correctional facilities  
 35 are able to receive an education following temporary  
 36 closures of those facilities, it is necessary that this act take  
 37 effect immediately.

