

**ASSEMBLY BILL**

**No. 2625**

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**Introduced by Assembly Member Rod Pacheco**

February 25, 2000

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An act to amend, add, and repeal Sections 41205 and 41302.5 of, and to repeal Section 41205, as added by Section 8 of Chapter 82 of the Statutes of 1989, of the Education Code, relating to state special schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 2625, as introduced, Rod Pacheco. State special schools and diagnostic centers: Proposition 98 funding.

Section 8 of Article XVI of the California Constitution (Proposition 98) sets forth a formula for computing the minimum amount of General Fund revenues that the state is required to appropriate for the support of school districts and community college districts for each fiscal year. Existing law includes as school districts for those purposes Diagnostic Schools for Neurologically Handicapped Children.

This bill would instead include as school districts for those purposes, on and after July 1, 2001, the California School for the Deaf, the California School for the Blind, and all diagnostic centers.

By amending Proposition 98, the bill would require a  $\frac{2}{3}$  vote of each house of the Legislature for passage.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 41205 of the Education Code is  
2 amended to read:

3 41205. (a) The Legislature hereby finds and declares  
4 that the only state agencies that provide direct  
5 elementary and secondary level instructional services  
6 within the meaning of Section 41302.5 are those state  
7 agencies enumerated in Section 8880.5 of the  
8 Government Code, or in any successor to that section, not  
9 including any agency enumerated in any of subdivisions  
10 (a) to (f), inclusive, of that section, and California Indian  
11 education centers as established pursuant to Article 6  
12 (commencing with Section 33380) of Chapter 3 of Part 20.  
13 The amount of any appropriation made to a state agency  
14 for direct elementary and secondary level instruction  
15 services shall be determined by applying the definition of  
16 those services, as defined in the California School  
17 Accounting Manual, to the expenditures of the agency.  
18 However, for the Diagnostic Schools for Neurologically  
19 Handicapped Children, as established pursuant to Article  
20 1 (commencing with Section 59200) of Chapter 3 of Part  
21 32, all expenditures of the agency shall be considered  
22 appropriations made to a state agency for direct  
23 elementary and secondary level instruction.

24 (b) *This section shall become inoperative on July 1,*  
25 *2001, and as of January 1, 2002, is repealed, unless a later*  
26 *enacted statute that is enacted before January 1, 2002,*  
27 *deletes or extends the date on which it becomes*  
28 *inoperative and is repealed.*

29 SEC. 2. Section 41205 is added to the Education Code,  
30 to read:

31 41205. (a) The Legislature hereby finds and declares  
32 that the only state agencies that provide direct  
33 elementary and secondary level instructional services  
34 within the meaning of Section 41302.5 are those state  
35 agencies enumerated in Section 8880.5 of the  
36 Government Code, or in any successor to that section, not  
37 including any agency enumerated in any of subdivisions  
38 (a) to (f), inclusive, of that section, and California Indian



1 education centers as established pursuant to Article 6  
2 (commencing with Section 33380) of Chapter 3 of Part 20.  
3 The amount of any appropriation made to a state agency  
4 for direct elementary and secondary level instruction  
5 services shall be determined by applying the definition of  
6 those services, as defined in the California School  
7 Accounting Manual, to the expenditures of the agency.  
8 However, for the state special schools and diagnostic  
9 centers as established pursuant to Part 32 (commencing  
10 with Section 59000), all expenditures shall be considered  
11 appropriations made to a state agency for direct  
12 elementary and secondary level instruction.

13 (b) This section shall become operative on July 1, 2001.

14 SEC. 3. Section 41205 of the Education Code, as added  
15 by Section 8 of Chapter 82 of the Statutes of 1989, is  
16 repealed.

17 ~~41205. The Legislature hereby finds and declares that~~  
18 ~~the only state agencies that provide direct elementary~~  
19 ~~and secondary level instructional services within the~~  
20 ~~meaning of Section 41302.5 are those state agencies~~  
21 ~~enumerated in Section 8880.5 of the Government Code,~~  
22 ~~or in any successor to that section, not including any~~  
23 ~~agency enumerated in any of subdivisions (a) to (f),~~  
24 ~~inclusive, of that section. The amount of any~~  
25 ~~appropriation made to a state agency for direct~~  
26 ~~elementary and secondary level instruction services shall~~  
27 ~~be determined by applying the definition of those~~  
28 ~~services, as defined in the State School of Accounting~~  
29 ~~Manual, to the expenditures of the agency.~~

30 SEC. 4. Section 41302.5 of the Education Code is  
31 amended to read:

32 41302.5. (a) For the purposes of Section 8 and Section  
33 8.5 of Article XVI of the California Constitution, “school  
34 districts” shall include county boards of education, county  
35 superintendents of schools, and direct elementary and  
36 secondary level instructional services provided by the  
37 state, including the Diagnostic Schools for Neurologically  
38 Handicapped Children as established pursuant to Article  
39 1 (commencing with Section 59200) of Chapter 3 of Part  
40 32.



1 (b) *This section shall become inoperative on July 1,*  
2 *2001, and as of January 1, 2002, is repealed, unless a later*  
3 *enacted statute that is enacted before January 1, 2002,*  
4 *deletes or extends the date on which it becomes*  
5 *inoperative and is repealed.*

6 SEC. 5. Section 41302.5 is added to the Education  
7 Code, to read:

8 41302.5. (a) For the purposes of Section 8 and Section  
9 8.5 of Article XVI of the California Constitution, “school  
10 districts” shall include county boards of education, county  
11 superintendents of schools, and direct elementary and  
12 secondary level instructional services provided by the  
13 state, including state special schools and diagnostic  
14 centers established pursuant to Part 32 (commencing  
15 with Section 59000).

16 (b) This section shall become operative on July 1, 2001.

17 SEC. 6. The Legislature recognizes that the changes  
18 made by this act will require adjustments to Proposition  
19 98 funding calculations pursuant to Section 41204 of the  
20 Education Code. It is the intent of the Legislature that the  
21 adjustments be carried out in a manner that is fiscally  
22 neutral.

