

AMENDED IN ASSEMBLY JUNE 28, 1999

**SENATE BILL**

**No. 711**

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**Introduced by ~~Committee on Budget and Fiscal Review~~  
Senator *Burton* and Assembly Member *Shelley***

February 24, 1999

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An act to amend Sections 32228.1 and 32239.5 of, and to amend the heading of Article 3.6 (commencing with Section 32228) and Article 3.8 (commencing with Section 32239.5) of Chapter 2 of Part 19 of, the Education Code, to repeal Sections 8 and 9 of Assembly Bill 1660 of the 1999–2000 Regular Session, and to amend Section 7 of Assembly Bill 1661 of the 1999–2000 Regular Session, relating to education, and ~~declaring the urgency thereof, to take effect immediately~~ governmental functions.

LEGISLATIVE COUNSEL'S DIGEST

SB 711, as amended, ~~Committee on Budget and Fiscal Review~~ *Burton*. ~~Education: budget trailer~~ *Governmental functions*.

(1) *Legislation pending before the Governor would make various provisions for the prevention of school violence.*

*This bill would revise the designation of those provisions.*

(2) *Legislation pending before the Governor would make findings and declarations with regard to the federal decennial census and state the intent of the Legislature to increase participation in the 2000 federal decennial census.*

*This bill would prevent the operation of and would repeal these provisions.*

(3) Legislation pending before the Governor would create the California Complete Count Committee relating to federal decennial census.

This bill would delete the authority to establish this committee.

(4) Legislation pending before the Governor would prohibit counties from receiving certain local assistance funds unless certain conditions are complied with.

This bill would correct erroneous cross-references in that provision.

(5) Existing federal law provides for the conduct of a decennial census of the population of every state.

This bill would request the Governor to appoint a task force to make recommendations on how to maximize the number of Californians counted in the 2000 census and to implement a census outreach program.

~~The Budget Act of 1998 includes appropriations for the support of elementary and secondary education and community colleges. Existing law, the California Constitution, establishes a method of calculating the minimum funding obligation to school districts and community college districts for each fiscal year.~~

~~This bill would express the intent of the Legislature to enact legislation to make the necessary statutory changes relative to kindergarten, grades 1 to 12, inclusive, California Community Colleges, and Proposition 98 funding levels for prior years to implement the Budget Act of 1999.~~

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

Vote:  $\frac{2}{3}$  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. It is the intent of the Legislature to enact~~
- 2 ~~SECTION 1. The heading of Article 3.6 (commencing~~
- 3 ~~with Section 32228) of Chapter 2 of Part 19 of the~~
- 4 ~~Education Code, as added by Assembly Bill 1113 of the~~
- 5 ~~1999–2000 Regular Session, is amended to read:~~
- 6



1 Article 3.6. *Carl Washington School Safety and*  
2 *Violence Prevention Act*

3  
4 *SEC. 2. Section 32228.1 of the Education Code, as*  
5 *added by Assembly Bill 1113 of the 1999–2000 Regular*  
6 *Session, is amended to read:*

7 32228.1. (a) The *Carl Washington School Safety and*  
8 *Violence Prevention Act* is hereby established. This  
9 statewide program shall be administered by the  
10 Superintendent of Public Instruction, who shall provide  
11 funds to school districts serving pupils in any of grades 8  
12 to 12, inclusive, for the purpose of promoting school safety  
13 and reducing schoolsite violence. As a condition of  
14 receiving funds pursuant to this article, an eligible school  
15 district shall certify, on forms and in a manner required  
16 by the Superintendent of Public Instruction, that the  
17 funds will be used as described in this section.

18 (b) From funds appropriated in the annual Budget  
19 Act or any other measure, funds shall be allocated to  
20 school districts on the basis of enrollment of pupils in  
21 grades 8 to 12, inclusive, for any one or more of the  
22 following purposes:

23 (1) Providing schools with personnel, including, but  
24 not limited to, licensed or certificated school counselors,  
25 school social workers, school nurses, and school  
26 psychologists, who are trained in conflict resolution. Any  
27 law enforcement personnel hired pursuant to this article  
28 shall be trained and sworn peace officers.

29 (2) Providing effective and accessible on-campus  
30 communication devices and other school safety  
31 infrastructure needs.

32 (3) Establishing an in-service training program for  
33 school staff to learn to identify at-risk pupils, to  
34 communicate effectively with those pupils, and to refer  
35 those pupils to appropriate counseling.

36 (4) Establishing cooperative arrangements with local  
37 law enforcement agencies for appropriate  
38 school-community relationships.

39 (5) For any other purpose that the school or school  
40 district determines that would materially contribute to

1 meeting the goals and objectives of current law in  
2 providing for safe schools and preventing violence among  
3 pupils.

4 *SEC. 3. The heading of Article 3.8 (commencing with*  
5 *Section 32239.5) of Chapter 2 of Part 19 of the Education*  
6 *Code, as added by Assembly Bill 1113 of 1999–2000*  
7 *Regular Session, is amended to read:*

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9 Article 3.8. *Machado School Violence Prevention and*  
10 *Response Task Force*

11

12 *SEC. 4. Section 32239.5 of the Education Code, as*  
13 *added by Assembly Bill 1113 of the 1999–2000 Regular*  
14 *Session, is amended to read:*

15 32239.5. (a) This article shall be known, and may be  
16 cited, as the *Machado School Violence Prevention and*  
17 *Response Act of 1999.*

18 (b) A School Violence Prevention and Response Task  
19 Force is hereby established, which shall consist of the  
20 following members:

21 (1) The Superintendent of Public Instruction, the  
22 Attorney General, the Director of the Office of Criminal  
23 Justice Planning, and the Secretary for Education shall be  
24 ex officio voting members of the School Violence  
25 Prevention and Response Task Force, and shall serve as  
26 cochairs of the task force.

27 (2) Twelve members representing educators, health  
28 care practitioners, and members of the law enforcement  
29 community, each with expertise in school-based crisis  
30 prevention and response appointed as follows:

31 (A) The Director of the Office of Criminal Justice  
32 Planning and the Attorney General shall each appoint  
33 three members to the task force. These appointments  
34 shall include representatives of the law enforcement and  
35 victims’ services community. These appointments may  
36 include persons with expertise in juvenile justice, gang  
37 violence prevention, juvenile probation, victim  
38 assistance programs, crisis management, or academic  
39 experts in criminology or juvenile delinquency.



1 (B) The Superintendent of Public Instruction and the  
2 Secretary for Education shall each appoint three  
3 members to the task force. These appointments shall  
4 include representative of the education and health care  
5 practitioner communities. These appointments may  
6 include classroom educators, school administrators,  
7 school counselors, school psychologists, parents, pupils,  
8 mental health providers, or academic experts in child  
9 development or violence prevention.

10 (c) The members of the task force may not receive a  
11 salary for their services but shall be reimbursed for their  
12 actual and necessary travel and other expenses incurred  
13 in the performance of their duties.

14 (d) The task force shall do all of the following:

15 (1) Analyze and evaluate current statutes and  
16 programs in the area of school-based crisis prevention and  
17 response.

18 (2) Make appropriate policy recommendations on  
19 how to enhance state and local programs and training to  
20 adequately prepare school districts and county offices of  
21 education to meet the challenges stemming from  
22 disruptive and violent acts, or both, on or near school  
23 campuses. These recommendations shall include a  
24 discussion regarding the manner in which the  
25 recommendations may be implemented within existing  
26 resources.

27 (3) Suggest methods for training school personnel on  
28 how to recognize risk indicators for pupils that could  
29 eventually lead to violence. These suggested methods  
30 shall include how to refer pupils to trained personnel,  
31 such as school psychologists, counselors, mental health  
32 providers, or other designated appropriate staff.

33 (4) Hold at least two public meetings.

34 (5) Report its findings and policy recommendations to  
35 the Legislature and the Governor on or before April 10,  
36 2000.

37 (e) Each of the cochairs shall have the authority to  
38 convene subcommittee meetings. However, any findings  
39 or recommendations made by a subcommittee, or by any  
40 of the other members of the task force, shall be approved



1 by at least three of the four voting members of the task  
2 force in order to be incorporated in the report described  
3 in paragraph (5) of subdivision (c).

4 (f) The Office of Criminal Justice Planning shall make  
5 staff resources available to the task force.

6 *SEC. 5. Section 8 of Assembly Bill 1660 of the*  
7 *1999–2000 Regular Session shall not become operative*  
8 *and is repealed.*

9 ~~Sec. 8. (a) The Legislature finds and declares that~~  
10 ~~more than 843,000 Californians were missed by the 1990~~  
11 ~~federal decennial census of population and that~~  
12 ~~underecount resulted in the loss of \$2.2 billion in federal~~  
13 ~~funds that would have been received by the state on the~~  
14 ~~basis of population.~~

15 ~~(b) It is the intent of the Legislature that the state take~~  
16 ~~aggressive steps to increase participation in the 2000~~  
17 ~~federal decennial census of population. It is further the~~  
18 ~~intent of the Legislature to increase participation in the~~  
19 ~~federal census through an intensive, short-term outreach~~  
20 ~~program to those groups that have been underecounted in~~  
21 ~~the past.~~

22 *SEC. 6. Section 9 of Assembly Bill 1660 of the*  
23 *1999–2000 Regular Session shall not become operative is*  
24 *repealed.*

25 ~~Sec. 9. (a) The California Complete Count~~  
26 ~~Committee is hereby established for the purpose of~~  
27 ~~developing and implementing a plan to maximize the~~  
28 ~~number of persons of this state that participate in the 2000~~  
29 ~~federal decennial census of population required by~~  
30 ~~Section 141 of Title 13 of the United States Code through~~  
31 ~~an intensive, short-term outreach program to those~~  
32 ~~groups that have been underecounted in the past.~~

33 ~~(b) The committee shall have nine members, to be~~  
34 ~~appointed as follows:~~

35 ~~(1) Two members appointed by the Governor who are~~  
36 ~~from community-based organizations that serve groups~~  
37 ~~that were underecounted in the 1990 federal decennial~~  
38 ~~census of population.~~

39 ~~(2) One member appointed by the Governor who is an~~  
40 ~~official of the county that sustained the largest~~



1 ~~undercount in the 1990 federal decennial census of~~  
2 ~~population.~~

3 ~~(3) One member appointed by the Governor who is a~~  
4 ~~representative of the school district with the most pupils~~  
5 ~~who qualify for free and reduced price meals pursuant to~~  
6 ~~the National School Lunch Act, as amended (42 U.S.C.~~  
7 ~~Sec. 1751 and following).~~

8 ~~(4) One member appointed by the Governor who is a~~  
9 ~~representative of a state agency that has clients who are~~  
10 ~~members of the groups that were undercounted in the~~  
11 ~~1990 federal decennial census of population.~~

12 ~~(5) One member appointed by the President pro~~  
13 ~~Tempore of the Senate.~~

14 ~~(6) One member appointed by the Speaker of the~~  
15 ~~Assembly.~~

16 ~~(7) One member appointed by the Lieutenant~~  
17 ~~Governor. The Lieutenant Governor shall also be a~~  
18 ~~member of the committee and shall serve as the~~  
19 ~~chairperson of the committee.~~

20 ~~(c) The committee may enter into contracts with~~  
21 ~~individuals or entities as necessary for the~~  
22 ~~implementation or development of the plan.~~

23 ~~(d) Motions considered by the committee shall be~~  
24 ~~approved upon a vote of a majority of those members who~~  
25 ~~are present and voting.~~

26 ~~(e) The committee shall implement the plan no later~~  
27 ~~than February 15, 2000, and shall continue to implement~~  
28 ~~the plan through September 1, 2000. The committee shall~~  
29 ~~cease to exist on December 31, 2000.~~

30 *SEC. 7. Section 7 of Assembly Bill 1661 of the*  
31 *1999-2000 Regular Session is amended to read:*

32 *Sec. 7. For purposes of allocating one-half of the*  
33 *moneys appropriated by Item 9210-118-0001 of the*  
34 *Budget Act of 1999, all of the following apply:*

35 *(a) A county is prohibited from receiving any portion*  
36 *of the moneys unless the county complies with all of the*  
37 *following:*

38 *(1) No later than October 1, 1999, the county auditor*  
39 *reports to the Controller and the Director of Finance the*  
40 *total amount of ad valorem property tax revenue*



1 allocated from the county's Educational Revenue  
2 Augmentation Fund to school districts, community  
3 college districts, and county superintendents of schools  
4 for the 1998–99 fiscal year.

5 (2) The county board of supervisors adopts an  
6 ordinance or resolution that specifies each amount of ad  
7 valorem property tax revenue shifted from a local agency  
8 within the county to the county's Educational Revenue  
9 Augmentation Fund for the 1998–99 fiscal year, and the  
10 chairperson of the county board of supervisors reports  
11 those revenue shift amounts to the Controller and the  
12 Director of Finance in a manner that identifies the  
13 revenue shift amount for each local agency in the county.

14 (3) The county board of supervisors adopts an  
15 ordinance or resolution pursuant to which the county  
16 agrees to both of the following:

17 (A) The county will allocate its share of the  
18 appropriated moneys subject to this section in  
19 accordance with subdivision ~~(d)~~ (c).

20 (B) The county will not, in connection with either  
21 paragraphs (1) or (2) of this subdivision or subdivision  
22 ~~(d)~~ (c), make any claim for reimbursement of  
23 state-mandated local costs.

24 No later than December 1, 1999, the county board of  
25 supervisors shall transmit the ordinance or resolution  
26 adopted pursuant to this paragraph to the Director of  
27 Finance. The Controller shall promulgate guidelines for  
28 the making of reports as required by this subdivision.

29 (b) For each county that complies with all of the  
30 conditions set forth in subdivision (a), the Controller shall  
31 do both of the following:

32 (1) Perform the following calculations:

33 (A) Divide the amount reported by the county auditor  
34 in accordance with paragraph (1) of subdivision (a) by  
35 the total of all of the amounts reported by counties in  
36 accordance with paragraph (1) of subdivision (a).

37 (B) Divide the amount appropriated by Item  
38 9210-118-0001 of the Budget Act of 1999 by two.



1 (C) Multiply the amount determined in accordance  
2 with subparagraph (A) by the amount determined in  
3 accordance with subparagraph (B).

4 For purposes of performing these calculations, the  
5 Controller shall review the information submitted by the  
6 county. If, consistent with information available from any  
7 other reliable source, the Controller determines that the  
8 information may be inaccurate, the Controller may  
9 request the Director of Finance to review the amount  
10 reported by the county in accordance with paragraph (1)  
11 of subdivision (a). The Director of Finance may direct  
12 the Controller to adjust the amount reported to the  
13 Controller by the county in accordance with paragraph  
14 (1) of subdivision (a). The Controller shall inform the  
15 county of any adjustment that is so made.

16 (2) No later than February 1, 2000, the Controller shall,  
17 from the appropriated revenues subject to this section,  
18 allocate to the county the amount determined for that  
19 county pursuant to paragraph (1).

20 (c) In each county that receives revenue in  
21 accordance with subdivision (b), the county auditor shall  
22 allocate that revenue to those local agencies among the  
23 county, and cities and special districts in the county, that  
24 contributed a positive amount to the county's  
25 Educational Revenue Augmentation Fund for the  
26 1998-99 fiscal year. The allocation share for each recipient  
27 local agency shall be determined pursuant to the  
28 following calculations:

29 (1) Divide the amount of revenue shifted for the  
30 1998-99 fiscal year from the local agency to the county's  
31 Educational Revenue Augmentation Fund by the total  
32 amount of revenue shifted for the 1998-99 fiscal year to  
33 the county's Educational Revenue Augmentation Fund  
34 by all local agencies in the county contributing a positive  
35 amount to that fund.

36 (2) Multiply the ratio determined pursuant to  
37 paragraph (1) by the amount of revenues allocated to the  
38 county pursuant to paragraph (2) of subdivision (b).

39 *SEC. 8. The Governor is hereby requested to appoint*  
40 *a task force to make recommendations on how to*



1 *maximize the number of California's counted in the 2000*  
2 *census and to implement a census outreach program.*  
3 ~~legislation to make the necessary statutory changes~~  
4 ~~relative to kindergarten, grades 1 to 12, inclusive,~~  
5 ~~California Community Colleges, and Proposition 98~~  
6 ~~funding levels for prior years to implement the Budget~~  
7 ~~Act of 1999.~~

8 SEC. 2. ~~This act is an urgency statute necessary for the~~  
9 ~~immediate preservation of the public peace, health, or~~  
10 ~~safety within the meaning of Article IV of the~~  
11 ~~Constitution and shall go into immediate effect. The facts~~  
12 ~~constituting the necessity are:~~

13 ~~In order to implement the Budget Act of 1999 with~~  
14 ~~respect to kindergarten, grades 1 to 12, inclusive,~~  
15 ~~California Community Colleges, and Proposition 98~~  
16 ~~funding levels for prior years, it is necessary that this act~~  
17 ~~take effect immediately.~~

