

AMENDED IN SENATE APRIL 29, 1999

SENATE BILL

No. 998

Introduced by Senator O'Connell

February 26, 1999

An act to amend Section ~~41204~~ 47614 of the Education Code, relating to ~~school finance~~ *charter schools*.

LEGISLATIVE COUNSEL'S DIGEST

SB 998, as amended, O'Connell. ~~School Finance~~ *Charter schools*.

~~Existing law provides that enrollment, average daily attendance, or average daily attendance equivalents used for the purpose of calculating "increases in enrollment" pursuant to Section 8 of Article XVI of the California Constitution shall not be redefined, adjusted, or otherwise recalculated unless the appropriate action is taken to neutralize the effect of the change with respect to the adjustment required to be made for increases in enrollment.~~

~~This bill would delete the term "increases in enrollment" in this provision, and replace it with the term "changes in enrollment," which is consistent with the terminology in Section 8 of Article XVI of the California Constitution.~~

~~Under existing law, a school district in which a charter school operates is required to permit the charter school to use, at no charge, facilities not currently being used by the school district for instructional or administrative purposes, or that have not been historically used for rental purposes provided the charter school is responsible for reasonable maintenance of those facilities.~~



This bill would instead provide that each school district shall make available to each charter school operating in the school district facilities sufficient for the charter school to accommodate all of the charter school's in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district, thereby imposing a state-mandated local program. The bill would require that the facilities provided be contiguous, furnished, and equipped, and remain the property of the school district, and would require the district to make reasonable efforts to provide the charter school with facilities near to where the charter school wishes to locate and not unnecessarily move the charter school.

This bill would provide that these districts responsibilities take effect on July 1, 2003, or if the school district passes a school bond measure in the year 2000, 2001, or 2002, on the first day of July next following such passage.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would provide that its provisions would become operative only if SCA 1 of the 1999–2000 Regular Session of the Legislature is adopted by the voters.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

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

1 ~~SECTION 1. — Section 41204 of the Education Code is~~
 2 ~~SECTION 1. Section 47614 of the Education Code is~~
 3 ~~amended to read:~~
 4 ~~47614. A school district in which a charter school~~
 5 ~~operates shall permit a charter school to use, at no charge,~~
 6 ~~facilities not currently being used by the school district for~~
 7 ~~instructional or administrative purposes, or that have not~~
 8 ~~been historically used for rental purposes provided the~~



1 ~~charter school shall be responsible for reasonable~~
2 ~~maintenance of those facilities.~~ (a) *The intent of the*
3 *Legislature by amending this section is that public school*
4 *facilities should be shared fairly among all public school*
5 *students, including those in charter schools.*

6 (b) *Each school district shall make available, to each*
7 *charter school operating in the school district, facilities*
8 *sufficient for the charter school to accommodate all of the*
9 *charter school's in-district students in conditions*
10 *reasonably equivalent to those in which the students*
11 *would be accommodated if they were attending other*
12 *public schools of the district. Facilities provided shall be*
13 *contiguous, furnished, and equipped, and shall remain*
14 *the property of the school district. The school district shall*
15 *make reasonable efforts to provide the charter school*
16 *with facilities near to where the charter school wishes to*
17 *locate, and shall not move the charter school*
18 *unnecessarily.*

19 (1) *The school district may charge the charter school*
20 *a pro rata (based on the ratio of space allocated by the*
21 *school district to the charter school divided by the total*
22 *space of the district) of those school district facilities costs*
23 *which the school district pays for with unrestricted*
24 *General Fund revenues. The charter school shall not be*
25 *otherwise charged for use of the facilities. No school*
26 *district shall be required to use unrestricted General*
27 *Fund revenues to rent, buy, or lease facilities for charter*
28 *school students.*

29 (2) *Each year each charter school desiring facilities*
30 *from a school district in which it is operating shall provide*
31 *the school district with a reasonable projection of the*
32 *charter school's average daily classroom attendance by*
33 *in-district students for the following year. The district*
34 *shall allocate facilities to the charter school for that*
35 *following year based upon this projection. If the charter*
36 *school, during the following year, generates less average*
37 *daily classroom attendance by in-district students than it*
38 *projected, the charter school shall reimburse the district*
39 *for the over-allocated space at rates to be set by the State*
40 *Board of Education.*



1 (3) Each school district's responsibilities under this
2 section shall take effect on July 1, 2003, or if the school
3 district passes a school bond measure in the year 2000,
4 2001, or 2002, on the first day of July next following such
5 passage.

6 (4) Facilities requests based upon projections of fewer
7 than 80 units of average daily classroom attendance for
8 the year may be denied by the school district.

9 (5) The term "operating," as used in this section, shall
10 mean either currently providing public education to
11 in-district students, or having identified at least 80
12 in-district students who are meaningfully interested in
13 enrolling in the charter school for the following year.

14 (6) The State Department of Education shall propose,
15 and the State Board of Education may adopt, regulations
16 implementing this subdivision, including, but not limited
17 to, defining the terms "average daily classroom
18 attendance," "conditions reasonably equivalent,"
19 "in-district students," "facilities costs," as well as defining
20 the procedures and establishing time lines for the request
21 for, reimbursement for, and provision of facilities.

22 SEC. 2. No reimbursement is required by this act
23 pursuant to Section 6 of Article XIII B of the California
24 Constitution because a local agency or school district has
25 the authority to levy service charges, fees, or assessments
26 sufficient to pay for the program or level of service
27 mandated by this act, within the meaning of Section 17556
28 of the Government Code.

29 SEC. 3. This act shall become operative only if Senate
30 Constitutional Amendment 1 of the 1999-2000 Regular
31 Session of the Legislature is adopted by the voters.

32 ~~amended to read:~~

33 ~~41204. (a) It is the intent of the Legislature, pursuant~~
34 ~~to "The Classroom Instructional Improvement and~~
35 ~~Accountability Act," that school districts, as defined in~~
36 ~~Section 41302.5, and community college districts, as~~
37 ~~constituted during the 1986-87 fiscal year, annually~~
38 ~~receive a basic minimum portion of the revenues that is~~
39 ~~equivalent to the percentage of revenues that were~~
40 ~~deposited to the General Fund in that year.~~



1 ~~(b) In recognition of this intent, it is further the intent~~
2 ~~of the Legislature that both houses and the Governor be~~
3 ~~guided by the following:~~

4 ~~(1) If the revenues of a tax that were deposited in the~~
5 ~~General Fund in the 1986-87 fiscal year are redirected to~~
6 ~~another fund, or level of government, then the~~
7 ~~percentages of General Fund revenues required to be~~
8 ~~applied by the state for the support of school districts,~~
9 ~~community college districts, and state agencies providing~~
10 ~~direct elementary and secondary level instructional~~
11 ~~services shall be recalculated as if those revenues were~~
12 ~~not deposited in the General Fund in the 1986-87 fiscal~~
13 ~~year.~~

14 ~~(2) If the allocated local proceeds of taxes, as defined~~
15 ~~by subdivisions (g) and (h) of Section 41202, received by~~
16 ~~a school district or community college district during the~~
17 ~~1986-87 fiscal year are redirected to other entities or~~
18 ~~statutorily or constitutionally reduced or eliminated, the~~
19 ~~additional General Fund support provided to replace the~~
20 ~~allocated local proceeds of taxes may not be counted as~~
21 ~~General Fund revenues required to be applied for the~~
22 ~~support of school districts, community college districts,~~
23 ~~and state agencies providing direct elementary and~~
24 ~~secondary level instructional services pursuant to~~
25 ~~paragraph (1) of subdivision (b) of Section 8 of Article~~
26 ~~XVI of the California Constitution, unless the percentage~~
27 ~~of General Fund revenues appropriated to school~~
28 ~~districts, community college districts, and state agencies~~
29 ~~providing direct elementary and secondary level~~
30 ~~instructional services in the 1986-87 fiscal year is adjusted~~
31 ~~to reflect the amount of General Fund support that would~~
32 ~~have been provided in the 1986-87 fiscal year had the~~
33 ~~allocated local proceeds of taxes been correspondingly~~
34 ~~reduced.~~

35 ~~(3) If a program of a school district, as defined in~~
36 ~~Section 41302.5, or of a community college district was~~
37 ~~supported by state funds from a source other than the~~
38 ~~General Fund during the 1986-87 fiscal year and General~~
39 ~~Fund moneys are subsequently provided in support of the~~
40 ~~program and in lieu of the other source of funds, the~~



1 ~~supplanting General Fund revenues shall not be counted~~
2 ~~as moneys to be applied by the state for the support of~~
3 ~~school districts or community college districts pursuant to~~
4 ~~subdivision (b) of Section 8 of Article XVI of the~~
5 ~~California Constitution.~~

6 ~~(e) Programs that existed in the 1986-87 fiscal year,~~
7 ~~and were not the functional responsibility of school~~
8 ~~districts or community college districts in that fiscal year,~~
9 ~~shall not be shifted to the responsibility or financial~~
10 ~~support of school districts or community college districts~~
11 ~~without appropriate corresponding adjustment to the~~
12 ~~calculations made pursuant to subdivision (b) of Section~~
13 ~~8 of Article XVI of the California Constitution. Nothing in~~
14 ~~this subdivision shall be construed to prevent the creation~~
15 ~~of a new educational program that is supported by a~~
16 ~~General Fund appropriation made in conformity with~~
17 ~~subdivision (b) of Section 8 of Article XVI of the~~
18 ~~California Constitution.~~

19 ~~(d) Enrollment, average daily attendance, or average~~
20 ~~daily attendance equivalents used for the purpose of~~
21 ~~calculating “changes in enrollment” pursuant to~~
22 ~~paragraph (2) of subdivision (b) of Section 8 of Article~~
23 ~~XVI of the California Constitution shall not be redefined,~~
24 ~~adjusted, or otherwise recalculated unless the~~
25 ~~appropriate action is taken to neutralize the effect of the~~
26 ~~change with respect to the adjustment required to be~~
27 ~~made for changes in enrollment.~~

