

AMENDED IN SENATE JULY 6, 2012

AMENDED IN ASSEMBLY MAY 2, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2362

Introduced by Assembly Member Conway

February 24, 2012

An act to amend Section 42285.5 of the Education Code, relating to education finance, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2362, as amended, Conway. Education finance: necessary small high schools: average daily attendance.

Existing law establishes an education funding system under which the Superintendent of Public Instruction apportions to each qualifying school district state aid funds in an amount not to exceed its revenue limit, an amount that is largely based on the school district's average daily attendance, which is computed as specified. Existing law authorizes specified school districts to calculate their revenue limits in a different manner if the school district includes a necessary small high school, which is defined as a high school with an average daily attendance of less than 301 that meets prescribed conditions. Existing law also authorizes a school district that includes a necessary small high school to include average daily attendance in grades 7 and 8 and the instructors of grade 7 and 8 pupils in the calculation of average daily attendance and number of certificated employees employed in the 2011–12 fiscal year if the school district included average daily attendance in grades 7 and 8 and the instructors of grade 7 and 8 pupils

in the calculation of average daily attendance and certificated employees employed in the 2010–11 fiscal year.

This bill would state the intent of the Legislature that the Superintendent provide the Legislature with a report by February 1, 2013, recommending revisions to the definition of necessary small schools and reforms to the formula for funding necessary small schools. The bill would instead authorize a school district that includes a necessary small high school to include average daily attendance in grades 7 and 8 and the instructors of grade 7 and 8 pupils in the calculation of average daily attendance and number of certificated employees employed in the 2012–13 fiscal year if the school district included average daily attendance in grades 7 and 8 and the instructors of grade 7 and 8 pupils in the calculation of average daily attendance and certificated employees employed in the 2011–12 fiscal year. *The bill would require a school district that chooses to include the average daily attendance in grades 7 and 8 and the instructors of grade 7 and 8 pupils, as described above, to pursue any funding deferral exemptions it may be eligible for.*

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

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. It is the intent of the Legislature that the
2 Superintendent of Public Instruction provide the Legislature with
3 a report by February 1, 2013, recommending revisions to the
4 definition of necessary small schools and reforms to the formula
5 for funding necessary small schools.
6 SEC. 2. Section 42285.5 of the Education Code is amended to
7 read:
8 42285.5. (a) For purposes of subdivision (a) of Section 42284
9 and Section 42285, a school district may include average daily
10 attendance in grades 7 and 8 and the instructors of grade 7 and 8
11 pupils in the calculation of average daily attendance and number
12 of certificated employees employed in the 2012–13 fiscal year if
13 the school district included average daily attendance in grades 7
14 and 8 and the instructors of grade 7 and 8 pupils in the calculation

1 of average daily attendance and certificated employees employed
2 in the 2011–12 fiscal year.

3 (b) Notwithstanding Sections 42284 and 42285, for purposes
4 of this section, with respect to a school district eligible to ~~utilize~~
5 use subdivision (a), references to grades 9 to 12, inclusive, in
6 Sections 42284 and 42285 shall be deemed instead to be references
7 to grades 7 to 12, inclusive.

8 (c) *A school district applying subdivision (a) shall pursue any*
9 *funding deferral exemptions it may be eligible for.*

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

14 In order to serve pupils without disrupting their education, and
15 to ensure the continuation of necessary small school funding for
16 grades 7 to 12, inclusive, it is necessary for this act to take effect
17 immediately.