

Introduced by Senator BerryhillFebruary 21, 2014

An act to amend Section 42283 of the Education Code, relating to school finance.

LEGISLATIVE COUNSEL'S DIGEST

SB 1308, as introduced, Berryhill. School finance: necessary small schools.

Existing law, for specified purposes, provides that a necessary small school is an elementary school with an average daily attendance of less than 97, exclusive of pupils attending the 7th and 8th grades of a junior high school, maintained by a school district to which any of certain conditions apply.

This bill would make nonsubstantive changes to that provision.

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

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

- 1 SECTION 1. Section 42283 of the Education Code is amended
2 to read:
3 42283. (a) For purposes of Sections 42281 and 42282, a
4 “necessary small school” is an elementary school with an average
5 daily attendance of less than 97, ~~exclusive of~~ *excluding* pupils
6 attending the seventh and eighth grades of a junior high school,
7 maintained by a school district to which any of the following
8 conditions apply:
9 (1) If as many as five pupils residing in the school district and
10 attending kindergarten and grades 1 to 8, inclusive, ~~exclusive of~~

1 *excluding* pupils attending the seventh and eighth grades of a junior
2 high school, in the elementary school with an average daily
3 attendance of less than 97 would be required to travel more than
4 10 miles one way from a point on a well-traveled road nearest their
5 home to the nearest other public elementary school.

6 (2) If as many as 15 pupils residing in the school district and
7 attending kindergarten and grades 1 to 8, inclusive, ~~exclusive of~~
8 *excluding* pupils attending the seventh and eighth grades of a junior
9 high school, in the elementary school with an average daily
10 attendance of less than 97 would be required to travel more than
11 five miles one way from a point on a well-traveled road nearest
12 their home to the nearest other public elementary school.

13 (3) If topographical or other conditions exist in a school district
14 ~~which that~~ would impose unusual hardships if the number of miles
15 specified in paragraph (1) or (2) were required to be traveled, or
16 if during the fiscal year the roads ~~which that~~ would be traveled
17 have been impassable for more than an average of two weeks per
18 year for the preceding five years, the governing board of the school
19 district may, on or before April 1, request the Superintendent, in
20 writing, for an exemption from these requirements or for a
21 reduction in the miles required. The request shall be accompanied
22 by a statement of the conditions upon which the request is based,
23 giving the information in a form required by the Superintendent.
24 The Superintendent shall cause an investigation to be made, and
25 shall either grant the request to the extent he or she deems
26 necessary, or deny the request.

27 (b) For purposes of this section, “other public elementary
28 school” is a public school, including a charter school, that serves
29 kindergarten or any of grades 1 to 8, inclusive, ~~exclusive of~~
30 *excluding* grades 7 and 8 of a junior high school.