

AMENDED IN SENATE APRIL 5, 1999

SENATE BILL

No. 679

Introduced by Senator Johnston

February 24, 1999

An act to amend Section ~~51020~~ 42247 of the Education Code, relating to elementary and secondary education, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 679, as amended, Johnston. Elementary and secondary education: ~~goals~~ *desegregation costs.*

Existing law authorizes the reimbursement of a school district for the amount necessary to pay any costs mandated by the courts. Existing law authorizes the governing board of any school district that maintains a program designed to remedy the harmful effects of racial segregation that originated under a court mandate to submit a claim for reimbursement to the Controller for costs of the program.

This bill would require the Controller to propose to the Legislature on or before November 1, 1999, a method for appropriately reimbursing school districts for the cost of magnet school programs ordered by a court pursuant to a desegregation program that originated under a court mandate and were previously reimbursed through a federal grant.

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

~~Under existing law, in programs for elementary and secondary education "goal" means a statement of broad~~

~~direction or intent that is general and timeless and is not concerned with a particular achievement within a specified time period.~~

~~This bill would make a technical, nonsubstantive change to this provision.~~

Vote: ~~majority~~ ^{2/3}. 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. Section 51020 of the Education Code is~~
2 ~~SECTION 1. Section 42247 of the Education Code is~~
3 ~~amended to read:~~

4 42247. (a) Notwithstanding any other provision of
5 law, reimbursements authorized by Sections 42243.9 and
6 42249 for desegregation costs incurred in the 1985–86
7 fiscal year, and each fiscal year thereafter, shall not
8 exceed the following amounts:

9 (1) For desegregation programs operating pursuant to
10 a final court order issued prior to the effective date of this
11 section, or January 1, 1986, as appropriate, the amount
12 calculated pursuant to Section 42247.3.

13 (2) For desegregation programs initiated after the
14 1984–85 fiscal year, the amount in excess of one-fifth of the
15 audited costs approved by the Controller for the first full
16 year of operation, adjusted pursuant to Section 42247.2,
17 provided that the school district has contributed in the
18 prior fiscal year not less than one-fifth of the audited costs
19 approved by the Controller for that fiscal year. For
20 purposes of this paragraph, desegregation programs
21 initiated after the 1984–85 fiscal year shall not include
22 expansion of desegregation activities by school districts
23 that were reimbursed pursuant to Section 42249 for
24 desegregation costs incurred during the 1984–85 fiscal
25 year, except as otherwise provided by Section 42247.2.

26 (3) For all other desegregation programs, the amount
27 in excess of one-fifth of the audited desegregation costs
28 approved by the Controller and incurred in the 1984–85
29 fiscal year, adjusted pursuant to Section 42247.2, provided
30 that the school district has contributed in the prior fiscal

1 year not less than one-fifth of the audited costs approved
2 by the Controller for that fiscal year.

3 (b) Claims for reimbursement of desegregation
4 program costs shall be subject to audit by the Controller
5 to determine all of the following:

6 (1) That the costs and programs are for purposes of
7 desegregation or alleviation of the harmful effects of
8 racial segregation, as provided in the plan submitted by
9 the district pursuant to Section 42247.1.

10 (2) That the costs are costs in excess of the district's
11 expenditure levels for regular educational programs.

12 (3) That the costs are neither excessive nor
13 unreasonable.

14 (c) School districts shall subject any claim for the
15 reimbursement of actual desegregation program costs to
16 audit in accordance with the standards and procedures
17 established pursuant to subdivision (b) of Section 42246.
18 Each claim for the payment of actual costs submitted to
19 the Controller shall be accompanied by the audit any
20 related reports issued by the entity performing the audit,
21 unless the school district contracts with the Controller for
22 the performance of the audit. This subdivision is not
23 intended to require that estimated current year claims be
24 subjected to audit prior to submission to the Controller.

25 (d) Claims for reimbursement of desegregation
26 program costs shall not include costs for school
27 construction, reconstruction, replacement of facilities,
28 purchase of facilities, purchase of land, or modernization
29 of facilities.

30 (e) *Notwithstanding any other provision of law, it is*
31 *the intent of the Legislature to enact Legislation that*
32 *would make an appropriation to reimburse school*
33 *districts for the full cost of magnet school programs*
34 *ordered by a court pursuant to a desegregation program*
35 *that originated under a court mandate and were*
36 *previously reimbursed through a federal grant.*

37 SEC. 2. *In accordance with the intent of the*
38 *Legislature expressed in subdivision (e) of Section 42247*
39 *of the Education Code, the Controller shall, on or before*
40 *November 1, 1999, propose to the Legislature a method*

1 for appropriately reimbursing school districts for the cost
2 of magnet school programs ordered by a court pursuant
3 to a desegregation program that originated under a court
4 mandate and were previously reimbursed through a
5 federal grant. The proposed method should optimize the
6 continued delivery of the educational program with the
7 least disruption possible.

8 SEC. 3. 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 ensure the uninterrupted continuation of
14 court-ordered magnet programs, it is necessary that this
15 act take effect immediately.

16 ~~amended to read:~~

17 ~~51020. "Goal" means a statement of broad direction or~~
18 ~~intent that is general and timeless and is not concerned~~
19 ~~with a particular achievement within a specified time~~
20 ~~period.~~

