

Assembly Bill No. 32

Passed the Assembly September 8, 2011

Chief Clerk of the Assembly

Passed the Senate September 7, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 41210, 76300, and 84321.6 of, to add Section 42285.5 to, and to add and repeal Section 84321.8 of, the Education Code, and to amend Item 6110-488 of Section 2.00 of the Budget Act of 2011, relating to education finance, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

AB 32, Blumenfield. Education finance.

(1) Pursuant to existing law, the amount of General Fund revenues appropriated for school districts and community college districts is a component of calculations required for purposes of the provisions of the California Constitution requiring minimum funding for the public schools. Existing law states that specified sales and use tax revenues transferred pursuant to certain provisions of the Revenue and Taxation Code are not General Fund revenues for these purposes.

This bill would make a technical change in this provision to correct a cross-reference.

(2) 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 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.

This bill would, for the purpose of calculating apportionments for school districts with necessary small high schools, authorize a school district 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.

(3) Existing law requires the governing board of each community college district to charge each student a fee, and sets that fee at \$36 per unit per semester, effective with the fall term of 2011–12 academic year. Existing law repeals these provisions January 1, 2012, as specified.

This bill instead would repeal these provisions May 1, 2011, as specified.

(4) Existing law requires the governing board of each community college district to charge each student a fee, and sets that fee at \$36 per unit per semester. Existing law requires this fee to be raised to \$46 per unit per semester, effective with the winter term of the 2011–12 academic year, if the Director of Finance reduces specified appropriations as described above. Existing law makes these provisions operative January 1, 2012, as specified.

This bill would specify that the raising of this fee to \$46 per unit per semester would occur effective with the summer term of the 2012 calendar year. The bill would provide a statement of legislative intent relating to this delay in the fee increase. This bill instead would make these provisions operative May 1, 2011, as specified.

(5) Existing law requires the Board of Governors of the California Community Colleges to adopt regulations for the payment of apportionments to community college districts. Existing law, notwithstanding the authority of the board of governors in this respect, makes various adjustments to the payment of these apportionments.

This bill would specify that these adjustments would be operative commencing with the 2011–12 fiscal year. The bill would also specify certain apportionments that would be delayed from the months of January to June, inclusive, 2011, until July 2011. The bill would appropriate \$832,000,000 from the General Fund to the Board of Governors of the California Community Colleges for apportionment to community college districts, for expenditure during the 2011–12 fiscal year, to be expended in accordance with a specified item of the Budget Act of 2010.

(6) An existing item of the Budget Act of 2011 reappropriates 19 balances from various General Fund budget items to the State Department of Education for specified purposes.

This bill would amend this item to delete one of these balances and to add 12 more of these balances, thereby making an appropriation.

(7) The funds appropriated by this bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

(8) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. Governor Schwarzenegger issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 6, 2010. Governor Brown issued a proclamation on January 20, 2011, declaring and reaffirming that a fiscal emergency exists and stating that his proclamation supersedes the earlier proclamation for purposes of that constitutional provision.

This bill would state that it addresses the fiscal emergency declared and reaffirmed by the Governor by proclamation issued on January 20, 2011, pursuant to the California Constitution.

(9) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Appropriation: yes.

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

SECTION 1. Section 41210 of the Education Code is amended to read:

41210. (a) The revenues transferred pursuant to Sections 6051.15 and 6201.15 of the Revenue and Taxation Code are not “General Fund revenues” as that term is used in Section 8 of Article XVI of the California Constitution.

(b) This section shall be operative for the 2011–12 fiscal year and subsequent years so long as one or more ballot measures approved before November 17, 2012, authorize the determination in subdivision (a) and provide funding for school districts and community college districts in an amount equal to that which would have been provided if the revenues referenced in subdivision (a) were General Fund revenues for purposes of Section 8 of Article XVI of the California Constitution.

SEC. 2. Section 42285.5 is added to the Education Code, to read:

42285.5. (a) For purposes of subdivision (a) of Section 42284 and Section 42285, a school district may 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.

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

SEC. 3. Section 76300 of the Education Code, as amended by Section 1 of Chapter 135 of the Statutes of 2011, is amended to read:

76300. (a) The governing board of each community college district shall charge each student a fee pursuant to this section.

(b) (1) The fee prescribed by this section shall be thirty-six dollars (\$36) per unit per semester, effective with the fall term of the 2011–12 academic year.

(2) The board of governors shall proportionately adjust the amount of the fee for term lengths based upon a quarter system, and also shall proportionately adjust the amount of the fee for summer sessions, intersessions, and other short-term courses. In making these adjustments, the board of governors may round the per unit fee and the per term or per session fee to the nearest dollar.

(c) For the purposes of computing apportionments to community college districts pursuant to Section 84750.5, the board of governors shall subtract, from the total revenue owed to each district, 98 percent of the revenues received by districts from charging a fee pursuant to this section.

(d) The board of governors shall reduce apportionments by up to 10 percent to any district that does not collect the fees prescribed by this section.

(e) The fee requirement does not apply to any of the following:

(1) Students enrolled in the noncredit courses designated by Section 84757.

(2) California State University or University of California students enrolled in remedial classes provided by a community college district on a campus of the University of California or a campus of the California State University, for whom the district claims an attendance apportionment pursuant to an agreement between the district and the California State University or the University of California.

(3) Students enrolled in credit contract education courses pursuant to Section 78021, if the entire cost of the course, including administrative costs, is paid by the public or private agency, corporation, or association with which the district is contracting and if these students are not included in the calculation of the full-time equivalent students (FTES) of that district.

(f) The governing board of a community college district may exempt special part-time students admitted pursuant to Section 76001 from the fee requirement.

(g) (1) The fee requirements of this section shall be waived for any student who, at the time of enrollment, is a recipient of benefits under the Temporary Assistance to Needy Families program, the Supplemental Security Income/State Supplementary Program, or a general assistance program or has demonstrated financial need in accordance with the methodology set forth in federal law or regulation for determining the expected family contribution of students seeking financial aid.

(2) The governing board of a community college district also shall waive the fee requirements of this section for any student who demonstrates eligibility according to income standards established by regulations of the board of governors.

(3) Paragraphs (1) and (2) may be applied to a student enrolled in the 2005–06 academic year if the student is exempted from nonresident tuition under paragraph (3) of subdivision (a) of Section 76140.

(h) The fee requirements of this section shall be waived for any student who, at the time of enrollment, is a dependent, or surviving spouse who has not remarried, of any member of the California National Guard who, in the line of duty and while in the active service of the state, was killed, died of a disability resulting from an event that occurred while in the active service of the state, or

is permanently disabled as a result of an event that occurred while in the active service of the state. “Active service of the state,” for the purposes of this subdivision, refers to a member of the California National Guard activated pursuant to Section 146 of the Military and Veterans Code.

(i) The fee requirements of this section shall be waived for any student who is the surviving spouse or the child, natural or adopted, of a deceased person who met all of the requirements of Section 68120.

(j) The fee requirements of this section shall be waived for any student in an undergraduate program, including a student who has previously graduated from another undergraduate or graduate program, who is the dependent of any individual killed in the September 11, 2001, terrorist attacks on the World Trade Center and the Pentagon or the crash of United Airlines Flight 93 in southwestern Pennsylvania, if that dependent meets the financial need requirements set forth in Section 69432.7 for the Cal Grant A Program and either of the following applies:

(1) The dependent was a resident of California on September 11, 2001.

(2) The individual killed in the attacks was a resident of California on September 11, 2001.

(k) A determination of whether a person is a resident of California on September 11, 2001, for purposes of subdivision (j) shall be based on the criteria set forth in Chapter 1 (commencing with Section 68000) of Part 41 of Division 5 for determining nonresident and resident tuition.

(l) (1) “Dependent,” for purposes of subdivision (j), is a person who, because of his or her relationship to an individual killed as a result of injuries sustained during the terrorist attacks of September 11, 2001, qualifies for compensation under the federal September 11th Victim Compensation Fund of 2001 (Title IV (commencing with Section 401) of Public Law 107-42).

(2) A dependent who is the surviving spouse of an individual killed in the terrorist attacks of September 11, 2001, is entitled to the waivers provided in this section until January 1, 2013.

(3) A dependent who is the surviving child, natural or adopted, of an individual killed in the terrorist attacks of September 11, 2001, is entitled to the waivers under subdivision (j) until that person attains the age of 30 years.

(4) A dependent of an individual killed in the terrorist attacks of September 11, 2001, who is determined to be eligible by the California Victim Compensation and Government Claims Board, is also entitled to the waivers provided in this section until January 1, 2013.

(m) (1) It is the intent of the Legislature that sufficient funds be provided to support the provision of a fee waiver for every student who demonstrates eligibility pursuant to subdivisions (g) to (j), inclusive.

(2) From funds provided in the annual Budget Act, the board of governors shall allocate to community college districts, pursuant to this subdivision, an amount equal to 2 percent of the fees waived pursuant to subdivisions (g) to (j), inclusive. From funds provided in the annual Budget Act, the board of governors shall allocate to community college districts, pursuant to this subdivision, an amount equal to ninety-one cents (\$0.91) per credit unit waived pursuant to subdivisions (g) to (j), inclusive. It is the intent of the Legislature that funds provided pursuant to this subdivision be used to support the determination of financial need and delivery of student financial aid services, on the basis of the number of students for whom fees are waived. It also is the intent of the Legislature that the funds provided pursuant to this subdivision directly offset mandated costs claimed by community college districts pursuant to Commission on State Mandates consolidated Test Claims 99-TC-13 (Enrollment Fee Collection) and 00-TC-15 (Enrollment Fee Waivers). Funds allocated to a community college district for determination of financial need and delivery of student financial aid services shall supplement, and shall not supplant, the level of funds allocated for the administration of student financial aid programs during the 1992–93 fiscal year.

(n) The board of governors shall adopt regulations implementing this section.

(o) This section shall be inoperative and is repealed on May 1, 2012, only if subdivision (b) of Section 3.94 of the Budget Act of 2011 is operative.

SEC. 4. Section 76300 of the Education Code, as amended by Section 2 of Chapter 135 of the Statutes of 2011, is amended to read:

76300. (a) The governing board of each community college district shall charge each student a fee pursuant to this section.

(b) (1) The fee prescribed by this section shall be forty-six dollars (\$46) per unit per semester, effective with the summer term of the 2012 calendar year.

(2) The board of governors shall proportionately adjust the amount of the fee for term lengths based upon a quarter system, and also shall proportionately adjust the amount of the fee for summer sessions, intersessions, and other short-term courses. In making these adjustments, the board of governors may round the per unit fee and the per term or per session fee to the nearest dollar.

(c) For the purposes of computing apportionments to community college districts pursuant to Section 84750.5, the board of governors shall subtract, from the total revenue owed to each district, 98 percent of the revenues received by districts from charging a fee pursuant to this section.

(d) The board of governors shall reduce apportionments by up to 10 percent to any district that does not collect the fees prescribed by this section.

(e) The fee requirement does not apply to any of the following:

(1) Students enrolled in the noncredit courses designated by Section 84757.

(2) California State University or University of California students enrolled in remedial classes provided by a community college district on a campus of the University of California or a campus of the California State University, for whom the district claims an attendance apportionment pursuant to an agreement between the district and the California State University or the University of California.

(3) Students enrolled in credit contract education courses pursuant to Section 78021, if the entire cost of the course, including administrative costs, is paid by the public or private agency, corporation, or association with which the district is contracting and if these students are not included in the calculation of the full-time equivalent students (FTES) of that district.

(f) The governing board of a community college district may exempt special part-time students admitted pursuant to Section 76001 from the fee requirement.

(g) (1) The fee requirements of this section shall be waived for any student who, at the time of enrollment, is a recipient of benefits under the Temporary Assistance to Needy Families program, the Supplemental Security Income/State Supplementary Program, or

a general assistance program or has demonstrated financial need in accordance with the methodology set forth in federal law or regulation for determining the expected family contribution of students seeking financial aid.

(2) The governing board of a community college district also shall waive the fee requirements of this section for any student who demonstrates eligibility according to income standards established by regulations of the board of governors.

(3) Paragraphs (1) and (2) may be applied to a student enrolled in the 2005–06 academic year if the student is exempted from nonresident tuition under paragraph (3) of subdivision (a) of Section 76140.

(h) The fee requirements of this section shall be waived for any student who, at the time of enrollment, is a dependent or surviving spouse who has not remarried, of any member of the California National Guard who, in the line of duty and while in the active service of the state, was killed, died of a disability resulting from an event that occurred while in the active service of the state, or is permanently disabled as a result of an event that occurred while in the active service of the state. “Active service of the state,” for the purposes of this subdivision, refers to a member of the California National Guard activated pursuant to Section 146 of the Military and Veterans Code.

(i) The fee requirements of this section shall be waived for any student who is the surviving spouse or the child, natural or adopted, of a deceased person who met all of the requirements of Section 68120.

(j) The fee requirements of this section shall be waived for any student in an undergraduate program, including a student who has previously graduated from another undergraduate or graduate program, who is the dependent of any individual killed in the September 11, 2001, terrorist attacks on the World Trade Center and the Pentagon or the crash of United Airlines Flight 93 in southwestern Pennsylvania, if that dependent meets the financial need requirements set forth in Section 69432.7 for the Cal Grant A Program and either of the following applies:

(1) The dependent was a resident of California on September 11, 2001.

(2) The individual killed in the attacks was a resident of California on September 11, 2001.

(k) A determination of whether a person is a resident of California on September 11, 2001, for purposes of subdivision (j) shall be based on the criteria set forth in Chapter 1 (commencing with Section 68000) of Part 41 of Division 5 for determining nonresident and resident tuition.

(l) (1) “Dependent,” for purposes of subdivision (j), is a person who, because of his or her relationship to an individual killed as a result of injuries sustained during the terrorist attacks of September 11, 2001, qualifies for compensation under the federal September 11th Victim Compensation Fund of 2001 (Title IV (commencing with Section 401) of Public Law 107-42).

(2) A dependent who is the surviving spouse of an individual killed in the terrorist attacks of September 11, 2001, is entitled to the waivers provided in this section until January 1, 2013.

(3) A dependent who is the surviving child, natural or adopted, of an individual killed in the terrorist attacks of September 11, 2001, is entitled to the waivers under subdivision (j) until that person attains 30 years of age.

(4) A dependent of an individual killed in the terrorist attacks of September 11, 2001, who is determined to be eligible by the California Victim Compensation and Government Claims Board, is also entitled to the waivers provided in this section until January 1, 2013.

(m) (1) It is the intent of the Legislature that sufficient funds be provided to support the provision of a fee waiver for every student who demonstrates eligibility pursuant to subdivisions (g) to (j), inclusive.

(2) From funds provided in the annual Budget Act, the board of governors shall allocate to community college districts, pursuant to this subdivision, an amount equal to 2 percent of the fees waived pursuant to subdivisions (g) to (j), inclusive. From funds provided in the annual Budget Act, the board of governors shall allocate to community college districts, pursuant to this subdivision, an amount equal to ninety-one cents (\$0.91) per credit unit waived pursuant to subdivisions (g) to (j), inclusive. It is the intent of the Legislature that funds provided pursuant to this subdivision be used to support the determination of financial need and delivery of student financial aid services, on the basis of the number of students for whom fees are waived. It also is the intent of the Legislature that the funds provided pursuant to this subdivision

directly offset mandated costs claimed by community college districts pursuant to Commission on State Mandates consolidated Test Claims 99-TC-13 (Enrollment Fee Collection) and 00-TC-15 (Enrollment Fee Waivers). Funds allocated to a community college district for determination of financial need and delivery of student financial aid services shall supplement, and shall not supplant, the level of funds allocated for the administration of student financial aid programs during the 1992–93 fiscal year.

(n) The board of governors shall adopt regulations implementing this section.

(o) This section shall become operative on May 1, 2012, only if subdivision (b) of Section 3.94 of the Budget Act of 2011 is operative.

SEC. 5. Section 84321.6 of the Education Code is amended to read:

84321.6. (a) Notwithstanding any other law that governs the regulations adopted by the Chancellor of the California Community Colleges to disburse funds, the payment of apportionments to districts pursuant to Sections 84320 and 84321 shall be adjusted, commencing with the 2011–12 fiscal year, by the following:

(1) For the month of June, two hundred twenty-one million five hundred thousand dollars (\$221,500,000) shall be deferred to July.

(2) For the month of May, one hundred twenty-four million five hundred thousand dollars (\$124,500,000) shall be deferred, of which one hundred three million dollars (\$103,000,000) shall be deferred to July and twenty-one million five hundred thousand dollars (\$21,500,000) shall be deferred to October.

(3) For the month of April, one hundred seventy-nine million five hundred thousand dollars (\$179,500,000) shall be deferred, of which one hundred fifty-eight million dollars (\$158,000,000) shall be deferred to July and twenty-one million five hundred thousand dollars (\$21,500,000) shall be deferred to October.

(4) For the month of March, one hundred nineteen million five hundred thousand dollars (\$119,500,000) shall be deferred, of which seventy-six million five hundred thousand dollars (\$76,500,000) shall be deferred to July and forty-three million dollars (\$43,000,000) shall be deferred to October.

(5) For the month of February, one hundred fifty-eight million dollars (\$158,000,000) shall be deferred, of which one hundred thirty-six million five hundred thousand dollars (\$136,500,000)

shall be deferred to July and twenty-one million five hundred thousand dollars (\$21,500,000) shall be deferred to October.

(6) For the month of January, one hundred fifty-eight million dollars (\$158,000,000) shall be deferred, of which one hundred thirty-six million five hundred thousand dollars (\$136,500,000) shall be deferred to July and twenty-one million five hundred thousand dollars (\$21,500,000) shall be deferred to October.

(b) The sum of nine hundred sixty-one million dollars (\$961,000,000) is hereby appropriated from the General Fund to the Board of Governors of the California Community Colleges for apportionments to community college districts, for expenditure during the 2012–13 fiscal year, to be expended in accordance with Schedule (1) of Item 6870-101-0001 of Section 2.00 of the Budget Act of 2011.

(c) Of the funds appropriated in subdivision (b), eight hundred thirty-two million dollars (\$832,000,000) shall be allocated in July of the 2012–13 fiscal year and one hundred twenty-nine million dollars (\$129,000,000) shall be allocated in October in satisfaction of the moneys deferred pursuant to subdivision (a).

(d) For the purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriations made by subdivision (b) shall be deemed to be “General Fund revenues appropriated for community college districts,” as defined in subdivision (d) of Section 41202, for the 2012–13 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for the 2012–13 fiscal year.

SEC. 6. Section 84321.8 is added to the Education Code, to read:

84321.8. (a) The Legislature finds and declares both of the following:

(1) This section is intended to reaffirm legislative intent that the apportionment funding for the California Community Colleges that was deferred and appropriated pursuant to Section 84321.6, as added by Section 31 of Chapter 724 of the Statutes of 2010, is consistent with the Budget Act of 2010.

(2) Actions taken by the Department of Finance, the Controller’s office, and the Chancellor’s Office of the California Community

Colleges to implement Section 84321.6, as added by Section 31 of Chapter 724 of the Statutes of 2010, are consistent with the Budget Act of 2010.

(b) Notwithstanding any other law that governs the regulations adopted by the Chancellor of the California Community Colleges to disburse funds, the payment of apportionments to districts pursuant to Sections 84320, 84321, and 84321.5 shall be adjusted by each of the following amounts:

(1) For the months of January and February 2011, one hundred thirty-six million five hundred thousand dollars (\$136,500,000) shall be deferred from each of those months to July 2011.

(2) For the month of March 2011, seventy-six million five hundred thousand dollars (\$76,500,000) shall be deferred to July 2011.

(3) For the month of April 2011, one hundred fifty-eight million dollars (\$158,000,000) shall be deferred to July 2011.

(4) For the month of May 2011, one hundred three million dollars (\$103,000,000) shall be deferred to July 2011.

(5) For the month of June 2011, two hundred twenty-one million five hundred thousand dollars (\$221,500,000) shall be deferred to July 2011.

(c) The sum of eight hundred thirty-two million dollars (\$832,000,000) is hereby appropriated from the General Fund to the Board of Governors of the California Community Colleges for apportionments to community college districts, for expenditure during the 2011–12 fiscal year, to be expended in accordance with Schedule (1) of Item 6870–101–0001 of Section 2.00 of the Budget Act of 2010.

(d) The disbursement of funds appropriated in subdivision (c) shall be made in July 2011, and is in satisfaction of the moneys deferred pursuant to subdivision (b).

(e) For the purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriations made by subdivision (c) shall be deemed to be “General Fund revenues appropriated for community college districts,” as defined in subdivision (d) of Section 41202, for the 2011–12 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as

defined in subdivision (e) of Section 41202, for the 2011–12 fiscal year.

(f) This section shall become inoperative on July 1, 2012, and, as of January 1, 2013, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2013, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 7. Item 6110-488 of Section 2.00 of the Budget Act of 2011 is amended to read:

6110-488—Reappropriation, Department of Education.

Notwithstanding any other provision of law, the balances from the following items are available for reappropriation for the purposes specified in Provisions 1 to 5, inclusive:

0001—General Fund

- (1) \$24,000,000 of the unexpended balance of the amount appropriated for child care programs in Schedules (1) and (1.5) of Item 6110-196-0001 of the Budget Act of 2010 (Ch. 712, Stats. 2010)
- (2) \$6,900,000 or whatever greater or lesser amount of the unexpended balance of the amount appropriated for Economic Impact Aid in Item 6110-128-0001 of the Budget Act of 2010 (Ch. 712, Stats. 2010)
- (3) \$20,000,000 or whatever greater or lesser amount of the unexpended balance of the amount appropriated for special education in Schedule (1) of Item 6110-161-0001 of the Budget Act of 2010 (Ch. 712, Stats. 2010)
- (4) \$15,121,000 or whatever greater or lesser amount of the unexpended balance of the amount appropriated for the K–3 Class Size Reduction program in paragraph (9) of subdivision (a) of Section 38 of Chapter 12 of the Statutes of 2009
- (5) \$40,000,000 or whatever greater or lesser amount of the unexpended balance of the amount appropriated for the Quality Education Investment Act in the 2010–11 fiscal year pursuant to Section 52055.770 of the Education Code
- (7) \$9,000 or whatever greater or lesser amount reflects the unexpended balance of the amount appropriated for the English Language Learners Supplemental In-

structional Materials program in paragraph (10) of subdivision (a) of Section 43 of Chapter 79 of the Statutes of 2006

- (8) \$6,000 or whatever greater or lesser amount reflects the unexpended balance of the amount appropriated for the Agricultural Career Technical Education Program in Item 6110-167-0001 of the Budget Act of 2008 (Chs. 268 and 269, Stats. 2008)
- (9) \$973,000 or whatever greater or lesser amount reflects the unexpended balance of the amount appropriated for the Class Size Reduction Program in Item 6110-234-0001 of the Budget Act of 2008 (Chs. 268 and 269, Stats. 2008)
- (10) \$422,000 or whatever greater or lesser amount represents the balance available from Schedule (1) of Item 6870-101-0001 of the Budget Act of 2006 (Chs. 47 and 48, Stats. 2006), as reappropriated in Item 6870-492 of the Budget Act of 2008 (Chs. 268 and 269, Stats. 2008)
- (11) \$902,000 or whatever greater or lesser amount represents the balance available from Schedules (7), (8), and (19) of Item 6870-101-0001 of the Budget Act of 2008 (Chs. 268 and 269, Stats. 2008)
- (12) \$1,039,000 or whatever greater or lesser amount reflects the unexpended balance of the amount appropriated for Special Education Instruction in Schedule (2) of Item 6110-161-0001 of the Budget Act of 2009 (Ch. 1, 2009–10 3rd Ex. Sess., as revised by Ch. 1, 2009–10 4th Ex. Sess.)
- (13) \$82,000 or whatever greater or lesser amount reflects the unexpended balance of the amount appropriated for Child Nutrition in Item 6110-651-0001, pursuant to Section 5 of Chapter 3 of the 2009–10 Fourth Extraordinary Session, as amended by Chapter 31 of the 2009–10 Third Extraordinary Session
- (14) \$267,000 or whatever greater or lesser amount reflects the unexpended balance of the amount appropriated for the Supplemental School Counseling Program in Item 6110-108-0001 of the Budget Act of 2010 (Ch. 712, Stats. 2010)

- (15) \$15,000 or whatever greater or lesser amount reflects the unexpended balance of the amount appropriated for the Special Education Program in Schedule (2) of Item 6110-161-0001 of the Budget Act of 2010 (Ch. 712, Stats. 2010)
- (16) \$30,000 or whatever greater or lesser amount reflects the unexpended balance of the amount appropriated for the California Partnership Academies in Item 6110-166-0001 of the Budget Act of 2010 (Ch. 712, Stats. 2010)
- (17) \$418,000 or whatever greater or lesser amount reflects the unexpended balance of the amount appropriated for the California High School Exit Exam Supplemental Instruction program in Item 6110-204-0001 of the Budget Act of 2010 (Ch. 712, Stats. 2010)
- (18) \$369,000 or whatever greater or lesser amount reflects the unexpended balance of the amount appropriated for the Arts and Music Block Grant program in Item 6110-265-0001 of the Budget Act of 2010 (Ch. 712, Stats. 2010)
- (19) \$18,677,000 or whatever greater or lesser amount represents the balance available from Schedules (1), (7), (8), (9), and (19) of Item 6870-101-0001 of the Budget Act of 2009 (Ch. 1, 2009–10 3rd Ex. Sess., as revised by Ch. 1, 2009–10 4th Ex. Sess.)
- (20) \$33,000 or whatever greater or lesser amount reflects the unexpended balance of the amount appropriated for the Charter Schools Facilities Grant Program in paragraph (11) of subdivision (a) of Section 43 of Chapter 79 of the Statutes of 2006.
- (21) \$413,000 or whatever greater or lesser amount reflects the unexpended balance of the amount appropriated for the Charter Schools Facilities Grant Program pursuant to Section 47614.5 of the Education Code (Ch. 215, Stats. 2007).
- (22) \$18,000 or whatever greater or lesser amount reflects the unexpended balance of the amount appropriated for the California Partnership Academies in Item 6110-166-0001 of the Budget Act of 2008 (Chs. 268 and 269, Stats. 2008).

- (23) \$201,000 or whatever greater or lesser amount reflects the unexpended balance of the amount appropriated for the Supplemental School Counseling Program in Item 6110-108-0001 of the Budget Act of 2009 (Ch. 1, 2009-10 3rd Ex. Sess., as revised by Ch. 1, 2009-10 4th Ex. Sess.).
- (24) \$14,058,000 or whatever greater or lesser amount reflects the unexpended balance of the amount appropriated for Special Education Instruction in Schedule (1) of Item 6110-161-0001 of the Budget Act of 2009 (Ch. 1, 2009-10 3rd Ex. Sess., as revised by Ch. 1, 2009-10 4th Ex. Sess.).
- (25) \$1,003,000 or whatever greater or lesser amount reflects the unexpended balance of the amount appropriated for the California Partnership Academies in Item 6110-166-0001 of the Budget Act of 2009 (Ch. 1, 2009-10 3rd Ex. Sess., as revised by Ch. 1, 2009-10 4th Ex. Sess.).
- (26) \$1,334,000 or whatever greater or lesser amount reflects the unexpended balance of the amount appropriated for the Charter School Economic Impact Aid Program in Schedule (2) of Item 6110-211-0001 of the Budget Act of 2009 (Ch. 1, 2009-10 3rd Ex. Sess., as revised by Ch. 1, 2009-10 4th Ex. Sess.).
- (27) \$1,275,000 or whatever greater or lesser amount reflects the unexpended balance of the amount appropriated for Special Education Instruction in Item 6110-650-0001 (pursuant to Sec. 5, Ch. 3, 2009-10 4th Ex. Sess., as revised by Ch. 31, 2009-10 3rd Ex. Sess.).
- (28) \$48,000 or whatever greater or lesser amount reflects the unexpended balance of the amount appropriated for the English Language Tutoring program in Item 6110-227-0001 of the Budget Act of 2010 (Ch. 712, Stats. 2010).
- (29) \$29,000 or whatever greater or lesser amount reflects the unexpended balance of the amount appropriated for the Physical Education Incentive Grants program in Item 6110-260-0001 of the Budget Act of 2010 (Ch. 712, Stats. 2010).

- (30) \$18,000 or whatever greater or lesser amount reflects the unexpended balance of the amount appropriated for the Certificated Staff Mentoring program in Item 6110-267-0001 of the Budget Act of 2010 (Ch. 712, Stats. 2010).
- (31) \$5,337,000 or whatever greater or lesser amount reflects the unexpended balance of the amount appropriated for the After School Education and Safety program in Item 6110-649-0001 in the 2008-09 fiscal year, pursuant to Sections 8483.5 and 8483.51 of the Education Code.

Provisions:

- 2. The sum of \$5,303,000 is hereby reappropriated to the State Department of Education for transfer by the Controller to Section A of the State School Fund for allocation by the Superintendent of Public Instruction to support costs during the 2011-12 fiscal year associated with the Class Size Reduction Program operated pursuant to Chapter 6.10 (commencing with Section 52120) of Part 28 of Division 4 of Title 2 of the Education Code.
- 3. The sum of \$5,673,000 is hereby reappropriated to the State Department of Education for transfer by the Controller to Section A of the State School Fund for allocation by the Superintendent of Public Instruction to support California School Information Services administration activities authorized pursuant to Schedule (2) of Item 6110-140-0001.
- 4. The sum of \$142,021,000 is hereby reappropriated to the State Department of Education for transfer by the Controller to Section A of the State School Fund for allocation by the Superintendent of Public Instruction for apportionment for special education programs pursuant to Part 30 (commencing with Section 56000) of Division 4 of Title 2 of the Education Code.

SEC. 8. It is the intent of the Legislature that reductions made by community college districts in the 2011-12 fiscal year pursuant

to paragraph (13) of subdivision (b) of Section 3.94 of the Budget Act of 2011 reflect the one-time nature of the budget reduction imposed in that section as a result of delaying the ten dollar (\$10) per unit student fee increase from the winter term to the summer term of the 2011–12 academic year. Until the increased fees are collected, community college districts should, to the extent possible, make every effort to implement reductions in a manner that will minimize the impact on course offerings and programs needed by students to achieve their basic skills, workforce training, or transfer goals.

SEC. 9. This act addresses the fiscal emergency declared and reaffirmed by the Governor by proclamation on January 20, 2011, pursuant to subdivision (f) of Section 10 of Article IV of the California Constitution.

SEC. 10. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

Approved _____, 2011

Governor