

**Senate Bill No. 361**

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Passed the Senate June 1, 2011

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*Secretary of the Senate*

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Passed the Assembly August 30, 2011

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Sections 42238.20 and 47612.7 of the Education Code, relating to school funding.

## LEGISLATIVE COUNSEL'S DIGEST

SB 361, Berryhill. School funding: minimum schoolday: Center for Advanced Research and Technology.

Existing law sets the minimum schoolday in a high school, except certain schools, including a regional occupational center, and except for pupils enrolled in a work experience education program, at 240 minutes.

Existing law, until July 1, 2012, requires the Superintendent of Public Instruction to compute an amount of funding for each pupil concurrently enrolled in regular secondary school classes and classes operating pursuant to a joint powers agreement that became effective prior to January 1, 2008, for the period of time the pupil attends classes pursuant to the joint powers agreement, by performing specified calculations. Existing law requires, for these pupils, that a 180-minute schoolday be computed and reported as attendance for  $\frac{3}{4}$  of the full 240-minute schoolday for purposes of those calculations. Existing law requires that the number of hours of instruction at regional occupational centers or programs that are claimed for funding pursuant to these provisions be used, in addition to specified hourly rates, in the computation of the average daily attendance of the regional occupational center or program. Existing law, until July 1, 2012, makes the Center for Advanced Research and Technology, operating pursuant to a joint powers agreement between the Clovis Unified School District and the Fresno Unified School District, ineligible to receive charter school funding.

This bill would extend to July 1, 2017, the provisions regarding the ineligibility of the Center for Advanced Research and Technology for charter school funding and the computation of attendance for pupils concurrently enrolled in regular secondary school classes and classes operating pursuant to a joint powers agreement that became effective prior to January 1, 2008.

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

SECTION 1. Section 42238.20 of the Education Code is amended to read:

42238.20. (a) Notwithstanding any other law, commencing in the 2008–09 fiscal year, the minimum schoolday for a pupil concurrently enrolled in regular secondary school classes and classes operating pursuant to a joint powers agreement that became effective before January 1, 2008, is 180 minutes. These regular secondary school classes constitute regular school classes for the purposes of Section 46010.3.

(b) Notwithstanding any other law, for purposes of computing the average daily attendance of a pupil described in subdivision (a), the 180-minute minimum schoolday permitted by this section shall be computed and reported as attendance for three-quarters of the full 240-minute minimum schoolday prescribed by Section 46141.

(c) For a pupil described in subdivision (a), the average daily attendance shall be included as school district average daily attendance computed pursuant to Section 42238.5.

(d) (1) Commencing with the 2008–09 fiscal year, the Superintendent shall compute funding for each pupil enrolled in classes as described in subdivision (a), for the period of time each day during which the pupil attends classes pursuant to a joint powers agreement, by multiplying the annual clock hours of attendance, up to a maximum of three clock hours per schoolday, by the rate described in subdivision (e) or (f), as applicable.

(2) The Superintendent shall add the amount computed pursuant to paragraph (1) to the revenue limit calculated pursuant to Section 42238 for the school district of attendance of the pupil.

(3) A pupil shall not generate apportionment credit pursuant to this subdivision for more than 540 hours in any school year.

(e) The hourly rate for the 2008–09 fiscal year shall be determined as follows:

(1) Subtract 73.3 percent of the school district revenue limit funding per unit of average daily attendance computed pursuant to Section 42238 for the 2007–08 fiscal year for the school districts that entered into the joint powers agreement from the statewide average revenue limit funding per unit of average daily attendance

received by high school districts computed pursuant to paragraph (1) of subdivision (a) of Section 47633 for the 2007–08 fiscal year.

(2) Divide the amount computed in paragraph (1) by 540.

(3) Multiply the amount in paragraph (2) by the cost of living, deficit factor, and equalization adjustments applied to revenue limits for the 2008–09 fiscal year.

(f) Commencing with the 2009–10 fiscal year, the hourly rate for the current fiscal year shall be determined by multiplying the prior year hourly rate by the cost of living, deficit factor, and equalization adjustments applied to the current year revenue limit computed pursuant to Section 42238.

(g) For purposes of computing attendance pursuant to Section 46300 or any other law, immediate supervision and control of pupils while attending classes pursuant to a joint powers agreement described in subdivision (a) is deemed satisfied regardless of the school district employing the certificated employee providing the supervision and control, provided the school district is a party to the joint powers agreement.

(h) The auditor who conducts the annual audit pursuant to Section 41020 shall verify compliance with this section by each school district that is a party to the joint powers agreement as described in subdivision (a). An instance of noncompliance shall be reported as an audit exception. If the noncompliance is a condition of eligibility for the receipt of funds, the audit report shall include a statement of the number of units of average daily attendance or hours, if any, that were inappropriately reported for apportionment.

(i) Notwithstanding any other law, the number of hours of instruction at regional occupational centers or programs that are claimed for funding pursuant to subdivision (d) shall be used, in addition to the hourly rate determined pursuant to subdivision (e) or (f), whichever subdivision is applicable, in the computation of the average daily attendance of the regional occupational center or program.

(j) This section shall become inoperative on July 1, 2017, and, as of January 1, 2018, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. Section 47612.7 of the Education Code is amended to read:

47612.7. (a) Notwithstanding Section 47612.5 or any other law, the Center for Advanced Research and Technology, operating pursuant to a joint powers agreement between the Clovis Unified School District and the Fresno Unified School District, is eligible to receive general-purpose funding, as calculated pursuant to Section 47633, for the 2005–06 and 2006–07 fiscal years for a total average daily attendance not to exceed the center’s average daily attendance as determined at the second principal apportionment for the 2005–06 and 2006–07 fiscal years, respectively, and for the 2007–08 fiscal year for a total average daily attendance not to exceed the center’s average daily attendance as determined at the second principal apportionment for the 2006–07 fiscal year.

(b) Commencing with the 2008–09 fiscal year, the Center for Advanced Research and Technology, as described in subdivision (a), is not eligible to receive funding pursuant to Chapter 6 (commencing with Section 47630).

(c) This section shall become inoperative on July 1, 2017, and, as of January 1, 2018, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.





Approved \_\_\_\_\_, 2011

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*Governor*