

Introduced by Senator Schiff

February 24, 1999

An act to amend Section 37252.5 of the Education Code, relating to summer school, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 779, as introduced, Schiff. Summer school.

(1) Existing law authorizes the governing board of each school district maintaining any or all of grades 2 to 6, inclusive, to offer programs of supplemental instruction to pupils enrolled in grades 2 to 6, inclusive, with low mathematics, reading, or written expression scores to allow those pupils to achieve proficiency in standards adopted by the State Board of Education.

This bill would extend the authorization to instead allow school districts maintaining any or all of grades 2 to 9, inclusive, to offer programs of supplemental instruction to pupils in those grades with low mathematics, reading, or written expression scores to allow those pupils to achieve proficiency in standards adopted by the State Board of Education.

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

Vote: $\frac{2}{3}$. 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 37252.5 of the Education Code is
2 amended to read:

3 37252.5. (a) The governing board of each district
4 maintaining any or all of grades 2 to 9, inclusive, shall offer
5 programs of direct, systematic, and intensive
6 supplemental instruction to pupils enrolled in grades 2 to
7 9, inclusive, who have been retained pursuant to Section
8 48070.5, as added by ~~Assembly Bill 1626 of the 1997-98~~
9 ~~Regular Session Chapter 742 of the Statutes of 1998~~. A
10 school district may require a pupil who has been retained
11 to participate in supplemental instructional programs.
12 Notwithstanding the requirements of this section, the
13 school district shall provide a mechanism for a parent or
14 guardian to decline to enroll his or her child in the
15 program. Attendance in supplemental instructional
16 programs shall not be compulsory within the meaning of
17 Section 48200.

18 (b) The governing board of each district maintaining
19 any or all of grades 2 to ~~6~~ 9, inclusive, may offer programs
20 of direct, systematic, and intensive supplemental
21 instruction to pupils enrolled in grades 2 to ~~6~~ 9, inclusive,
22 with low mathematics, reading, or written expression
23 scores to allow those pupils to achieve proficiency in
24 standards adopted by the State Board of Education.
25 Services offered pursuant to this subdivision shall be
26 provided to pupils in the following priority order:

27 (1) Pupils who have been recommended for retention
28 or who have been identified as being at risk of retention
29 pursuant to Section 48070.5, as added by ~~Assembly Bill~~
30 ~~1626 of the 1997-98 Regular Session Chapter 742 of the~~
31 ~~Statutes of 1998~~, or school district policies.

32 (2) Pupils who have been identified as having a
33 deficiency in mathematics, reading, or written expression
34 based on the results of the tests administered under the
35 Standardized Testing and Reporting Program
36 established pursuant to Article 4 (commencing with
37 Section 60640) of Chapter 5 of Part 33.



1 (c) Supplemental educational services pursuant to
2 subdivisions (a) and (b) shall be offered during the
3 summer, after school, on Saturdays, or during
4 intersession, or in a combination of summer school, after
5 school, Saturday, or intersession instruction. Services shall
6 not be provided during the pupil's regular instructional
7 day if it would result in the pupil being removed from
8 classroom instruction in the core curriculum.

9 (d) For purposes of this section, a pupil shall be
10 considered to be enrolled in a grade immediately upon
11 completion of the preceding grade. Summer school
12 instruction may also be offered to pupils who were
13 enrolled in grade 6 during the prior fiscal year after the
14 completion of grade 6. For ninth grade pupils identified
15 in subdivision (a), summer school instruction may also be
16 offered to pupils who were enrolled in grade 9 during the
17 prior fiscal year after the completion of grade 9.

18 (e) Each school district shall use results from tests
19 administered under the Standardized Testing and
20 Reporting Program, established pursuant to Article 4
21 (commencing with Section 60640) of Chapter 5 of Part 33
22 or other evaluative criteria to identify eligible pupils
23 pursuant to subdivision (b).

24 (f) An intensive remedial program in reading or
25 written expression offered pursuant to this section shall,
26 as needed, include instruction in phoneme awareness,
27 systematic explicit phonics and decoding, word attack
28 skills, spelling and vocabulary, explicit instruction of
29 reading comprehension, writing, and study skills.

30 (g) Each school district shall seek the active
31 involvement of parents and classroom teachers in the
32 development and implementation of supplemental
33 instructional programs provided pursuant to this section.

34 (h) It is the intent of the Legislature that pupils who
35 are at risk of failing to meet state adopted standards, or
36 who are at risk of retention, be identified as early in the
37 school year, and as early in their school careers as possible
38 and be provided the opportunity for supplemental
39 instruction sufficient to assist them in attaining expected
40 levels of academic achievement.



1 (i) (1) The maximum amount of funding for the
2 purposes of programs offered pursuant to this section to
3 serve pupils in grades 2 to 6, inclusive, shall not exceed 10
4 percent of the statewide total enrollment in grades 2 to
5 6, inclusive, for the prior fiscal year multiplied by 120
6 hours, multiplied by the hourly rate for the current fiscal
7 year determined pursuant to subdivision (c) of Section
8 42239, as added by ~~Senate Bill 1370 of the 1997-98 Regular~~
9 ~~Session Chapter 942 of the Statutes of 1998~~ (hereafter
10 Section 42239). Any funding provided for the purposes of
11 this section shall first be used by the district to provide
12 services required pursuant to subdivision (a), and shall be
13 allocated in the following manner:

14 (A) Notwithstanding subdivision (e) of Section 42239,
15 a school district that offers instruction pursuant to
16 subdivisions (a) and (b) to serve pupils in grades 2 to 6,
17 inclusive, shall be entitled to receive an additional
18 reimbursement in an amount up to 5 percent of the
19 district's total enrollment in grades 2 to 6, inclusive, for
20 the prior fiscal year multiplied by 120 hours, multiplied by
21 the hourly rate for the current fiscal year determined
22 pursuant to subdivision (c) of Section 42239.

23 (B) The balance of the appropriation made for the
24 purposes of funding programs offered pursuant to this
25 section to serve pupils in grades 2 to 6, inclusive, shall be
26 allocated for reimbursement for pupil attendance in
27 instruction pursuant to subdivisions (a) and (b) that is in
28 excess of 5 percent of the district's enrollment for the
29 prior year in grades 2 to 6, inclusive, multiplied by 120
30 hours, multiplied by the hourly rate for the current fiscal
31 year determined pursuant to subdivision (c) of Section
32 42239.

33 (2) If the funds claimed by school districts pursuant to
34 subparagraph (B) of paragraph (1) of this subdivision
35 exceed the available balance of the appropriation made
36 for the purposes of funding programs offered pursuant to
37 this section in paragraph (1) of this subdivision after the
38 minimum allocation to eligible districts has been made
39 pursuant to subparagraph (A) of paragraph (1) of this
40 subdivision, the allocation of the balance shall be prorated



1 based on each district's share of the total additional hours
2 of instruction offered pursuant to subparagraph (B) of
3 paragraph (1) of this subdivision.

4 SEC. 2. This act is an urgency statute necessary for the
5 immediate preservation of the public peace, health, or
6 safety within the meaning of Article IV of the
7 Constitution and shall go into immediate effect. The facts
8 constituting the necessity are:

9 In order to provide for the establishment of optional
10 summer school programs in the 1999–2000 school year
11 pursuant to Section 37252.5 of the Education Code for
12 pupils in grades 2 to 9, inclusive, at risk of being retained,
13 it is necessary that this act take effect immediately.

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