SB-98 Education finance: education omnibus budget trailer bill. (2019-2020)

Date Published: 06/30/2020 09:00 PM

Senate Bill No. 98

CHAPTER 24

An act to amend Sections 313.3, 2572, 8209, 8227.7, 8280, 8280.1, 14002, 14041, 14041.5, 14041.6, 17375, 17524, 35710.5, 38000, 41203.1, 41327.1, 41341, 41370, 42127, 42127.6, 42127.8, 42131, 42238.02, 42238.025, 42238.03, 42238.15, 44955.5, 46200.5, 46201.5, 47604.1, 47605, 47607, 47607.2, 47607.5, 47612.5, 47612.7, 47632, 47635, 47644, 48000, 51461, 52064, 52074, 52202, 54444.2, 54444.3, 56122, 56195.1, 56345, 56477, 56836.06, 56836.07, 56836.08, 56836.10, 56836.11, 56836.159, 56836.165, 56836.21, 56836.22, 56836.24, and 56836.31 of, to amend and renumber Sections 56836.145 and 56836.15 of, to amend and repeal Section 56213 of, to add Sections 8227.8, 14041.8, 41020.9, 41204.2, 42238.021, 44225.4, 44235.4, 44266.5, 45227, 47653, 47654, 47655, and 56214 to, to add Article 2.2 (commencing with Section 56836.14) to Chapter 7.2 of Part 30 of Division 4 of Title 2 of, to add and repeal Sections 17463.7 and 42603.1 of, to add and repeal Part 24.5 (commencing with Section 43500) to Division 3 of Title 2 of, and to repeal Section 56836.045 of, the Education Code, to amend Section 17581.6 of the Government Code, to amend Sections 97.2 and 97.3 of the Revenue and Taxation Code, to add Chapter 5.4 (commencing with Section 13265) to Part 3 of Division 9 of, and to add Part 1.7 (commencing with Section 10200) to Division 9 of, the Welfare and Institutions Code, to amend the Budget Act of 2019 (Chapters 23 and 55 of the Statutes of 2019) by amending Items 6100-158-0001, 6100-194-0001, and 6100-196-0001 of Section 2.00 of that act, and to amend Sections 1, 4, and 9 of Chapter 3 of the Statutes of 2020, relating to education finance, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor June 29, 2020. Filed with Secretary of State June 29, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

SB 98, Committee on Budget and Fiscal Review. Education finance: education omnibus budget trailer bill.

(1) Existing law requires the State Department of Education to develop, on or before June 30, 2020, a standardized English language teacher observation protocol for use by teachers in evaluating a pupil’s English language proficiency.

This bill would extend the date for completion of that protocol until December 31, 2021.

(2) The Child Care and Development Services Act, administered by the State Department of Education, requires the Superintendent of Public Instruction to administer childcare and development programs that offer a full range of services to eligible children from infancy to 13 years of age. The act requires the department to contract with local contracting agencies to provide for alternative payment programs, and authorizes alternative payments to be made for childcare services, as provided. The act requires that families meet specified requirements to be eligible for federal- and state-subsidized childcare and development services.

This bill would require the Superintendent to reimburse contracting agencies for certain state-subsidized childcare programs from July 1, 2020, to June 30, 2021, inclusive, due to the ongoing impacts of childcare and development facility closures and low child attendance due to the COVID-19 pandemic and related public health directives, if the contracting agency meets one of 2 specified conditions. The bill would require a childcare program that receives that reimbursement and that is physically closed due to the COVID-19 pandemic, but funded to be operational, to submit a distance learning plan to the department pursuant to guidance from the Superintendent and to provide those distance learning services.

The bill would require the Controller, on July 1, 2020, to transfer $152,314,000 from the Federal Trust Fund, consistent with specified federal requirements, to the General Fund to offset the state costs of providing assistance to childcare providers during the COVID-19 pandemic from March 4, 2020, to August 28, 2020, as provided. The bill would appropriate $198,000,000 from the Federal Trust Fund, consistent with those same federal requirements, to the Superintendent for COVID-19 pandemic-related relief and assistance for childcare providers, the families those childcare providers serve, and essential workers, as provided. The bill would require that all children who meet specified childcare need and eligibility requirements who were enrolled pursuant to certain executive orders be first priority for enrollment in alternative payment programs with available capacity.

The bill would require the State Department of Education to prioritize federal funding for specified childcare and preschool programs in a certain order contingent on the receipt of federal funds authorized to be used for these purposes during the 2020–21 fiscal year.

The bill would require an alternative payment agency, as provided, to provide to the department, on a monthly basis, data about childcare caseload in the alternative payment program and migrant childcare and development programs.

(3) Existing law establishes the Early Learning and Care Infrastructure Grant Program under the administration of the Superintendent of Public Instruction to expand access to early learning and care opportunities for children up to 5 years of age by providing resources to build new facilities or retrofit, renovate, or expand existing facilities, as provided. Existing law appropriates $245,000,000 from the General Fund to the State Department of Education for these purposes, to be released on a prescribed schedule.

This bill instead would require all $245,000,000 appropriated for the Early Learning and Care Infrastructure Grant Program to be released in the 2019–20 fiscal year. The bill would require the amounts appropriated and transferred for purposes of the program to revert to the General Fund on June 30, 2020.

(4) Existing law establishes the Early Learning and Care Workforce Development Grants Program under the administration of the Superintendent to expand the number of qualified early learning and care professionals and increase the educational credentials of existing early learning and care professionals across the state, as provided. Existing law appropriates $150,000,000 from the General Fund to the department for these purposes, to be released on a prescribed schedule.

This bill instead would require all $150,000,000 appropriated for the Early Learning and Care Workforce Development Grants Program to be released in the 2019–20 fiscal year. The bill would require the amounts appropriated and transferred for purposes of the program to revert to the General Fund on June 30, 2020.

(5) Existing law continuously appropriates from the General Fund to Section A of the State School Fund for allocation by the Controller any amounts necessary to meet the requirements of specified programs during each fiscal year, including, among others, the local control funding formula, the basic aid school district block grant, and the Open Enrollment Act, upon certification by the Superintendent of those amounts.

This bill would require the amounts calculated for the those specified programs to be considered final as of the certification of the 2nd principal apportionment in the 5th succeeding fiscal year, inclusive, of the fiscal year for which the calculation is being made, and would require final submissions to be submitted pursuant to procedures and timeframes established by the Superintendent, except as provided. The bill would not apply these provisions to a change that is a result of an audit exception reported in certain audits or reviews that provided the local educational agency the opportunity to provide a written response.

(6) Existing law requires the Controller to draw warrants on the State Treasury throughout each year in specified amounts for purposes of apportioning funding to school districts, county offices of education, and charter schools.

This bill, commencing with the 2019–20 fiscal year, would require the warrants scheduled to be drawn in June to instead be drawn in July of the same calendar year. The bill, commencing with the 2020–21 fiscal year, would require specified amounts of warrants scheduled to be drawn in February to instead be drawn in November of the same calendar year, would require specified amounts of warrants scheduled to be drawn in March to instead be drawn in October of the same calendar year, would require specified amounts of warrants scheduled to be drawn in April to instead be drawn in September of the same calendar year, and would require specified amounts of warrants scheduled to be drawn in May to instead be drawn in August of the same calendar year, except as specified for certain amounts of warrants scheduled to be drawn in February to June, inclusive, for the 2020–21 fiscal year.

For the 2020–21 and 2021–22 fiscal years, if the state defers any payments owed to school districts, the bill would authorize the governing board of a school district to authorize, by resolution, that moneys held in any fund or account to be temporarily transferred to another fund or account of the school district for payment of obligations, as provided.

(7) The Full-Day Kindergarten Facilities Grant Program appropriates $300,000,000 for the 2019–20 fiscal year from the General Fund to the State Allocation Board to provide one-time grants to school districts to construct new school facilities or retrofit existing school facilities for the purpose of providing full-day kindergarten classrooms, as specified.

This bill, commencing with 2019–20 fiscal year, instead would make this program contingent upon appropriation by the Legislature.

(8) Existing law authorizes school district governing boards to sell, or lease for a term not exceeding 99 years, any real property belonging to the school district. Existing law establishes procedures for the conduct of these sales and leases, and specifies the purposes for which funds derived from these transactions may be used.

Until July 1, 2024, this bill would expand the purposes for which funds from those transactions may be used by authorizing a school district to deposit the proceeds from the sale or lease of surplus real property, together with any personal property located on the property, purchased entirely with local funds, into the general fund of the school district and to use the proceeds for any one-time general fund purpose, as provided.

(9) Existing law authorizes a school district to enter into leases and agreements relating to real property and buildings to be used jointly by the district and any private person, firm, local governmental agency, as defined, or corporation. Existing law prohibits the governing board of a school district from approving a proposal or entering into a lease or contract incorporating a proposal until the governing board submits the proposal to the State Board of Education, and the state board approves the proposal. Existing law requires the state board to notify the governing board of its approval or disapproval within 45 days of the date of submission.

This bill would repeal the above-described prohibition on the governing board of a school district and related requirements on the state board.

(10) Existing law prescribes the procedure to reorganize school districts, including the filing of a petition with the county superintendent of schools by specified persons. Existing law authorizes a county committee on school district organization for certain petitions to transfer territory to approve the petition, as provided. Existing law authorizes an action by the county committee on school district organization approving or disapproving a petition to transfer territory to be appealed to the State Board of Education by the chief petitioners or one or more affected school districts. The state board, upon receipt of the appeal, may elect either to review the appeal or to ratify the county committee's decision by summarily denying review of the appeal.

This bill would no longer authorize appeals of an action by the county committee on school district organization disapproving a petition to transfer territory to the state board for an appeal filed after July 1, 2020.

(11) For the 1990–91 fiscal year and each fiscal year thereafter, existing law requires that moneys to be applied by the state for the support of school districts, community college districts, and direct elementary and secondary level instructional services provided by the state be distributed in accordance with certain calculations governing the proration of those moneys among the 3 segments of public education. Existing law makes that provision inapplicable to the 1992–93 to 2019–20 fiscal years, inclusive.

This bill would also make that provision inapplicable to the 2020–21 fiscal year.

(12) Existing law requires, not later than May 1 of each fiscal year, county superintendents of schools to provide for an audit of all funds under their jurisdiction. Existing law also requires the governing board of each local educational agency to either provide for an audit of the books and accounts of that agency or to make arrangements with the county superintendent of schools having jurisdiction over that agency to provide for that auditing, as specified. Existing law requires that a contract to perform the audit of a local educational agency with a disapproved budget, negative certification, or finding of a lack of going concern receive the approval of the county superintendent of schools and the governing board.

This bill, notwithstanding the provision referenced above, would, among other things, require a local educational agency to provide for the required audit for the 2019–20 fiscal year by July 15, 2020, or, if the local educational agency fails to provide for an audit by that date, for the county office of education having jurisdiction over that agency to provide for that audit by July 31, 2020, as specified.

(13) The Classroom Instructional Improvement and Accountability Act, an initiative approved by the voters as Proposition 98 at the November 8, 1988, statewide general election, amended the California Constitution to, among other things, set forth a formula for computing the minimum amount of revenues that the state is required to appropriate for the support of school districts and community college districts based on one of 3 tests in any given fiscal year.

Commencing with the 2021–22 fiscal year, this bill would require an appropriation to be made from the General Fund in the annual Budget Act for the support of elementary and secondary public schools and community colleges to supplement funding appropriated pursuant to Proposition 98 annually in an amount equal to 1.5% of total General Fund revenues, as calculated pursuant to Proposition 98, until the sum of the supplemental appropriations equals $12,366,107,000.

(14) Existing law establishes a public school financing system that requires state funding for county superintendents of schools, school districts, and charter schools to be calculated pursuant to a local control funding formula, as specified. Existing law requires certain components of funding to be adjusted for inflation in each fiscal year, as specified.

This bill, notwithstanding those specified inflation adjustments, would require those inflation adjustments for the 2020–21 fiscal year to instead be zero.

(15) Existing law requires the governing board of each school district, except as otherwise specifically provided by law, to use all money apportioned to the school district from the State School Fund during any fiscal year exclusively for the support of the school or schools of the school district for that year.

This bill would expand that requirement to charter schools and county offices of education, and would prohibit school districts, charter schools, and county offices of education from expending funds provided in satisfaction of the state's minimum funding obligation to school districts and community college districts pursuant to the California Constitution for courses or instruction offered by private or public colleges or universities beyond that permitted in pursuit of a high school diploma, except for courses or instruction in which pupils are enrolled in before July 1, 2020. To the extent these provisions add additional duties on local educational agencies, the bill would impose a state-mandated local program.

(16) Existing law places various requirements on county superintendents of schools in reviewing and determining whether a school district's adopted budget will allow the school district to meet its financial obligations during the fiscal year and is consistent with a financial plan that will enable the school district to satisfy its multiyear financial commitments.

The bill would revise certain requirements on county superintendents of schools regarding determinations of fiscal distress for school districts, and would require a county superintendent of schools to send a written notice of going concern determination under certain circumstances.

(17) Existing law provides for a specified annual funding increase for special education and childcare and development programs if an inflation or cost-of-living adjustment is not otherwise provided for those programs.

This bill would suspend that annual funding increase for childcare and development programs for the 2020–21 fiscal year.

(18) Existing law requires local educational agencies to meet specified minimum requirements for the number of instructional minutes offered during a schoolday, instructional minutes offered during a school year, and instructional days offered in a school year.

This bill, for the 2020–21 school year, would waive the minimum requirements for instructional minutes offered during the school year and would authorize a local educational agency to meet the minimum requirements for instructional minutes offered during a schoolday and for instructional days offered in the 2020–21 school year through in-person instruction or a combination of in-person instruction and distance learning, as provided.

The bill would require a local educational agency that offers distance learning during the 2020–21 school year to comply with specified requirements. The bill would require local educational agencies to document pupils' participation on each schoolday for which distance learning is provided and to regularly communicate with parents and guardians regarding a pupil's academic progress. The bill would require the Superintendent of Public Instruction to withhold a portion of a local educational agency's funding apportionments for failing to offer the minimum number of instructional days in the 2020–21 school year. To the extent these provisions impose additional requirements on school districts, county offices of education, and charter schools, the bill would create a state-mandated local program.

(19) Existing law requires, on or before July 1, 2014, governing boards of school districts and county boards of education to adopt a local control and accountability plan, as provided. Existing law requires charter schools, on or before July 1, 2015, and each year thereafter, to adopt a local control and accountability plan to update the goals and annual actions to achieve those goals identified in the charter petition, as provided.

This bill would provide that school districts, county boards of education, and charter schools are not required to adopt a local control and accountability plan for the 2020–21 school year. The bill instead would require the governing board of a school district, a county board of education, and the governing body of a charter school to adopt a learning continuity and attendance plan by September 30, 2020. The bill would require the Superintendent, in consultation with the State Board of Education, to develop a template for the learning continuity and attendance plan on or before August 1, 2020, as provided. The bill would require the learning continuity and attendance plan to include specified information about the instruction the school district, county office of education, or charter school will provide to pupils in the 2020–21 school year. By requiring school districts, county offices of education, and charter schools to adopt a learning continuity and attendance plan, the bill would impose a state-mandated local program.

(20) Existing law establishes the Commission on Teacher Credentialing to, among other duties, establish standards for the issuance and renewal of credentials, certificates, and permits. A regulation issued by the commission requires that, for each examination score used to satisfy a requirement for the issuance of a credential, certificate, permit, or waiver, no more than 10 years may elapse between the date the score was earned and the issuance date of the credential, certificate, permit, or waiver for which the examination score was used.

This bill would extend the time of validity of examination scores used to satisfy a requirement for the issuance of a credential, certificate, permit, or waiver pursuant to the regulation referenced above to 11 years for any score used to satisfy a requirement from March 19, 2020, to June 30, 2021, inclusive.

(21) Existing law sets the minimum requirements for the services credential with a specialization in pupil personnel services as a baccalaureate or higher degree from an approved institution, a 5th year of study, and any specialized and professional preparation required by the Commission on Teacher Credentialing, including completion of a commission-approved program of supervised field experience. Specified regulations issued by the commission require this field experience to take place in at least 2 settings.

This bill would reduce the requirement for the field practice assignment for a pupil personnel services credential to take place in 2 or more school settings to one school setting from March 19, 2020, to June 30, 2021, inclusive.

(22) Existing law authorizes the governing board of a school district to terminate the services of any permanent or probationary certificated employees of the school district, including employees holding a position that requires an administrative or supervisory credential, during the time period between 5 days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies if the governing board of the school district determines that its total revenue limit per unit of average daily attendance for the fiscal year of that Budget Act has not increased by at least 2%, and if the governing board of the school district determines it is therefore necessary to decrease the number of permanent employees in the school district.

This bill would make that provision inoperative from July 1, 2020, to July 1, 2021, inclusive, except to authorize a certificated employee of a school district holding a position that requires an administrative or supervisory credential to be terminated pursuant to that provision.

(23) Existing law establishes a governing board to establish and administer a unit known as the County Office Fiscal Crisis and Management Assistance Team. Among other duties, this unit provides fiscal management assistance, at the request of any school district, charter school, county office of education, or community college district. Existing law requires the unit to request and review applications to establish regional teams of education finance experts throughout the state.

This bill would delete the requirements relating to establishing regional teams. The bill would require the unit to post certain rate information and training calendars on the unit's internet website.

(24) Existing law requires the withholding of apportionments and the imposition of fiscal penalties for school districts and county offices of education that fail to comply with the requirements for at least a minimum number of days of instruction and instructional minutes in a school year.

This bill would apply those provisions to a county office of education that operates a special day class or special day classes, except if those classes operate in a county community school or a juvenile court school.

(25) Existing law expressly states that charter schools and entities managing charter schools are subject to, except as specified, (A) the Ralph M. Brown Act, unless the charter school is operated by an entity governed by the Bagley-Keene Open Meeting Act, in which case the charter school is subject to the Bagley-Keene Open Meeting Act, (B) the California Public Records Act, (C) certain provisions prohibiting certain public officials, including, but not limited to, state, county, or district officers or employees, from being financially interested in any contract made by them in their official capacity or by any body or board of which they are members, and (D) the Political Reform Act of 1974.

This bill would prohibit the State Board of Education from waiving the above-described requirements.

(26) The Charter Schools Act of 1992 authorizes the establishment and operation of charter schools. Existing law authorizes a charter school that established a schoolsite outside the boundaries of the chartering authority before January 1, 2020, or that established a resource center, meeting space, or other satellite facility outside the boundaries of the school district in which the charter school is located before January 1, 2020, to continue to operate that site if the charter school satisfies specified requirements, in which case existing law requires the State Department of Education to regard the charter school as a continuing charter school.

This bill would require a charter school, in order to be regarded as a continuing charter school, to notify the department by May 15 before the fiscal year in which the charter school is to be regarded as a continuing charter school, in a format to be established by the Superintendent. The bill would require a petition for the ongoing operation of a continuing charter school to be effective before the date instruction begins for the current fiscal year. The bill would require a continuing charter school to commence instruction within the first 3 months of the fiscal year beginning July 1 of the year the petition is effective. By imposing new duties on charter schools, the bill would create a state-mandated local program. The bill would make various changes to state funding calculations for purposes of continuing charter schools.

The bill would also make revisions to provisions of the act regarding (A) exemptions from geographic restrictions for certain charter schools located on a federally recognized California Indian reservation or rancheria or operated by a federally recognized California Indian tribe, (B) the denial of a charter petition because the school district is not positioned to absorb the fiscal impact of the proposed charter school, (C) the appeals process when the governing board of a school district denies a charter petition, and (D) material revisions during the petition review process. The bill would authorize a charter school that is scheduled to open, or pursuant to its petition will add grade levels, in the 2020–21 school year to delay opening or adding grade levels for one year without requesting a material revision to its charter petition, as provided.

(27) Existing law authorizes a school district or charter school to maintain a transitional kindergarten program. Existing law requires, as a condition of receipt of apportionment for pupils in a transitional kindergarten program pursuant to the statutory methods of calculating average daily attendance, that a school district or charter school ensure that credentialed teachers who are first assigned to a transitional kindergarten classroom on or after July 1, 2015, have, by August 1, 2020, met one of 3 designated criteria establishing qualification for the position.

This bill would delay until August 1, 2021, the deadline for a credentialed teacher first assigned to a transitional kindergarten classroom on or after July 1, 2015, to meet one of the designated criteria referenced above.

(28) Existing law requires the Superintendent of Public Instruction to award a State Seal of Biliteracy. Existing law provides that the State Seal of Biliteracy certifies attainment of a high level of proficiency by a graduating high school pupil in one or more languages, in addition to English, and certifies that the graduate meets specified criteria, including, among other criteria, that proficiency in a language other than English is demonstrated through one of several designated methods.

This bill would provide that, notwithstanding the designated requirements for the State Seal of Biliteracy referenced above, for those pupils on track to graduate in 2020 or 2021, who were unable to take the assessments identified in existing law, or who did not receive a letter grade in English language arts, the Superintendent may provide alternatives to demonstrating attainment of a high level of proficiency in one or more languages in addition to English.

(29) Existing law requires, on or before March 31, 2014, the State Board of Education to adopt templates for use by school districts, county superintendents of schools, and charter schools for purposes of the local control and accountability plans.

This bill would require the template adopted by the state board to require the inclusion of specified information relating to stakeholder engagement, as provided. The bill would require, on or before January 31, 2022, the instructions developed by the state board to require certain school districts, county offices of education, and charter schools to include a goal in their respective local control and accountability plan focused on improving the performance of pupil subgroups or focused on addressing the disparities in performance at certain schools within a school district or county office of education, as applicable. To the extent the bill would require school districts, county boards of education, and charter schools to include additional information in their local control and accountability plans, the bill would impose a state-mandated local program. The bill would exempt from the Administrative Procedure Act revisions to the template to implement these provisions and other legislation passed during the 2019–20 Regular Session.

(30) Existing law establishes the California Collaborative for Educational Excellence for purposes of advising and assisting school districts, county superintendents of schools, and charter schools in achieving the goals set forth in a local control and accountability plan. Existing law requires the State Department of Education, in consultation with the executive director of the State Board of Education and with the approval of the Department of Finance, to contract with a local educational agency, or consortium of local educational agencies, to serve as the administrative agent for the collaborative. Existing law requires the Superintendent of Public Instruction to apportion funds appropriated for the collaborative to the administrative agent.

This bill would remove that requirement on the Superintendent.

(31) Existing law establishes the Bilingual Teacher Professional Development Program, administered by the State Department of Education in consultation with the Commission on Teacher Credentialing, for teachers seeking to provide instruction in bilingual and multilingual settings. Existing law requires the department to issue a minimum of 5 grants to applicants through a competitive process and to allocate grant funding to eligible local educational agencies for purposes of providing professional development services to teachers or paraprofessionals. Existing law requires grant recipients to report specified information related to the program to the department by January 1, 2021.

This bill would instead require grant recipients to provide a final report containing specified information related to the program to the department by January 1, 2022. The bill would also provide that the project performance period for the grant would be January 1, 2018, to June 30, 2021, inclusive.

(32) Existing law requires the State Board of Education to adopt a state master plan for services to migrant children. Existing law also requires the Superintendent of Public Instruction to take the steps necessary to ensure effective parental involvement throughout the state migrant education program, which include establishing a statewide parent advisory council, as specified, to participate in the planning, operation, and evaluation of the state migrant education program. Existing law requires the Superintendent to sponsor a biennial State Parent Advisory Council Conference. Existing law also authorizes the Superintendent to sponsor regional conferences to take the place of the state conference if the Superintendent determines that regional conferences will increase parent participation. Existing law requires the statewide parent advisory council to prepare and submit a report to the Legislature, the state board, the Superintendent, and the Governor regarding the status of the migrant education program every 3 years.

This bill would suspend all requirements for 2020 nominations and elections to parent advisory councils until September 1, 2020. The bill would require parent advisory councils and the State Parent Advisory Council to meet at least 3 times in the 2020 calendar year. The bill would provide that the Superintendent is not required to sponsor a biennial State Parent Advisory Council Conference in the 2020 calendar year.

(33) Existing law requires each operating agency receiving federal Title I Migrant Education funding to conduct summer school programs for eligible migrant children in kindergarten and grades 1 to 12, inclusive. Existing law requires these summer school programs to be funded, to the extent that funds are available, by federal funds earmarked for migrant education programs, and to meet designated criteria, including minimum time requirements. Existing law also requires each school district, county office of education, and community college district, upon request, to make facilities available at cost for the operation of migrant summer school programs whenever they are available.

This bill would instead provide that school districts, county offices of education, and community college districts that have closed their facilities due to the COVID-19 pandemic are not required to make facilities available for migrant summer school programs in the 2020 calendar year. The bill would authorize summer school programs required by these provisions to be offered through distance learning for the 2020 calendar year. The bill would waive the minimum minute requirements for the 2020 calendar year, but would encourage local educational agencies to offer the minimum instructional minute requirements to the extent practicable for the 2020 calendar year.

(34) Existing law requires a school district to submit to the Superintendent of Public Instruction a local plan for the education of all individuals with exceptional needs either on its own, in conjunction with one or more school districts, or with the county office of education, as specified. Existing law requires, commencing July 1, 2021, each local plan to include an annual assurances support plan, as provided.

This bill would instead require each local plan to include an annual assurances support plan commencing July 1, 2023. The bill would prohibit, from July 1, 2020, to July 1, 2024, inclusive, a school district from submitting a local plan on its own. The bill would prohibit certain local plan requirements from being waived under existing law.

(35) Existing law requires local educational agencies to identify, locate, and assess individuals with exceptional needs and to provide those pupils with a free appropriate public education in the least restrictive environment, with special education and related services as reflected in an individualized education program.

This bill would require the individualized education program for a pupil with exceptional needs to include a description of the means by which the individualized education program will be provided under emergency conditions, as specified, in which instruction or services, or both, cannot be provided to the pupil either at the school or in person for more than 10 school days, as specified. By imposing additional requirements on local educational agencies, the bill would impose a state-mandated local program.

(36) Existing law requires the State Department of Education to jointly convene with the State Department of Developmental Services and the State Department of Health Care Services one or more workgroups that include specified representatives for specified purposes, including improving the transition of 3-year-old children with disabilities from regional centers to local educational agencies. Existing law requires, on or before October 1, 2020, the workgroups to provide the chairs of the relevant policy committees and budget subcommittees of the Legislature and the Department of Finance with specified recommendations.

This bill would extend the deadline by which those recommendations are required to be submitted from October 1, 2020, to October 1, 2021, inclusive, and would require the recommendations to be provided as part of a final report. The bill would require the workgroups, on or before October 1, 2020, to provide the chairs of the relevant policy committees and budget subcommittees of the Legislature and the Department of Finance with a progress report containing specified information.

(37) Existing law requires the Superintendent, commencing with the 2004–05 fiscal year and each fiscal year thereafter, to the extent there is an appropriation in the annual Budget Act for purposes of educationally related mental health services, to allocate funds per unit of average daily attendance to special education local plan areas.

This bill would require the Superintendent, commencing with the 2020–21 fiscal year and each fiscal year thereafter, to the extent there is an appropriation of federal funds or a General Fund appropriation in the annual Budget Act for purposes of educationally related mental health services or mental health-related services, respectively, to allocate funds to a special education local plan area per unit of average daily attendance reported for the special education local plan area for the 2019–20 fiscal year.

(38) Existing law provides for the calculation of apportionments to fund the provision of special education instruction and services for pupils who qualify for these programs. Existing law requires the Superintendent of Public Instruction to make specified calculations in each fiscal year to determine the amount of funding provided to each special education local plan area and to determine the statewide target amount of funding per unit of average daily attendance.

This bill would make those provisions inoperative on July 1, 2020. The bill would instead require the Superintendent, for the 2020–21 fiscal year, to calculate the amount of funding per unit of average daily attendance for each special education local plan area as either $625 per unit of average daily attendance or the amount of funding per unit of average daily attendance the special education local plan area received in the 2019–20 fiscal year, whichever is greater. The bill would require the Superintendent, for the 2021–22 fiscal year and each fiscal year thereafter, to calculate the amount of funding per unit of average daily attendance for each special education local plan area as either $625 per unit of average daily attendance, as adjusted annually by a specified inflation factor, or the amount of funding per unit of average daily attendance the special education local plan area received in the 2019–20 fiscal year, whichever is greater. The bill would revise various other special education funding calculations and would make related clarifying and conforming changes.

(39) Existing law requires the Superintendent, commencing with the 2004–05 fiscal year and each fiscal year thereafter, to make certain calculations for, and the State Department of Education to apportion certain amounts to, special education local plan areas, as provided, for children and youth residing in foster family homes, small family homes, foster family agencies, group homes, skilled nursing facilities, intermediate care facilities, and community care facilities. Existing law requires the department to calculate an out-of-home care funding amount for each special education local plan area, as provided, for each fiscal year. Existing law, for purposes of the out-of-home care funding amount for group homes, foster family homes, small family homes, and foster family agencies in the 2017–18, 2018–19, and 2019–20 fiscal years, requires the Superintendent to use the data received from the State Department of Social Services that was used for the funding for the 2016–17 fiscal year.

This bill would require the Superintendent to also use the data that was used for the funding for the 2016–17 fiscal year for purposes of the out-of-home care funding amounts for the 2020–21 and 2021–22 fiscal years.

(40) Existing property tax law requires the county auditor, in each fiscal year, to allocate property tax revenue to local jurisdictions in accordance with specified formulas and procedures, and generally requires that each jurisdiction be allocated an amount equal to the total of the amount of revenue allocated to that jurisdiction in the prior fiscal year, subject to certain modifications, and that jurisdiction's portion of the annual tax increment, as defined. Existing property tax law also reduces the amounts of ad valorem property tax revenue that would otherwise be annually allocated to, among other entities, special districts pursuant to these general allocation requirements by requiring, for purposes of determining property tax revenue allocations in each county for the 1992–93 fiscal year, that the amounts of property tax revenue deemed allocated in the prior fiscal year to certain special districts be reduced by 35%, not to exceed 10% of a district's total annual revenues for the 1989–90 fiscal year, as reported in a specified publication of the Controller. Existing law requires that the revenues that are not allocated to these special districts as a result of these reductions be transferred to the county Educational Revenue Augmentation Fund (ERAF) for allocation to school districts, community college districts, and the county office of education.

The bill would require the Controller to issue, on or before December 31, 2020, guidance to counties for implementation of allocating ERAF revenues, as provided. Commencing with the 2019–20 fiscal year, if a county auditor-controller fails to allocate ERAF revenues in accordance with the guidance provided by the Controller, the bill would authorize the Controller to request a writ of mandate to require the county auditor-controller to immediately perform this duty, as provided.

(41) Existing law provides for various programs, responsibilities, services, and systems relating to childcare and childhood development that are administered by the State Department of Education and the Superintendent of Public Instruction, including, among other programs, alternative payment programs, CalWORKs Stage 2 and Stage 3 childcare, general childcare and development programs, migrant childcare and development programs, childcare for children with severe disabilities, Head Start programs, and specified grant programs.

This bill, effective July 1, 2021, would transfer those programs, responsibilities, services, and systems from the State Department of Education and the Superintendent to the State Department of Social Services. The bill would vest the State Department of Social Services with all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of those programs, responsibilities, services, and systems and would authorize the department to enter into memoranda of understanding or interagency agreements or contracts with the California Health and Human Services Agency, its other departments and offices, the State Department of Education, and any other state agency, department, or office, as necessary to implement the transfer of those programs, responsibilities, services, and systems. The bill would provide that any law governing those transferred programs, responsibilities, services, or systems that refer to the State Department of Education or to the Superintendent would be construed to be to the State Department of Social Services. The bill would require the Governor to, on or before July 1, 2021, establish the position of Deputy Director of Child Development within the State Department of Social Services, as an exempt position, to be appointed by the Governor, subject to confirmation by the Senate, and who holds office at the pleasure of the Governor.

(42) Existing law appropriates, for the 2017–18 fiscal year, $10,000,000 from the General Fund to the State Department of Social Services in order to provide additional services for refugee pupils and unaccompanied undocumented minors by allocating funding to school districts impacted by significant numbers of refugee pupils, other eligible populations served by the federal Office of Refugee Resettlement, and unaccompanied undocumented minors using a formula to be developed by the department based upon the refugee and unaccompanied undocumented minor arrivals in a school district during the preceding 60-month period for which the department has data.

This bill would, subject to an appropriation of funds for this purpose in the annual Budget Act, require the State Department of Social Services to administer the California Newcomer Education and Well-Being Program to similarly provide services for refugees, unaccompanied undocumented minors, and immigrant families, as those terms are defined, by allocating funding to school districts, as specified. The bill would also require the department to contract to conduct a formal evaluation of those provided services.

(43) The Budget Act of 2019 appropriates $15,746,000 to allocate to each school district maintaining a secondary school or county superintendent of schools that offers adult education classes for adults in correctional facilities, as provided.

This bill would reduce that appropriation by $9,765,000.

(44) The Budget Act of 2019 appropriates $913,446,000 for the support of local educational agencies participating in California state preschool programs, as provided.

This bill would reduce that appropriation by $110,388,000.

(45) The Budget Act of 2019 appropriates $517,572,000 for the support of non-local educational agencies participating in California state preschool programs, and specifies that $31,400,000 of that amount is available beginning April 1, 2021, to provide 10,000 additional full-day state preschool slots to non-local educational agencies.

This bill would reduce the appropriation to $486,172,000 and would remove the provision specifying that $31,400,000 is available beginning April 1, 2021, to provide 10,000 additional full-day state preschool slots to non-local educational agencies.

(46) Existing law requires the governing board of a school district to report to the Superintendent of Public Instruction during each fiscal year the average daily attendance of the school district for all full school months, and describes the period between July 1 and April 15, inclusive, as the "second period" report for the second principal apportionment. Existing law requires a county superintendent of schools to report the average daily attendance for the school and classes maintained by the county superintendent and the average daily attendance for the county school tuition fund.

For local educational agencies that comply with Executive Order No. N–26–20, existing law specifies that for purposes of attendance claimed for apportionment purposes pursuant to the provision described above, for the 2019–20 school year average daily attendance reported to the State Department of Education for the second period and the annual period for local educational agencies only includes all full school months from July 1, 2019, to February 29, 2020, inclusive.

This bill would extend the latter provision to local educational agencies that are not subject to closure due to COVID-19. The bill, notwithstanding those provisions, would authorize local educational agencies to claim apportionment for extended school year services for pupils with disabilities offered through distance learning for the summer of 2020, as defined, if certain conditions are met, as provided.

(47) Existing law authorizes the governing board of a school district or community college district to lay off or terminate classified employees for, among other reasons, lack of work or lack of funds.

This bill, from July 1, 2020, to June 30, 2021, inclusive, would prohibit the governing board of a school district, county office of education, community college district, or joint powers authority from laying off or releasing any permanent or probationary classified employees of the school district, county office of education, community college district, or joint powers authority who hold classifications in, or are assigned to positions in, nutrition, transportation, or custodial services.

(48) Existing law appropriates $100,000,000 from the General Fund to the Superintendent of Public Instruction to be apportioned to certain local educational agencies on the basis of average daily attendance for purposes of purchasing personal protective equipment, or paying for supplies and labor related to cleaning schoolsites, or both.

This bill would revise the calculation of average daily attendance for certain local educational agencies, revise the minimum amount a local educational agency is required to receive, and expand the purposes for which the moneys may be spent.

(49) The After School Education and Safety Program Act of 2002, an initiative statute approved by the voters as Proposition 49 at the November 5, 2002, statewide general election, establishes the After School Education and Safety (ASES) Program under which participating public schools receive grants to operate before and after school programs serving pupils in kindergarten or any of grades 1 to 9, inclusive. Under existing law, the ASES Program includes specified requirements relating to a program's hours of operation and pupil-to-staff ratio. Existing law also specifies the funding rates for programs receiving grants and requires the State Department of Education to adjust the funding amount for a program based on its attendance, as provided.

Existing law establishes the 21st Century High School After School Safety and Enrichment for Teens (High School ASSETs) program to create incentives for establishing after school enrichment programs to provide academic support and safe, constructive alternatives for high school pupils in the hours after the regular schoolday and to support college and career readiness. Existing law requires the department to adjust the funding amount for a program based on its attendance, as provided.

This bill would authorize the department, during the 2020–21 school year, to waive the above-described provisions relating to an ASES program's hours of operation and pupil-to-staff ratio, and to waive the required funding adjustments for the ASES and High School ASSETs programs. The bill would authorize the department, during the 2020–21 school year, to prorate the funding rates for programs receiving ASES grants operating for more than 3 hours per day, up to 6 hours per day.

(50) If the Superintendent of Public Instruction and the Director of Finance concur that repayment in the current fiscal year of $2,339,317 by the Guerneville Elementary School District for the 2018–19 fiscal year would constitute a severe financial hardship for that school district, the bill would authorize the Superintendent and the Director of Finance to establish a plan of equal annual payments over a period of up to 5 fiscal years, as provided.

(51) The Leroy F. Greene School Facilities Act of 1998 establishes a program in which the State Allocation Board is required to provide state per-pupil funding for new construction and modernization of school facilities. The act requires the board to require applicant school districts that receive funding under the act to establish a restricted account within the general fund of the school district for the exclusive purpose of providing moneys for ongoing and major maintenance of school buildings and to agree to deposit minimum amounts into the restricted account based on certain calculations. Existing law excludes certain moneys appropriated for the State Teachers' Retirement System and the Public Employees' Retirement System for the 2018–19 fiscal year from counting for purposes of those calculations.

This bill would expand that exclusion to include certain moneys appropriated for the State Teachers' Retirement System and the Public Employees' Retirement System regardless of fiscal year from counting for purposes of those calculations.

(52) Existing law requires each school district that has one or more pupils who are English learners, and, to the extent required by federal law, each county office of education and charter school, to assess the English language development of each pupil in order to determine the level of proficiency. Existing law requires the procedures developed by the State Department of Education to determine whether to reclassify a pupil as proficient in English to use multiple criteria, including assessment of language proficiency using an objective assessment instrument, as specified. Regulations issued by the department govern the timing of the administration of this assessment.

This bill, notwithstanding these provisions, would authorize local educational agencies to administer the summative English proficiency assessment for purposes of reclassification at the beginning of the 2020–21 school year. The bill would require the results of these assessments to be used only for the purpose of determining a pupil's reclassification from English learner to English proficient, and would require that they be completed by October 30, 2020.

(53) Existing law requires the State Department of Education to develop and maintain the California School Dashboard for publicly reporting local educational agency performance data.

This bill would prohibit the department from publishing the California School Dashboard in 2020 and from identifying a local educational agency during the 2020–21 school year for the technical assistance or intervention process based on the performance criteria used for the California School Dashboard.

(54) Existing law appropriates specified moneys to the State Department of Education in the 2018–19 fiscal year for purposes of adult education classes for adults in correctional facilities and special education.

This bill would make those moneys available for encumbrance until November 30, 2021. By extending the period of time during which an existing appropriation may be encumbered, the bill would make an appropriation.

(55) This bill would appropriate $1,000,000 from the General Fund to the Superintendent of Public Instruction for allocation to the Southern California Regional Occupational Center for instructional and operating costs for the 2020–21 fiscal year, and would condition the receipt of this money on the Southern California Regional Occupational Center submitting an updated operational plan to the Department of Finance and the Legislative Analyst's Office.

(56) This bill would appropriate $355,227,000 from the Federal Trust Fund, $4,439,844,000 from the Coronavirus Relief Fund, and $539,926,000 from the General Fund to the Superintendent of Public Instruction for allocation in the 2020–21 fiscal year to eligible local educational agencies, as defined, in accordance with prescribed methodologies to be used for activities that directly support pupil academic achievement and mitigate learning loss related to COVID-19 school closures, as provided.

(57) This bill would appropriate $50,000,000 from the General Fund to the State Department of Education on a one-time basis to administer the Early Literacy Support Block Grant. The bill would require the department to award grants to local educational agencies with the 75 schools that have the highest percentage of pupils in grade 3 scoring at the lowest achievement standard level on the state summative assessment in English language arts and also meet other specified conditions. The bill would require a local educational agency to conduct a root cause analysis and needs assessment, as provided, and to develop a literacy action plan to include, among other things, the local educational agency's goals and actions to improve literacy instruction.

The bill would appropriate $3,000,000 from the General Fund to the department to establish an expert lead in literacy within the statewide system of support, as provided. The bill would require the expert lead in literacy to assist local educational agencies eligible for grants authorized by the Early Literacy Support Block Grant and to create professional learning networks to help build statewide capacity among local educational agencies in implementing effective literacy instruction and support programs.

(58) The Community Redevelopment Law authorized the establishment of redevelopment agencies in communities to address the effects of blight, as defined. Existing law dissolved redevelopment agencies as of February 1, 2012, and provides for the designation of successor agencies, as defined. Existing law requires successor agencies to wind down the affairs of the dissolved redevelopment agencies. Existing law requires a successor agency to, among other things, continue to make payments due for enforceable obligations, remit unencumbered balances to the county auditor-controller for distribution, and dispose of assets, as directed.

This bill would, on or before June 30, 2021, appropriate an amount to be determined by the Director of Finance from the General Fund to the Superintendent of Public Instruction in augmentation of a certain item in the Budget Act of 2020. The bill would make these funds available only to the extent that revenues distributed to local educational agencies for special education programs from successor agencies are less than the estimated amount determined by the Director of Finance. The bill would require, on or before June 30, 2021, the Director of Finance to determine if the revenues distributed to local educational agencies for special education programs from successor agencies exceed the estimated amount reflected in the Budget Act of 2020 and, if so, would require the Director of Finance to reduce the specified appropriation in the Budget Act of 2020 by the amount of that excess.

(59) This bill would appropriate $450,000 from the General Fund to the State Department of Education for the 2020–21 fiscal year to support the alignment and integration of online platforms supporting the California School Dashboard, the local control and accountability plan electronic template system, and the school accountability report card, as provided.

(60) This bill would appropriate $45,000,000 from the Federal Trust Fund (Elementary and Secondary School Emergency Relief Fund) to the Superintendent of Public Instruction to establish and administer the California Community Schools Partnership Program to award grants on a competitive basis to selected school districts, county offices of education, and charter schools, excluding nonclassroom-based charter schools, to support and expand existing community schools, as specified.

(61) This bill would appropriate $112,231,000 in federal funding to the State Department of Education to reimburse local educational agencies for costs relating to the provision of school meals incurred as a result of the COVID-19 pandemic emergency in the 2019–20 and 2020–21 fiscal years. The bill would require the department, if other federal funding for child nutrition programs is made available for this purpose, to instead allocate the appropriated amount to local educational agencies for activities that directly support pupil academic achievement and mitigate learning loss related to COVID-19 school closures.

(62) This bill would require the department and the California Collaborative for Educational Excellence, with approval from the executive director of the State Board of Education, to designate by September 1, 2020, an applicant county office of education to administer the California Dyslexia Initiative, which the bill would establish. The bill would appropriate $4,000,000 from the General Fund to the Superintendent to allocate to the designated county office of education for the initiative.

(63) This bill would appropriate $4,248,000 from the General Fund to the department for the 2020–21 fiscal year for allocation to the Kern County superintendent of schools for the County Office Fiscal Crisis and Management Assistance Team for the Standardized Account Code Structure system replacement project.

(64) This bill would appropriate $750,000 to the department for allocation to the Sacramento County superintendent of schools to develop, under the direction of the executive director of the State Board of Education, draft distance learning curriculum and instructional guidance for mathematics, English language arts, and English language development, as provided. The bill would require the state board to adopt the distance learning curriculum and instructional guidance by May 31, 2021.

(65) This bill would appropriate $60,000,000 from the General Fund to the department for the 2020–21 fiscal year for the Classified School Employee Summer Assistance Program, and would make these funds available for encumbrance until June 30, 2025.

(66) This bill would appropriate $200,000 from the General Fund to the State Department of Education for the 2020–21 fiscal year to support the Young People's Task Force. The bill would require the Superintendent of Public Instruction, in consultation with the President of the State Board of Education, or the president's designee, to convene a Young People's Task Force to develop guidance to promote culturally competent interactions between school resource officers and young people on school campuses, contingent on the later enactment of legislation during the 2019–20 Regular Session prescribing the duties of the task force.

(67) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above, except that specified funding provided for school districts, county offices of education, and charter schools shall be used to directly offset certain of these mandated costs.

(68) Certain 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.

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

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 313.3 of the Education Code is amended to read:

313.3. (a) On or before December 31, 2021, the department shall develop a standardized English language teacher observation protocol for use by teachers in evaluating a pupil's English language proficiency, as required by paragraph (2) of subdivision (f) of Section 313.

(b) (1) The protocol shall be designed to be used by teachers to evaluate a pupil's use of English while engaging in academic content learning, including interactive language use with peers.

(2) The protocol shall be designed to allow teachers to assess language practices across a range of proficiency levels in order to help teachers identify pupils' performance along the continuum of progress toward proficiency in English.

(3) The protocol shall be designed to be used for all English learner pupils, including those who have individualized education programs.

(4) The protocol shall be designed for use by content area teachers at all grade levels, English language development teachers, bilingual teachers, and special education teachers, and shall be designed for ease of use by educators.

(5) The protocol shall be aligned to the English language development standards and the performance levels for the English language development test described in Chapter 7 (commencing with Section 60810) of Part 33 of Division 4 of Title 2.

(c) It is the intent of the Legislature that the protocol additionally be useful to all of the following:

(1) Teachers, as a formative assessment tool for purposes of supporting pupils' progress toward proficiency in English during the school year.

(2) Teachers' discussions with parents regarding pupils' progress toward English language proficiency.

(3) Institutions of higher education in the preparation of new teachers.

(d) (1) In developing this protocol, the department shall consult, at a minimum, with current content area teachers at different grade levels, English language development teachers, bilingual teachers, and special education teachers, and with experts with demonstrated experience in observing and documenting pupil academic language practices and in developing and administering assessments for English learners. The department shall ensure that the majority of individuals with whom it consults are currently teaching, credentialed teachers who regularly instruct English learner pupils.

(2) In developing the protocol, the department shall pilot the protocol with educators and pupils, and refine instruments and guidelines as needed.

(3) The department shall also conduct a validation process to ensure the protocol appropriately assesses the intended target language constructs, demonstrates a meaningful relationship to the performance levels for the English language development test and assessed classroom language use, and reflects pupil progress toward attaining targeted constructs.

(e) The department shall provide guidance to school districts, county offices of education, and charter schools on the use of the protocol.

(f) The department shall develop and make available to school districts, county offices of education, and charter schools professional development tools to train teachers on the use of the protocol. These tools may include, but are not limited to, audio and video samples of English learner pupils' language use for the purpose of assisting educators using the protocol in calibrating judgments about observed language use.

SEC. 2. Section 2572 of the Education Code is amended to read:

2572. The product computed pursuant to subdivision (c) of Section 2571 is the amount of property tax revenues to be allocated to special education programs. This amount shall be subtracted pursuant to Section 56836.15.

SEC. 3. Section 8209 of the Education Code is amended to read:

8209. (a) If a state of emergency is declared by the Governor, the Superintendent may waive any requirements of this code or regulations adopted pursuant to this code relating to childcare and development programs operated pursuant to this chapter only to the extent that enforcement of the regulations or requirements would directly impede disaster relief and recovery efforts or would disrupt the current level of service in childcare and development programs.

(b) If a state of emergency is declared by the Governor, the Superintendent may waive any requirements of this code or regulations adopted pursuant to this code relating to child nutrition programs in childcare and development programs operated pursuant to this chapter only to the extent that enforcement of the regulations or requirements would directly impede disaster relief and recovery efforts or would disrupt the current level of service in childcare and development programs.

(c) A waiver granted pursuant to subdivision (a) or (b) shall not exceed 45 calendar days.

(d) For purposes of this section, "state of emergency" includes fire, flood, earthquake, or a period of civil unrest.

(e) If a request for a waiver pursuant to subdivision (a) or (b) is for a childcare and development program or child nutrition program that receives federal funds and the waiver may be inconsistent with the state plan or any federal law or regulations governing the program, the Superintendent shall seek and obtain approval of the waiver from the appropriate federal agency before granting the waiver.

(f) (1) From July 1, 2020, to June 30, 2021, inclusive, due to the ongoing impacts of childcare and development facility closures and low child attendance due to the COVID-19 pandemic and related public health directives, the Superintendent shall reimburse a contracting agency for a California state preschool program pursuant to Article 7 (commencing with Section 8235), a general childcare and development program pursuant to Article 8 (commencing with Section 8240), a family childcare home education network pursuant to Article 8.5 (commencing with Section 8245), a migrant childcare and development program pursuant to Article 6 (commencing with Section 8230), or childcare and development services for children with special needs pursuant to Article 9 (commencing with Section 8250) that meets either of the following requirements:

(A) The program operated by the contracting agency opens by September 8, 2020, or within 21 calendar days from the start date of the contracting agency's 2020–21 program calendar approved by the department, whichever is sooner, and remains open and offering services through the 2020–21 program year.

(B) The program operated by the contracting agency is closed by a local or state public health order due to the COVID-19 pandemic.

(2) Reimbursement pursuant to paragraph (1) shall be 100 percent of the contract maximum reimbursable amount or net reimbursable program costs, whichever is less, pursuant to guidance released by the Superintendent.

(3) A childcare program specified in paragraph (1) that is physically closed pursuant to subparagraph (B) of paragraph (1) due to the COVID-19 pandemic, but funded to be operational, shall provide distance learning services as specified by the Superintendent. A contractor specified in paragraph (1) shall submit a distance learning plan to the department pursuant to guidance from the Superintendent.

plan to the department pursuant to guidance from the Superintendent.

SEC. 4. Section 8227.7 of the Education Code is amended to read:

8227.7. (a) Commencing July 1, 2020, alternative payment programs shall provide notice to a childcare provider of a change in reimbursement amounts for childcare services, a change in the hours of care, rates, or schedules, an increase or decrease in parent fees, or a termination of services, including, but not limited to, a family's change in provider. For purposes of this section, the notice shall occur either electronically, if requested by the childcare provider, or via the United States Postal Service. The alternative payment program shall provide the notice, as well as the effective date of any change described above, on the same day a notice of action is issued to a family.

(b) The notification shall not be deemed a violation of the parent's confidentiality but as a method to ensure the proper administration of subsidy funds.

SEC. 5. Section 8227.8 is added to the Education Code, to read:

8227.8. An alternative payment agency, including, but not limited to, an alternative payment agency for migrant childcare and development programs pursuant to Article 6 (commencing with Section 8230), shall provide to the department, on a monthly basis, data about childcare caseload in the alternative payment program pursuant to Article 3 (commencing with Section 8220) and migrant childcare and development programs pursuant to Article 6 (commencing with Section 8230). This data shall include county-by-county caseload, expenditures, unit costs, family fees, and other key variables requested by the department to determine any additional state allocations to these programs and for purposes of emergency response.

SEC. 6. Section 8280 of the Education Code is amended to read:

8280. (a) The Superintendent shall administer the Early Learning and Care Infrastructure Grant Program to expand access to early learning and care opportunities for children up to five years of age by providing resources to build new facilities or retrofit, renovate, or expand existing facilities pursuant to this section.

(b) Notwithstanding any other law, the Child Care Facilities Revolving Fund shall remain operative for the sole purpose of collecting deposits derived from the Child Care Facilities Revolving Fund program pursuant to Section 8278.3.

(1) The Superintendent shall deposit all revenue derived from the lease payments or renovation or repair loan payments into the Child Care Facilities Revolving Fund until December 31, 2029.

(2) Local educational agencies and contracting agencies using facilities purchased with funds pursuant to Section 8278.3 before December 31, 2019, shall be charged a leasing fee, either at fair market value for those facilities or at an amount sufficient to amortize the cost of purchase and relocation, whichever amount is lower, over a 10-year period. Upon full repayment of the purchase and relocation costs, title shall transfer from the State of California to the local educational agency or contracting agency. Loans for renovation or repair shall be repaid within a period that does not exceed 10 years.

(3) As of December 31, 2019, the remaining balance of the Child Care Facilities Revolving Fund shall be allocated as follows:

(A) The sum of ten million dollars ($10,000,000) shall be transferred to the Inclusive Early Education Expansion Program, pursuant to Section 8492.

(B) Following the transfer pursuant to subparagraph (A), the remaining balance shall be allocated for the purposes described in this section.

(C) Any balance derived from the ongoing deposits of the lease payments or renovation or repair loan payments after December 31, 2019, shall be allocated through the annual Budget Act process.

(c) The Superintendent shall award infrastructure grants on a competitive basis to early learning and care providers that are not local educational agencies, and operate as a licensed childcare center, preschool, or licensed family childcare home for the following purposes:

(1) Construction of new early learning and care facilities to increase capacity or recover lost capacity as a result of a state or federally declared disaster.

(2) Renovation, repair, modernization, or retrofitting of existing early learning and care facilities to increase capacity or recover lost capacity as a result of a state or federally declared disaster, or make existing early learning and care facilities more resilient for future natural disasters.

(3) Renovation, repair, modernization, or retrofitting of existing facilities for use as early learning and care facilities.

(4) Renovation, repair, modernization, or retrofitting of existing early learning and care facilities to address health and safety or other licensure needs to the extent the applicant can demonstrate a financial hardship, and that failure to correct the issues would result in an inability to provide care. Funds awarded in this category shall be limited to high-need providers based on criteria established by the Superintendent.

(d) The Superintendent shall require all of the following from applicants for the infrastructure grants:

(1) A proposal to increase capacity and local access to subsidized early learning and care programs for children up to five years of age, including children with exceptional needs. The proposal shall quantify the number of additional children who will be provided with access to subsidized early learning and care programs.

(2) A plan to fiscally sustain the increase in subsidized spaces or programs created through the use of these funds. Subsidies may be funded with private, local, state, or federal funds, but shall be able to demonstrate reasonable expectations of sustainability.

(3) Specific activities and materials for which grant funding will be used.

(4) A description of how the applicant will measure outcomes associated with the proposal submitted pursuant to paragraph (1), as specified by the Superintendent.

(5) An outline of any potential challenges or barriers the applicant will experience or expect to experience in building capacity, including the need for any technical assistance to address the identified challenges or barriers.

(e) The Superintendent shall give priority for grant funding based on the following:

(1) Applicants with a demonstrated need for expanded access to subsidized early learning and care programs as measured by the ratio of children in subsidized early learning and care programs to eligible children in the applicant's service area.

(2) Applicants in low-income communities, as measured by the proportion of children that qualify for state or federal subsidies for early learning and care programs.

(3) Applicants who plan to use grant funding to serve children that qualify for state or federal subsidies for early learning and care programs.

(4) Applicants serving children from birth to five years of age, inclusive, with exceptional needs in inclusive environments.

(5) Applicants wishing to recover lost capacity as a result of a state or federally declared disaster.

(f) Infrastructure grants may be used for one-time infrastructure costs only, including, but not limited to, universal design facility renovations, retrofitting to meet licensing requirements, the cost of design, engineering, testing, inspections, plan checking, construction management, site acquisition and development, evaluation and response action costs relating to hazardous substances at a new or existing site, demolition, construction, landscaping, or other related costs as determined by the Superintendent.

(g) The Superintendent shall determine the appropriate grant amount for each grantee, based upon factors that include, but are not limited to, the scope of the project, regional costs, the use of universal design to provide inclusive environments, the need to meet licensing requirements or health and safety standards, and the proportion of subsidized children to be served.

(h) The Superintendent shall establish the terms and conditions associated with accepting the infrastructure grant funds awarded pursuant to this section and determine a mechanism for recouping any grant moneys from grantees that do not adhere to those terms and conditions.

(i) The Superintendent shall establish a separate application and grant process for providing grant funds related to paragraph (4) of subdivision (c) that limits grantees to low-income providers who serve a minimum percentage of subsidized children. In establishing this process, the Superintendent shall consult with the State Department of Social Services to ensure grant funds are accessible to the highest need providers and shall consider the timeframe during which health and safety violations are cited and must be resolved.

(j) The grant program shall offer technical assistance to potential applicants before being awarded a grant that includes, but is not limited to, project development support and financial expertise, including assistance with coordinating financing from multiple sources.

(k) Infrastructure grant recipients shall commit to providing program data to the department, as specified by the Superintendent, and participate in overall program evaluation.

(l) (1) There is hereby appropriated two hundred forty-five million dollars ($245,000,000) to the department from the General Fund for the infrastructure grant program established pursuant to this section to be released in the 2019–20 fiscal year.

(2) The Director of Finance may change the release of funds scheduled in paragraph (1), if deemed necessary. The director shall notify the Chairperson of the Joint Legislative Budget Committee, or the chairperson’s designee, of the director’s intent to notify the Controller of the necessity to change the release of funds scheduled in paragraph (1). The total amount released shall not be greater or lesser than the amount appropriated in paragraph (1). The Controller shall make the funds available to the department not sooner than five days after receipt of this notification.

(3) The program established pursuant to this section shall be funded from funds appropriated in this section, funds transferred from the Child Care Facilities Revolving Fund pursuant to Section 8278.3, and federal funds appropriated for this purpose in the Budget Act of 2019. Notwithstanding Section 16304 of the Government Code, of the amount appropriated for this program, the Superintendent shall allocate the funds available for the grants through the 2023–24 fiscal year, in approximately equal amounts each fiscal year as follows:

(A) In the 2019–20 fiscal year, for licensed early learning and care centers that are not local educational agencies, pursuant to this section.

(B) In each fiscal year thereafter, for all licensed early learning and care providers, including licensed family childcare home providers, to the extent the process described in subdivision (n) is complete.

(C) In each fiscal year, up to 5 percent of the amount provided for this program shall be used for the renovation, repair, modernization, or retrofitting of existing early learning and care facilities to address health and safety or other licensure needs pursuant to the process established pursuant to subdivision (i).

(m) Notwithstanding any other provision of this section, the Superintendent, with the concurrence of the executive director of the state board, shall recommend to the Department of Finance and the budget committees of the Legislature by January 1, 2021, any changes to the funding methodology in this section related to the recommendations and priorities provided pursuant to Section 8207.

(n) Before March 1, 2020, the Superintendent, with the concurrence of the Department of Finance, shall establish an appropriate method, process, and structure for grant management, fiscal accountability, and technical assistance and supports for grantees that ensures transparency and accountability in the use of state funds. The Superintendent may set aside up to 5 percent of the total amount appropriated for the program to contract with one or more community development financial intermediaries, state financial entities, or other community-based organizations for these purposes. Beginning in the 2020–21 fiscal year, the Legislature may reassess the total amount set aside for purposes of this subdivision. The Superintendent shall notify the Joint Legislative Budget Committee when this process is established.

(o) For purposes of this section, “state or federally declared disaster” means counties where early learning and care providers are operating subject to a Presidential declaration of an emergency or major disaster, pursuant to the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121 et seq.), or a Governor’s Proclamation, on behalf of the impacted local government, as authorized by the powers authorized by the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code).

(p) The Superintendent shall provide annual reports, until December 31, 2025, to the Governor and the appropriate policy and fiscal committees of the Legislature on any recommendations for consideration in future budgets, the impact of the grant program in achieving the goals described in this section, recommendations as to whether the program should receive additional appropriations, and any changes that should be considered.

(q) On June 30, 2020, the amounts appropriated and transferred for purposes of this section, with the exception of the funds identified in subparagraph (A) of paragraph (3) of subdivision (b), shall revert to the General Fund.

SEC. 7. Section 8280.1 of the Education Code is amended to read:

8280.1. (a) The Superintendent shall administer the Early Learning and Care Workforce Development Grants Program to expand the number of qualified early learning and care professionals and increase the educational credentials of existing early learning and care professionals across the state, pursuant to this section.

(b) (1) There is hereby appropriated one hundred fifty million dollars ($150,000,000) to the department from the General Fund for the competitive workforce development grants program established pursuant to this section to be released in the 2019–20 fiscal year.

(2) The Director of Finance may change the release of funds scheduled in paragraph (1), if deemed necessary. The director shall notify the Chairperson of the Joint Legislative Budget Committee, or the chairperson’s designee, of the director’s intent to notify the Controller of the necessity to change the release of funds scheduled in paragraph (1). The total amount released shall not be greater or lesser than the amount appropriated in paragraph (1). The Controller shall make the funds available to the department not sooner than five days after receipt of this notification.

(3) Notwithstanding Section 16304 of the Government Code, of the amount appropriated for this program in this subdivision, the Superintendent shall allocate the funds available for the grants through the 2023–24 fiscal year, in approximately equal amounts each fiscal year.

(c) The Superintendent shall award and administer the workforce development grants to local, regional, or local and regional quality improvement partnerships, as defined by the Superintendent, consistent with the Quality Rating and Improvement System local consortia, as defined in Section 8203.1, representing all counties of the state. A local, regional, or local and regional quality improvement partnership may form a consortia with one or more regional partners. All local, regional, or local and regional quality improvement partnerships shall submit a plan to the department that describes how they will allocate funds and increase the number, qualifications, and competencies of early learning and care professionals in their county or region. The plan shall also describe how local partnerships will engage in collaborative partnerships with their members, local governmental agencies, businesses, nonprofit organizations, or other interested partners to improve the educational attainment of early learning and care professionals in their county or region, including those working in centers, family childcare homes, and license-exempt settings that serve a majority of children who receive subsidized early learning and care services or are eligible to received subsidized early learning and care services, pursuant to this chapter.

(d) Workforce development grant award amounts shall be determined based on the following criteria:

(1) Demonstrated need for early learning and care professionals in each county or region.

(2) The cost of living in each county or region.

(3) The number of children under 13 years of age in each county or region who are in a family whose income is up to 85 percent of the state median income.

(e) Workforce development grants may be used for costs associated with the educational expenses of current and future early learning and care professionals that move those professionals along the early learning and care career lattice and support their attainment of increased education or English language proficiency, as well as professional development in early childhood instruction or child development, including developing competencies in serving children with exceptional needs and dual language learners. Allowable uses of funds include:

(1) Tuition, supplies, and other related educational expenses.

(2) Transportation and childcare costs incurred as a result of attending classes.

(3) Substitute teacher pay for early learning and care professionals that are currently working in a subsidized early learning and care setting.

(4) Stipends and professional development expenses, aligned to the Quality Counts California professional development system in that area, as determined by the Superintendent.

(5) Career, course, and professional development coaching, counseling, and navigation services.

(6) Other educational expenses as determined by the Superintendent.

(f) Local, regional, or local and regional quality improvement partnerships awarded funding pursuant to this section may partner with local or online accredited higher education institutions, local agencies that provide high-quality, credit-bearing trainings, or apprenticeship programs that integrate and embed higher education coursework with on-the-job training of professionals.

(g) The Superintendent may set aside no more than 1 percent of the total funding appropriated for the Early Learning and Care Workforce Development Grants Program to provide technical assistance and support for grantees and potential grantees on developing proposals for and implementing workforce development grants.

(h) Local, regional, or local and regional quality improvement partnerships receiving grants shall commit to providing program data to the department, as specified by the Superintendent, including, but not limited to, recipient information, educational progress, and employment status, and participate in overall program evaluation.

(i) The Superintendent shall provide a report to the Governor as well as the appropriate policy and fiscal committees of the Legislature by October 1, 2020, and annually thereafter through the 2023–24 fiscal year, on the expenditure of funds as well as relevant outcome data in order to evaluate the impact of the program.

(j) The competitive workforce development grants program established pursuant to this section shall be funded from funds appropriated in this section.

(k) Notwithstanding any other provision of this section, the Superintendent, with the concurrence of the executive director of the state board, shall recommend to the Department of Finance and the budget committees of the Legislature by January 1, 2021, any changes to the funding methodology in this section related to the recommendations and priorities provided pursuant to Section 8207.

(l) On June 30, 2020, the amounts appropriated for purposes of this section shall revert to the General Fund.

SEC. 8. Section 14002 of the Education Code is amended to read:

14002. (a) (1) Notwithstanding any other law, upon certification of the Superintendent pursuant to Sections 41330, 41332, and 41335, any amount necessary to meet the requirements of programs specified in subdivision (b) during each fiscal year are hereby continuously appropriated from the General Fund to Section A of the State School Fund for allocation by the Controller.

(2) The amounts calculated for the programs specified in subdivision (b) are considered final as of the certification of the second principal apportionment in the fifth succeeding fiscal year, inclusive, of the fiscal year for which the calculation is being made. Final submissions shall be submitted pursuant to procedures and timeframes established by the Superintendent. This paragraph does not apply to a change that is the result of an audit exception, as described in paragraph (2) of subdivision (a) of Section 41341.

(b) Programs included for purposes of this section are all of the following:

(1) Chapter 12.5 (commencing with Section 2574) of Part 2.

(2) Section 41544.

(3) Article 2 (commencing with Section 42238) of Chapter 7 of Part 24 of Division 3 of Title 2.

(4) Section 47663.

(5) Article 7 (commencing with Section 48300) of Chapter 2 of Part 27 of Division 4 of Title 2.

(6) Article 10 (commencing with Section 48350) of Chapter 2 of Part 27 of Division 4 of Title 2.

(c) (1) Notwithstanding subdivision (a), commencing with the 2019–20 fiscal year, if, for an upcoming fiscal year, the total amount necessary to meet the requirements of the programs specified in subdivision (b) is projected to be in excess of 89 percent of the General Fund and Education Protection Account revenues and allocated proceeds of taxes that are necessary to meet the requirements of Section 8 of Article XVI of the California Constitution, excluding appropriations made to the Chancellor of the California Community Colleges for allocation to community college districts, then before the enactment of the annual Budget Act for that fiscal year, the Director of Finance may reduce the following to a percentage equal to or greater than the projected growth rate of the minimum amount necessary to meet the requirements of Section 8 of Article XVI of the California Constitution, but not less than zero:

(A) The adjustments required pursuant to paragraph (4) of subdivision (a) of Section 2574, subparagraph (B) of paragraph (1) of subdivision (c) of Section 2574, subdivision (b) of Section 2575.1, paragraph (2) of subdivision (d) of Section 42238.02, and Section 42287.

(B) The inflation or cost-of-living adjustment otherwise authorized or required for all of the following programs:

(i) Subdivision (b) of Section 8265.

(ii) Subdivision (c) of Section 49536.

(iii) Subdivision (b) of Section 56836.142.

(iv) Subdivision (d) of Section 17581.6 of the Government Code.

(2) The percentage reductions made pursuant to subparagraph (B) of paragraph (1) shall be no less than the percentage reductions made pursuant to subparagraph (A) of paragraph (1).

(3) This subdivision shall not be construed to change the adjustment identified in paragraph (2) of subdivision (d) of Section 42238.02 for a prior fiscal year.

(4) Notwithstanding Section 10231.5 of the Government Code, the Director of Finance shall report to the Legislature, consistent with Section 9795 of the Government Code, before the enactment of the annual Budget Act each fiscal year any amounts or percentages reduced from inflation or cost-of-living adjustments pursuant to paragraph (1) for the upcoming fiscal year.

SEC. 9. Section 14041 of the Education Code is amended to read:

14041. (a) The Controller shall draw warrants on the State Treasury in favor of the county treasurer of each county in each month of each year in the amounts and manner prescribed in this section so as to provide in each warrant a portion of the total amount certified by the Superintendent as apportioned for programs identified in paragraph (1) during the fiscal year from the State School Fund to the school districts and charter schools under the jurisdiction of the county superintendent of schools of that county, to the county school service fund of that county, and to the county school tuition fund of that county.

(1) Programs to be included in the apportionment include all of the following:

(A) Chapter 12.5 (commencing with Section 2574) of Part 2.

(B) Sections 41330 to 41343, inclusive.

(C) Section 41544.

(D) Chapter 4 (commencing with Section 41600) of Part 24 of Division 3 of Title 2.

(E) Chapter 5 (commencing with Section 41760.2) of Part 24 of Division 3 of Title 2.

(F) Section 41841.5.

(G) Article 2 (commencing with Section 42238) of Chapter 7 of Part 24 of Division 3 of Title 2.

(H) Section 47663.

(I) Article 7 (commencing with Section 48300) of Chapter 2 of Part 27 of Division 4 of Title 2.

(J) Article 10 (commencing with Section 48350) of Chapter 2 of Part 27 of Division 4 of Title 2.

(K) Sections 56428, 56432, 56836 to 56836.06, inclusive, 56836.08 to 56836.13, inclusive, and 56836.165 to 56836.31, inclusive.

(L) Article 2.2 (commencing with Section 56836.14) of Chapter 7.2 of Part 30 of Division 4 of Title 2.

(2) Warrants for amounts apportioned to school districts, county school service funds, and county school tuition funds shall be for amounts equal to 5 percent in July, 5 percent in August, and 9 percent in September, October, November, December, and January, of the amounts certified by the Superintendent as a part of the advance apportionment.

(3) Warrants in the months of February to May, inclusive, shall be for amounts equal to one-fifth of the difference between the amounts certified by the Superintendent for school districts, county school service funds, and county school tuition funds as the first principal apportionment and the amounts required by paragraph (2).

(4) Warrants for the month of June shall be for amounts equal to the difference between the amounts certified by the Superintendent for school districts, county school service funds, and county school tuition funds as the second principal apportionment and the amounts required by paragraphs (2) and (3).

(5) Warrants in June shall include the total amounts certified by the Superintendent as the final apportionment.

(6) Notwithstanding paragraph (2) to the contrary, for school districts that reported less than 5,000 units of average daily attendance in the 1979–80 fiscal year and that received 39 percent or more, but less than 75 percent, of their total revenue limits from local property taxes in that fiscal year, warrants for amounts apportioned to the school districts shall be for amounts equal to 15 percent in July, August, September, and October; zero percent in November and December; and 6 percent in January of the amounts certified by the Superintendent as a part of the advance apportionment. Warrants for amounts apportioned to the school districts for the months of February to May, inclusive, shall be in accordance with paragraph (3), and for the month of June, shall be in accordance with paragraph (4).

(7) Notwithstanding paragraph (2) or (6) to the contrary, for school districts that reported less than 5,000 units of average daily attendance in the 1979–80 fiscal year and that received 75 percent or more of their total revenue limits from local property taxes in that fiscal year, warrants for amounts apportioned to the school districts shall be for amounts equal to 15 percent in July; 30 percent in August and September; 15 percent in October; zero percent in November and December; 6 percent in January; and zero percent in February, March, April, and May, of the amounts certified by the Superintendent as a part of the advance apportionment. Warrants for the month of June shall be in accordance with paragraph (4).

(8) (A) Notwithstanding any other law, for the 2012–13 fiscal year only, for purposes of warrants drawn on the State Treasury pursuant to this section, the amount certified by the Superintendent as the advance apportionment and first principal apportionment shall include the following reduction:

(i) The Superintendent shall multiply six billion nine hundred twenty-one million five hundred twenty-two thousand dollars ($6,921,522,000) by the ratio of the revenue limit or charter school general purposes funding for each county office of education, school district, or charter school, to the statewide total of revenue limit and charter school general purpose funding.

(ii) For each county office of education, school district, or charter school, the Superintendent shall subtract the amount calculated in clause (i) from the apportionments calculated pursuant to Sections 2558, 42238, and 47633.

(B) Notwithstanding any other law, for the 2012–13 fiscal year, the Superintendent shall delay the second principal apportionment calculated pursuant to Section 41335 from July 2, 2013, to July 15, 2013, to account for all revenues remitted to school districts and county offices of education pursuant to subparagraph (B) of paragraph (3) of subdivision (e) of Section 36 of Article XIII of the California Constitution. The Superintendent shall ensure that the second principal apportionment calculated pursuant to Section 41335 accounts for the difference between the amount distributed pursuant to subparagraph (B) of paragraph (3) of subdivision (e) of Section 36 of Article XIII of the California Constitution and the offsets listed in subparagraph (A). Nothing in this section shall delay the payment of warrants to school districts and county offices of education 10 days before the close of the state's fiscal year pursuant to subparagraph (B) of paragraph (3) of subdivision (e) of Section 36 of Article XIII of the California Constitution.

(9) Notwithstanding paragraph (1), (3), or (7), as those paragraphs and this section read on June 1, 2018, for the 2012–13 fiscal year only, the Superintendent shall reduce the June warrants for any amounts received pursuant to Sections 34179.5 and 34179.6 of the Health and Safety Code. This reduction shall constitute the entire amount distributed pursuant to Sections 34179.5 and 34179.6 of the Health and Safety Code and offset pursuant to subparagraph (B) of paragraph (6) of subdivision (h) of Section 42238, paragraph (6) of subdivision (c) of Section 2558, and Section 56836.08.

(b) The drawing of the warrants required to be drawn during any one of the months mentioned may be postponed by the Controller for not to exceed 30 days, but the total amounts due the several counties during any fiscal year shall be paid within the fiscal year. The warrants shall be paid by the Treasurer from the State School Fund and are not subject to Section 925.6 of the Government Code.

SEC. 10. Section 14041.5 of the Education Code is amended to read:

14041.5. (a) Notwithstanding subdivision (a) of Section 14041, for the 2002–03 fiscal year to the 2013–14 fiscal year, inclusive, and commencing with the 2019–20 fiscal year, warrants for the principal apportionments for the month of June instead shall be drawn in July of the same calendar year pursuant to the certification made pursuant to Section 41335.

(b) Except as otherwise provided in this section, for purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the warrants drawn pursuant to subdivision (a) shall be deemed to be "General Fund revenues appropriated to school districts," as defined in subdivision (c) of Section 41202 for the fiscal year in which the warrants are drawn 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 fiscal year in which the warrants are drawn.

(c) For the 2003–04 school year, the amount of apportionments for revenue limits computed pursuant to Section 42238 from any of the apportionments made pursuant to Section 14041 that are deemed "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 for the following 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 2004–05 fiscal year shall be seven hundred twenty-six million two hundred seventy thousand dollars ($726,270,000). Any amount in excess of seven hundred twenty-six million two hundred seventy thousand dollars ($726,270,000) that is apportioned in July of 2004 is deemed "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 for the 2003–04 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 2003–04 fiscal year.

(d) For the 2004–05 school year to the 2007–08 school year, inclusive, the amount of apportionments for revenue limits computed pursuant to Section 42238 from any of the apportionments made pursuant to Section 14041 that are deemed "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 for the following 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 following fiscal year shall be seven hundred fifteen million one hundred eighteen thousand dollars ($715,118,000). Any amount in excess of seven hundred fifteen million one hundred eighteen thousand dollars ($715,118,000) that is apportioned in July of any year is deemed "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 for the prior 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 prior fiscal year.

(e) For the 2008–09 school year to the 2013–14 school year, inclusive, the amount of apportionments for revenue limits computed pursuant to Section 42238 from any of the apportionments made pursuant to Section 14041 that are deemed "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 for the following 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 following fiscal year shall be one billion one hundred one million six hundred fifty-five thousand dollars ($1,101,655,000). Any amount in excess of one billion one hundred one million six hundred fifty-five thousand dollars ($1,101,655,000) that is apportioned in July of any year is deemed "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 for the prior 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 prior fiscal year.

(f) (1) (A) For the 2019–20 fiscal year, the amount of apportionments made pursuant to Section 14041 that are deemed "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 for the 2020–21 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 2020–21 fiscal year shall be one billion eight hundred fifty million three hundred seventy-seven thousand dollars ($1,850,377,000). Any amount in excess of one billion eight hundred fifty million three hundred seventy-seven thousand dollars ($1,850,377,000) that is apportioned in July 2020 is deemed "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 for the 2019–20 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 2019–20 fiscal year.

(B) Commencing with the 2020–21 fiscal year, the amount of apportionments made pursuant to Section 14041 that are deemed "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 for the following 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 following fiscal year shall be two billion three hundred seventy-five million three hundred eight thousand dollars ($2,375,308,000). Any amount in excess of two billion three hundred seventy-five million three hundred eight thousand dollars ($2,375,308,000) that is apportioned in July of any year is deemed "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 for the prior 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 prior fiscal year.

(2) For the 2019–20 fiscal year, the principal apportionment deferred from June to July pursuant to subdivision (a) shall be paid by the Controller no later than July 15, 2020.

SEC. 11. Section 14041.6 of the Education Code is amended to read:

14041.6. (a) Notwithstanding subdivision (a) of Section 14041, or any other law, for the 2008–09 fiscal year, warrants for the principal apportionments for the month of February in the amount of two billion dollars ($2,000,000,000) instead shall be drawn in July of the same calendar year pursuant to the certification made pursuant to Section 41339.

(b) Notwithstanding subdivision (a) of Section 14041, or any other law, for the 2009–10 fiscal year, warrants for the principal apportionments for the month of February in the amount of two billion dollars ($2,000,000,000) instead shall be drawn in July of the same calendar year and warrants for the month of April in the amount of six hundred seventy-eight million six hundred eleven thousand dollars ($678,611,000) and for the month of May in the amount of one billion dollars ($1,000,000,000) instead shall be drawn in August pursuant to the certification made pursuant to Section 41339.

(c) Notwithstanding subdivision (a) of Section 14041, or any other law, for the 2010–11 fiscal year, warrants for the principal apportionments for the month of February in the amount of two billion dollars ($2,000,000,000), for the month of April in the amount of four hundred nineteen million twenty thousand dollars ($419,020,000), for the month of May in the amount of eight hundred million dollars ($800,000,000), and for the month of June in the amount of five hundred million dollars ($500,000,000) instead shall be drawn in July of the same calendar year and warrants for the month of April in the amount of six hundred seventy-eight million six hundred eleven thousand dollars ($678,611,000) and for the month of May in the amount of one billion dollars ($1,000,000,000) instead shall be drawn in August pursuant to the certification made pursuant to Section 41339.

(d) Notwithstanding subdivision (a) of Section 14041, or any other law, for the 2011–12 fiscal year, warrants for the principal apportionments for the month of February in the amount of two billion dollars ($2,000,000,000), for the month of April in the amount of four hundred nineteen million twenty thousand dollars ($419,020,000), for the month of May in the amount of eight hundred million dollars ($800,000,000), and for the month of June in the amount of five hundred million dollars ($500,000,000) instead shall be drawn in July of the same calendar year and warrants for the month of March in the amount of one billion three hundred million dollars ($1,300,000,000) and for the month of April in the amount of one billion four hundred forty-two million four hundred five thousand dollars ($1,442,405,000) and for the month of May in the amount of one billion dollars ($1,000,000,000) instead shall be drawn in August pursuant to the certification made pursuant to Section 41339.

(e) Notwithstanding subdivision (a) of Section 14041, or any other law, for the 2012–13 fiscal year, warrants for the principal apportionments for the month of February in the amount of five hundred thirty-one million seven hundred twenty thousand dollars ($531,720,000), for the month of April in the amount of five hundred ninety-four million seven hundred forty-eight thousand dollars ($594,748,000), for the month of May in the amount of one billion nine hundred seventy-six million seven hundred one thousand dollars ($1,976,701,000), and for the month of June in the amount of five hundred million dollars ($500,000,000) instead shall be drawn in July of the same calendar year and warrants for the month of March in the amount of one billion twenty-nine million four hundred ninety-three thousand dollars ($1,029,493,000) and for the month of April in the amount of seven hundred sixty-three million seven hundred ninety-four thousand dollars ($763,794,000) instead shall be drawn in August pursuant to the certification made pursuant to Section 41339.

(f) Notwithstanding subdivision (a) of Section 14041, or any other law, for the 2013–14 fiscal year, warrants for the principal apportionments for the month of April in the amount of nine hundred seventeen million five hundred forty-two thousand dollars ($917,542,000), for the month of May in the amount of two billion one hundred fifty-two million four hundred thirty thousand dollars ($2,152,430,000), and for the month of June in the amount of five hundred million dollars ($500,000,000) instead shall be drawn in July of the same calendar year pursuant to the certification made pursuant to Section 41339.

(g) Notwithstanding subdivision (a) of Section 14041, or any other law, for the 2013–14 fiscal year, warrants for the principal apportionments for the month of May in the amount of two hundred million dollars ($200,000,000) and for the month of June in the amount of six hundred ninety-nine million four hundred seventy-three thousand dollars ($699,473,000) instead shall be drawn in July of the same calendar year pursuant to the certification made pursuant to Section 41339. The Superintendent shall allocate this deferred amount and repayment to local educational agencies based on their proportionate share of funding appropriated to local educational agencies pursuant to Section 92 of Chapter 38 of the Statutes of 2012.

(h) Notwithstanding subdivision (a) of Section 14041, or any other law, for the 2014–15 fiscal year, warrants for the principal apportionments for the month of June in the amount of eight hundred ninety-seven million one hundred eighty-four thousand dollars ($897,184,000) instead shall be drawn in July of the same calendar year pursuant to the certification made pursuant to Section 41339.

(i) (1) (A) Notwithstanding subdivision (a) of Section 14041, or any other law, commencing with the 2020–21 fiscal year, warrants for the principal apportionments for the month of February in the amount of one billion five hundred forty million three hundred three thousand dollars ($1,540,303,000) shall instead be drawn in November of the same calendar year pursuant to the certification made pursuant to Section 41332.

(B) Notwithstanding subdivision (a) of Section 14041, or any other law, commencing with the 2020–21 fiscal year, warrants for the principal apportionments for the month of March in the amount of two billion three hundred seventy-five million three hundred eight thousand dollars ($2,375,308,000) shall instead be drawn in October of the same calendar year pursuant to the certification made pursuant to Section 41332.

(C) Notwithstanding subdivision (a) of Section 14041, or any other law, commencing with the 2020–21 fiscal year, warrants for the principal apportionments for the month of April in the amount of two billion three hundred seventy-five million three hundred eight thousand dollars ($2,375,308,000) shall instead be drawn in September of the same calendar year pursuant to the certification made pursuant to Section 41332.

(D) Notwithstanding subdivision (a) of Section 14041, or any other law, commencing with the 2020–21 fiscal year, warrants for the principal apportionments for the month of May in the amount of two billion three hundred seventy-five million three hundred eight thousand dollars ($2,375,308,000) shall instead be drawn in August of the same calendar year pursuant to the certification made pursuant to Section 41335.

(2) Pursuant to Section 8.28 of the Budget Act of 2020, if the Director of Finance determines that there are sufficient federal funds provided to the state for the 2020–21 fiscal year that may be used to offset the deferral of payments in the amount specified in Section 8.28 of the Budget Act of 2020, the Director of Finance shall reduce the amounts described in paragraph (1). In reducing these amounts, the Director of Finance shall first reduce the amounts deferred from any months occurring earliest in the 2020–21 fiscal year.

(j) Except as provided in subdivisions (c) and (e) of Section 41202, for purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the warrants drawn pursuant to subdivisions (a) to (i), inclusive, shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the fiscal year in which the warrants are drawn 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 fiscal year in which the warrants are drawn.

(k) Notwithstanding subdivision (j), for purposes of making the computations required by Section 8 of Article XVI of the California Constitution, one billion five hundred ninety million four hundred forty-nine thousand dollars ($1,590,449,000) of the warrants drawn in August of 2013 pursuant to subdivision (e) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) 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.

(l) Notwithstanding subdivision (j) of this section and subdivision (e) of Section 14041.5, for purposes of making the computations required by Section 8 of Article XVI of the California Constitution, one billion two hundred ninety-four million seven hundred twenty thousand dollars ($1,294,720,000) of the warrants drawn in July 2014 pursuant to subdivisions (f) and (g) of this section and subdivision (e) of Section 14041.5 shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) 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.

(m) Notwithstanding subdivision (j) of this section and subdivision (e) of Section 14041.5, for purposes of making the computations required by Section 8 of Article XVI of the California Constitution, two billion seven hundred eighty million five hundred twenty-six thousand dollars ($2,780,526,000) of the warrants drawn in July 2014 pursuant to subdivisions (f) and (g) of this section and subdivision (e) of Section 14041.5 shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the 2013–14 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 2013–14 fiscal year.

(n) (1) Notwithstanding subdivision (j) of this section and subdivision (f) of Section 14041.5, for purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriations made by subdivision (i) for the 2020–21 fiscal year shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the 2020–21 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 2020–21 fiscal year.

(2) Notwithstanding subdivision (j) of this section and subdivision (f) of Section 14041.5, for purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriations made by subdivision (i) for the 2021–22 fiscal year and each fiscal year thereafter shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the fiscal year in which the warrants are drawn, 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 fiscal year in which the warrants are drawn.

SEC. 12. Section 14041.8 is added to the Education Code, to read:

14041.8. (a) (1) For the 2020–21 fiscal year only, up to one hundred million dollars ($100,000,000) of the amount of the warrants for the principal apportionments for the month of February, that are instead to be drawn in November, pursuant to Section 14041.6, may be drawn in February, subject to the approval of the Director of Finance, for a charter school or school district as follows:

(A) In order for a charter school to receive a payment in February pursuant to this subdivision, the chartering authority, in consultation with the county superintendent of schools, shall certify to the Superintendent and the Director of Finance on or before January 5, 2021, that the deferral of warrants pursuant to Section 14041.6 will result in the charter school being unable to meet its financial obligations for February or any subsequent month until the deferral is repaid, and shall provide the Superintendent an estimate of the amount of additional funds necessary for the charter school to meet its financial obligations for February and any subsequent month until the deferral is repaid, as applicable.

(B) In order for a school district to receive a payment in February pursuant to this subdivision, the county superintendent of schools shall certify to the Superintendent and to the Director of Finance on or before January 5, 2021, that the deferral of warrants pursuant to Section 14041.6 will result in the school district being unable to meet its financial obligations for February or any subsequent month until the deferral is repaid, and shall provide the Superintendent an estimate of the amount of additional funds necessary for the school district to meet its financial obligations for February and any subsequent month until the deferral is repaid, as applicable.

(C) To make the certification specified in subparagraph (B), both of the following criteria shall be met:

(i) The school district must have exhausted all internal and external sources of borrowing including those pursuant to Sections 42603, 42620, 42621, and 42622 of this code, Article 7.6 (commencing with Section 53850) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, and Section 6 of Article XVI of the California Constitution.

(ii) If not exempt from the February deferral the school district will require a state emergency loan pursuant to Article 2 (commencing with Section 41320) of Chapter 3 of Part 24 of Division 3 of Title 2.

(D) A charter school or school district may receive, pursuant to this subdivision, no more than the lesser of the monthly payment for the charter school or school district calculated pursuant to Section 14041 or the amount of additional funds necessary for the charter school or school district to meet its financial obligations, as reported to the Superintendent pursuant to subparagraph (A) or (B), as applicable.

(2) If the total amount requested by charter schools and school districts pursuant to subparagraph (D) of paragraph (1) exceeds one hundred million dollars ($100,000,000), the Controller, the Treasurer, and the Director of Finance may authorize additional payments to meet these requests, but total payments to charter schools and school districts pursuant to this subdivision shall not exceed three hundred million dollars ($300,000,000). On or before February 1, the Controller, the Treasurer, and the Director of Finance shall determine whether sufficient cash is available to make payments in excess of one hundred million dollars ($100,000,000). In making the determination that cash is sufficient to make additional payments, in whole or in part, the Controller, the Treasurer, and the Director of Finance shall consider costs for state government, the amount of any identified cash shortage, timing, achievability, legislative direction, and the impact and hardship imposed on potentially affected programs, entities, and related public services. The Department of Finance shall notify the Joint Legislative Budget Committee within 10 days of this determination and identify the total amount of requests that will be paid.

(3) If the total amount of cash made available pursuant to paragraph (2) is less than the amount requested pursuant to subparagraph (D) of paragraph (1), payments to charter schools and school districts shall be prioritized according to the date on which the certification described in paragraph (1) was provided to the Superintendent and the Director of Finance.

(4) Payments pursuant to this subdivision shall be made by the Controller on or before February 26, 2021.

(b) (1) For the 2020–21 fiscal year only, up to one hundred million dollars ($100,000,000) of the amount of the warrants for the principal apportionments for the month of March, that are instead to be drawn in October, pursuant to Section 14041.6, may be drawn in March, subject to the approval of the Director of Finance, for a charter school or school district as follows:

(A) In order for a charter school to receive a payment in March pursuant to this subdivision, the chartering authority, in consultation with the county superintendent of schools, shall certify to the Superintendent and the Director of Finance on or before January 5, 2021, that the deferral of warrants pursuant to Section 14041.6 will result in the charter school being unable to meet its financial obligations for March or any subsequent month until the deferral is repaid, and shall provide the Superintendent an estimate of the amount of additional funds necessary for the charter school to meet its financial obligations for March and any subsequent month until the deferral is repaid, as applicable.

(B) In order for a school district to receive a payment in March pursuant to this subdivision, the county superintendent of schools shall certify to the Superintendent and to the Director of Finance on or before January 5, 2021, that the deferral of warrants pursuant to Section 14041.6 will result in the school district being unable to meet its financial obligations for March or any subsequent month until the deferral is repaid, and shall provide the Superintendent an estimate of the amount of additional funds necessary for the school district to meet its financial obligations for March and any subsequent month until the deferral is repaid, as applicable.

(C) To make the certification specified in subparagraph (B), both of the following criteria shall be met:

(i) The school district must have exhausted all internal and external sources of borrowing including those pursuant to Sections 42603, 42620, 42621, and 42622 of this code, Article 7.6 (commencing with Section 53850) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, and Section 6 of Article XVI of the California Constitution.

(ii) If not exempt from the March deferral the school district will require a state emergency loan pursuant to Article 2 (commencing with Section 41320) of Chapter 3 of Part 24 of Division 3 of Title 2.

(D) A charter school or school district may receive, pursuant to this subdivision, no more than the lesser of the monthly payment for the charter school or school district calculated pursuant to Section 14041 or the amount of additional funds necessary for the charter school or school district to meet its financial obligations, as reported to the Superintendent pursuant to subparagraph (A) or (B), as applicable.

(2) If the total amount requested by charter schools and school districts pursuant to subparagraph (D) of paragraph (1) exceeds one hundred million dollars ($100,000,000), the Controller, the Treasurer, and the Director of Finance may authorize additional payments to meet these requests, but total payments to charter schools and school districts pursuant to this subdivision shall not exceed three hundred million dollars ($300,000,000). On or before February 1, the Controller, the Treasurer, and the Director of Finance shall determine whether sufficient cash is available to make payments in excess of one hundred million dollars ($100,000,000). In making the determination that cash is sufficient to make additional payments, in whole or in part, the Controller, the Treasurer, and the Director of Finance shall consider costs for state government, the amount of any identified cash shortage, timing, achievability, legislative direction, and the impact and hardship imposed on potentially affected programs, entities, and related public services. The Department of Finance shall notify the Joint Legislative Budget Committee within 10 days of this determination and identify the total amount of requests that will be paid.

(3) If the total amount of cash made available pursuant to paragraph (2) is less than the amount requested pursuant to subparagraph (D) of paragraph (1), payments to charter schools and school districts shall be prioritized according to the date on which the certification described in paragraph (1) was provided to the Superintendent and the Director of Finance.

(4) Payments pursuant to this subdivision shall be made by the Controller on or before March 30, 2021.

(c) (1) For the 2020–21 fiscal year only, up to one hundred million dollars ($100,000,000) of the amount of the warrants for the principal apportionments for the month of April, that are instead to be drawn in September, pursuant to Section 14041.6, may be drawn in April, subject to the approval of the Director of Finance, for a charter school or school district as follows:

(A) In order for a charter school to receive a payment in April pursuant to this subdivision, the chartering authority, in consultation with the county superintendent of schools, shall certify to the Superintendent and the Director of Finance on or before January 5, 2021, that the deferral of warrants pursuant to Section 14041.6 will result in the charter school being unable to meet its financial obligations for April or any subsequent month until the deferral is repaid, and shall provide the Superintendent an estimate of the amount of additional funds necessary for the charter school to meet its financial obligations for April and any subsequent month until the deferral is repaid, as applicable.

(B) In order for a school district to receive a payment in April pursuant to this subdivision, the county superintendent of schools shall certify to the Superintendent and to the Director of Finance on or before January 5, 2021, that the deferral of warrants pursuant to Section 14041.6 will result in the school district being unable to meet its financial obligations for April or any subsequent month until the deferral is repaid, and shall provide the Superintendent an estimate of the amount of additional funds necessary for the school district to meet its financial obligations for April and any subsequent month until the deferral is repaid, as applicable.

(C) To make the certification specified in subparagraph (B), both of the following criteria shall be met:

(i) The school district must have exhausted all internal and external sources of borrowing including those pursuant to Sections 42603, 42620, 42621, and 42622 of this code, Article 7.6 (commencing with Section 53850) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, and Section 6 of Article XVI of the California Constitution.

(ii) If not exempt from the April deferral the school district will require a state emergency loan pursuant to Article 2 (commencing with Section 41320) of Chapter 3 of Part 24 of Division 3 of Title 2.

(D) A charter school or school district may receive, pursuant to this subdivision, no more than the lesser of the monthly payment for the charter school or school district calculated pursuant to Section 14041 or the amount of additional funds necessary for the charter school or school district to meet its financial obligations, as reported to the Superintendent pursuant to subparagraph (A) or (B), as applicable.

(2) If the total amount requested by charter schools and school districts pursuant to subparagraph (D) of paragraph (1) exceeds one hundred million dollars ($100,000,000), the Controller, the Treasurer, and the Director of Finance may authorize additional payments to meet these requests, but total payments to charter schools and school districts pursuant to this subdivision shall not exceed three hundred million dollars ($300,000,000). On or before February 1, the Controller, the Treasurer, and the Director of Finance shall determine whether sufficient cash is available to make payments in excess of one hundred million dollars ($100,000,000). In making the determination that cash is sufficient to make additional payments, in whole or in part, the Controller, the Treasurer, and the Director of Finance shall consider costs for state government, the amount of any identified cash shortage, timing, achievability, legislative direction, and the impact and hardship imposed on potentially affected programs, entities, and related public services. The Department of Finance shall notify the Joint Legislative Budget Committee within 10 days of this determination and identify the total amount of requests that will be paid.

(3) If the total amount of cash made available pursuant to paragraph (2) is less than the amount requested pursuant to subparagraph (D) of paragraph (1), payments to charter schools and school districts shall be prioritized according to the date on which the certification described in paragraph (1) was provided to the Superintendent and the Director of Finance.

(4) Payments pursuant to this subdivision shall be made by the Controller on or before April 30, 2021.

(d) (1) For the 2020–21 fiscal year only, up to one hundred million dollars ($100,000,000) of the amount of the warrants for the principal apportionments for the month of May, that are instead to be drawn in August, pursuant to Section 14041.6, may be drawn in May, subject to the approval of the Director of Finance, for a charter school or school district as follows:

(A) In order for a charter school to receive a payment in May pursuant to this subdivision, the chartering authority, in consultation with the county superintendent of schools, shall certify to the Superintendent and the Director of Finance on or before January 5, 2021, that the deferral of warrants pursuant to Section 14041.6 will result in the charter school being unable to meet its financial obligations for May or any subsequent month until the deferral is repaid, and shall provide the Superintendent an estimate of the amount of additional funds necessary for the charter school to meet its financial obligations for May and any subsequent month until the deferral is repaid, as applicable.

(B) In order for a school district to receive a payment in May pursuant to this subdivision, the county superintendent of schools shall certify to the Superintendent and to the Director of Finance on or before January 5, 2021, that the deferral of warrants pursuant to Section 14041.6 will result in the school district being unable to meet its financial obligations for May or any subsequent month until the deferral is repaid, and shall provide the Superintendent an estimate of the amount of additional funds necessary for the school district to meet its financial obligations for May and any subsequent month until the deferral is repaid, as applicable.

(C) To make the certification specified in subparagraph (B), both of the following criteria shall be met:

(i) The school district must have exhausted all internal and external sources of borrowing including those pursuant to Sections 42603, 42620, 42621, and 42622 of this code, Article 7.6 (commencing with Section 53850) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, and Section 6 of Article XVI of the California Constitution.

(ii) If not exempt from the May deferral the school district will require a state emergency loan pursuant to Article 2 (commencing with Section 41320) of Chapter 3 of Part 24 of Division 3 of Title 2.

(D) A charter school or school district may receive, pursuant to this subdivision, no more than the lesser of the monthly payment for the charter school or school district calculated pursuant to Section 14041 or the amount of additional funds necessary for the charter school or school district to meet its financial obligations, as reported to the Superintendent pursuant to subparagraph (A) or (B), as applicable.

(2) If the total amount requested by charter schools and school districts pursuant to subparagraph (D) of paragraph (1) exceeds one hundred million dollars ($100,000,000), the Controller, the Treasurer, and the Director of Finance may authorize additional payments to meet these requests, but total payments to charter schools and school districts pursuant to this subdivision shall not exceed three hundred million dollars ($300,000,000). On or before February 1, the Controller, the Treasurer, and the Director of Finance shall determine whether sufficient cash is available to make payments in excess of one hundred million dollars ($100,000,000). In making the determination that cash is sufficient to make additional payments, in whole or in part, the Controller, the Treasurer, and the Director of Finance shall consider costs for state government, the amount of any identified cash shortage, timing, achievability, legislative direction, and the impact and hardship imposed on potentially affected programs, entities, and related public services. The Department of Finance shall notify the Joint Legislative Budget Committee within 10 days of this determination and identify the total amount of requests that will be paid.

(3) If the total amount of cash made available pursuant to paragraph (2) is less than the amount requested pursuant to subparagraph (D) of paragraph (1), payments to charter schools and school districts shall be prioritized according to the date on which the certification described in paragraph (1) was provided to the Superintendent and the Director of Finance.

(4) Payments pursuant to this subdivision shall be made by the Controller on or before May 28, 2021.

(e) (1) For the 2020–21 fiscal year only, up to one hundred million dollars ($100,000,000) of the amount of the warrants for the principal apportionments for the month of June, that are instead to be drawn in July pursuant to Section 14041.5, may be drawn in June, subject to the approval of the Director of Finance, for a charter school or school district as follows:

(A) In order for a charter school to receive a payment in June pursuant to this subdivision, the chartering authority, in consultation with the county superintendent of schools, shall certify to the Superintendent and the Director of Finance on or before April 1 that the deferral of warrants pursuant to Section 14041.5 will result in the charter school being unable to meet its financial obligations for June or any subsequent month until the deferral is repaid, and shall provide the Superintendent an estimate of the amount of additional funds necessary for the charter school to meet its financial obligations for June and any subsequent month until the deferral is repaid, as applicable.

(B) In order for a school district to receive a payment in June pursuant to this subdivision, the county superintendent of schools shall certify to the Superintendent and to the Director of Finance on or before April 1 that the deferral of warrants pursuant to Section 14041.5 will result in the school district being unable to meet its financial obligations for June or any subsequent month until the deferral is repaid, and shall provide the Superintendent an estimate of the amount of additional funds necessary for the school district to meet its financial obligations for June and any subsequent month until the deferral is repaid, as applicable.

(C) To make the certification specified in subparagraph (B), both of the following criteria shall be met:

(i) The school district must have exhausted all internal and external sources of borrowing including those pursuant to Sections 42603, 42620, 42621, and 42622 of this code, Article 7.6 (commencing with Section 53850) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, and Section 6 of Article XVI of the California Constitution.

(ii) If not exempt from the June deferral the school district will require a state emergency loan pursuant to Article 2 (commencing with Section 41320) of Chapter 3 of Part 24 of Division 3 of Title 2.

(D) A charter school or school district may receive, pursuant to this subdivision, no more than the lesser of the monthly payment for the charter school or school district calculated pursuant to Section 14041 or the amount of additional funds necessary for the charter school or school district to meet its financial obligations, as reported to the Superintendent pursuant to subparagraph (A) or (B), as applicable.

(2) If the total amount requested by charter schools and school districts pursuant to subparagraph (D) of paragraph (1) exceeds one hundred million dollars ($100,000,000), the Controller, the Treasurer, and the Director of Finance may authorize additional payments to meet these requests, but total payments to charter schools and school districts pursuant to this subdivision shall not exceed three hundred million dollars ($300,000,000). On or before May 1, the Controller, the Treasurer, and the Director of Finance shall determine whether sufficient cash is available to make payments in excess of one hundred million dollars ($100,000,000). In making the determination that cash is sufficient to make additional payments, in whole or in part, the Controller, the Treasurer, and the Director of Finance shall consider costs for state government, the amount of any identified cash shortage, timing, achievability, legislative direction, and the impact and hardship imposed on potentially affected programs, entities, and related public services. The Department of Finance shall notify the Joint Legislative Budget Committee within 10 days of this determination and identify the total amount of requests that will be paid.

(3) If the total amount of cash made available pursuant to paragraph (2) is less than the amount requested pursuant to subparagraph (D) of paragraph (1), payments to charter schools and school districts shall be prioritized according to the date on which the certification described in paragraph (1) was provided to the Superintendent and the Director of Finance.

(4) Payments pursuant to this subdivision shall be made by the Controller on or before June 30, 2021.

(f) Except as provided in subdivisions (c) and (e) of Section 41202, for purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the warrants drawn pursuant to paragraphs (1) and (2) of subdivisions (a) to (e), inclusive, shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the fiscal year in which the warrants are drawn 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 fiscal year in which the warrants are drawn.

SEC. 13. Section 17375 of the Education Code is amended to read:

17375. (a) (1) The Full-Day Kindergarten Facilities Grant Program is hereby established, under the administration of the State Allocation Board pursuant to the requirements of this section, to provide one-time grants to school districts to construct new school facilities or retrofit existing school facilities for the purpose of providing full-day kindergarten classrooms pursuant to Section 8973.

(2) Moneys appropriated pursuant to this section shall be deposited in the Full-Day Kindergarten Facilities Account, hereby created in the State Treasury, administered by the State Allocation Board.

(3) For the 2018–19 fiscal year, the sum of one hundred million dollars ($100,000,000) is hereby appropriated from the General Fund to the State Allocation Board to provide one-time grants as specified in this section.

(4) (A) Commencing with the 2019–20 fiscal year, this program is contingent upon appropriation by the Legislature.

(B) (i) Of the moneys allocated to a school district from the appropriation made pursuant to this paragraph, savings and interest achieved upon full completion of an approved project, and as a result of a school district's efficient and prudent expenditure of the moneys allocated, may be used for professional development or instructional materials to build capacity for the implementation of a full-day kindergarten program, or high priority capital outlay purposes identified by the school district and in accordance with subdivision (f), associated regulations, and any accompanying grant agreement.

(ii) Notwithstanding any other law, for purposes of the funds appropriated in support of this paragraph only, a school district may retain and use savings and interest pursuant to clause (i) even if it receives financial hardship assistance pursuant to Section 17075.10.

(iii) Savings and interest retained by a school district must be expended within one year of project completion or returned to the state as defined by associated regulations and any accompanying grant agreement.

(C) For the first two years after any funds have been appropriated in support of this paragraph, funds shall be limited to schoolsites that did not offer a full-day kindergarten program as of July 1, 2019, and will use the funding to convert a part-day kindergarten program to a full-day kindergarten program.

(5) New school facilities built pursuant to this section shall not be included in the eligibility determination used for purposes of the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10).

(b) (1) The State Allocation Board shall award grants to school districts that lack the facilities to provide full-day kindergarten as required for eligibility pursuant to Sections 17071.25 and 17072.10 or that lack facilities that satisfy the design requirements required for new kindergarten classrooms as specified in paragraph (2) of subdivision (h) of Section 14030 of Title 5 of the California Code of Regulations.

(2) Priority for grants shall be given to school districts that meet either of the following criteria:

(A) The school district is financially unable to contribute a portion of, or all of, the local matching share required pursuant to paragraph (3), and meets the requirements for financial hardship pursuant to Section 17075.10.

(B) The school district is located in an underserved community with a high population of pupils who are eligible for free or reduced-price meals pursuant to subdivision (a) of Section 42238.01.

(3) Except for school districts that meet the requirements for financial hardship pursuant to Section 17075.10 and as specified in paragraph (4), a school district that applies for a grant pursuant to this section for new construction shall provide 50 percent of the cost of the project, and a school district that applies for a grant pursuant to this section for a retrofit project shall provide 40 percent of the cost of the project.

(4) Except for school districts that meet the requirements for financial hardship pursuant to Section 17075.10, a school district that will convert a part-day kindergarten program to a full-day kindergarten program shall provide 25 percent of the cost of the project whether the project is for new construction or retrofit. A school district that was awarded a grant from funds appropriated pursuant to paragraph (3) of subdivision (a) and met the requirements of this paragraph shall have its grant amount adjusted.

(5) A school district seeking a grant from moneys in the Full-Day Kindergarten Facilities Account shall provide the Office of Public School Construction with schoolsite enrollment data for the year in which its application is processed and the three immediately preceding years. The Office of Public School Construction shall use this data to verify the schoolsite's overall need for funding pursuant to this section based on the schoolsite's enrollment patterns. As part of this verification, the Office of Public School Construction, in consultation with the State Department of Education, shall determine if the schoolsite's need for funding shall be limited to retrofit projects.

(c) The State Allocation Board shall disburse grant funds to school districts with approved applications for new construction or retrofit projects, to the extent funds are available for the state's applicable matching share, if the school district has provided its applicable local matching share, unless the school district meets the requirements for financial hardship pursuant to Section 17075.10, and upon certification by the school district that the school district has entered into a binding contract for completion of the approved project.

(d) The State Allocation Board shall allocate funds to school districts using the same maximum grant eligibility amounts that are used for purposes of the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10), as set forth in Sections 17072.10 and 17072.11 for new construction, and as set forth in Section 17074.10 for retrofit projects.

(e) As a condition of receiving grant funds pursuant to this section, and before the release of those funds, the school district shall execute and submit a grant agreement consistent with the applicable sections of the grant agreement specified in Section 1859.90.4 of Title 2 of the California Code of Regulations.

(f) (1) A school district may use grant funds awarded for new construction on costs necessary to adequately house kindergarten pupils in an approved project, which shall include only the following:

(A) The costs of design, engineering, testing, inspections, plan checking, construction management, site acquisition and development, evaluation and response action costs relating to hazardous substances at a new or existing schoolsite, demolition, construction, landscaping, necessary utility costs, utility connections and other related fees, equipment including telecommunication equipment to increase school security, furnishings, the upgrading of electrical systems, and the wiring or cabling of classrooms in order to accommodate educational technology.

(B) The costs of acquiring an existing government-owned or privately owned building, or a privately financed school building, and the necessary costs of converting the government-owned or privately owned building for public school use.

(2) (A) A school district may use grant funds awarded for a retrofit project to retrofit an existing school facility to adequately house kindergarten pupils, which shall only include the costs of design, engineering, testing, inspection, plan checking, construction management, demolition, construction, necessary utility costs, utility connection and other related fees, the purchase and installation of air-conditioning equipment and insulation materials and related costs, furniture and equipment, including telecommunication equipment to increase school security, fire safety improvements, playground safety improvements, the identification, assessment, or abatement of hazardous asbestos, seismic safety improvements, the upgrading of electrical systems, and the wiring or cabling of classrooms in order to accommodate educational technology.

(B) Grant funds awarded for a retrofit project shall not be used for costs associated with acquisition and development of real property or for routine maintenance and repair.

(g) The State Allocation Board may adopt regulations to implement this section. Any regulations adopted pursuant to this section may be adopted as emergency regulations in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of the Title 2 of the Government Code). The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare.

(h) Notwithstanding any other law, a school district shall be subject, with regard to this section, to an audit conducted pursuant to Section 41024.

(i) The Office of Public School Construction shall report to the Director of Finance, and shall post on its internet website, information regarding the use of grant funds that have been made available to school districts during each fiscal year grant funds are disbursed pursuant to this section. A final report shall also be issued after projects have been audited pursuant to Section 41024 and any savings have been spent or returned to the state.

(j) The Department of General Services may charge its administrative costs against the Full-Day Kindergarten Facilities Account, which shall be subject to the approval of the Department of Finance and which shall not exceed 2.5 percent of the account.

(k) Funds made available to school districts pursuant to this article shall supplement, not supplant, existing funds available for school facilities construction.

(l) For purposes of this section, kindergarten includes transitional kindergarten, as defined in Section 48000.

SEC. 14. Section 17463.7 is added to the Education Code, to read:

17463.7. (a) Notwithstanding any other law, a school district may deposit the proceeds from the sale or lease of surplus real property, together with any personal property located on the property, purchased entirely with local funds, into the general fund of the school district and may use the proceeds for any one-time general fund purpose. If the purchase of the property was made using the proceeds of a local general obligation bond or revenue derived from developer fees, the amount of the proceeds of the transaction that may be deposited into the general fund of the school district may not exceed the percentage computed by the difference between the purchase price of the property and the proceeds from the transaction, divided by the amount of the proceeds of the transaction. For purposes of this section, proceeds of the transaction means either of the following, as appropriate:

(1) The amount realized from the sale of property after reasonable expenses related to the sale.

(2) For a transaction that does not result in a lump-sum payment of the proceeds of the transaction, the proceeds of the transaction shall be calculated as the net present value of the future cashflow generated by the transaction.

(b) The State Allocation Board shall reduce an apportionment of hardship assistance awarded to the particular school district pursuant to Article 8 (commencing with Section 17075.10) by an amount equal to the amount of the sale of surplus real property used for a one-time expenditure of the school district pursuant to this section.

(c) Before a school district exercises the authority granted pursuant to this section, the governing board of the school district shall first submit to the State Allocation Board documents certifying both of the following:

(1) The sale of real property pursuant to this section does not violate the provisions of a local bond act.

(2) The real property is not suitable to meet projected school construction needs for the next 10 years.

(d) Before the school district exercises the authority granted pursuant to this section, the governing board of the school district at a regularly scheduled meeting shall present a plan for expending one-time resources pursuant to this section. The plan shall identify the source and use of the funds and describe the reasons why the expenditure will not result in ongoing fiscal obligations for the school district.

(e) The Office of Public School Construction shall submit an interim and a final report to the State Allocation Board and the budget, education policy, and fiscal committees of the Legislature that identifies the school districts that have exercised the authority granted by this section, the amount of proceeds involved, and the purposes for which those proceeds were used. The interim report shall be submitted by June 1, 2022, and the final report shall be submitted by January 1, 2025.

(f) Subdivisions (a) to (d), inclusive, shall become inoperative on July 1, 2024, subdivision (e) shall become inoperative on January 15, 2025, and this section as of January 1, 2026, is repealed.

SEC. 15. Section 17524 of the Education Code is amended to read:

17524. (a) After considering all proposals submitted, the governing board of the school district may, subject to Section 17525, select the plan or proposal that best meets the needs of the school district and enter into a contract incorporating that plan or proposal either as submitted or as revised by the governing board of the school district.

(b) The governing board shall require any person, firm, local governmental agency, as defined in paragraph (3) of subdivision (f) of Section 4420 of the Government Code, or corporation with whom it enters into a lease or agreement pursuant to this article to file one of the following, as determined by the governing board:

(1) A bond for the performance of the lease or agreement.

(2) An irrevocable letter of credit issued by a state or national bank or a federal or state credit union for the performance of the lease or agreement.

SEC. 16. Section 35710.5 of the Education Code is amended to read:

35710.5. (a) (1) An action by the county committee approving a petition pursuant to Section 35709, 35710, or 35710.1 may be appealed to the state board by the chief petitioners or one or more affected school districts. Except as provided in paragraph (2), the appeal shall be limited to issues of noncompliance with Section 35705, 35706, or 35710, or subdivision (a) or (b) of Section 35709. If an appeal is made as to the issue of whether the proposed transfer will adversely affect the racial or ethnic integration of the schools of the districts affected, it shall be made pursuant to Section 35711.

(2) Notwithstanding paragraph (1), an appeal for which notice of the appeal, pursuant to subdivision (b), was filed before July 1, 2020, shall be considered pursuant to this section, as it read on December 31, 2019.

(b) Within five days after the final action of the county committee, the appellant shall file with the county committee a notice of appeal and shall provide a copy to the county superintendent of schools, except that if the appellant is one of the affected school districts it shall have 30 days to file the notice of appeal with the county committee and provide a copy to the county superintendent. Upon the filing of the notice of appeal, the action of the county committee shall be stayed, pending the outcome of the appeal. Within 15 days after the filing of the notice of appeal, the appellant shall file with the county committee a statement of reasons and factual evidence. The county committee shall then, within 15 days of receipt of the statement, send to the state board the statement and the complete administrative record of the county committee proceedings, including minutes of the oral proceedings.

(c) Upon receipt of the appeal, the state board may either review the appeal or ratify the county committee’s decision by summarily denying review of the appeal. The board may review the appeal either solely on the administrative record or in conjunction with a public hearing. Following the review, the board shall affirm or reverse the action of the county committee, and if the petition will be sent to election, shall determine the territory in which the election is to be held. The board may reverse or modify the action of the county committee in any manner consistent with law.

(d) The decision of the state board shall be sent to the county committee which shall notify the county board of supervisors or the county superintendent of schools pursuant to Section 35709, 35710, or 35710.1, as appropriate.

SEC. 17. Section 38000 of the Education Code is amended to read:

38000. (a) The governing board of a school district may establish a security department under the supervision of a chief of security as designated by, and under the direction of, the superintendent of the school district. In accordance with Chapter 5 (commencing with Section 45100) of Part 25, the governing board of a school district may employ personnel to ensure the safety of school district personnel and pupils and the security of the real and personal property of the school district. It is the intent of the Legislature in enacting this section that a school district security department is supplementary to city and county law enforcement agencies and is not vested with general police powers.

(b) The governing board of a school district may establish a school police department under the supervision of a school chief of police and, in accordance with Chapter 5 (commencing with Section 45100) of Part 25, may employ peace officers, as defined in subdivision (b) of Section 830.32 of the Penal Code, to ensure the safety of school district personnel and pupils, and the security of the real and personal property of the school district.

(c) The governing board of a school district that establishes a security department or a police department shall set minimum qualifications of employment for the chief of security or school chief of police, respectively, including, but not limited to, prior employment as a peace officer or completion of a peace officer training course approved by the Commission on Peace Officer Standards and Training. A chief of security or school chief of police shall comply with the prior employment or training requirement set forth in this subdivision as of January 1, 1993, or a date one year subsequent to the initial employment of the chief of security or school chief of police by the school district, whichever occurs later. This subdivision shall not be construed to require the employment by a school district of additional personnel.

(d) A school district may assign a school police reserve officer who is deputized pursuant to Section 35021.5 to a schoolsite to supplement the duties of school police officers pursuant to this section.

(e) It is the intent of the Legislature to evaluate the presence of peace officers and other law enforcement on school campuses and to identity and consider alternative options to ensure pupil safety based on the needs of the local school communities. It is the intent of the Legislature to consider encouraging local educational agencies to use school resources currently allocated to such personnel, including school police departments and contracts with local police or sheriff departments, for pupil support services, such as mental health services and professional development for school employees on cultural competency and restorative justice, as needed, if found to be a more appropriate use of resources based upon the needs of the pupils and campuses that serve them.

SEC. 18. Section 41020.9 is added to the Education Code, to read:

41020.9. (a) Notwithstanding Section 41020, for the 2019–20 fiscal year, a local educational agency shall provide for an audit by July 15, 2020, and if a local educational agency fails to provide for an audit by July 15, 2020, the county office of education having jurisdiction over the local educational agency shall provide for an audit of the local educational agency by July 31, 2020.

(b) Notwithstanding subdivision (h) of Section 41020 or subdivision (m) of Section 47605, for audit reports for the 2019–20 fiscal year, a local educational agency shall file an annual audit report with the county superintendent of schools of the county in which the local educational agency is located, the Superintendent, the Controller, and, if applicable, to its chartering authority, by March 31, 2021, and notwithstanding subdivision (k) of Section 41020, the county superintendent of schools shall submit the required certification to the Superintendent and the Controller by July 15, 2021.

(c) Notwithstanding subdivision (k) of Section 41020, for audit reports for the 2018–19 fiscal year, a county superintendent of schools shall submit the required certification to the Superintendent and the Controller by July 15, 2020.

(d) Notwithstanding subdivision (d) of Section 41344, for audits certified by the Controller between March 1, 2020, and July 15, 2020, inclusive, a local educational agency may appeal a finding contained in a final audit report within 120 days of the date on which the local educational agency receives the final audit report resulting from an audit or review, or within 30 days of receiving a determination of a summary review pursuant to subdivision (e).

(e) Notwithstanding subdivision (d) of Section 41344.1, for audits certified between March 1, 2020, and July 15, 2020, inclusive, a local educational agency may request a summary review within 90 days of the date on which the local educational agency receives the final audit report resulting from an audit or review.

SEC. 19. Section 41203.1 of the Education Code is amended to read:

41203.1. (a) For the 1990–91 fiscal year and each fiscal year thereafter, allocations calculated pursuant to Section 41203 shall be distributed in accordance with calculations provided in this section. Notwithstanding Section 41203, and for purposes of this section, school districts, community college districts, and direct elementary and secondary level instructional services provided by the State of California shall be regarded as separate segments of public education, and each of these three segments of public education shall be entitled to receive respective shares of the amount calculated pursuant to Section 41203 as though the calculation made pursuant to subdivision (b) of Section 8 of Article XVI of the California Constitution were to be applied separately to each segment and the base year for purposes of this calculation under paragraph (1) of subdivision (b) of Section 8 of Article XVI of the California Constitution were based on the 1989–90 fiscal year. Calculations made pursuant to this subdivision shall be made so that each segment of public education is entitled to the greater of the amounts calculated for that segment pursuant to paragraph (1) or (2) of subdivision (b) of Section 8 of Article XVI of the California Constitution.

(b) If the single calculation made pursuant to Section 41203 yields a guaranteed amount of funding that is less than the sum of the amounts calculated pursuant to subdivision (a), the amount calculated pursuant to Section 41203 shall be prorated for the three segments of public education.

(c) Notwithstanding any other law, this section does not apply to the 1992–93 to the 2020–21 fiscal years, inclusive.

SEC. 20. Section 41204.2 is added to the Education Code, to read:

41204.2. (a) Notwithstanding any other law, commencing with the 2021–22 fiscal year, an appropriation shall be made from the General Fund in the annual Budget Act for the support of public schools maintaining kindergarten or any of grades 1 to 12, inclusive, and the California Community Colleges to supplement funding appropriated pursuant to Section 8 of Article XVI of the California Constitution. In each fiscal year, the amount of the supplemental appropriation shall be equal to 1.5 percent of total General Fund revenues, as calculated pursuant to Section 8 of Article XVI of the California Constitution. The supplemental appropriation shall be made annually until the sum of all supplemental appropriations equals twelve billion three hundred sixty-six million one hundred seven thousand dollars ($12,366,107,000).

(b) Amounts appropriated pursuant to subdivision (a) shall be deemed supplementary payments in excess of the minimum amount required for a given fiscal year pursuant to Section 8 of Article XVI of the California Constitution.

(c) (1) For the 2022–23 fiscal year, and each fiscal year thereafter, "the percentage of General Fund revenues appropriated for school districts and community colleges districts, respectively, in fiscal year 1986–87," for purposes of paragraph (1) of subdivision (b) of Section 8 of Article XVI of the California Constitution, shall be deemed to be the percentage of General Fund revenues that would have been appropriated for those entities if the share of the General Fund of the supplementary payment calculated pursuant to subdivision (a) in the prior fiscal year had been included in the percentage of General Fund revenues appropriated for school districts and community colleges districts, respectively, in fiscal year 1986–87.

(2) Paragraph (1) is operative until "the percentage of General Fund revenues appropriated for school districts and community colleges districts, respectively, in fiscal year 1986–87," for purposes of paragraph (1) of subdivision (b) of Section 8 of Article XVI of the California Constitution equals 40 percent.

SEC. 21. Section 41327.1 of the Education Code is amended to read:

41327.1. (a) The state board shall adopt and may periodically update by regulation a comprehensive list of professional and legal standards that all school districts are encouraged to use as a guide to conduct a good educational program and fiscal and management practices that shall be used as the basis of evaluating the improvement of qualifying school districts pursuant to this article. These standards shall, at a minimum, address all of the following areas:

(1) Financial management.

(2) Pupil achievement.

(3) Personnel management.

(4) Facilities management.

(5) Community relations.

(b) If an administrator is appointed pursuant to Section 41326, the County Office Fiscal Crisis and Management Assistance Team established pursuant to Section 42127.8 shall conduct comprehensive assessments in the five areas specified in subdivision (a).

(c) After the assessments specified in subdivision (b) are completed, the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, the Superintendent, and the president of the state board or the president's designee, shall determine, based upon the school district's particular needs and circumstances, the level of improvement needed in the standards adopted pursuant to subdivision (a) before local authority will be returned pursuant to subdivision (g) of Section 41326. Based upon this determination, the County Office Fiscal Crisis and Management Assistance Team shall complete improvement plans in the five areas specified in subdivision (a) that focus on the agreed upon standards, and that are consistent with the financial improvement plan.

(d) Beginning six months after an emergency loan is approved, and annually thereafter until local authority is returned pursuant to subdivision (g) of Section 41326, the County Office Fiscal Crisis and Management Assistance Team shall file a written status report with the appropriate fiscal and policy committees of the Legislature, the Members of the Legislature that represent the qualifying school district, any advisory council of the school district, the Superintendent, the county superintendent of schools, and the Director of Finance. The reports shall indicate the progress that the school district is making in meeting the recommendations of the improvement plans developed pursuant to this section.

(e) If the County Office Fiscal Crisis and Management Assistance Team indicates in writing that it has insufficient resources to complete the comprehensive assessments, improvement plans, and progress reports required pursuant to this section, the county superintendent of schools shall request proposals to complete these tasks, and subject to the approval of the Department of Finance, select an entity to complete the tasks assigned to the County Office Fiscal Crisis and Management Assistance Team pursuant to this section.

SEC. 22. Section 41341 of the Education Code is amended to read:

41341. (a) (1) If, during any fiscal year, the amount apportioned to a school district or to any fund from Section A of the State School Fund differs either positively or negatively from the amount to which the school district or fund was entitled by an amount equal to the local control funding formula allocation pursuant to Section 42238.02, as implemented pursuant to Section 42238.03, for one unit of average daily attendance, the Superintendent, in accordance with regulations that the Superintendent is hereby authorized to adopt, not later than the first succeeding fiscal year from the fiscal year in which the computational error was made, shall withhold from, or add to, the apportionment made during that fiscal year, the amount of the excess or deficiency, as the case may be. Notwithstanding any other provision of this code to the contrary, excesses withheld or deficiencies added by the Superintendent pursuant this subdivision shall be added to or allowed from any portion of the State School Fund.

(2) Notwithstanding paragraph (1), excesses may be withheld or deficiencies added to apportionments on account of audit exceptions reported in an audit or review, as described in subdivision (e) of Section 41344, or audit or review conducted by a certified public accountant or public accounting firm designated by a governmental agency that provided the local educational agency the opportunity to provide a written response.

(b) If, during any fiscal year, the amount apportioned to a community college district or to any fund from Section B of the State School Fund differs either positively or negatively from the amount to which the community college district or fund was entitled, by an amount equal to the funding of one full-time equivalent student, the Chancellor of the California Community Colleges, in accordance with regulations that the chancellor is hereby authorized to adopt, not later than the first succeeding fiscal year from the fiscal year in which the computational error was made, shall withhold from, or add to, the apportionment made during that fiscal year, the amount of the excess or deficiency, as the case may be. Notwithstanding any other provision of this code to the contrary, excesses withheld or deficiencies added by the Chancellor of the California Community Colleges under this subdivision shall be added to or allowed from any portion of the State School Fund.

SEC. 23. Section 41370 of the Education Code is amended to read:

41370. (a) The governing board of a school district, the governing body of a charter school, and a county board of education shall, except as may otherwise be specifically provided by law, use all money apportioned to the school district, charter school, or county office of education from the State School Fund during any fiscal year exclusively for the support of the school or schools of the school district, charter school, or county office of education for that year.

(b) School districts, charter schools, and county offices of education shall not expend funds provided in satisfaction of the state's minimum funding obligation to school districts and community college districts pursuant to Section 8 of Article XVI of the California Constitution for courses or instruction offered by private or public colleges or universities beyond that permitted in pursuit of a high school diploma, except for courses or instruction in which pupils are enrolled in before July 1, 2020.

SEC. 24. Section 42127 of the Education Code is amended to read:

42127. (a) On or before July 1 of each year, the governing board of each school district shall accomplish the following:

(1) Hold a public hearing conducted in accordance with Section 42103 on the budget to be adopted for the subsequent fiscal year. The budget to be adopted shall be prepared in accordance with Section 42126. The agenda for that hearing shall be posted at least 72 hours before the public hearing and shall include the location where the budget will be available for public inspection.

(2) (A) Adopt a budget. Not later than five days after that adoption or by July 1, whichever occurs first, the governing board of the school district shall file that budget with the county superintendent of schools. The budget and supporting data shall be maintained and made available for public review. If the governing board of the school district does not want all or a portion of the property tax requirement levied for the purpose of making payments for the interest and redemption charges on indebtedness as described in paragraph (1) or (2) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, the budget shall include a statement of the amount or portion for which a levy shall not be made. For the 2014–15 fiscal year and each fiscal year thereafter, the governing board of the school district shall not adopt a budget before the governing board of the school district adopts a local control and accountability plan, if an existing local control and accountability plan or annual update to a local control and accountability plan is not effective for the budget year. The governing board of a school district shall not adopt a budget that does not include the expenditures necessary to implement the local control and accountability plan or the annual update to a local control and accountability plan that is effective for the budget year.

(B) Commencing with budgets adopted for the 2015–16 fiscal year, the governing board of a school district that proposes to adopt a budget that includes a combined assigned and unassigned ending fund balance in excess of the minimum recommended reserve for economic uncertainties adopted by the state board pursuant to subdivision (a) of Section 33128, shall, at the public hearing held pursuant to paragraph (1), provide all of the following for public review and discussion:

(i) The minimum recommended reserve for economic uncertainties for each fiscal year identified in the budget.

(ii) The combined assigned and unassigned ending fund balances that are in excess of the minimum recommended reserve for economic uncertainties for each fiscal year identified in the budget.

(iii) A statement of reasons that substantiates the need for an assigned and unassigned ending fund balance that is in excess of the minimum recommended reserve for economic uncertainties for each fiscal year that the school district identifies an assigned and unassigned ending fund balance that is in excess of the minimum recommended reserve for economic uncertainties, as identified pursuant to clause (ii).

(C) The governing board of a school district shall include the information required pursuant to subparagraph (B) in its budgetary submission each time it files an adopted or revised budget with the county superintendent of schools. The information required pursuant to subparagraph (B) shall be maintained and made available for public review.

(b) The county superintendent of schools may accept changes in any statement included in the budget, pursuant to subdivision (a), of the amount or portion for which a property tax levy shall not be made. The county superintendent of schools or the county auditor shall compute the actual amounts to be levied on the property tax rolls of the school district for purposes that exceed apportionments to the school district pursuant to Chapter 6 (commencing with Section 95) of Part 0.5 of Division 1 of the Revenue and Taxation Code. Each school district shall provide all data needed by the county superintendent of schools or the county auditor to compute the amounts. On or before August 15, the county superintendent of schools shall transmit the amounts computed to the county auditor who shall compute the tax rates necessary to produce the amounts. On or before September 1, the county auditor shall submit the rate computed to the board of supervisors for adoption.

(c) The county superintendent of schools shall do all of the following:

(1) Examine the adopted budget to determine whether it complies with the standards and criteria adopted by the state board pursuant to Section 33127 for application to final local educational agency budgets. The county superintendent of schools shall identify, if necessary, technical corrections that are required to be made to bring the budget into compliance with those standards and criteria.

(2) Determine whether the adopted budget will allow the school district to meet its financial obligations during the fiscal year and is consistent with a financial plan that will enable the school district to satisfy its multiyear financial commitments. In addition to the county superintendent of schools' own analysis of the budget of each school district, the county superintendent of schools shall review and consider studies, reports, evaluations, or audits of the school district that were commissioned by the school district, the county superintendent of schools, the Superintendent, and state control agencies and that contain evidence that the school district is showing fiscal distress under the standards and criteria adopted in Section 33127 or that contain a finding by an external reviewer that the school district is at moderate or high risk of intervention based on the most common indicators of a school district needing intervention, as determined by the County Office Fiscal Crisis and Management Assistance Team. The county superintendent of schools shall either conditionally approve or disapprove a budget that does not provide adequate assurance that the school district will meet its current and future obligations and resolve any problems identified in studies, reports, evaluations, or audits described in this paragraph.

(3) Determine whether the adopted budget includes the expenditures necessary to implement the local control and accountability plan or annual update to the local control and accountability plan approved by the county superintendent of schools.

(4) Determine whether the adopted budget includes a combined assigned and unassigned ending fund balance that exceeds the minimum recommended reserve for economic uncertainties. If the adopted budget includes a combined assigned and unassigned ending fund balance that exceeds the minimum recommended reserve for economic uncertainties, the county superintendent of schools shall verify that the school district complied with the requirements of subparagraphs (B) and (C) of paragraph (2) of subdivision (a).

(d) (1) On or before September 15, the county superintendent of schools shall approve, conditionally approve, or disapprove the adopted budget for each school district. For the 2014–15 fiscal year and each fiscal year thereafter, the county superintendent of schools shall disapprove a budget if the county superintendent of schools determines that the budget does not include the expenditures necessary to implement a local control and accountability plan or an annual update to the local control and accountability plan approved by the county superintendent of schools. If the governing board of a school district does not submit a budget to the county superintendent of schools, the county superintendent of schools shall develop, at school district expense, a budget for that school district by September 15 and transmit that budget to the governing board of the school district. The budget prepared by the county superintendent of schools shall be deemed adopted, unless the county superintendent of schools approves any modifications made by the governing board of the school district. The budget prepared by the county superintendent of schools shall also comply with the requirements of subparagraph (B) of paragraph (2) of subdivision (a). The approved budget shall be used as a guide for the school district's priorities. The Superintendent shall review and certify the budget approved by the county. If, pursuant to the review conducted pursuant to subdivision (c), the county superintendent of schools determines that the adopted budget for a school district does not satisfy that subdivision, the county superintendent of schools shall conditionally approve or disapprove the budget and, not later than September 15, transmit to the governing board of the school district, in writing, the county superintendent of schools' recommendations regarding revision of the budget and the reasons for those recommendations, including, but not limited to, the amounts of any budget adjustments needed before the county superintendent of schools can approve that budget. The county superintendent of schools may assign a fiscal adviser to assist the school district to develop a budget in compliance with those revisions. In addition, the county superintendent of schools may appoint a committee to examine and comment on the county superintendent's review and recommendations, subject to the requirement that the committee report its findings to the county superintendent of schools no later than September 20.

(2) Notwithstanding any other provision of this article, for the 2014–15 fiscal year and each fiscal year thereafter, the budget shall not be adopted or approved by the county superintendent of schools before a local control and accountability plan or update to an existing local control and accountability plan for the budget year is approved.

(3) If the adopted budget of a school district is conditionally approved or disapproved pursuant to paragraph (1), on or before October 8, the governing board of the school district, in conjunction with the county superintendent of schools, shall review and respond to the recommendations of the county superintendent of schools at a regular meeting of the governing board of the school district. The response shall include any revisions to the adopted budget and other proposed actions to be taken, if any, as a result of those recommendations.

(e) On or before October 22, the county superintendent of schools shall provide a list to the Superintendent identifying all school districts for which budgets may be disapproved.

(f) (1) The county superintendent of schools shall examine the revised budget as provided in paragraph (3) of subdivision (d) to determine whether it (A) complies with the standards and criteria adopted by the state board pursuant to Section 33127 for application to final local educational agency budgets, (B) allows the school district to meet its financial obligations during the fiscal year, (C) satisfies all conditions established by the county superintendent of schools in the case of a conditionally approved budget, (D) is consistent with a financial plan that will enable the school district to satisfy its multiyear financial commitments, and, not later than November 8, shall approve or disapprove the revised budget, and (E) whether the revised budget complies with the requirements of subparagraph (B) of paragraph (2) of subdivision (a). If the county superintendent of schools disapproves the budget, the county superintendent of schools shall call for the formation of a budget review committee pursuant to Section 42127.1, unless the governing board of the school district and the county superintendent of schools agree to waive the requirement that a budget review committee be formed and the department approves the waiver after determining that a budget review committee is not necessary. Upon the grant of a waiver, the county superintendent of schools immediately has the authority and responsibility provided in Section 42127.3. Upon approving a waiver of the budget review committee, the department shall ensure that a balanced budget is adopted for the school district by December 31. If no budget is adopted by December 31, the Superintendent may adopt a budget for the school district. The Superintendent shall report to the Legislature and the Director of Finance by January 10 if any school district, including a school district that has received a waiver of the budget review committee process, does not have an adopted budget by December 31. This report shall include the reasons why a budget has not been adopted by the deadline, the steps being taken to finalize budget adoption, the date the adopted budget is anticipated, and whether the Superintendent has or will exercise the Superintendent’s authority to adopt a budget for the school district.

(2) Notwithstanding any other law, for the 2014–15 fiscal year and each fiscal year thereafter, if the county superintendent of schools disapproves the budget for the sole reason that the county superintendent of schools has not approved a local control and accountability plan or an annual update to the local control and accountability plan filed by the governing board of the school district pursuant to Section 52070, the county superintendent of schools shall not call for the formation of a budget review committee pursuant to Section 42127.1.

(g) Not later than November 8, the county superintendent of schools shall submit a report to the Superintendent identifying all school districts for which budgets have been disapproved, and whether a budget review committee will be formed or waived. The report shall include a copy of the written response transmitted to each of those school districts pursuant to paragraph (1) of subdivision (d).

(h) Not later than 45 days after the Governor signs the annual Budget Act, the school district shall make available for public review any revisions in revenues and expenditures that it has made to its budget to reflect the funding made available by that Budget Act.

(i) Any school district for which the county board of education serves as the governing board of the school district is not subject to subdivisions (c) to (h), inclusive, but is governed instead by the budget procedures set forth in Section 1622.

SEC. 25. Section 42127.6 of the Education Code is amended to read:

42127.6. (a) (1) A school district shall provide the county superintendent of schools with a copy of a study, report, evaluation, or audit that was commissioned by the school district, the county superintendent, the Superintendent, and state control agencies and that contains evidence that the school district is showing fiscal distress under the standards and criteria adopted in Section 33127, or a report on the school district by the County Office Fiscal Crisis and Management Assistance Team. The county superintendent shall review and consider studies, reports, evaluations, or audits of the school district that contain evidence that the school district is demonstrating fiscal distress under the standards and criteria adopted in Section 33127 or that contain a finding by an external reviewer that the school district is at moderate or high risk of intervention based on the most common indicators of a school district needing intervention, as determined by the County Office Fiscal Crisis and Management Assistance Team. If these findings are made, the county superintendent of schools shall investigate the financial condition of the school district and determine if the school district may be unable to meet its financial obligations for the current or two subsequent fiscal years, or should receive a qualified or negative interim financial certification pursuant to Section 42131. If at any time during the fiscal year the county superintendent of schools determines that a school district may be unable to meet its financial obligations for the current or two subsequent fiscal years or if a school district has a qualified or negative certification pursuant to Section 42131, the county superintendent of schools shall provide a written notice of going concern determination to the governing board of the school district and the Superintendent and the basis for the determination. The notification shall include the assumptions used in making the determination and shall be available to the public. The county superintendent of schools shall report to the Superintendent on the financial condition of the school district and the county superintendent’s proposed remedial actions and shall do at least one of the following and all actions that are necessary to ensure that the school district meets its financial obligations:

(A) Assign a fiscal expert, paid for by the county superintendent of schools, to advise the school district on its financial problems.

(B) Conduct a study of the financial and budgetary conditions of the school district that includes, but is not limited to, a review of internal controls. If, in the course of this review, the county superintendent of schools determines that the county superintendent’s office requires analytical assistance or expertise that is not available through the school district, the county superintendent of schools may employ, on a short-term basis, with the approval of the Superintendent, staff, including certified public accountants, to provide the assistance and expertise. The school district shall pay 75 percent and the county office of education shall pay 25 percent of these staff costs.

(C) Direct the school district to submit a financial projection of all fund and cash balances of the district as of June 30 of the current year and subsequent fiscal years as the county superintendent of schools requires.

(D) Require the district to encumber all contracts and other obligations, to prepare appropriate cashflow analyses and monthly or quarterly budget revisions, and to appropriately record all receivables and payables.

(E) Direct the school district to submit a proposal for addressing the fiscal conditions that resulted in the determination that the school district may not be able to meet its financial obligations.

(F) Withhold compensation of the members of the governing board of the school district and the school district superintendent for failure to provide requested financial information. This action may be appealed to the Superintendent pursuant to subdivision (b).

(G) Assign the County Office Fiscal Crisis and Management Assistance Team to review teacher hiring practices, teacher retention rate, percentage of provision of highly qualified teachers, and the extent of teacher misassignment in the school district, to provide the school district with recommendations to streamline and improve the teacher hiring process, teacher retention rate, extent of teacher misassignment, and provision of highly qualified teachers, and to perform any or all of the duties prescribed in subparagraphs (A) to (C), inclusive, or to further review the causes that led to a finding of moderate or high risk of intervention pursuant to subdivision (a) and recommend corrective action. If a review team is assigned to a school district, the school district shall follow the recommendations of the team, unless the school district shows good cause for failure to do so. The County Office Fiscal Crisis and Management Assistance Team may not recommend an action that would abrogate a contract that governs employment.

(2) Any contract entered into by a county superintendent of schools for the purposes of this subdivision is subject to the approval of the Superintendent.

(3) An employee of a school district who provides information regarding improper governmental activity, as defined in Section 44112, is entitled to the protection provided pursuant to Article 5 (commencing with Section 44110) of Chapter 1 of Part 25.

(b) Within five days of the county superintendent of schools making the determination specified in subdivision (a), a school district may appeal the basis of the determination and any of the proposed actions that the county superintendent of schools has indicated that the county superintendent of schools will take to further examine the financial condition of the school district. The Superintendent shall sustain or deny any or all parts of the appeal within 10 days.

(c) If, after taking the actions identified in subdivision (a), the county superintendent of schools determines that a school district will be unable to meet its financial obligations for the current or subsequent fiscal year, the county superintendent of schools shall notify the governing board of the school district, the superintendent of the school district, each recognized employee organization of the school district, each recognized parent organization of the school district, the Superintendent of Public Instruction, and the president of the state board or the president’s designee in writing of that determination and the basis for that determination. The notification shall include the assumptions used in making the determination.

(d) Within five days of the county superintendent of schools making the determination specified in subdivision (c), a school district may appeal that determination to the Superintendent. The Superintendent shall sustain or deny the appeal within 10 days. If the governing board of the school district appeals the determination, the county superintendent of schools may stay any action of the governing board of the school district that the county superintendent of schools determines is inconsistent with the ability of the school district to meet its financial obligations for the current or subsequent fiscal year until resolution of the appeal by the Superintendent.

(e) If the appeal described in subdivision (d) is denied or not filed, or if the school district has a negative certification pursuant to Section 42131, the county superintendent of schools, in consultation with the Superintendent, shall take at least one of the actions described in paragraphs (1) to (5), inclusive, and all actions that are necessary to ensure that the school district meets its financial obligations and shall make a report to the Superintendent and the president of the state board or the president's designee about the financial condition of the school district and remedial actions proposed by the county superintendent of schools.

(1) Develop and impose, in consultation with the Superintendent and the governing board of the school district, a budget revision that will enable the school district to meet its financial obligations in the current fiscal year.

(2) Stay or rescind any action that is determined to be inconsistent with the ability of the school district to meet its obligations for the current or subsequent fiscal year. This includes any actions up to the point that the subsequent year's budget is approved by the county superintendent of schools. The county superintendent of schools shall inform the governing board of the school district in writing of the county superintendent's justification for any exercise of authority under this paragraph.

(3) Assist in developing, in consultation with the governing board of the school district, a multiyear financial recovery plan that will enable the school district to meet its future obligations.

(4) Assist in developing, in consultation with the governing board of the school district, a budget for the subsequent fiscal year. If necessary, the county superintendent of schools shall continue to work with the governing board of the school district until the budget for the subsequent year is adopted by the governing board of the school district and approved by the county superintendent of schools.

(5) As necessary, appoint a fiscal adviser to perform any or all of the duties prescribed by this section on behalf of the county superintendent of schools.

(f) Any action taken by the county superintendent of schools pursuant to paragraph (1) or (2) of subdivision (e) shall be accompanied by a notification that shall include the actions to be taken, the reasons for the actions, and the assumptions used to support the necessity for these actions.

(g) This section does not authorize the county superintendent of schools to abrogate any provision of a collective bargaining agreement that was entered into by a school district before the date that the county superintendent of schools assumed authority pursuant to subdivision (e).

(h) The school district shall pay 75 percent and the county office of education shall pay 25 percent of the administrative expenses incurred pursuant to subdivision (e) or costs associated with improving the school district's financial management practices. The Superintendent shall develop and distribute to affected school districts and county offices of education advisory guidelines regarding the appropriate amount of administrative expenses charged pursuant to this subdivision.

(i) Notwithstanding Section 42647 or 42650 or any other law, a county treasurer shall not honor any warrant if, pursuant to Sections 42127 to 42127.5, inclusive, or pursuant to this section, the county superintendent of schools or the Superintendent, as appropriate, has disapproved that warrant or the order on school district funds for which a warrant was prepared.

(j) Effective upon the certification of the election results for a newly organized school district pursuant to Section 35763, the county superintendent of schools may exercise any of the powers and duties of this section regarding the reorganized school district and the other affected school districts until the reorganized school district becomes effective for all purposes in accordance with Article 4 (commencing with Section 35530) of Chapter 3 of Part 21.

(k) The Superintendent shall monitor the efforts of a county office of education in exercising its authority under this section and may exercise any of that authority if the Superintendent finds that the actions of the county superintendent of schools are not effective in resolving the financial problems of the school district. Upon a decision to exercise the powers of the county superintendent of schools, the county superintendent of schools is relieved of those powers assumed by the Superintendent, and shall provide support and assistance to the Superintendent in the exercise of those powers. The Superintendent shall also request that the County Office Fiscal Crisis and Management Assistance Team identify the circumstances that led to the ineffectiveness of the county superintendent of schools in resolving the financial problems of the school district, and shall require the county office of education to demonstrate, in a manner determined by the Superintendent, remediation of those deficiencies. In addition to the actions taken by the county superintendent of schools, the Superintendent shall take further actions to ensure the long-term fiscal stability of the school district. The county office of education shall reimburse the Superintendent for all of the Superintendent's costs in exercising the Superintendent's authority under this subdivision. The Superintendent shall promptly notify the county superintendent of schools, the county board of education, the superintendent of the school district, the governing board of the school district, the appropriate policy and fiscal committees of each house of the Legislature, and the Department of Finance of the Superintendent's decision to exercise the authority of the county superintendent of schools.

SEC. 26. Section 42127.8 of the Education Code is amended to read:

42127.8. (a) The governing board provided for in subdivision (b) shall establish a unit to be known as the County Office Fiscal Crisis and Management Assistance Team. The team shall consist of persons having extensive experience in school district budgeting, accounting, data processing, telecommunications, risk management, food services, pupil transportation, purchasing and warehousing, facilities maintenance and operation, and personnel administration, organization, and staffing. The Superintendent may appoint one employee of the department to serve on the unit. The unit shall be operated under the immediate direction of an appropriate county office of education selected jointly, in response to an application process, by the Superintendent and the president of the state board or the president of the state board's designee.

(b) The unit established under subdivision (a) shall be selected and governed by a 25-member governing board consisting of one representative chosen by the California County Superintendents Educational Services Association from each of the 11 county service regions designated by the association, 11 superintendents of school districts chosen by the Association of California School Administrators from each of the 11 county service regions, one representative from the department chosen by the Superintendent, the Chancellor of the California Community Colleges or the chancellor's designee, and one member of a community college district governing board chosen by the chancellor. The governing board of the County Office Fiscal Crisis and Management Assistance Team shall select a county superintendent of schools to chair the unit.

(c) (1) The Superintendent may request the unit to provide the assistance described in subdivision (b) of Section 1624, Section 1630, subdivision (b) of Section 42127.3, subdivision (c) of Section 42127.6, and Section 42127.9, and with the computation described in subdivision (a) of Section 42238.2, and to review the fiscal and administrative condition of any county office of education, school district, or charter school.

(2) A county superintendent of schools may request the unit to review the fiscal or administrative condition of a school district or charter school under the county superintendent of schools' jurisdiction.

(3) The Board of Governors of the California Community Colleges may request the unit to provide the assistance described in Section 84041.

(d) In addition to the functions described in subdivision (c), the unit shall do all of the following:

(1) Provide fiscal management assistance, at the request of any school district, charter school, or county office of education, or, pursuant to subdivision (g) of Section 84041, at the request of any community college district. Each school district, charter school, or county office of education receiving that assistance shall be required to pay the onsite personnel costs and travel costs incurred by the unit for that purpose, pursuant to rates determined by the governing board established under subdivision (b). The governing board annually shall ensure rate information is posted on the unit's internet website.

(2) Facilitate training for members of the governing board of the school district, district and county superintendents, chief financial officers within the district, and schoolsite personnel whose primary responsibility is to address fiscal issues. Training services shall emphasize efforts to improve fiscal accountability and expand the fiscal competency of local agencies. The unit shall use state professional associations, private organizations, and public agencies to provide guidance, support, and the delivery of any training services.

(3) Facilitate fiscal management training through the 11 county service regions to county office of education staff to ensure that they develop the technical skills necessary to perform their fiduciary duties. The governing board established pursuant to subdivision (b) shall determine the extent of the training that is necessary to comply with this paragraph.

(4) Produce a training calendar that publicizes all of the fiscal training services that are being offered at the local, regional, and state levels, and post that training calendar on the unit's internet website.

(e) The governing board shall reserve not less than 25 percent, nor more than 50 percent, of its revenues each year for expenditure for the costs of contracts and professional services as management assistance to school districts or county superintendents of schools in which the board determines that a fiscal emergency exists.

(f) The governing board established under subdivision (b) may levy an annual assessment against each county office of education that elects to participate under this section in an amount not to exceed twenty cents ($0.20) per unit of total average daily attendance for all school districts within the county. The revenues collected pursuant to that assessment shall be applied to the expenses of the unit.

(g) The governing board established under subdivision (b) may pay to the department, from any available funds, a reasonable amount to reimburse the department for actual administrative expenses incurred in the review of the budgets and fiscal conditions of school districts, charter schools, and county superintendents of schools.

(h) When employed as a fiscal adviser by the department pursuant to Section 1630, employees of the unit established pursuant to subdivision (a) shall be considered employees of the department for purposes of errors and omissions liability insurance.

SEC. 27. Section 42131 of the Education Code is amended to read:

42131. (a) (1) Pursuant to the reports required by Section 42130, the governing board of each school district shall certify, in writing, within 45 days after the close of the period being reported, whether the school district is able to meet its financial obligations for the remainder of the fiscal year and, based on current forecasts, for the subsequent two fiscal years. These certifications shall be based upon the governing board of the school district’s assessment, on the basis of standards and criteria for fiscal stability adopted by the state board pursuant to Section 33127, of the school district budget, as revised to reflect current information regarding the adopted State Budget, school district property tax revenues pursuant to Sections 95 to 100, inclusive, of the Revenue and Taxation Code, and ending balances for the preceding fiscal year as reported pursuant to Section 42100. The certifications shall be classified as positive, qualified, or negative, as prescribed by the Superintendent for purposes of determining subsequent actions by the Superintendent, the Controller, or the county superintendent of schools, pursuant to subdivisions (b) and (c). These certifications shall be based upon the financial and budgetary reports required by Section 42130 but may include additional financial information known by the governing board of the school district to exist at the time of each certification. For purposes of this subdivision, a negative certification shall be assigned to any school district that, based upon current projections, will be unable to meet its financial obligations for the remainder of the fiscal year or the subsequent fiscal year. A qualified certification shall be assigned to any school district that, based upon current projections, may not meet its financial obligations for the current fiscal year or two subsequent fiscal years. A positive certification shall be assigned to any school district that, based upon current projections, will meet its financial obligations for the current fiscal year and subsequent two fiscal years.

(2) (A) A copy of each certification and a copy of the report submitted to the governing board of the school district pursuant to Section 42130 shall be filed with the county superintendent of schools. If a county office of education receives a positive certification when it determines a negative or qualified certification should have been filed, or receives a qualified certification when it determines a negative certification should have been filed, the county superintendent of schools shall change the certification to negative or qualified, as appropriate, and, no later than 75 days after the close of the period being reported, shall provide notice of that action to the governing board of the school district and to the Superintendent. No later than five days after a school district receives notice from the county superintendent of schools of a change in the school district’s certification to negative or qualified, the governing board of the school district may submit an appeal to the Superintendent regarding the validity of that change, in accordance with the criteria applied to those designations pursuant to this subdivision. No later than 10 days after receiving that appeal, the Superintendent shall determine the certification to be assigned to the school district and shall notify the governing board of the school district and the county superintendent of schools of that determination.

(B) Copies of any certification in which the governing board of the school district is unable to certify unqualifiedly that these financial obligations will be met and a copy of the report submitted to the governing board of the school district pursuant to Section 42130 shall be sent by the county office of education to the Controller and the Superintendent at the time of the certification, together with a completed transmittal form provided by the Superintendent. Within 75 days after the close of the reporting period on all school district certifications that are classified as qualified or negative pursuant to this section, the appropriate county superintendent of schools reporting period on all school district certifications that are classified as qualified or negative pursuant to this section, the appropriate county superintendent of schools shall submit to the Superintendent and the Controller the county superintendent of schools' comments on those certifications and report any action proposed or taken pursuant to subdivision (b).

(3) All reports and certifications required under this subdivision shall be in a format or on forms prescribed by the Superintendent and shall be based on standards and criteria for fiscal stability adopted by the state board pursuant to Section 33127.

(4) This subdivision does not preclude the submission of additional budgetary or financial reports by the county superintendent of schools to the governing board of the school district, or to the Superintendent.

(b) As to any school district having a negative or qualified certification, the county superintendent of schools shall exercise the county superintendent of schools' authority, as necessary, pursuant to Section 42127.6.

(c) Within 75 days after the close of each reporting period, each county superintendent of schools shall report to the Controller and the Superintendent as to whether the governing board of each of the school districts under the county superintendent of schools' jurisdiction has submitted the certification required by subdivision (a). That report shall account for all school districts under the jurisdiction of the county office of education and indicate the type of certification filed by each school district.

(d) The Controller's office may conduct an audit or review of the fiscal condition of any school district having a negative or qualified certification.

(e) Any school district having a negative or qualified certification, or classified as qualified or negative by the county superintendent of schools, shall continue to be classified as qualified or negative until the next report required under Section 42130 is filed.

(f) The governing board of each school district filing a qualified or negative certification for the second report required under Section 42130, or classified as qualified or negative by the county superintendent of schools, shall provide to the county superintendent of schools, the Controller, and the Superintendent no later than June 1, financial statement projections of the school district's fund and cash balances through June 30 for the period ending April 30. The governing boards of all other school districts are encouraged to develop a similar financial statement for use in developing the beginning fund balances of the school district for the ensuing fiscal year.

(g) A school district for which the county board of education serves as the governing board of the school district is not subject to subdivisions (a) to (f), inclusive, but is governed instead by the interim report, monitoring, and review procedures set forth in subdivision (l) of Section 1240 and in Article 2 (commencing with Section 1620) of Chapter 5 of Part 2.

SEC. 28. Section 42238.02 of the Education Code is amended to read:

42238.02. (a) The amount computed pursuant to this section shall be known as the school district and charter school local control funding formula.

(b) (1) For purposes of this section "unduplicated pupil" means a pupil enrolled in a school district or a charter school who is either classified as an English learner, eligible for a free or reduced-price meal, or is a foster youth. A pupil shall be counted only once for purposes of this section if any of the following apply:

(A) The pupil is classified as an English learner and is eligible for a free or reduced-price meal.

(B) The pupil is classified as an English learner and is a foster youth.

(C) The pupil is eligible for a free or reduced-price meal and is classified as a foster youth.

(D) The pupil is classified as an English learner, is eligible for a free or reduced-price meal, and is a foster youth.

(2) Under procedures and timeframes established by the Superintendent, commencing with the 2013–14 fiscal year, a school district or charter school shall annually submit its enrolled free and reduced-price meal eligibility, foster youth, and English learner pupil-level records for enrolled pupils to the Superintendent using the California Longitudinal Pupil Achievement Data System.

(3) (A) Commencing with the 2013–14 fiscal year, a county office of education shall review and validate certified aggregate English learner, foster youth, and free or reduced-price meal eligible pupil data for school districts and charter schools under its jurisdiction to ensure the data is reported accurately. The Superintendent shall provide each county office of education with appropriate access to school district and charter school data reports in the California Longitudinal Pupil Achievement Data System for purposes of ensuring data reporting accuracy.

(B) The Controller shall include the instructions necessary to enforce paragraph (2) in the audit guide required by Section 14502.1. The instructions shall include, but are not necessarily limited to, procedures for determining if the English learner, foster youth, and free or reduced-price meal eligible pupil counts are consistent with the school district's or charter school's English learner, foster youth, and free or reduced-price meal eligible pupil records.

(4) The Superintendent shall make the calculations pursuant to this section using the data submitted by local educational agencies, including charter schools, through the California Longitudinal Pupil Achievement Data System. Under timeframes and procedures established by the Superintendent, school districts and charter schools may review and revise their submitted data on English learner, foster youth, and free or reduced-price meal eligible pupil counts to ensure the accuracy of data reflected in the California Longitudinal Pupil Achievement Data System.

(5) The Superintendent shall annually compute the percentage of unduplicated pupils for each school district and charter school by dividing the enrollment of unduplicated pupils in a school district or charter school by the total enrollment in that school district or charter school pursuant to all of the following:

(A) For the 2013–14 fiscal year, divide the sum of unduplicated pupils for the 2013–14 fiscal year by the sum of the total pupil enrollment for the 2013–14 fiscal year.

(B) For the 2014–15 fiscal year, divide the sum of unduplicated pupils for the 2013–14 and 2014–15 fiscal years by the sum of the total pupil enrollment for the 2013–14 and 2014–15 fiscal years.

(C) For the 2015–16 fiscal year and each fiscal year thereafter, divide the sum of unduplicated pupils for the current fiscal year and the two prior fiscal years by the sum of the total pupil enrollment for the current fiscal year and the two prior fiscal years.

(D) (i) For purposes of the quotients determined pursuant to subparagraphs (B) and (C), the Superintendent shall use a school district's or charter school's enrollment of unduplicated pupils and total pupil enrollment in the 2014–15 fiscal year instead of the enrollment of unduplicated pupils and total pupil enrollment in the 2013–14 fiscal year if doing so would yield an overall greater percentage of unduplicated pupils.

(ii) It is the intent of the Legislature to review each school district and charter school's enrollment of unduplicated pupils for the 2013–14 and 2014–15 fiscal years and provide one-time funding, if necessary, for a school district or charter school with higher enrollment of unduplicated pupils in the 2014–15 fiscal year as compared to the 2013–14 fiscal year.

(E) (i) Notwithstanding any other law, for purposes of subparagraph (C), the unduplicated pupils and total pupil enrollment in prior fiscal years shall be the following:

(I) For a transferred charter school, the counts shall be equal to the counts reported for the original charter school.

(II) For an acquiring charter school, the counts shall be equal to the counts reported for the original charter school. This subclause shall become inoperative on July 1, 2023, unless its operation is extended by the Legislature.

(III) For the restructured portions of a divided charter school, the counts shall be zero.

(IV) For the remaining portion of a divided charter school, the counts shall be equal to the counts reported for the original charter school.

(ii) The definitions in Section 47654 apply for purposes of this subparagraph.

(6) Notwithstanding subdivision (a) of Section 14002, the data used to determine the percentage of unduplicated pupils shall be final once that data is no longer used in the current fiscal year calculation of the percentage of unduplicated pupils. This paragraph does not apply to a change that is the result of an audit exception, as described in paragraph (2) of subdivision (a) of Section 41341.

(c) Commencing with the 2013–14 fiscal year and each fiscal year thereafter, the Superintendent shall annually calculate a local control funding formula grant for each school district and charter school in the state pursuant to this section.

(d) The Superintendent shall compute a grade span adjusted base grant equal to the total of the following amounts:

(1) For the 2013–14 fiscal year, a base grant of:

(A) Six thousand eight hundred forty-five dollars ($6,845) for average daily attendance in kindergarten and grades 1 to 3, inclusive.

(B) Six thousand nine hundred forty-seven dollars ($6,947) for average daily attendance in grades 4 to 6, inclusive.

(C) Seven thousand one hundred fifty-four dollars ($7,154) for average daily attendance in grades 7 and 8.

(D) Eight thousand two hundred eighty-nine dollars ($8,289) for average daily attendance in grades 9 to 12, inclusive.

(2) In each year the grade span adjusted base grants in paragraph (1) shall be adjusted by the percentage change in the annual average value of the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States, as published by the United States Department of Commerce for the 12-month period ending in the third quarter of the prior fiscal year. This percentage change shall be determined using the latest data available as of May 10 of the preceding fiscal year compared with the annual average value of the same deflator for the 12-month period ending in the third quarter of the second preceding fiscal year, using the latest data available as of May 10 of the preceding fiscal year, as reported by the Department of Finance.

(3) (A) The Superintendent shall compute an additional adjustment to the kindergarten and grades 1 to 3, inclusive, base grant as adjusted for inflation pursuant to paragraph (2) equal to 10.4 percent. The additional grant shall be calculated by multiplying the kindergarten and grades 1 to 3, inclusive, base grant, as adjusted by paragraph (2), by 10.4 percent.

(B) Until paragraph (4) of subdivision (b) of Section 42238.03 is effective, as a condition of the receipt of funds in this paragraph, a school district shall make progress toward maintaining an average class enrollment of not more than 24 pupils for each schoolsite in kindergarten and grades 1 to 3, inclusive, unless a collectively bargained alternative annual average class enrollment for each schoolsite in those grades is agreed to by the school district, pursuant to the following calculation:

(i) Determine a school district's average class enrollment for each schoolsite for kindergarten and grades 1 to 3, inclusive, in the prior year. For the 2013–14 fiscal year, this amount shall be the average class enrollment for each schoolsite for kindergarten and grades 1 to 3, inclusive, in the 2012–13 fiscal year.

(ii) Determine a school district's proportion of total need pursuant to paragraph (2) of subdivision (b) of Section 42238.03.

(iii) Determine the percentage of the need calculated in clause (ii) that is met by funding provided to the school district pursuant to paragraph (3) of subdivision (b) of Section 42238.03.

(iv) Determine the difference between the amount computed pursuant to clause (i) and an average class enrollment of not more than 24 pupils.

(v) Calculate a current year average class enrollment adjustment for each schoolsite for kindergarten and grades 1 to 3, inclusive, equal to the adjustment calculated in clause (iv) multiplied by the percentage determined pursuant to clause (iii).

(C) School districts that have an average class enrollment for each schoolsite for kindergarten and grades 1 to 3, inclusive, of 24 pupils or less for each schoolsite in the 2012–13 fiscal year, shall be exempt from the requirements of subparagraph (B) so long as the school district continues to maintain an average class enrollment for each schoolsite for kindergarten and grades 1 to 3, inclusive, of not more than 24 pupils, unless a collectively bargained alternative ratio is agreed to by the school district.

(D) Upon full implementation of the local control funding formula, as a condition of the receipt of funds in this paragraph, all school districts shall maintain an average class enrollment for each schoolsite for kindergarten and grades 1 to 3, inclusive, of not more than 24 pupils for each schoolsite in kindergarten and grades 1 to 3, inclusive, unless a collectively bargained alternative ratio is agreed to by the school district.

(E) The average class enrollment requirement for each schoolsite for kindergarten and grades 1 to 3, inclusive, established pursuant to this paragraph shall not be subject to waiver by the state board pursuant to Section 33050 or by the Superintendent.

(F) The Controller shall include the instructions necessary to enforce this paragraph in the audit guide required by Section 14502.1. The instructions shall include, but are not necessarily limited to, procedures for determining if the average class enrollment for each schoolsite for kindergarten and grades 1 to 3, inclusive, exceeds 24 pupils, or an alternative average class enrollment for each schoolsite pursuant to a collectively bargained alternative ratio. The procedures for determining average class enrollment for each schoolsite shall include criteria for employing sampling.

(4) The Superintendent shall compute an additional adjustment to the base grant for grades 9 to 12, inclusive, as adjusted for inflation pursuant to paragraph (2), equal to 2.6 percent. The additional grant shall be calculated by multiplying the base grant for grades 9 to 12, inclusive, as adjusted by paragraph (2), by 2.6 percent.

(e) The Superintendent shall compute a supplemental grant add-on equal to 20 percent of the base grants as specified in subparagraphs (A) to (D), inclusive, of paragraph (1) of subdivision (d), as adjusted by paragraphs (2) to (4), inclusive, of subdivision (d), for each school district's or charter school's percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b). The supplemental grant shall be calculated by multiplying the base grants as specified in subparagraphs (A) to (D), inclusive, of paragraph (1), as adjusted by paragraphs (2) to (4), inclusive, of subdivision (d), by 20 percent and by the percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in that school district or charter school. The supplemental grant shall be expended in accordance with the regulations adopted pursuant to Section 42238.07.

(f) (1) The Superintendent shall compute a concentration grant add-on equal to 50 percent of the base grants as specified in subparagraphs (A) to (D), inclusive, of paragraph (1) of subdivision (d), as adjusted by paragraphs (2) to (4), inclusive, of subdivision (d), for each school district's or charter school's percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in excess of 55 percent of the school district's or charter school's total enrollment. The concentration grant shall be calculated by multiplying the base grants as specified in subparagraphs (A) to (D), inclusive, of paragraph (1) of subdivision (d), as adjusted by paragraphs (2) to (4), inclusive, of subdivision (d), by 50 percent and by the percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in excess of 55 percent of the total enrollment in that school district or charter school.

(2) (A) For a charter school physically located in only one school district, the percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in excess of 55 percent used to calculate concentration grants shall not exceed the percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in excess of 55 percent of the school district in which the charter school is physically located. For a charter school physically located in more than one school district, the charter school's percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in excess of 55 percent used to calculate concentration grants shall not exceed that of the school district with the highest percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in excess of 55 percent of the school districts in which the charter school has a school facility. The concentration grant shall be expended in accordance with the regulations adopted pursuant to Section 42238.07.

(B) For purposes of this paragraph and subparagraph (A) of paragraph (1) of subdivision (f) of Section 42238.03, a charter school shall report its physical location to the department under timeframes established by the department. For a charter school authorized by a school district, the department shall include the authorizing school district in the department's determination of physical location. For a charter school authorized on appeal pursuant to subdivision (k) of Section 47605, the department shall include the school district that initially denied the petition in the department's determination of physical location. Notwithstanding subdivision (a) of Section 14002, the reported physical location of the charter school shall be considered final as of the second principal apportionment for that fiscal year, and, for purposes of this paragraph, the percentage of unduplicated pupils of the school district associated with the charter school pursuant to subparagraph (A) shall be considered final as of the second principal apportionment for that fiscal year.

(g) The Superintendent shall compute an add-on to the total sum of a school district's or charter school's base, supplemental, and concentration grants equal to the amount of funding a school district or charter school received from funds allocated pursuant to the Targeted Instructional Improvement Block Grant program, as set forth in Article 6 (commencing with Section 41540) of Chapter 3.2, for the 2012–13 fiscal year, as that article read on January 1, 2013. A school district or charter school shall not receive a total funding amount from this add-on greater than the total amount of funding received by the school district or charter school from that program in the 2012–13 fiscal year. The amount computed pursuant to this subdivision shall reflect the reduction specified in paragraph (2) of subdivision (a) of Section 42238.03.

(h) (1) The Superintendent shall compute an add-on to the total sum of a school district's or charter school's base, supplemental, and concentration grants equal to the amount of funding a school district or charter school received from funds allocated pursuant to the Home-to-School Transportation program, as set forth in former Article 2 (commencing with Section 39820) of Chapter 1 of Part 23.5, former Article 10 (commencing with Section 41850) of Chapter 5, and the Small School District Transportation program, as set forth in former Article 4.5 (commencing with Section 42290), as those articles read on January 1, 2013, for the 2012–13 fiscal year. A school district or charter school shall not receive a total funding amount from this add-on greater than the total amount received by the school district or charter school for those programs in the 2012–13 fiscal year. The amount computed pursuant to this subdivision shall reflect the reduction specified in paragraph (2) of subdivision (a) of Section 42238.03.

(2) If a home-to-school transportation joint powers agency, established pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code for purposes of providing pupil transportation, received an apportionment directly from the Superintendent from any of the funding sources specified in paragraph (1) for the 2012–13 fiscal year, the joint powers agency may identify the member local educational agencies and transfer entitlement to that funding to any of those member local educational agencies by reporting to the Superintendent, on or before September 30, 2015, the reassignment of a specified amount of the joint powers agency's 2012–13 fiscal year entitlement to the member local educational agency. Commencing with the 2015–16 fiscal year, the Superintendent shall compute an add-on to the total sum of a school district's or charter school's base, supplemental, and concentration grants equal to the amount of the entitlement to funding transferred by the joint powers agency to the member school district or charter school.

(i) (1) The sum of the local control funding formula rates computed pursuant to subdivisions (c) to (f), inclusive, shall be multiplied by:

(A) For school districts, the average daily attendance of the school district in the corresponding grade level ranges computed pursuant to Section 42238.05, excluding the average daily attendance computed pursuant to paragraph (2) of subdivision (a) of Section 42238.05 for purposes of the computation specified in subdivision (d).

(B) For charter schools, the total current year average daily attendance in the corresponding grade level ranges.

(2) The amount computed pursuant to Article 4 (commencing with Section 42280) shall be added to the amount computed pursuant to paragraphs (1) to (4), inclusive, of subdivision (d), as multiplied by subparagraph (A) or (B) of paragraph (1), as appropriate.

(j) The Superintendent shall adjust the sum of each school district's or charter school's amount determined in subdivisions (g) to (i), inclusive, pursuant to the calculation specified in Section 42238.03, less the sum of the following:

(1) (A) For school districts, the property tax revenue received pursuant to Chapter 3.5 (commencing with Section 75) and Chapter 6 (commencing with Section 95) of Part 0.5 of Division 1 of the Revenue and Taxation Code.

(B) For charter schools, the in-lieu property tax amount provided to a charter school pursuant to Section 47635.

(2) The amount, if any, received pursuant to Part 18.5 (commencing with Section 38101) of Division 2 of the Revenue and Taxation Code.

(3) The amount, if any, received pursuant to Chapter 3 (commencing with Section 16140) of Part 1 of Division 4 of Title 2 of the Government Code.

(4) Prior years' taxes and taxes on the unsecured roll.

(5) Fifty percent of the amount received pursuant to Section 41603.

(6) The amount, if any, received pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code), less any amount received pursuant to Section 33401 or 33676 of the Health and Safety Code that is used for land acquisition, facility construction, reconstruction, or remodeling, or deferred maintenance and that is not an amount received pursuant to Section 33492.15, or paragraph (4) of subdivision (a) of Section 33607.5, or Section 33607.7 of the Health and Safety Code that is allocated exclusively for educational facilities.

(7) The amount, if any, received pursuant to Sections 34177, 34179.5, 34179.6, 34183, and 34188 of the Health and Safety Code.

(8) Revenue received pursuant to subparagraph (B) of paragraph (3) of subdivision (e) of Section 36 of Article XIII of the California Constitution.

(k) A school district shall annually transfer to each of its charter schools funding in lieu of property taxes pursuant to Section 47635.

(l) (1) This section does not authorize a school district that receives funding on behalf of a charter school pursuant to Section 47651 to redirect this funding for another purpose unless otherwise authorized in law pursuant to paragraph (2) or pursuant to an agreement between the charter school and its chartering authority.

(2) A school district that received funding on behalf of a locally funded charter school in the 2012–13 fiscal year pursuant to paragraph (2) of subdivision (b) of Section 42605, Section 42606, and subdivision (b) of Section 47634.1, as those sections read on January 1, 2013, or a school district that was required to pass through funding to a conversion charter school in the 2012–13 fiscal year pursuant to paragraph (2) of subdivision (b) of Section 42606, as that section read on January 1, 2013, may annually redirect for another purpose a percentage of the amount of the funding received on behalf of that charter school. The percentage of funding that may be redirected shall be determined pursuant to the following computation:

(A) (i) Determine the sum of the need fulfilled for that charter school pursuant to paragraph (3) of subdivision (b) of Section 42238.03 in the then current fiscal year for the charter school.

(ii) Determine the sum of the need fulfilled in every fiscal year before the then current fiscal year pursuant to paragraph (3) of subdivision (b) of Section 42238.03 adjusted for changes in average daily attendance pursuant to paragraph (3) of subdivision (a) of Section 42238.03 for the charter school.

(iii) Subtract the amount computed pursuant to paragraphs (1) to (3), inclusive, of subdivision (a) of Section 42238.03 from the amount computed for that charter school under the local control funding formula entitlement computed pursuant to subdivision (i) of this section.

(iv) Compute a percentage by dividing the sum of the amounts computed pursuant to clauses (i) and (ii) by the amount computed pursuant to clause (iii).

(B) Multiply the percentage computed pursuant to subparagraph (A) by the amount of funding the school district received on behalf of the charter school in the 2012–13 fiscal year pursuant to paragraph (2) of subdivision (b) of Section 42605, Section 42606, and subdivision (b) of Section 47634.1, as those sections read on January 1, 2013.

(C) The maximum amount that may be redirected shall be the lesser of the amount of funding the school district received on behalf of the charter school in the 2012–13 fiscal year pursuant to paragraph (2) of subdivision (b) of Section 42605, Section 42606, and subdivision (b) of Section 47634.1, as those sections read on January 1, 2013, or the amount computed pursuant to subparagraph (B).

(3) Commencing with the 2013–14 fiscal year, a school district operating one or more affiliated charter schools shall provide each affiliated charter school schoolsite with no less than the amount of funding the schoolsite received pursuant to the charter school block grant in the 2012–13 fiscal year.

(m) Any calculations in law that are used for purposes of determining if a local educational agency is an excess tax school entity or basic aid school district, including, but not limited to, this section and Sections 41544, 42238.03, 47632, 47660, 47663, 48310, and 48359.5, and Section 95 of the Revenue and Taxation Code, shall exclude the revenue received pursuant to subparagraph (B) of paragraph (3) of subdivision (e) of Section 36 of Article XIII of the California Constitution.

(n) The funds apportioned pursuant to this section and Section 42238.03 shall be available to implement the activities required pursuant to Article 4.5 (commencing with Section 52059.5) of Chapter 6.1 of Part 28 of Division 4.

(o) A school district that does not receive an apportionment of state funds pursuant to this section, as implemented pursuant to Section 42238.03, excluding funds apportioned pursuant to the requirements of subparagraph (A) of paragraph (2) of subdivision (e) of Section 42238.03, shall be considered a "basic aid school district" or an "excess tax entity."

SEC. 29. Section 42238.021 is added to the Education Code, to read:

42238.021. Notwithstanding any other law, for the 2020–21 fiscal year, the adjustments required pursuant to paragraph (4) of subdivision (a) of Section 2574, subparagraph (B) of paragraph (1) of subdivision (c) of Section 2574, subdivision (b) of Section 2575.1, paragraph (2) of subdivision (d) of Section 42238.02, and subdivision (b) of Section 42287 shall instead be zero.

SEC. 30. Section 42238.025 of the Education Code is amended to read:

42238.025. (a) In the 2013–14 fiscal year, the Superintendent shall compute an economic recovery target rate for each school district and charter school equal to the sum of the following:

(1) (A) For each school district, the school district's revenue limit in the 2012–13 fiscal year as computed pursuant to this article, as this article read on January 1, 2013, divided by the 2012–13 fiscal year average daily attendance of the school district computed pursuant to Section 42238.05. For purposes of this section, average daily attendance shall include any applicable revenue limit average daily attendance and shall be considered final for purposes of this section as of the annual apportionment for the 2012–13 fiscal year, as calculated for purposes of the certification required on or before February 20, 2014, pursuant to Sections 41332 and 41339.

(B) For each charter school, the charter school's general purpose funding as computed pursuant to Article 2 (commencing with Section 47633) of Chapter 6 of Part 26.8 of Division 4, as that article read on January 1, 2013, and the in-lieu property tax amount provided to the charter school pursuant to Section 47635, as that section read on January 1, 2013, divided by the 2012–13 fiscal year average daily attendance of the charter school computed pursuant to Section 42238.05. For purposes of this section, average daily attendance shall include any applicable charter school general purpose funding average daily attendance and shall be considered final for purposes of this section as of the annual apportionment for the 2012–13 fiscal year, as calculated for purposes of the certification required on or before February 20, 2014, pursuant to Sections 41332 and 41339.

(C) The amounts determined pursuant to subparagraphs (A) and (B) shall not reflect the deficit factor adjustments set forth in Section 42238.146, as that section read on January 1, 2013.

(D) The amounts determined pursuant to subparagraphs (A) and (B) shall be adjusted for the cost-of-living adjustment for the 2013–14 fiscal year pursuant to paragraph (2) of subdivision (d) of Section 42238.02 and an annual average cost-of-living adjustment of 1.94 percent for the 2014–15 fiscal year to the 2020–21 fiscal year, inclusive.

(2) (A) For each school district and charter school, the sum of the entitlements from items contained in Section 2.00 of the Budget Act of 2012 for Items 6110-104-0001, 6110-105-0001, 6110-108-0001, 6110-111-0001, 6110-124-0001, 6110-128-0001, 6110-137-0001, 6110-144-0001, 6110-156-0001, 6110-181-0001, 6110-188-0001, 6110-189-0001, 6110-190-0001, 6110-193-0001, 6110-195-0001, 6110-198-0001, 6110-204-0001, 6110-208-0001, 6110-209-0001, 6110-211-0001, 6110-212-0001, 6110-227-0001, 6110-228-0001, 6110-232-0001, 6110-240-0001, 6110-242-0001, 6110-243-0001, 6110-244-0001, 6110-245-0001, 6110-246-0001, 6110-247-0001, 6110-248-0001, 6110-260-0001, 6110-265-0001, 6110-267-0001, 6110-268-0001, 6360-101-0001, 2012–13 fiscal year funding for the Class Size Reduction Program pursuant to Chapter 6.10 (commencing with Section 52120) of Part 28 of Division 4, as it read on January 1, 2013, and 2012–13 fiscal year funding for pupils enrolled in community day schools who are mandatorily expelled pursuant to subdivision (d) of Section 48915, divided by the 2012–13 fiscal year average daily attendance of the school district computed pursuant to Section 42238.05. For purposes of this subparagraph, 2012–13 fiscal year entitlements shall be considered final as of the annual apportionment for the 2012–13 fiscal year, as calculated for purposes of the certification required on or before February 20, 2014, pursuant to Sections 41332 and 41339.

(B) The amounts determined pursuant to this subdivision shall not be adjusted for the reduction set forth in Section 12.42 of the Budget Act of 2012.

(b) Of the amounts computed for school districts pursuant to subdivision (a), the Superintendent shall determine the funding rate per unit of average daily attendance above which fall not more than 10 percent of the total number of school districts statewide.

(c) The Superintendent shall compute a 2020–21 fiscal year local control funding formula rate for each school district and charter school equal to the amount computed pursuant to Section 42238.02 for the 2013–14 fiscal year, adjusted for an annual average cost-of-living adjustment of 1.94 percent for the 2014–15 fiscal year to the 2020–21 fiscal year, inclusive, divided by the 2013–14 fiscal year average daily attendance of the school district or charter school computed pursuant to Section 42238.05. For purposes of this subdivision, the amount computed pursuant to Section 42238.02 for the 2013–14 fiscal year shall be considered final as of the second principal apportionment for the 2013–14 fiscal year, as calculated for purposes of the certification required on or before July 2, 2014, pursuant to Sections 41335 and 41339.

(d) (1) For each school district and charter school that has a funding rate per unit of average daily attendance computed pursuant to subdivision (a) that is equal to, or below, the funding rate per unit of average daily attendance determined pursuant to subdivision (b), the Superintendent shall subtract the amount computed pursuant to subdivision (c) from the amount computed pursuant to subdivision (a). Each school district or charter school for which this calculation yields an amount greater than zero shall be eligible for an economic recovery target payment equal to the amount of the difference. A school district or charter school that has a funding rate per unit of average daily attendance calculated pursuant to subdivision (a) that exceeds the rate calculated pursuant to subdivision (b) shall not be eligible for an economic recovery target payment.

(2) Each school district or charter school eligible for an economic recovery target payment pursuant to paragraph (1) shall receive the following apportionments:

(A) For the 2013–14 fiscal year, one-eighth of the amount calculated pursuant to paragraph (1) multiplied by the 2012–13 fiscal year average daily attendance computed pursuant to Section 42238.05.

(B) For the 2014–15 fiscal year, one-quarter of the amount calculated pursuant to paragraph (1) multiplied by the 2012–13 fiscal year average daily attendance computed pursuant to Section 42238.05.

(C) For the 2015–16 fiscal year, three-eighths of the amount calculated pursuant to paragraph (1) multiplied by the 2012–13 fiscal year average daily attendance computed pursuant to Section 42238.05.

(D) For the 2016–17 fiscal year, one-half of the amount calculated pursuant to paragraph (1) multiplied by the 2012–13 fiscal year average daily attendance computed pursuant to Section 42238.05.

(E) For the 2017–18 fiscal year, five-eighths of the amount calculated pursuant to paragraph (1) multiplied by the 2012–13 fiscal year average daily attendance computed pursuant to Section 42238.05.

(F) For the 2018–19 fiscal year, three-quarters of the amount calculated pursuant to paragraph (1) multiplied by the 2012–13 fiscal year average daily attendance computed pursuant to Section 42238.05.

(G) For the 2019–20 fiscal year, seven-eighths of the amount calculated pursuant to paragraph (1) multiplied by the 2012–13 fiscal year average daily attendance computed pursuant to Section 42238.05.

(H) For the 2020–21 fiscal year and each fiscal year thereafter, the amount calculated pursuant to paragraph (1) multiplied by the 2012–13 fiscal year average daily attendance computed pursuant to Section 42238.05.

(3) In each fiscal year until a determination has been made that all school districts and charter schools equal or exceed the local control funding formula target computed pursuant to Section 42238.02, as determined by the calculation of a zero difference pursuant to paragraph (1) of subdivision (b) of Section 42238.03, the economic recovery target payment apportioned to each eligible school district or charter school pursuant to paragraph (2) shall be added to the school district's or charter school's funding amounts that are continuously appropriated pursuant to subdivision (a) of Section 42238.03 and included in the amount of funding that is subject to offset pursuant to subdivision (c) of Section 42238.03. The amount apportioned pursuant to paragraph (2) shall not receive a cost-of-living adjustment.

(4) Commencing with the first fiscal year in which all school districts and charter schools are apportioned funding pursuant to Section 42238.02, the economic recovery target calculated pursuant to subparagraph (H) of paragraph (2) shall be included as an add-on to the amounts computed pursuant to subdivisions (c) to (i), inclusive, of Section 42238.02 and included in the amount of funding that is subject to offset pursuant to subdivision (j) of Section 42238.02. The amount included as an add-on pursuant to this paragraph shall not receive a cost-of-living adjustment.

(e) (1) The economic recovery target payment calculated pursuant to subparagraph (H) of paragraph (2) of subdivision (d) for a restructured charter school shall be the following:

(A) For a transferred charter school, the economic recovery target payment shall be equal to the amount calculated for the original charter school.

(B) For an acquiring charter school, the economic recovery target payment shall be equal to the sum of the amounts calculated for the original charter schools. This subparagraph shall become inoperative on July 1, 2023, unless its operation is extended by the Legislature.

(C) For a divided charter school, the economic recovery target payment shall be divided between the restructured portions of a divided charter school and the remaining portion of a divided charter school based on each charter school's share of the combined average daily attendance of the charter schools computed pursuant to Section 42238.05 as of the second principal apportionment in the fiscal year immediately before the first fiscal year of instruction as a restructured charter school. Data regarding average daily attendance shall be provided by the charter school in a format prescribed by the Superintendent. The total average daily attendance attributable to the restructured and remaining portions of a divided charter school shall not exceed the total average daily attendance of the original charter school for the applicable fiscal year. The amounts shall be final as of the second principal apportionment for the first fiscal year of instruction as a restructured charter school and each fiscal year thereafter.

(2) The definitions in Section 47654 apply for purposes of this subdivision.

SEC. 31. Section 42238.03 of the Education Code is amended to read:

42238.03. (a) Commencing with the 2013–14 fiscal year and each fiscal year thereafter, the Superintendent shall calculate a base entitlement for the transition to the local control funding formula for each school district and charter school equal to the sum of the amounts computed pursuant to paragraphs (1) to (4), inclusive. The amounts computed pursuant to paragraphs (1) to (4), inclusive, shall be continuously appropriated pursuant to Section 14002.

(1) The current fiscal year base entitlement funding level shall be the sum of all of the following:

(A) For school districts, revenue limits in the 2012–13 fiscal year as computed pursuant to Article 2 (commencing with Section 42238), as that article read on January 1, 2013, divided by the 2012–13 average daily attendance of the school district computed pursuant to Section 42238.05. That quotient shall be multiplied by the current fiscal year average daily attendance of the school district computed pursuant to Section 42238.05. A school district's 2012–13 fiscal year revenue limit funding shall exclude amounts computed pursuant to Article 4 (commencing with Section 42280). For purposes of this subparagraph, 2012–13 fiscal year average daily attendance and 2012–13 fiscal year revenue limits shall be considered final as of the annual apportionment for the 2012–13 fiscal year, as calculated for purposes of the certification required on or before February 20, 2014, pursuant to Sections 41332 and 41339.

(B) (i) For charter schools, general purpose funding in the 2012–13 fiscal year as computed pursuant to Article 2 (commencing with Section 47633) of Chapter 6 of Part 26.8 of Division 4, as that article read on January 1, 2013, and the amount of in-lieu property tax provided to the charter school pursuant to Section 47635, as that section read on June 30, 2013, divided by the 2012–13 average daily attendance of the charter school computed pursuant to Section 42238.05. That quotient shall be multiplied by the current fiscal year average daily attendance of the charter school computed pursuant to Section 42238.05. For purposes of this subparagraph, 2012–13 fiscal year average daily attendance and 2012–13 fiscal year general purpose funding, as computed pursuant to Article 2 (commencing with Section 47633) of Chapter 6 of Part 26.8 of Division 4, as that article read on January 1, 2013, shall be considered final as of the annual apportionment for the 2012–13 fiscal year, as calculated for purposes of the certification required on or before February 20, 2014, pursuant to Sections 41332 and 41339.

(ii) The amount computed pursuant to clause (i) shall exclude funds received by a charter school pursuant to Section 47634.1, as that section read on January 1, 2013.

(C) The amount computed pursuant to subparagraph (A) shall exclude funds received pursuant to Section 47633, as that section read on January 1, 2013.

(D) For school districts, funding for qualifying necessary small high schools and necessary small elementary schools shall be adjusted to reflect the funding levels that correspond to the 2012–13 necessary small high school and necessary small elementary school allowances pursuant to Article 4 (commencing with Section 42280) and former Section 42238.146, as those provisions read on January 1, 2013.

(2) (A) Entitlements from items contained in Section 2.00, as adjusted pursuant to Section 12.42, of the Budget Act of 2012 for Items 6110-104-0001, 6110-105-0001, 6110-108-0001, 6110-111-0001, 6110-124-0001, 6110-128-0001, 6110-137-0001, 6110-144-0001, 6110-156-0001, 6110-181-0001, 6110-188-0001, 6110-189-0001, 6110-190-0001, 6110-193-0001, 6110-195-0001, 6110-198-0001, 6110-204-0001, 6110-208-0001, 6110-209-0001, 6110-211-0001, 6110-212-0001, 6110-227-0001, 6110-228-0001, 6110-232-0001, 6110-240-0001, 6110-242-0001, 6110-243-0001, 6110-244-0001, 6110-245-0001, 6110-246-0001, 6110-247-0001, 6110-248-0001, 6110-260-0001, 6110-265-0001, 6110-267-0001, 6110-268-0001, and 6360-101-0001, 2012–13 fiscal year funding for the Class Size Reduction Program pursuant to former Chapter 6.10 (commencing with Section 52120) of Part 28 of Division 4, as it read on January 1, 2013, and 2012–13 fiscal year funding for pupils enrolled in community day schools who are mandatorily expelled pursuant to subdivision (d) of Section 48915. The entitlement for basic aid school districts shall include the reduction of 8.92 percent as applied pursuant to subparagraph (A) of paragraph (1) of subdivision (a) of Section 89 of Chapter 38 of the Statutes of 2012. For purposes of this subparagraph, 2012–13 fiscal year entitlements shall be considered final as of the annual apportionment for the 2012–13 fiscal year, as calculated for purposes of the certification required on or before February 20, 2014, pursuant to Sections 41332 and 41339.

(B) Commencing with the 2014–15 fiscal year, the entitlements identified in subparagraph (A) shall be adjusted to reflect the exclusion of one-time redevelopment agency liquid asset recovery revenue, pursuant to Section 34179.5 and following, of the Health and Safety Code, before the application of the 8.92-percent reduction applied pursuant to subparagraph (A) of paragraph (1) of subdivision (a) of Section 3 of Chapter 2 of the Statutes of 2012.

(3) The allocations pursuant to Sections 42606 and 47634.1, as those sections read on January 1, 2013, divided by the 2012–13 average daily attendance of the charter school computed pursuant to Section 42238.05. That quotient shall be multiplied by the current fiscal year average daily attendance of the charter school computed pursuant to Section 42238.05.

(4) The amount allocated to a school district or charter school pursuant to paragraph (3) of subdivision (b) for the fiscal years before the current fiscal year divided by the average daily attendance of the school district or charter school for the fiscal years before the current fiscal year computed pursuant to Section 42238.05. That quotient shall be multiplied by the current fiscal year average daily attendance of the school district or charter school computed pursuant to Section 42238.05. For purposes of this paragraph, the amount allocated pursuant to paragraph (3) of subdivision (b) for the fiscal years before the current fiscal year, and the average daily attendance of the school district or charter school for the fiscal years before the current fiscal year, as computed pursuant to Section 42238.05, shall be considered final as of the third recertification of the annual apportionment.

(5) (A) For the 2013–14 and 2014–15 fiscal years only, a school district that, in the 2012–13 fiscal year, from any of the funding sources identified in paragraph (1) or (2), received funds on behalf of, or provided funds to, a regional occupational center or program joint powers agency established in accordance with Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code for purposes of providing instruction to secondary pupils shall not redirect that funding for another purpose unless otherwise authorized in law or pursuant to an agreement between the regional occupational center or program joint powers agency and the contracting school district.

(B) For the 2013–14 and 2014–15 fiscal years only, if a regional occupational center or program joint powers agency established in accordance with Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code for purposes of providing instruction to pupils enrolled in grades 9 to 12, inclusive, received, in the 2012–13 fiscal year, an apportionment of funds directly from any of the funding sources identified in subparagraph (A) of paragraph (2) of subdivision (a), the Superintendent shall apportion that same amount to the regional occupational center or program joint powers agency.

(6) (A) (i) For the 2013–14 and 2014–15 fiscal years only, a school district that, in the 2012–13 fiscal year, from any of the funding sources identified in paragraph (1) or (2), received funds on behalf of, or provided funds to, a home-to-school transportation joint powers agency established in accordance with Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code for purposes of providing pupil transportation shall not redirect that funding for another purpose unless otherwise authorized in law or pursuant to an agreement between the home-to-school transportation joint powers agency and the contracting school district.

(ii) For the 2013–14 and 2014–15 fiscal years only, if a home-to-school transportation joint powers agency established in accordance with Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code for purposes of providing pupil transportation received, in the 2012–13 fiscal year, an apportionment of funds directly from the Superintendent from any of the funding sources identified in subparagraph (A) of paragraph (2) of subdivision (a), the Superintendent shall apportion that same amount to the home-to-school transportation joint powers agency.

(iii) If a home-to-school transportation joint powers agency, established pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code for purposes of providing pupil transportation, received an apportionment directly from the Superintendent from any of the funding sources specified in subparagraph (A) of paragraph (2) of subdivision (a) for the 2012–13 fiscal year, the joint powers agency may identify the member local educational agencies and transfer entitlement to that funding to any of those member local educational agencies by reporting to the Superintendent, on or before September 30, 2015, the reassignment of a specified amount of the joint powers agency's 2012–13 fiscal year entitlement to the member local educational agency. Commencing with the 2015–16 fiscal year, the Superintendent shall add the reassigned amounts to the amounts calculated pursuant to subparagraph (A) of paragraph (2) of subdivision (a).

(B) In addition to subparagraph (A), of the funds a school district receives for home-to-school transportation programs the school district shall expend, pursuant to former Article 2 (commencing with Section 39820) of Chapter 1 of Part 23.5, former Article 10 (commencing with Section 41850) of Chapter 5, and the Small School District Transportation program, as set forth in former Article 4.5 (commencing with Section 42290), as those articles read on January 1, 2013, no less for those programs than the amount of funds the school district expended for home-to-school transportation in the 2012–13 fiscal year.

(7) For the 2013–14 and 2014–15 fiscal years only, of the funds a school district receives for purposes of regional occupational centers or programs, or adult education, the school district shall expend no less than the amount of funds the school district expended for purposes of regional occupational centers or programs, or adult education, respectively, in the 2012–13 fiscal year. For purposes of this paragraph, a school district may include expenditures made by its county office of education within the school district for purposes of regional occupational centers or programs so long as the total amount of expenditures by the school district and the county office of education equal or exceed the total amount required to be expended for purposes of regional occupational centers or programs pursuant to this paragraph and paragraph (3) of subdivision (k) of Section 2575.

(8) For the 2013–14 and 2014–15 fiscal years only, and for purposes of ensuring the continuity of essential induction and training services for beginning teachers, the Alameda County Superintendent of Schools shall withhold five hundred eighty-one thousand five hundred forty dollars ($581,540) from the local control funding formula apportionments of the Newark Unified School District, and from those withheld funds shall allocate the following amounts to the following entities:

(A) One hundred forty-seven thousand nine hundred twenty dollars ($147,920) to the Alameda Unified School District.

(B) One hundred four thousand dollars ($104,000) to the San Leandro Unified School District.

(C) One hundred sixty-four thousand six hundred twenty dollars ($164,620) to the Berkeley Unified School District.

(D) One hundred sixty-five thousand dollars ($165,000) to the San Lorenzo Unified School District.

(b) Compute an annual local control funding formula transition adjustment for each school district and charter school as follows:

(1) Subtract the amount computed pursuant to paragraphs (1) to (4), inclusive, of subdivision (a) from the amount computed for each school district or charter school under the local control funding formula entitlements computed pursuant to Section 42238.02. School districts and charter schools with a negative difference shall be deemed to have a zero difference.

(2) Each school district's and charter school's total need, as calculated pursuant to paragraph (1), shall be divided by the sum of all school districts' and charter schools' total need to determine the school district's or charter school's respective proportions of total need.

(3) (A) Each school district's and charter school's proportion of total need shall be multiplied by any available appropriations specifically made for purposes of this subdivision, and added to the school district's or charter school's funding amounts as calculated pursuant to subdivision (a).

(B) For purposes of subparagraph (A), the proportion of total need that is funded from any available appropriations specifically made for purposes of this subdivision for a fiscal year shall be considered fixed as of the second principal apportionment for that fiscal year. Adjustments to a school district's or charter school's total need, as computed pursuant to paragraph (1), subsequent to the second principal apportionment for a fiscal year, shall be funded based on the fixed proportion of total need that is funded for that fiscal year pursuant to this subdivision and shall be continuously appropriated pursuant to Section 14002.

(4) If the total amount of funds appropriated for purposes of paragraph (3) pursuant to this subdivision are sufficient to fully fund any positive amounts computed pursuant to paragraph (1), the local control funding formula grant computed pursuant to subdivision (c) of Section 42238.02 shall be adjusted to ensure that any available appropriation authority is expended for purposes of the local control funding formula.

(c) The Superintendent shall subtract from the amounts computed pursuant to subdivisions (a) and (b) the sum of the following:

(1) (A) For school districts, the property tax revenue received pursuant to Chapter 3.5 (commencing with Section 75) and Chapter 6 (commencing with Section 95) of Part 0.5 of Division 1 of the Revenue and Taxation Code.

(B) For charter schools, the in-lieu property tax amount provided to a charter school pursuant to Section 47635.

(2) The amount, if any, received pursuant to Part 18.5 (commencing with Section 38101) of Division 2 of the Revenue and Taxation Code.

(3) The amount, if any, received pursuant to Chapter 3 (commencing with Section 16140) of Part 1 of Division 4 of Title 2 of the Government Code.

(4) Prior years' taxes and taxes on the unsecured roll.

(5) Fifty percent of the amount received pursuant to Section 41603.

(6) The amount, if any, received pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code), less any amount received pursuant to Section 33401 or 33676 of the Health and Safety Code that is used for land acquisition, facility construction, reconstruction, or remodeling, or deferred maintenance and that is not an amount received pursuant to Section 33492.15, or paragraph (4) of subdivision (a) of Section 33607.5, or Section 33607.7 of the Health and Safety Code that is allocated exclusively for educational facilities.

(7) The amount, if any, received pursuant to Sections 34177, 34179.5, 34179.6, 34183, and 34188 of the Health and Safety Code.

(8) Revenue received pursuant to subparagraph (B) of paragraph (3) of subdivision (e) of Section 36 of Article XIII of the California Constitution.

(d) A school district or charter school that has a zero difference pursuant to paragraph (1) of subdivision (b) in the prior fiscal year shall receive an entitlement equal to the amount calculated pursuant to Section 42238.02 in the current fiscal year and future fiscal years.

(e) Notwithstanding paragraph (2) of subdivision (g), or the computations pursuant to subdivisions (b) to (d), inclusive, and Section 42238.02, commencing with the 2013–14 fiscal year, a school district or charter school shall receive state-aid funding of no less than the sum of the amounts computed pursuant to paragraphs (1) to (3), inclusive.

(1) (A) For school districts, revenue limits in the 2012–13 fiscal year as computed pursuant to Article 2 (commencing with Section 42238), as that article read on January 1, 2013, divided by the 2012–13 average daily attendance of the school district computed pursuant to Section 42238.05. That quotient shall be multiplied by the current fiscal year average daily attendance of the school district computed pursuant to Section 42238.05. A school district's 2012–13 revenue limit funding shall exclude amounts computed pursuant to Article 4 (commencing with Section 42280). For purposes of this subparagraph, 2012–13 fiscal year average daily attendance and 2012–13 fiscal year revenue limits shall be considered final as of the annual apportionment for the 2012–13 fiscal year, as calculated for purposes of the certification required on or before February 20, 2014, pursuant to Sections 41332 and 41339.

(B) (i) For charter schools, general purpose funding in the 2012–13 fiscal year as computed pursuant to Article 2 (commencing with Section 47633) of Chapter 6 of Part 26.8 of Division 4, as that article read on January 1, 2013, and the amount of in-lieu property tax provided to the charter school in the 2012–13 fiscal year pursuant to Section 47635, as that section read on January 1, 2013, divided by the 2012–13 average daily attendance of the charter school computed pursuant to Section 42238.05. That quotient shall be multiplied by the current fiscal year average daily attendance of the charter school computed pursuant to Section 42238.05. For purposes of this subparagraph, 2012–13 fiscal year average daily attendance and 2012–13 fiscal year general purpose funding, as computed pursuant to Article 2 (commencing with Section 47633) of Chapter 6 of Part 26.8 of Division 4, as that article read on January 1, 2013, shall be considered final as of the annual apportionment for the 2012–13 fiscal year, as calculated for purposes of the certification required on or before February 20, 2014, pursuant to Sections 41332 and 41339.

(ii) The amount computed pursuant to clause (i) shall exclude funds received by a charter school pursuant to Section 47634.1, as that section read on January 1, 2013.

(C) The amount computed pursuant to subparagraph (A) shall exclude funds received pursuant to Section 47633, as that section read on January 1, 2013.

(D) For school districts, the 2012–13 funding allowance provided for qualifying necessary small high schools and necessary small elementary schools pursuant to Article 4 (commencing with Section 42280) and Section 42238.146, as those provisions read on January 1, 2013.

(E) The amount computed pursuant to subparagraphs (A) to (D), inclusive, shall be reduced by the sum of the amount computed pursuant to paragraphs (1) to (8), inclusive, of subdivision (c).

(2) (A) Entitlements from items contained in Section 2.00, as adjusted pursuant to Section 12.42, of the Budget Act of 2012 for Items 6110-104-0001, 6110-105-0001, 6110-108-0001, 6110-111-0001, 6110-124-0001, 6110-128-0001, 6110-137-0001, 6110-144-0001, 6110-156-0001, 6110-181-0001, 6110-188-0001, 6110-189-0001, 6110-190-0001, 6110-193-0001, 6110-195-0001, 6110-198-0001, 6110-204-0001, 6110-208-0001, 6110-209-0001, 6110-211-0001, 6110-212-0001, 6110-227-0001, 6110-228-0001, 6110-232-0001, 6110-240-0001, 6110-242-0001, 6110-243-0001, 6110-244-0001, 6110-245-0001, 6110-246-0001, 6110-247-0001, 6110-248-0001, 6110-260-0001, 6110-265-0001, 6110-267-0001, 6110-268-0001, and 6360-101-0001, 2012–13 fiscal year funding for the Class Size Reduction Program pursuant to former Chapter 6.10 (commencing with Section 52120) of Part 28 of Division 4, as it read on January 1, 2013, and 2012–13 fiscal year funding for pupils enrolled in community day schools who are mandatorily expelled pursuant to subdivision (d) of Section 48915. The entitlement for basic aid school districts shall include the reduction of 8.92 percent as applied pursuant to subparagraph (A) of paragraph (1) of subdivision (a) of Section 89 of Chapter 38 of the Statutes of 2012. For purposes of this subparagraph, 2012–13 fiscal year entitlements shall be considered final as of the annual apportionment for the 2012–13 fiscal year, as calculated for purposes of the certification required on or before February 20, 2014, pursuant to Sections 41332 and 41339.

(B) Commencing with the 2014–15 fiscal year, the entitlements identified in subparagraph (A) shall be adjusted to reflect the exclusion of one-time redevelopment agency liquid asset recovery revenue, pursuant to Section 34179.5 and following, of the Health and Safety Code, before the application of the 8.92-percent reduction applied pursuant to subparagraph (A) of paragraph (1) of subdivision (a) of Section 3 of Chapter 2 of the Statutes of 2012.

(C) The Superintendent shall annually apportion any entitlement provided to the state special schools from the items specified in subparagraph (A) to the state special schools in the same amount as the state special schools received from those items in the 2012–13 fiscal year.

(D) Commencing with the 2015–16 fiscal year, any portion of funding transferred to a school district or charter school by a joint powers agency pursuant to clause (iii) of subparagraph (A) of paragraph (6) of subdivision (a) shall be deemed to be included in the entitlements specified in subparagraph (A) for the school district or charter school.

(3) The allocations pursuant to Sections 42606 and 47634.1, as those sections read on January 1, 2013, divided by the 2012–13 average daily attendance of the charter school. That quotient shall be multiplied by the current fiscal year average daily attendance of the charter school.

(4) (A) For purposes of this subdivision, funding for a restructured charter school shall be calculated as follows:

(i) Funding for a transferred charter school that meets the requirements of Section 47653 shall be calculated by doing both of the following:

(I) For purposes of paragraphs (1) and (3), using the quotient calculated for the original charter school.

(II) For purposes of paragraph (2), using the same amount of entitlement funding calculated for the charter school before the restructuring.

(ii) (I) Funding for an acquiring charter school that meets the requirements of Section 47653 shall be calculated by doing both of the following:

(ia) For purposes of paragraphs (1) and (3), using the median quotient calculated for the original charter schools.

(ib) For purposes of paragraph (2), using the same amount of entitlement funding calculated for each original charter school before the restructuring.

(II) This clause shall become inoperative on July 1, 2023, unless its operation is extended by the Legislature.

(iii) Funding for a divided charter school that meets the requirements of Section 47653 shall be calculated by doing the following:

(I) For purposes of paragraphs (1) and (3), using the quotients calculated for the original charter school for both the restructured portions of a divided charter school and the remaining portion of a divided charter school.

(II) For purposes of paragraph (2), dividing the amount between the restructured portions of a divided charter school and the remaining portion of a divided charter school based on each charter school's share of the combined average daily attendance of the original charter school computed pursuant to Section 42238.05 as of the second principal apportionment in the fiscal year immediately before the first fiscal year of instruction as a restructured charter school. Data regarding average daily attendance shall be provided by the charter school in a format prescribed by the Superintendent. The total average daily attendance attributable to the restructured and remaining portions of a divided charter school shall not exceed the total average daily attendance of the original charter school for the applicable fiscal year. The amounts shall be final as of the second principal apportionment for the first fiscal year of instruction as a restructured charter school and each fiscal year thereafter.

(B) The definitions in Section 47654 apply for purposes of this paragraph.

(f) (1) For purposes of this section, commencing with the 2013–14 fiscal year and until all school districts and charter schools equal or exceed their local control funding formula target computed pursuant to Section 42238.02, as determined by the calculation of a zero difference pursuant to paragraph (1) of subdivision (b), a newly operational charter school shall be determined to have a prior year funding amount per unit of average daily attendance equal to the lesser of:

(A) The prior year funding amount per unit of average daily attendance for the school district in which the charter school is physically located. The Superintendent shall calculate the funding amount per unit of average daily attendance for this purpose by dividing the total local control funding formula entitlement, calculated pursuant to subdivisions (a) and (b), received by that school district in the prior year by prior year funded average daily attendance of that school district. For purposes of this subparagraph, a charter school that is physically located in more than one school district shall use the calculated local control funding entitlement per unit of average daily attendance of the school district with the highest prior year funding amount per unit of average daily attendance. For purposes of this subparagraph, the prior year funding amount per unit of average daily attendance for the school district in which the charter school is physically located shall be considered final as of the second principal apportionment of the prior fiscal year.

(B) The charter school's local control funding formula rate computed pursuant to subdivisions (c) to (i), inclusive, of Section 42238.02.

(2) For charter schools funded pursuant to paragraph (1), the charter school shall be eligible to receive growth funding pursuant to subdivision (b) toward meeting the newly operational charter school's local control funding formula target.

(3) Upon a determination that all school districts and charter schools equal or exceed the local control funding formula target computed pursuant to Section 42238.02, as determined by the calculation of a zero difference pursuant to paragraph (1) of subdivision (b) for all school districts and charter schools, this subdivision shall not apply and the charter school shall receive an allocation equal to the amount calculated under Section 42238.02 in that fiscal year and future fiscal years.

(4) For purposes of this subdivision, the determination of a charter school's physical location shall be considered final as of the second principal apportionment for the applicable fiscal year.

(g) (1) In each fiscal year the Superintendent shall determine the percentage of school districts that are apportioned funding pursuant to this section that is less than the amount computed pursuant to Section 42238.02 as of the second principal apportionments of the fiscal year. If the percentage is less than 10 percent, the Superintendent shall apportion funding to school districts and charter schools equal to the amount computed pursuant to Section 42238.02 in that fiscal year.

(2) For each fiscal year thereafter, the Superintendent shall apportion funding to a school district and charter school equal to the amount computed pursuant to Section 42238.02.

SEC. 32. Section 42238.15 of the Education Code is amended to read:

42238.15. (a) Notwithstanding any other law, and in lieu of any inflation or cost-of-living adjustment otherwise authorized for the programs enumerated in subdivision (b), state funding for the programs enumerated in subdivision (b) shall be increased annually by the product of the following:

(1) The sum of 1.0 plus the percentage change determined under paragraph (2) of subdivision (d) of Section 42238.02.

(2) The sum of 1.0 plus the percentage of increase, from the prior fiscal year to the current fiscal year, in each of the workload factors described in subdivision (b) or, for paragraph (2) of subdivision (b), zero, whichever is greater.

(b) The programs for which annual state funding increases are determined under this section, and the factors used to measure workload for each of those programs, are as follows:

(1) Special education programs and services, with workload measured by the regular second principal apportionment average daily attendance for kindergarten and grades 1 to 12, inclusive.

(2) Childcare and development programs, and preschool programs, with workload measured by the state population of children up to and including four years of age.

(c) Notwithstanding any other law, childcare and development programs shall not receive a cost-of-living adjustment in the 2012–13, 2013–14, 2014–15, and 2020–21 fiscal years.

SEC. 33. Section 42603.1 is added to the Education Code, to read:

42603.1. (a) For the 2020–21 and 2021–22 fiscal years, if the state defers any payments owed to school districts, the governing board of a school district may authorize, by resolution, moneys held in any fund or account to be temporarily transferred to another fund or account of the school district for payment of obligations. The transfer shall be accounted for as temporary borrowing between funds or accounts and shall not be available for appropriation or be considered income to the borrowing fund or account. Amounts transferred shall be repaid either in the same fiscal year, or in the following fiscal year if the transfer takes place within the final 120 calendar days of a fiscal year. Borrowing shall occur only if the fund or account receiving the money will earn sufficient income, during the current fiscal year, to repay the amount transferred. No more than 85 percent of the maximum of moneys held in any fund or account during a current fiscal year may be transferred.

(b) If a school district elects to exercise the authority described in subdivision (a), the governing board of the school district shall hold a public hearing to take testimony from the public before adopting the required resolution.

(c) This section shall become inoperative on July 1, 2023, and, as of January 1, 2024, is repealed.

SEC. 34. Part 24.5 (commencing with Section 43500) is added to Division 3 of Title 2 of the Education Code, to read:

PART 24.5. SCHOOL FINANCE, INSTRUCTION, AND ACCOUNTABILITY IN THE 2020–21 SCHOOL YEAR

43500. For purposes of this part, the following definitions apply:

(a) "Distance learning" means instruction in which the pupil and instructor are in different locations and pupils are under the general supervision of a certificated employee of the local educational agency. Distance learning may include, but is not limited to, all of the following:

(1) Interaction, instruction, and check-ins between teachers and pupils through the use of a computer or communications technology.

(2) Video or audio instruction in which the primary mode of communication between the pupil and certificated employee is online interaction, instructional television, video, telecourses, or other instruction that relies on computer or communications technology.

(3) The use of print materials incorporating assignments that are the subject of written or oral feedback.

(b) "In-person instruction" means instruction under the immediate physical supervision and control of a certificated employee of the local educational agency while engaged in educational activities required of the pupil.

(c) "Local educational agency" means a school district, county office of education, or charter school, excluding a charter school classified as a nonclassroom-based charter school pursuant to Sections 47612.5 and 47634.2 as of the 2019–20 fiscal year.

43501. For the 2020–21 school year, the minimum schoolday for a local educational agency is as follows:

(a) 180 instructional minutes in kindergarten.

(b) 230 instructional minutes in grades 1 to 3, inclusive.

(c) 240 instructional minutes in grades 4 to 12, inclusive.

(d) 180 instructional minutes for pupils in grades 11 and 12 that are also enrolled part time in classes of the California State University or the University of California for which academic credit will be provided upon satisfactory completion of enrolled courses.

(e) 180 instructional minutes for any pupil who is also a special part-time student enrolled in a community college under Article 1 (commencing with Section 48800) of Chapter 5 of Part 27 of Division 4 and who will receive academic credit upon satisfactory completion of enrolled courses.

(f) 180 instructional minutes for pupils enrolled in a continuation high school.

43502. (a) For purposes of calculating apportionments for the 2020–21 fiscal year, a local educational agency shall offer in-person instruction, and may offer distance learning, pursuant to the requirements of this part.

(b) Notwithstanding Sections 41601, 42238.05 to 42238.053, inclusive, and 46010, for purposes of calculating apportionments for the 2020–21 fiscal year for a local educational agency, except for a new charter school that is authorized by the governing board of a school district or county board of education on or before June 1, 2020, or approved by the state board at its July 8 and 9, 2020, meeting and that is beginning instruction in the 2020–21 school year, the department shall use the average daily attendance in the 2019–20 fiscal year reported for both the second period and the annual period apportionment that included all full school months from July 1, 2019, to February 29, 2020, inclusive, and extended year average daily attendance attributed to the 2019–20 school year reported pursuant to Section 96 of the act adding this part. Any positive adjustment to average daily attendance for the 2019–20 fiscal year in the second or annual period attendance report submitted to the Superintendent after August 17, 2020, shall be substantiated by concurrence from an independent auditor.

(c) For the 2020–21 fiscal year, a local educational agency shall satisfy the annual instructional day requirements described in Sections 41420, 46200.5, and 46208, and in Section 11960 of Title 5 of the California Code of Regulations through in-person instruction or a combination of in-person instruction and distance learning pursuant to this part.

(d) (1) For the 2020–21 fiscal year, a local educational agency shall not be required to offer the annual instructional minutes that it would otherwise have offered pupils to meet the requirements of Sections 46207 and 47612.5, or the implementing regulations for those sections.

(2) For the 2020–21 fiscal year, a local educational agency shall not be required to offer the minimum instructional minutes in physical education required pursuant to Sections 51210, 51220, 51222, and 51223.

(e) For the 2020–21 school year, instructional minutes shall be determined as follows:

(1) For in-person instruction, instructional minutes shall be based on time scheduled under the immediate physical supervision and control of an employee of the local educational agency who possesses a valid certification document, registered as required by law.

(2) For distance learning, instructional time shall be based on the time value of assignments as determined, and certified to, by an employee of the local educational agency who possesses a valid certification document, registered as required by law.

(3) For a combined day of instruction delivered through both in-person instruction and distance learning, time scheduled under the immediate supervision of an employee of the local educational agency who possesses a valid certification document can be combined with assignments made under the general supervision of an employee of the local educational agency who possesses a valid certification document as registered by law to meet the equivalent of a minimum day of instruction.

(f) For the 2020–21 school year, the process by which a local educational agency receives credit for a material decrease in average daily attendance for apportionment pursuant to Section 46392 due to an event described in Section 46392 that occurs during the 2020–21 fiscal year is suspended for all local educational agencies.

(g) Except for a new charter school that is authorized by the governing board of a school district or county board of education on or before June 1, 2020, or approved by the state board at its July 8 and 9, 2020, meeting, and that is beginning instruction in the 2020–21 school year, for purposes of any calculations that would use average daily attendance, the Superintendent, consistent with subdivision (b), shall use the local educational agency's average daily attendance in the 2019–20 school year in place of its average daily attendance in the 2020–21 school year.

43503. (a) (1) For the 2020–21 school year, a local educational agency that offers distance learning shall comply with the requirements of subdivision (b).

(2) Distance learning may be offered under either of the following circumstances:

(A) On a local educational agency or schoolwide level as a result of an order or guidance from a state public health officer or a local public health officer.

(B) For pupils who are medically fragile or would be put at risk by in-person instruction, or who are self-quarantining because of exposure to COVID-19.

(b) Distance learning shall include all of the following:

(1) Confirmation or provision of access for all pupils to connectivity and devices adequate to participate in the educational program and complete assigned work.

(2) Content aligned to grade level standards that is provided at a level of quality and intellectual challenge substantially equivalent to in-person instruction.

(3) Academic and other supports designed to address the needs of pupils who are not performing at grade level, or need support in other areas, such as English learners, pupils with exceptional needs, pupils in foster care or experiencing homelessness, and pupils requiring mental health supports.

(4) Special education, related services, and any other services required by a pupil's individualized education program pursuant to Section 56341, including the requirements of subparagraph (A) of paragraph (9) of subdivision (a) of Section 56345, with accommodations necessary to ensure that individualized education program can be executed in a distance learning environment.

(5) Designated and integrated instruction in English language development pursuant to Section 11300 of Title 5 of the California Code of Regulations for English learners, including assessment of English language proficiency, support to access curriculum, the ability to reclassify as fully English proficient, and, as applicable, support for dual language learning.

(6) Daily live interaction with certificated employees and peers for purposes of instruction, progress monitoring, and maintaining school connectedness. This interaction may take the form of internet or telephonic communication, or by other means permissible under public health orders. If daily live interaction is not feasible as part of regular instruction, the governing board or body of the local educational agency shall develop, with parent and stakeholder input, an alternative plan for frequent live interaction that provides a comparable level of service and school connectedness.

(c) Pursuant to Sections 49550 and 47613.5, school districts, county offices of education, and charter schools shall provide nutritionally adequate meals for pupils who are eligible for free and reduced-price meals, whether engaged in in-person instruction or distance learning, contingent upon the department receiving an approved waiver from the United States Department of Agriculture, for each day of the scheduled school year.

43504. (a) The compulsory education requirements described in Section 48200 continue to apply for the 2020–21 school year.

(b) A local educational agency shall offer in-person instruction to the greatest extent possible.

(c) For the 2020–21 school year, for purposes of the requirement on school districts to offer 180 instructional days per school year pursuant to Section 46208 and the requirement on charter schools to offer 175 instructional days per school year pursuant to Section 11960 of Title 5 of the California Code of Regulations, an instructional day is a day in which all pupils are scheduled for the length of the day established by the governing board or body of the local educational agency in a classroom under the immediate supervision of a certificated employee or in distance learning that meets the minimum requirements described in this part.

(d) (1) Each local educational agency shall document daily participation for each pupil on each schoolday, in whole or in part, for which distance learning is provided. A pupil who does not participate in distance learning on a schoolday shall be documented as absent for that schoolday.

(2) For purposes of this section, daily participation may include, but is not limited to, evidence of participation in online activities, completion of regular assignments, completion of assessments, and contacts between employees of the local educational agency and pupils or parents or guardians.

(e) Each local educational agency shall ensure that a weekly engagement record is completed for each pupil documenting synchronous or asynchronous instruction for each whole or partial day of distance learning, verifying daily participation, and tracking assignments.

(f) (1) A pupil who does not participate daily in either in-person instruction pursuant to subdivision (b) or distance learning pursuant to subdivision (d) shall be deemed absent by the local educational agency. A local educational agency shall use documentation of the absence for purposes of reporting its chronic absenteeism rates in its local control and accountability plan.

(2) Each local educational agency shall develop written procedures for tiered reengagement strategies for all pupils who are absent from distance learning for more than three schooldays or 60 percent of the instructional days in a school week. These procedures shall include, but are not limited to, verification of current contact information for each enrolled pupil, daily notification to parents or guardians of absences, a plan for outreach from the school to determine pupil needs including connection with health and social services as necessary and, when feasible, transitioning the pupil to full-time in-person instruction.

(g) Each school shall regularly communicate with parents and guardians regarding a pupil's academic progress.

(h) The Controller shall include instructions necessary to enforce the requirements of this part in the 2020–21 audit guide required by Section 14502.1.

(i) (1) For a school district or charter school that offers fewer than the instructional days required in subdivision (c), the Superintendent shall withhold from the local educational agency's local control funding formula grant apportionment for the prior year average daily attendance of each affected grade level, the sum of .0056 multiplied by that apportionment for each day less than what was required pursuant to this section.

(2) For a local educational agency that does not meet the requirements in subdivision (d), (e), or (f), the Superintendent shall withhold from the local educational agency's local control funding formula grant apportionment the percentage of days out of compliance multiplied by the derived value of average daily attendance, all multiplied by the average daily attendance of each affected grade level. For purposes of this paragraph, the percentage of days out of compliance is equivalent to the number of days out of compliance divided by the total number of instructional days required to be offered.

(3) A local educational agency that provides distance learning shall not be penalized for instruction provided before September 1, 2020, that fails to meet the requirements of this section.

43505. (a) For purposes of calculating apportionments for the 2020–21 fiscal year and for any other calculations that would be based on average daily attendance in the 2020–21 school year, for all newly operational charter schools that are authorized by the governing board of a school district or county board of education on or before June 1, 2020, or approved by the state board at its July 8 and 9, 2020, meeting and that are beginning instruction in the 2020–21 school year, the department shall use the enrollment of that charter school as of Information Day, October 7, 2020, based on data reported in the California Longitudinal Pupil Achievement Data System pursuant to Chapter 10 (commencing with Section 60900) of Part 33 of Division 4, reduced by either the statewide average rate of absence for elementary school districts for kindergarten and grades 1 to 8, inclusive, or the statewide average rate of absence for high school districts for grades 9 to 12, inclusive, as applicable, as calculated by the department for the prior fiscal year with the resultant figures and rates rounded to the nearest tenth.

(b) (1) For purposes of calculating apportionments for the 2020–21 fiscal year and for any other calculations that would be based on average daily attendance in the 2020–21 school year, for a nonclassroom-based charter school described in Section 47612.5 as of the 2019–20 fiscal year, the department shall use the nonclassroom-based charter school's average daily attendance in the 2019–20 fiscal year pursuant to subdivision (b) of Section 43502.

(2) For the 2020–21 school year, a nonclassroom-based charter school described in Section 47612.5 as of the 2019–20 fiscal year shall adopt a learning continuity and attendance plan pursuant to Section 43509, and shall not be required to adopt a local control and accountability plan pursuant to Section 47606.5.

(3) A nonclassroom-based charter school described in Section 47612.5 as of the 2019–20 fiscal year shall continue to comply with all of the statutory requirements in Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 of Division 4 and the implementing regulations for that article.

43506. (a) A charter school that offers distance learning pursuant to this part is not required to submit a request to its chartering authority for a material revision to its charter pursuant to Section 47607 in order to offer distance learning.

(b) Notwithstanding Section 47612.5, an existing classroom-based charter school that offers distance learning pursuant to this part and did not receive a nonclassroom-based funding determination in the 2019–20 fiscal year pursuant to Section 47612.5 shall not be considered a nonclassroom-based charter school in the 2020–21 fiscal year because it provides distance learning and shall not be required to submit a request for a funding determination.

43507. Notwithstanding Sections 15948.1 and 15103 of Title 5 of the California Code of Regulations, for purposes of calculating the local control funding formula grade span adjustment pursuant to Section 42238.02 or the class size penalty pursuant to Sections 41376 and 41378, "class" may include instruction offered through distance learning or in-person instruction pursuant to this part.

43508. Notwithstanding Sections 14022, 14022.3, and 14022.5, for purposes of computing the minimum funding obligation for school districts and community colleges pursuant to Sections 8 and 8.5 of Article XVI of the California Constitution for the 2020–21 fiscal year, both of the following definitions apply:

(a) "Change in enrollment" means the most recent available count of average daily attendance for the 2019–20 school year, adjusted for the change in enrollment between the most recent available count of average daily attendance for the 2018–19 school year and the most recent available count of average daily attendance for the 2019–20 school year.

(b) "Enrollment" means the most recent available count of average daily attendance for the 2019–20 school year.

43509. (a) (1) For the 2020–21 school year, the governing board of a school district, a county board of education, and the governing body of a charter school shall adopt both of the following:

(A) By September 30, 2020, a learning continuity and attendance plan pursuant to this section.

(B) By December 15, 2020, with the first interim report required pursuant to Sections 1240, 42131, and 47604.33, the local control funding formula budget overview for parents required pursuant to Section 52064.1.

(2) (A) The governing board of a school district, a county board of education, and the governing body of a charter school shall not be required to adopt a local control and accountability plan or an annual update to a local control and accountability plan pursuant to Article 4.5 (commencing with Section 52059.5) of Chapter 6.1 of Part 28 of Division 4 or Section 47606.5 for the 2020–21 school year.

(B) The governing board of a school district, a county board of education, and the governing body of a charter school shall not be required to comply with paragraph (2) of Executive Order No. N-56-20.

(b) The governing board of a school district, a county board of education, and the governing body of a charter school shall consult with teachers, principals, administrators, other school personnel, local bargaining units of the school district, county office of education, or charter school, parents, and pupils in developing a learning continuity and attendance plan pursuant to this section. Specifically, engagement under this section shall include all of the following:

(1) The superintendent of a school district, a county superintendent of schools, and a charter school administrator shall solicit recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the learning continuity and attendance plan.

(2) The superintendent of a school district, a county superintendent of schools, and a charter school administrator shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the learning continuity and attendance plan, using the most efficient method of notification possible. This paragraph does not require a school district, county board of education, or charter school to produce printed notices or to send notices by mail. The superintendent of a school district, a county superintendent of schools, and a charter school shall ensure that all written notifications related to the learning continuity and attendance plan are provided consistent with Section 48985.

(3) The superintendent of a school district and a county superintendent of schools shall present the learning continuity and attendance plan to the parent advisory committee and the English learner parent advisory committee established pursuant to Section 52063 separately for review and comment. The superintendent of a school district and a county superintendent of schools shall respond, in writing, to comments received from the parent advisory committee and the English learner parent advisory committee.

(4) The superintendent of a school district, a county superintendent of schools, and a charter school administrator shall present the learning continuity and attendance plan at a public hearing of the governing board of the school district, the county board of education, or the governing body of the charter school for review and comment by members of the public. The agenda for the public hearing shall be posted at least 72 hours before the public hearing and shall include the location where the learning continuity and attendance plan will be available for public inspection.

(5) (A) The governing board of a school district, a county board of education, and the governing body of a charter school shall adopt the learning continuity and attendance plan in a public meeting. This meeting shall be held after, but not on the same day as, the public hearing held pursuant to paragraph (4).

(B) The governing board of a school district, a county board of education, and the governing body of a charter school shall provide options for remote participation in the public hearings required by paragraph (4) and subparagraph (A) and include efforts to solicit feedback pursuant to paragraphs (1), (2), and (3) to reach pupils, families, educators, and other stakeholders who do not have internet access, or who speak languages other than English.

(c) (1) Not later than five days after adoption of a learning continuity and attendance plan, the governing board of a school district shall file the learning continuity and attendance plan with the county superintendent of schools. The county superintendent of schools may submit recommendations, in writing, for amendments to the learning continuity and attendance plan by October 30, 2020. The governing board of a school district shall consider the recommendations submitted by the county superintendent of schools in a public meeting within 15 days of receiving the recommendations. If a county superintendent of schools has jurisdiction over a single school district, the Superintendent shall perform the duties specified in this paragraph.

(2) Not later than five days after adoption of a learning continuity and attendance plan, the county board of education shall file the learning continuity and attendance plan with the Superintendent. The Superintendent may submit recommendations, in writing, for amendments to the learning continuity and attendance plan by October 30, 2020. The county board of education shall consider the recommendations submitted by the Superintendent in a public meeting within 15 days of receiving the recommendations.

(3) Not later than five days after adoption of a learning continuity and attendance plan, the governing body of a charter school shall file the learning continuity and attendance plan with its chartering authority and the county superintendent of schools, or only to the county superintendent of schools if the county board of education is the chartering authority.

(d) A learning continuity and attendance plan adopted pursuant to this section shall be posted consistent with the requirements of Sections 52065 and 47606.5.

(e) A learning continuity and attendance plan adopted by the governing board of a school district, a county board of education, or the governing body of a charter school shall address continuity of learning and include, for the school district, county office of education, or charter school and each school within the school district, county office of education, or charter school, all of the information specified in the template developed by the Superintendent pursuant to subdivision (f).

(f) On or before August 1, 2020, the Superintendent, in consultation with the executive director of the state board, shall develop a template for the learning continuity and attendance plan that includes, but is not limited to, all of the following:

(1) A description of how the school district, county office of education, or charter school will provide continuity of learning and address the impact of COVID-19 on pupils, staff, and the community in the following areas, and the specific actions and expenditures the school district, county office of education, or charter school anticipates taking to support its ability to address the impacts of COVID-19:

(A) In-person instructional offerings, and specifically, the actions the school district, county office of education, or charter school will take to offer classroom-based instruction whenever possible, particularly for pupils who have experienced significant learning loss due to school closures in the 2019–20 school year or are at greater risk of experiencing learning loss due to future school closures.

(B) Plans for a distance learning program, including all of the following:

(i) How the school district, county office of education, or charter school will provide continuity of instruction during the school year to ensure pupils have access to a full curriculum of substantially similar quality regardless of the method of delivery. This shall include a plan for curriculum and instructional resources that will ensure instructional continuity for pupils if a transition between in-person instruction and distance learning is necessary.

(ii) A plan for ensuring access to devices and connectivity for all pupils to support distance learning whenever it occurs.

(iii) How the school district, county office of education, or charter school will measure participation and assess pupil progress through live contacts and synchronous instructional minutes, as well as how the time value of pupil work will be measured.

(iv) What professional development and resources will be provided to staff to support the provision of distance learning, including technological support.

(v) To the extent that staff roles and responsibilities change because of COVID-19, what the new roles and responsibilities of affected staff will be.

(vi) What additional supports for pupils with unique needs will be provided, including for English learners, pupils with exceptional needs served across the full continuum of placements, pupils in foster care, and pupils who are experiencing homelessness during the period in which distance learning is provided.

(C) How the school district, county office of education, or charter school will address pupil learning loss that results from COVID-19 during the 2019–20 and 2020–21 school years, including all of the following:

(i) How the school district, county office of education, or charter school will assess pupils to measure pupil learning status, particularly in the areas of English language arts, English language development, and mathematics.

(ii) What actions and strategies the school district, county office of education, or charter school will use to address learning loss and accelerate learning progress for pupils, as needed, and how these strategies differ for pupils who are classified as English learners, are eligible for a free or reduced-price meal, or are foster youth, as those terms are defined in Section 42238.01, individuals with exceptional needs, pupils in foster care, and pupils who are experiencing homelessness.

(iii) How the effectiveness of the services or supports provided to address learning loss will be measured.

(D) How the school district, county office of education, or charter school will monitor and support the mental health and social and emotional well-being of pupils and staff during the school year.

(E) What professional development will be provided to staff, and what resources will be provided to pupils and staff to address trauma and other impacts of COVID-19 on the school community.

(F) Pupil engagement and outreach, including the procedures of the school district, county office of education, or charter school for tiered reengagement strategies for pupils who are absent from distance learning, and how the school district, county office of education, or charter school will provide outreach to pupils and their parents or guardians, including in languages other than English, when pupils are not meeting compulsory education requirements, or the school district, county office of education, or charter school determines the pupil is not engaging in instruction and is at risk of learning loss.

(G) School nutrition, including how the school district, county office of education, or charter school will provide meals for pupils who are eligible for free or reduced-price meals, as defined in Section 42238.01, for pupils participating in both in-person instruction and distance learning, as applicable and contingent upon the department receiving an approved waiver from the United States Department of Agriculture, for each day of the scheduled school year.

(2) For each of the areas described in paragraph (1), the learning continuity and attendance plan shall describe how federal and state funding included in the original or revised budget adopted by the governing board of a school district, a county board of education, or the governing body of a charter school is used to support the efforts described in the learning continuity and attendance plan, including federal and state funds provided for learning loss mitigation pursuant to Section 110 of the act adding this part. If the actions and expenditures described in paragraph (1) are not included in the budget, the learning continuity and attendance plan shall reference how these expenditures will be included in the first interim report of the school district, county office of education, or charter school pursuant to Section 1240, 42131, or 47604.33.

(3) The learning continuity and attendance plan shall include a description of how the school district, county office of education, or charter school is increasing or improving services in proportion to funds generated on the basis of the number and concentration of unduplicated pupils under the local control funding formula pursuant to Sections 2574, 2575, 42238.02, and 42238.03 in the 2020–21 fiscal year pursuant to the regulations adopted by the state board pursuant to Section 42238.07. The description shall include the portion of any federal funds provided to backfill reductions to the local control funding formula on a dollar-for-dollar basis generated on the basis of the number and concentration of unduplicated pupils pursuant to Sections 2574, 2575, 42238.02, and 42238.03.

43510. If any activities authorized pursuant to this part and implementing regulations are found to be a state reimbursable mandate pursuant to Section 6 of Article XIII B of the California Constitution, funding provided for school districts, county offices of education, and charter schools pursuant to Sections 2574, 2575, 42238.02, and 42238.03 shall be used to directly offset any mandated costs.

43511. (a) The requirements of this part shall not be waived by the state board pursuant to Section 33050 or any other law.

(b) This part shall become inoperative on June 30, 2021, and, as of January 1, 2022, is repealed.

SEC. 35. Section 44225.4 is added to the Education Code, to read:

44225.4. The time of validity of examination scores used to satisfy a requirement for the issuance of a credential, certificate, permit, or waiver pursuant to subdivision (b) of Section 80071 of Title 5 of the California Code of Regulations is extended to 11 years for any score used to satisfy a requirement from March 19, 2020, to June 30, 2021, inclusive.

SEC. 36. Section 44235.4 is added to the Education Code, to read:

44235.4. The time of validity of fees submitted with paper applications for credentials not available for online renewal or recommendation pursuant to subdivision (f) of Section 80002 of, and subdivision (e) of Section 80487 of, Title 5 of the California Code of Regulations, is extended to 120 days for applications received by the commission from March 19, 2020, to June 30, 2021, inclusive.

SEC. 37. Section 44266.5 is added to the Education Code, to read:

44266.5. The requirement for the field practice assignment for a pupil personnel services credential to take place in two or more school settings pursuant to subdivision (b) of Section 80632.2 of, subdivision (b) of Section 80632.3 of, and subdivision (b) of Section 80632.4 of, Title 5 of the California Code of Regulations is reduced to one school setting from March 19, 2020, to June 30, 2021, inclusive.

SEC. 38. Section 44955.5 of the Education Code is amended to read:

44955.5. (a) During the time period between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which that Budget Act applies, if the governing board of a school district determines that its total local control funding formula apportionment per unit of average daily attendance for the fiscal year of that Budget Act has not increased by at least 2 percent, and if the governing board of a school district determines it is therefore necessary to decrease the number of permanent employees in the school district, the governing board of the school district may terminate the services of any permanent or probationary certificated employees of the school district, including employees holding a position that requires an administrative or supervisory credential. The termination shall be pursuant to Sections 44951 and 44955 but, notwithstanding anything to the contrary in Sections 44951 and 44955, in accordance with a schedule of notice and hearing adopted by the governing board of the school district.

(b) This section is inoperative from July 1, 2002, to July 1, 2003, inclusive, and from July 1, 2011, to July 1, 2012, inclusive.

(c) (1) Except as provided in paragraph (2), this section is inoperative from July 1, 2020, to July 1, 2021, inclusive.

(2) Notwithstanding paragraph (1), from July 1, 2020, to July 1, 2021, inclusive, a certificated employee of a school district holding a position that requires an administrative or supervisory credential may be terminated pursuant to subdivision (a).

SEC. 39. Section 45227 is added to the Education Code, immediately following Section 45226, to read:

45227. (a) Positions established by a county superintendent of schools, while serving as the administrative agent for the County Office Fiscal Crisis and Management Assistance Team established pursuant to Section 42127.8, to carry out the purposes of Section 42127.8 and Article 6 (commencing with Section 49080) of Chapter 6.5 of Part 27 of Division 4, including positions associated with the California School Information Services, shall be exempt from the merit system, including, but not limited to, the requirements of Sections 45261 and 45272.

(b) Employees exempted from the merit system under subdivision (a) shall remain a part of the classified service and shall be afforded all statutory rights, benefits, and burdens of other classified employees employed by nonmerit system school districts or county superintendents of schools, as applicable.

SEC. 40. Section 46200.5 of the Education Code is amended to read:

46200.5. (a) For a county office of education that operates a special day class or special day classes pursuant to Section 56364.2 and that offers fewer than 180 days of instruction, or, in multitrack year-round schools, fewer than the 163 days of instruction, the Superintendent shall withhold from the county superintendent of schools' local control funding formula entitlement computed pursuant to either subdivision (e) of Section 2574 or subdivision (a) of Section 2575, as determined pursuant to subdivision (g) of Section 2575, the amount computed pursuant to subdivision (b).

(b) The withholding shall be equal the product of 0.0056 multiplied by the amount calculated for the affected pupil's school district of residence pursuant to subdivisions (d) to (f), inclusive, of Section 42238.02 for each unit of average daily attendance of each affected grade level for each day less than what is required to avoid a reduction pursuant to this section, up to a maximum of five days.

(c) This section does not apply to special day classes operated in county community schools established pursuant to Chapter 6.5 (commencing with Section 1980) of Part 2 of Division 1 of Title 1 or juvenile court schools established pursuant to Article 2.5 (commencing with Section 48645) of Chapter 4 of Part 27.

SEC. 41. Section 46201.5 of the Education Code is amended to read:

46201.5. (a) For a county office of education that operates a special day class or special day classes pursuant to Section 56364.2 and that reduces the amount of instructional time offered below the minimum amounts specified in subdivision (b), the Superintendent shall withhold from the county superintendent of schools' county local control funding formula entitlement computed pursuant to either subdivision (e) of Section 2574 or subdivision (a) of Section 2575, as determined pursuant to subdivision (g) of Section 2575, the amount computed pursuant to subdivision (c).

(b) Commencing with the 2013–14 fiscal year, a county office of education shall, at a minimum, offer the following amount of instructional time:

(1) Thirty-six thousand minutes in kindergarten.

(2) Fifty thousand four hundred minutes in grades 1 to 3, inclusive.

(3) Fifty-four thousand minutes in grades 4 to 8, inclusive.

(4) Sixty-four thousand eight hundred minutes in grades 9 to 12, inclusive.

(c) The withholding shall be equal to the amount calculated for the affected pupil's school district of residence pursuant to subdivisions (d) to (f), inclusive, of Section 42238.02 for each unit of average daily attendance of each affected grade level multiplied by the percentage of the minimum required minutes at that grade level that the county office of education failed to offer.

(d) This section does not apply to special day classes operated in county community schools established pursuant to Chapter 6.5 (commencing with Section 1980) of Part 2 of Division 1 of Title 1 or juvenile court schools established pursuant to Article 2.5 (commencing with Section 48645) of Chapter 4 of Part 27.

SEC. 42. Section 47604.1 of the Education Code is amended to read:

47604.1. (a) For purposes of this section, an "entity managing a charter school" means a nonprofit public benefit corporation that operates a charter school consistent with Section 47604. An entity that is not authorized to operate a charter school pursuant to Section 47604 is not an "entity managing a charter school" solely because it contracts with a charter school to provide to that charter school goods or task-related services that are performed at the direction of the governing body of the charter school and for which the governing body retains ultimate decisionmaking authority.

(b) A charter school and an entity managing a charter school shall be subject to all of the following:

(1) The Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), except that a charter school operated by an entity pursuant to Chapter 5 (commencing with Section 47620) shall be subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) regardless of the authorizing entity.

(2) (A) The California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(B) (i) The chartering authority of a charter school shall be the custodian of records with regard to any request for information submitted to the charter school if either of the following apply:

(I) The charter school is located on a federally recognized California Indian reservation or rancheria.

(II) The charter school is operated by a nonprofit public benefit corporation that was formed on or before May 31, 2002, and is currently operated by a federally recognized California Indian tribe.

(ii) This subparagraph does not allow a chartering authority to delay or obstruct access to records otherwise required under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(3) Article 4 (commencing with Section 1090) of Chapter 1 of Division 4 of Title 1 of the Government Code.

(4) (A) The Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

(B) For purposes of Section 87300 of the Government Code, a charter school and an entity managing a charter school shall be considered an agency and is the most decentralized level for purposes of adopting a conflict-of-interest code.

(c) (1) (A) The governing body of one charter school shall meet within the physical boundaries of the county in which the charter school is located.

(B) A two-way teleconference location shall be established at each schoolsite.

(2) (A) The governing body of one nonclassroom-based charter school that does not have a facility or operates one or more resource centers shall meet within the physical boundaries of the county in which the greatest number of pupils who are enrolled in that charter school reside.

(B) A two-way teleconference location shall be established at each resource center.

(3) (A) For a governing body of an entity managing one or more charter schools located within the same county, the governing body of the entity managing a charter school shall meet within the physical boundaries of the county in which that charter school or schools are located.

(B) A two-way teleconference location shall be established at each schoolsite and each resource center.

(4) (A) For a governing body of an entity that manages two or more charter schools that are not located in the same county, the governing body of the entity managing the charter schools shall meet within the physical boundaries of the county in which the greatest number of pupils enrolled in those charter schools managed by that entity reside.

(B) A two-way teleconference location shall be established at each schoolsite and each resource center.

(C) The governing body of the entity managing the charter schools shall audio record, video record, or both, all the governing board meetings and post the recordings on each charter school's internet website.

(5) This subdivision does not limit the authority of the governing body of a charter school and an entity managing a charter school to meet outside the boundaries described in this subdivision if authorized by Section 54954 of the Government Code, and the meeting place complies with Section 54961 of the Government Code.

(d) Notwithstanding Article 4 (commencing with Section 1090) of Chapter 1 of Division 4 of Title 1 of the Government Code, an employee of a charter school shall not be disqualified from serving as a member of the governing body of the charter school because of that employee's employment status. A member of the governing body of a charter school who is also an employee of the charter school shall abstain from voting on, or influencing or attempting to influence another member of the governing body regarding, all matters uniquely affecting that member's employment.

(e) To the extent a governing body of a charter school or an entity managing a charter school engages in activities that are unrelated to a charter school, Article 4 (commencing with Section 1090) of Chapter 1 of Division 4 of Title 1 of the Government Code, the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code), the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), and the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code) shall not apply with regard to those unrelated activities unless otherwise required by law.

(f) A meeting of the governing body of a charter school to discuss items related to the operation of the charter school shall not include the discussion of any item regarding an activity of the governing body that is unrelated to the operation of the charter school.

(g) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

SEC. 43. Section 47605 of the Education Code, as amended by Section 3.3 of Chapter 543 of the Statutes of 2019, is amended to read:

47605. (a) (1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district if each location is identified in the charter school petition. The petition may be submitted to the governing board of the school district for review after either of the following conditions is met:

(A) The petition is signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the charter school for its first year of operation.

(B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the charter school during its first year of operation.

(2) A petition that proposes to convert an existing public school to a charter school that would not be eligible for a loan pursuant to subdivision (c) of Section 41365 may be circulated by one or more persons seeking to establish the charter school. The petition may be submitted to the governing board of the school district for review after the petition is signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted.

(3) A petition shall include a prominent statement that a signature on the petition means that the parent or legal guardian is meaningfully interested in having their child or ward attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.

(4) After receiving approval of its petition, a charter school that proposes to expand operations to one or more additional sites or grade levels shall request a material revision to its charter and shall notify the chartering authority of those additional locations or grade levels. The chartering authority shall consider whether to approve those additional locations or grade levels at an open, public meeting. If the additional locations or grade levels are approved pursuant to the standards and criteria described in subdivision (c), they shall be a material revision to the charter school's charter.

(5) (A) A charter school that established one site outside the boundaries of the school district, but within the county in which that school district is located before January 1, 2020, may continue to operate that site until the charter school submits a request for the renewal of its charter petition. To continue operating the site, the charter school shall do either of the following:

(i) First, before submitting the request for the renewal of the charter petition, obtain approval in writing from the school district where the site is operating.

(ii) Submit a request for the renewal of the charter petition pursuant to Section 47607 to the school district in which the charter school is located.

(B) If a Presidential declaration of a major disaster or emergency is issued in accordance with the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121 et seq.) for an area in which a charter schoolsite is located and operating, the charter school, for not more than five years, may relocate that site outside the area subject to the Presidential declaration if the charter school first obtains the written approval of the school district where the site is being relocated to.

(C) Notwithstanding subparagraph (A), if a charter school was relocated from December 31, 2016, to December 31, 2019, inclusive, due to a Presidential declaration of a major disaster or emergency in accordance with the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121 et seq.), that charter school shall be allowed to return to its original campus location in perpetuity.

(D) (i) A charter school in operation and providing educational services to pupils before October 1, 2019, located on a federally recognized California Indian reservation or rancheria or operated by a federally recognized California Indian tribe shall be exempt from the geographic restrictions of paragraph (1) and subparagraph (A) of this paragraph and the geographic restrictions of subdivision (a) of Section 47605.1.

(ii) The exemption to the geographic restrictions of subdivision (a) of 47605.1 in clause (i) does not apply to nonclassroom-based charter schools operating pursuant to Section 47612.5.

(E) The department shall regard as a continuing charter school for all purposes a charter school that was granted approval of its petition, that was providing educational services to pupils before October 1, 2019, and is authorized by a different chartering authority due to changes to this paragraph that took effect January 1, 2020. This paragraph shall be implemented only to the extent it does not conflict with federal law. In order to prevent any potential conflict with federal law, this paragraph does not apply to covered programs as identified in Section 8101(11) of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec. 7801) to the extent the affected charter school is the restructured portion of a divided charter school pursuant to Section 47654.

(6) Commencing January 1, 2003, a petition to establish a charter school shall not be approved to serve pupils in a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve pupils in all of the grade levels served by that school district.

(b) No later than 60 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents. Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 90 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension. A petition is deemed received by the governing board of the school district for purposes of commencing the timelines described in this subdivision on the day the petitioner submits a petition to the district office, along with a signed certification that the petitioner deems the petition to be complete. The governing board of the school district shall publish all staff recommendations, including the recommended findings and, if applicable, the certification from the county superintendent of schools prepared pursuant to paragraph (8) of subdivision (c), regarding the petition at least 15 days before the public hearing at which the governing board of the school district will either grant or deny the charter. At the public hearing at which the governing board of the school district will either grant or deny the charter, petitioners shall have equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings.

(c) In reviewing petitions for the establishment of charter schools pursuant to this section, the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that the establishment of charter schools should be encouraged. The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice and with the interests of the community in which the school is proposing to locate. The governing board of the school district shall consider the academic needs of the pupils the school proposes to serve. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

(3) The petition does not contain the number of signatures required by subdivision (a).

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (e).

(5) The petition does not contain reasonably comprehensive descriptions of all of the following:

(A) (i) The educational program of the charter school, designed, among other things, to identify those whom the charter school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

(ii) The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.

(iii) If the proposed charter school will serve high school pupils, the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the "A to G" admissions criteria may be considered to meet college entrance requirements.

(B) The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the charter school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all pupil subgroups served by the charter school, as that term is defined in subdivision (a) of Section 52052. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school.

(C) The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

(D) The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement.

(E) The qualifications to be met by individuals to be employed by the charter school.

(F) The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall require all of the following:

(i) That each employee of the charter school furnish the charter school with a criminal record summary as described in Section 44237.

(ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (J), inclusive, of paragraph (2) of subdivision (a) of Section 32282.

(iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school.

(G) The means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted. Upon renewal, for a charter school not deemed to be a local educational agency for purposes of special education pursuant to Section 47641, the chartering authority may consider the effect of school placements made by the chartering authority in providing a free and appropriate public education as required by the federal Individuals with Disabilities Education Act (Public Law 101-476), on the balance of pupils with disabilities at the charter school.

(H) Admission policies and procedures, consistent with subdivision (e).

(I) The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

(J) The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with all of the following:

(i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present the pupil's side of the story.

(ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:

(I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.

(II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.

(iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform the pupil, the pupil's parent or guardian, or the pupil's educational rights holder of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).

(K) The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

(L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.

(M) The rights of an employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.

(N) The procedures to be followed by the charter school and the chartering authority to resolve disputes relating to provisions of the charter.

(O) The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

(6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

(7) The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding under this paragraph shall detail specific facts and circumstances that analyze and consider the following factors:

(A) The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings.

(B) Whether the proposed charter school would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.

(8) The school district is not positioned to absorb the fiscal impact of the proposed charter school. A school district satisfies this paragraph if it has a qualified interim certification pursuant to Section 42131 and the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the school district having a negative interim certification pursuant to Section 42131, has a negative interim certification pursuant to Section 42131, or is under state receivership. Charter schools proposed in a school district satisfying one of these conditions shall be subject to a rebuttable presumption of denial.

(d) (1) Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.

(2) Charter schools shall, on a regular basis, consult with their parents, legal guardians, and teachers regarding the charter school's educational programs.

(e) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of the characteristics listed in Section 220. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of that pupil's parent or legal guardian, within this state, except that an existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.

(2) (A) A charter school shall admit all pupils who wish to attend the charter school.

(B) If the number of pupils who wish to attend the charter school exceeds the charter school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the school district except as provided for in Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school's teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis. Priority order for any preference shall be determined in the charter petition in accordance with all of the following:

(i) Each type of preference shall be approved by the chartering authority at a public hearing.

(ii) Preferences shall be consistent with federal law, the California Constitution, and Section 200.

(iii) Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.

(iv) In accordance with Section 49011, preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet pupil demand.

(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the charter school within 30 days if the charter school demonstrates that the pupil had been enrolled in the charter school. This paragraph applies only to pupils subject to compulsory full-time education pursuant to Section 48200.

(4) (A) A charter school shall not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2).

(B) A charter school shall not request a pupil's records or require a parent, guardian, or pupil to submit the pupil's records to the charter school before enrollment.

(C) A charter school shall not encourage a pupil currently attending the charter school to disenroll from the charter school or transfer to another school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2). This subparagraph shall not apply to actions taken by a charter school pursuant to the procedures described in subparagraph (J) of paragraph (5) of subdivision (c).

(D) The department shall develop a notice of the requirements of this paragraph. This notice shall be posted on a charter school's internet website. A charter school shall provide a parent or guardian, or a pupil if the pupil is 18 years of age or older, a copy of this notice at all of the following times:

(i) When a parent, guardian, or pupil inquires about enrollment.

(ii) Before conducting an enrollment lottery.

(iii) Before disenrollment of a pupil.

(E) (i) A person who suspects that a charter school has violated this paragraph may file a complaint with the chartering authority.

(ii) The department shall develop a template to be used for filing complaints pursuant to clause (i).

(5) Notwithstanding any other law, a charter school in operation as of July 1, 2019, that operates in partnership with the California National Guard may dismiss a pupil from the charter school for failing to maintain the minimum standards of conduct required by the Military Department.

(f) The governing board of a school district shall not require an employee of the school district to be employed in a charter school.

(g) The governing board of a school district shall not require a pupil enrolled in the school district to attend a charter school.

(h) The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the charter school, including, but not limited to, the facilities to be used by the charter school, the manner in which administrative services of the charter school are to be provided, and potential civil liability effects, if any, upon the charter school and upon the school district. The description of the facilities to be used by the charter school shall specify where the charter school intends to locate. The petitioner or petitioners also shall be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation. If the school is to be operated by, or as, a nonprofit public benefit corporation, the petitioner shall provide the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school.

(i) In reviewing petitions for the establishment of charter schools within the school district, the governing board of the school district shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032, as that section read before July 19, 2006.

(j) Upon the approval of the petition by the governing board of the school district, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the applicable county superintendent of schools, the department, and the state board.

(k) (1) (A) (i) If the governing board of a school district denies a petition, the petitioner may elect to submit the petition for the establishment of a charter school to the county board of education. The petitioner shall submit the petition to the county board of education within 30 days of a denial by the governing board of the school district. At the same time the petition is submitted to the county board of education, the petitioner shall also provide a copy of the petition to the school district. The county board of education shall review the petition pursuant to subdivisions (b) and (c). If the petition submitted on appeal contains new or different material terms, the county board of education shall immediately remand the petition to the governing board of the school district for reconsideration, which shall grant or deny the petition within 30 days. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition for the establishment of a charter school to the county board of education.

(ii) The county board of education shall review the appeal petition pursuant to subdivision (c). If the denial of the petition was made pursuant to paragraph (8) of subdivision (c), the county board of education shall also review the school district's findings pursuant to paragraph (8) of subdivision (c).

(iii) As used in this subdivision, "material terms" of the petition means the signatures, affirmations, disclosures, documents, and descriptions described in subdivisions (a), (b), (c), and (h), but shall not include minor administrative updates to the petition or related documents due to changes in circumstances based on the passage of time related to fiscal affairs, facilities arrangements, or state law, or to reflect the county board of education as the chartering authority.

(B) If the governing board of a school district denies a petition and the county board of education has jurisdiction over a single school district, the petitioner may elect to submit the petition for the establishment of a charter school to the state board. The state board shall review a petition submitted pursuant to this subparagraph pursuant to subdivision (c). If the denial of a charter petition is reversed by the state board pursuant to this subparagraph, the state board shall designate the governing board of the school district in which the charter school is located as the chartering authority.

(2) If the county board of education denies a petition, the petitioner may appeal that denial to the state board.

(A) The petitioner shall submit the petition to the state board within 30 days of a denial by the county board of education. The petitioner shall include the findings and documentary record from the governing board of the school district and the county board of education and a written submission detailing, with specific citations to the documentary record, how the governing board of the school district or the county board of education, or both, abused their discretion. The governing board of the school district and county board of education shall prepare the documentary record, including transcripts of the public hearing at which the governing board of the school district and county board of education denied the charter, at the request of the petitioner. The documentary record shall be prepared by the governing board of the school district and county board of education no later than 10 business days after the request of the petitioner is made. At the same time the petition and supporting documentation is submitted to the state board, the petitioner shall also provide a copy of the petition and supporting documentation to the school district and the county board of education.

(B) If the appeal contains new or different material terms, as defined in clause (iii) of subparagraph (A) of paragraph (1), the state board shall immediately remand the petition to the governing board of the school district to which the petition was submitted for reconsideration. The governing board of the school district shall grant or deny the petition within 30 days. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition to the state board.

(C) Within 30 days of receipt of the appeal submitted to the state board, the governing board of the school district or county board of education may submit a written opposition to the state board detailing, with specific citations to the documentary record, how the governing board of the school district or the county board of education did not abuse its discretion in denying the petition. The governing board of the school district or the county board of education may submit supporting documentation or evidence from the documentary record that was considered by the governing board of the school district or the county board of education.

(D) The state board's Advisory Commission on Charter Schools shall hold a public hearing to review the appeal and documentary record. Based on its review, the Advisory Commission on Charter Schools shall submit a recommendation to the state board whether there is sufficient evidence to hear the appeal or to summarily deny review of the appeal based on the documentary record. If the Advisory Commission on Charter Schools does not submit a recommendation to the state board, the state board shall consider the appeal, and shall either hear the appeal or summarily deny review of the appeal based on the documentary record at a regular public meeting of the state board.

(E) The state board shall either hear the appeal or summarily deny review of the appeal based on the documentary record. If the state board hears the appeal, the state board may affirm the determination of the governing board of the school district or the county board of education, or both of those determinations, or may reverse only upon a determination that there was an abuse of discretion. If the denial of a charter petition is reversed by the state board, the state board shall designate, in consultation with the petitioner, either the governing board of the school district or the county board of education in which the charter school is located as the chartering authority.

(3) A charter school for which a charter is granted by either the county board of education or the state board based on an appeal pursuant to this subdivision shall qualify fully as a charter school for all funding and other purposes of this part.

(4) A charter school that receives approval of its petition from a county board of education or from the state board on appeal shall be subject to the same requirements concerning geographic location to which it would otherwise be subject if it received approval from the chartering authority to which it originally submitted its petition. A charter petition that is submitted to either a county board of education or to the state board shall meet all otherwise applicable petition requirements, including the identification of the proposed site or sites where the charter school will operate.

(5) Upon the approval of the petition by the county board of education, the petition or petitioners shall provide written notice of that approval, including a copy of the petition, to the governing board of the school district in which the charter school is located, the department, and the state board.

(6) If either the county board of education or the state board fails to act on a petition within 180 days of receipt, the decision of the governing board of the school district to deny the petition shall be subject to judicial review.

(l) (1) Teachers in charter schools shall hold the Commission on Teacher Credentialing certificate, permit, or other document required for the teacher's certificated assignment. These documents shall be maintained on file at the charter school and are subject to periodic inspection by the chartering authority. A governing body of a direct-funded charter school may use local assignment options authorized in statute and regulations for the purpose of legally assigning certificated teachers, in accordance with all of the requirements of the applicable statutes or regulations in the same manner as a governing board of a school district. A charter school shall have authority to request an emergency permit or a waiver from the Commission on Teacher Credentialing for individuals in the same manner as a school district.

(2) By July 1, 2020, all teachers in charter schools shall obtain a certificate of clearance and satisfy the requirements for professional fitness pursuant to Sections 44339, 44340, and 44341.

(3) The Commission on Teacher Credentialing shall include in the bulletins it issues pursuant to subdivision (k) of Section 44237 to provide notification to local educational agencies of any adverse actions taken against the holders of any commission documents, notice of any adverse actions taken against teachers employed by charter schools and shall make this bulletin available to all chartering authorities and charter schools in the same manner in which it is made available to local educational agencies.

(m) A charter school shall transmit a copy of its annual, independent financial audit report for the preceding fiscal year, as described in subparagraph (I) of paragraph (5) of subdivision (c), to its chartering authority, the Controller, the county superintendent of schools of the county in which the charter school is sited, unless the county board of education of the county in which the charter school is sited is the chartering authority, and the department by December 15 of each year. This subdivision does not apply if the audit of the charter school is encompassed in the audit of the chartering authority pursuant to Section 41020.

(n) A charter school may encourage parental involvement, but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school.

(o) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

SEC. 44. Section 47607 of the Education Code is amended to read:

47607. (a) (1) A charter may be granted pursuant to Sections 47605, 47605.5, 47605.6, and 47606 for a period not to exceed five years.

(2) A chartering authority may grant one or more subsequent renewals pursuant to subdivisions (b) and (c) and Section 47607.2. Notwithstanding subdivisions (b) and (c) and Section 47607.2, a chartering authority may deny renewal pursuant to subdivision (e).

(3) A charter school that, concurrently with its renewal, proposes to expand operations to one or more additional sites or grade levels shall request a material revision to its charter. A material revision of the provisions of a charter petition may be made only with the approval of the chartering authority. A material revision of a charter is governed by the standards and criteria described in Section 47605.

(4) The findings of paragraphs (7) and (8) of subdivision (c) of Section 47605 shall not be used to deny a renewal of an existing charter school, but may be used to deny a proposed expansion constituting a material revision. For a material revision, analysis under paragraphs (7) and (8) of subdivision (c) of Section 47605 shall be limited to consideration only of the impact of the proposed material revision.

(5) The chartering authority may inspect or observe any part of the charter school at any time.

(b) Renewals and material revisions of charters are governed by the standards and criteria described in Section 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.

(c) (1) As an additional criterion for determining whether to grant a charter renewal, the chartering authority shall consider the performance of the charter school on the state and local indicators included in the evaluation rubrics adopted pursuant to Section 52064.5.

(2) (A) The chartering authority shall not deny renewal for a charter school pursuant to this subdivision if either of the following apply for two consecutive years immediately preceding the renewal decision:

(i) The charter school has received the two highest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.

(ii) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or higher than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average.

(B) Notwithstanding subparagraph (A), if the two consecutive years immediately preceding the renewal decision include the 2019–20 school year, the chartering authority shall not deny renewal for a charter school if either of the following apply for two of the three years immediately preceding the renewal decision:

(i) The charter school has received the two highest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.

(ii) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or higher than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average.

(C) Notwithstanding subparagraphs (A) and (B), a charter school eligible for technical assistance pursuant to Section 47607.3 shall not qualify for renewal under this paragraph.

(D) A charter school that meets the criteria established by this paragraph and subdivision (a) of Section 47607.2 shall not qualify for treatment under this paragraph.

(E) The chartering authority that granted the charter may renew a charter pursuant to this paragraph for a period of between five and seven years.

(F) A charter that satisfies the criteria in subparagraph (A) or (B) shall only be required to update the petition to include a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed and as necessary to reflect the current program offered by the charter.

(3) For purposes of this section and Section 47607.2, "measurements of academic performance" means indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 that are based on statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, the English Language Proficiency Assessments for California, or any successor system, and the college and career readiness indicator.

(4) For purposes of this section and Section 47607.2, "subgroup" means numerically significant pupil subgroups as defined in paragraph (1) of subdivision (a) of Section 52052.

(5) To qualify for renewal under clause (i) of subparagraph (A) or (B) of paragraph (2), subparagraph (A) of paragraph (1) or (2) of subdivision (a) of Section 47607.2, or paragraph (3) of subdivision (a) of Section 47607.2, the charter school shall have schoolwide performance levels on at least two measurements of academic performance per year in each of the two consecutive years immediately preceding the renewal decision. To qualify for renewal under clause (ii) of subparagraph (A) or (B) of paragraph (2), subparagraph (B) of paragraph (1) or (2) of subdivision (a) of Section 47607.2, or paragraph (3) of subdivision (a) of Section 47607.2, the charter school shall have performance levels on at least two measurements of academic performance for at least two subgroups. A charter school without sufficient performance levels to meet these criteria shall be considered under subdivision (b) of Section 47607.2.

(6) For purposes of this section and Section 47607.2, if the dashboard indicators are not yet available for the most recently completed academic year before renewal, the chartering authority shall consider verifiable data provided by the charter school related to the dashboard indicators, such as data from the California Assessment of Student Performance and Progress, or any successor system, for the most recent academic year.

(7) Paragraph (2) and subdivisions (a) and (b) of Section 47607.2 shall not apply to a charter school that is eligible for alternate methods for calculating the state and local indicators pursuant to subdivision (d) of Section 52064.5. In determining whether to grant a charter renewal for such a charter school, the chartering authority shall consider, in addition to the charter school's performance on the state and local indicators included in the evaluation rubrics adopted pursuant to subdivision (c) of Section 52064.5, the charter school's performance on alternative metrics applicable to the charter school based on the pupil population served. The chartering authority shall meet with the charter school during the first year of the charter school's term to mutually agree to discuss alternative metrics to be considered pursuant to this paragraph and shall notify the charter school of the alternative metrics to be used within 30 days of this meeting. The chartering authority may deny a charter renewal pursuant to this paragraph only upon making written findings, setting forth specific facts to support the findings, that the closure of the charter school is in the best interest of pupils.

(d) (1) At the conclusion of the year immediately preceding the final year of the charter school's term, the charter school authorizer may request, and the department shall provide, the following aggregate data reflecting pupil enrollment patterns at the charter school:

(A) The cumulative enrollment for each school year of the charter school's term. For purposes of this chapter, cumulative enrollment is defined as the total number of pupils, disaggregated by race, ethnicity, and pupil subgroups, who enrolled in school at any time during the school year.

(B) For each school year of the charter school's term, the percentage of pupils enrolled at any point between the beginning of the school year and census day who were not enrolled at the conclusion of that year, and the average results on the statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, for any such pupils who were enrolled in the charter school the prior school year.

(C) For each school year of the charter school's term, the percentage of pupils enrolled the prior school year who were not enrolled as of census day for the school year, except for pupils who completed the grade that is the highest grade served by the charter school, and the average results on the statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, for any such pupils.

(2) When determining whether to grant a charter renewal, the chartering authority shall review data provided pursuant to paragraph (1), any data that may be provided to chartering authorities by the department, and any substantiated complaints that the charter school has not complied with subparagraph (J) of paragraph (5) of subdivision (c) of Section 47605 or with subparagraph (J) of paragraph (5) of subdivision (b) of Section 47605.6.

(3) As part of its determination of whether to grant a charter renewal based on the criterion established pursuant to subdivision (c) and subdivisions (a) and (b) of Section 47607.2, the chartering authority may make a finding that the charter school is not serving all pupils who wish to attend and, upon making such a finding, specifically identify the evidence supporting the finding.

(e) Notwithstanding subdivision (c) and subdivisions (a) and (b) of Section 47607.2, the chartering authority may deny renewal of a charter school upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors, or is not serving all pupils who wish to attend, as documented pursuant to subdivision (d). The chartering authority may deny renewal of a charter school under this subdivision only after it has provided at least 30 days' notice to the charter school of the alleged violation and provided the charter school with a reasonable opportunity to cure the violation, including a corrective action plan proposed by the charter school. The chartering authority may deny renewal only by making either of the following findings:

(1) The corrective action proposed by the charter school has been unsuccessful.

(2) The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.

(f) A charter may be revoked by the chartering authority if the chartering authority finds, through a showing of substantial evidence, that the charter school did any of the following:

(1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.

(2) Failed to meet or pursue any of the pupil outcomes identified in the charter.

(3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.

(4) Violated any law.

(g) Before revocation, the chartering authority shall notify the charter school of any violation of this section and give the school a reasonable opportunity to remedy the violation, unless the chartering authority determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils.

(h) Before revoking a charter for failure to remedy a violation pursuant to subdivision (f), and after expiration of the school's reasonable opportunity to remedy without successfully remedying the violation, the chartering authority shall provide a written notice of intent to revoke and notice of facts in support of revocation to the charter school. No later than 30 days after providing the notice of intent to revoke a charter, the chartering authority shall hold a public hearing, in the normal course of business, on the issue of whether evidence exists to revoke the charter. No later than 30 days after the public hearing, the chartering authority shall issue a final decision to revoke or decline to revoke the charter, unless the chartering authority and the charter school agree to extend the issuance of the decision by an additional 30 days. The chartering authority shall not revoke a charter, unless it makes written factual findings supported by substantial evidence, specific to the charter school, that support its findings.

(i) (1) If a school district is the chartering authority and it revokes a charter pursuant to this section, the charter school may appeal the revocation to the county board of education within 30 days following the final decision of the chartering authority.

(2) The county board of education may reverse the revocation decision if the county board of education determines that the findings made by the chartering authority under subdivision (h) are not supported by substantial evidence. The school district may appeal the reversal to the state board.

(3) If the county board of education does not issue a decision on the appeal within 90 days of receipt, or the county board of education upholds the revocation, the charter school may appeal the revocation to the state board.

(4) The state board may reverse the revocation decision if the state board determines that the findings made by the chartering authority under subdivision (h) are not supported by substantial evidence. The state board may uphold the revocation decision of the school district if the state board determines that the findings made by the chartering authority under subdivision (h) are supported by substantial evidence.

(j) (1) If a county board of education is the chartering authority and the county board of education revokes a charter pursuant to this section, the charter school may appeal the revocation to the state board within 30 days following the decision of the chartering authority.

(2) The state board may reverse the revocation decision if the state board determines that the findings made by the chartering authority under subdivision (h) are not supported by substantial evidence.

(k) If the revocation decision of the chartering authority is reversed on appeal, the agency that granted the charter shall continue to be regarded as the chartering authority.

(l) During the pendency of an appeal filed under this section, a charter school whose revocation proceedings are based on paragraph (1) or (2) of subdivision (f) shall continue to qualify as a charter school for funding and for all other purposes of this part, and may continue to hold all existing grants, resources, and facilities, in order to ensure that the education of pupils enrolled in the school is not disrupted.

(m) Immediately following the decision of a county board of education to reverse a decision of a school district to revoke a charter, all of the following shall apply:

(1) The charter school shall qualify as a charter school for funding and for all other purposes of this part.

(2) The charter school may continue to hold all existing grants, resources, and facilities.

(3) Any funding, grants, resources, and facilities that had been withheld from the charter school, or that the charter school had otherwise been deprived of use, as a result of the revocation of the charter, shall be immediately reinstated or returned.

(n) A final decision of a revocation or appeal of a revocation pursuant to subdivision (f) shall be reported to the chartering authority, the county board of education, and the department.

(o) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

SEC. 45. Section 47607.2 of the Education Code, as added by Section 8 of Chapter 486 of the Statutes of 2019, is amended to read:

47607.2. (a) (1) The chartering authority shall not renew a charter if either of the following apply for two consecutive years immediately preceding the renewal decision:

(A) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.

(B) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or lower than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average.

(2) Notwithstanding paragraph (1), if the two consecutive years immediately preceding the renewal decision include the 2019–20 school year, the chartering authority shall not renew a charter if either of the following apply for two of the three years immediately preceding the renewal decision:

(A) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.

(B) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or lower than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average.

(3) A charter school that meets the criteria established by this subdivision and paragraph (2) of subdivision (c) of Section 47607 shall only qualify for treatment under this subdivision.

(4) The chartering authority shall consider the following factors, and may renew a charter that meets the criteria in paragraph (1) or (2) only upon making both of the following written factual findings, specific to the particular petition, setting forth specific facts to support the findings:

(A) The charter school is taking meaningful steps to address the underlying cause or causes of low performance, and those steps are reflected, or will be reflected, in a written plan adopted by the governing body of the charter school.

(B) There is clear and convincing evidence showing either of the following:

(i) The school achieved measurable increases in academic achievement, as defined by at least one year’s progress for each year in school.

(ii) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

(C) Clauses (i) and (ii) of subparagraph (B) shall be demonstrated by verified data, as defined in subdivision (c).

(5) Verified data, as defined in subdivision (c), shall be considered by the chartering authority until June 30, 2025, for a charter school pursuant to this subdivision, operating on or before June 30, 2020, only for the charter school’s next two subsequent renewals.

(6) For a charter renewed pursuant to this subdivision, the chartering authority may grant a renewal for a period of two years.

(b) (1) For all charter schools for which paragraph (2) of subdivision (c) of Section 47607 and subdivision (a) of this section do not apply, the chartering authority shall consider the schoolwide performance and performance of all subgroups of pupils served by the charter school on the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 and the performance of the charter school on the local indicators included in the evaluation rubrics adopted pursuant to Section 52064.5.

(2) The chartering authority shall provide greater weight to performance on measurements of academic performance in determining whether to grant a charter renewal.

(3) In addition to the state and local indicators, the chartering authority shall consider clear and convincing evidence showing either of the following:

(A) The school achieved measurable increases in academic achievement, as defined by at least one year’s progress for each year in school.

(B) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

(4) Subparagraphs (A) and (B) of paragraph (3) shall be demonstrated by verified data, as defined in subdivision (c).

(5) Verified data, as defined in subdivision (c), shall be considered by the chartering authority for the next two subsequent renewals until January 1, 2026, for a charter school pursuant to this paragraph.

(6) The chartering authority may deny a charter renewal pursuant to this subdivision only upon making written findings, setting forth specific facts to support the findings, that the charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils of the school, that closure of the charter school is in the best interest of pupils and, if applicable pursuant to paragraphs (2) and (3), that its decision provided greater weight to performance on measurements of academic performance.

(7) For a charter renewed pursuant to this subdivision, the chartering authority shall grant a renewal for a period of five years.

(c) (1) For purposes of this section, “verified data” means data derived from nationally recognized, valid, peer-reviewed, and reliable sources that are externally produced. Verified data shall include measures of postsecondary outcomes.

(2) By January 1, 2021, the state board shall establish criteria to define verified data and identify an approved list of valid and reliable assessments that shall be used for this purpose.

(3) No data sources other than those adopted by the state board pursuant to paragraph (2) shall be used as verified data.

(4) Notwithstanding paragraph (3), a charter school under consideration for renewal before the state board's adoption pursuant to paragraph (2) may present data consistent with this subdivision.

(5) Adoption of the criteria pursuant to this subdivision shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(6) The state board may adopt and make necessary revisions to the criteria in accordance with the requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(7) Upon adoption of a pupil-level academic growth measure for English language arts and mathematics, the state board may reconsider criteria adopted pursuant to this subdivision.

(d) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 46. Section 47607.5 of the Education Code is amended to read:

47607.5. (a) Except for charter schools authorized pursuant to Section 47605.6, if either a school district governing board or a county board of education, as a chartering authority, does not grant a renewal to a charter school pursuant to Section 47607 or 47607.2, the charter school may appeal the decision pursuant to the procedures pertaining to a denial of a petition for establishment of a charter school, as provided in subdivision (k) of Section 47605 for review in accordance with Section 47607.

(b) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

SEC. 47. Section 47612.5 of the Education Code is amended to read:

47612.5. (a) Notwithstanding any other law and as a condition of apportionment, a charter school shall do all of the following:

(1) For each fiscal year, offer, at a minimum, the following number of minutes of instruction:

(A) To pupils in kindergarten, 36,000 minutes.

(B) To pupils in grades 1 to 3, inclusive, 50,400 minutes.

(C) To pupils in grades 4 to 8, inclusive, 54,000 minutes.

(D) To pupils in grades 9 to 12, inclusive, 64,800 minutes.

(2) Maintain written contemporaneous records that document all pupil attendance and make these records available for audit and inspection.

(3) Certify that its pupils have participated in the state testing programs specified in Chapter 5 (commencing with Section 60600) of Part 33 in the same manner as other pupils attending public schools as a condition of apportionment of state funding.

(b) Notwithstanding any other law and except to the extent inconsistent with this section and Section 47634.2, a charter school that provides independent study shall comply with Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 and implementing regulations adopted thereunder. The state board shall adopt regulations that apply this article to charter schools. To the extent that these regulations concern the qualifications of instructional personnel, the state board shall be guided by subdivision (l) of Section 47605.

(c) A reduction in apportionment made pursuant to subdivision (a) shall be proportional to the magnitude of the exception that causes the reduction. For purposes of paragraph (1) of subdivision (a), for each charter school that fails to offer pupils the minimum number of minutes of instruction specified in that paragraph, the Superintendent shall withhold from the charter school's apportionment for average daily attendance of the affected pupils, by grade level, the sum of that apportionment multiplied by the percentage of the minimum number of minutes of instruction at each grade level that the charter school failed to offer.

(d) (1) Notwithstanding any other law and except as provided in paragraph (1) of subdivision (e), a charter school that has an approved charter may receive funding for nonclassroom-based instruction only if a determination for funding is made pursuant to Section 47634.2 by the state board. The determination for funding shall be subject to any conditions or limitations the state board may prescribe. The state board shall adopt regulations on or before February 1, 2002, that define and establish general rules governing nonclassroom-based instruction that apply to all charter schools and to the process for determining funding of nonclassroom-based instruction by charter schools offering nonclassroom-based instruction other than the nonclassroom-based instruction allowed by paragraph (1) of subdivision (e). Nonclassroom-based instruction includes, but is not limited to, independent study, home study, work study, and distance and computer-based education. In prescribing any conditions or limitations relating to the qualifications of instructional personnel, the state board shall be guided by subdivision (l) of Section 47605.

(2) Except as provided in paragraph (2) of subdivision (b) of Section 47634.2, a charter school that receives a determination pursuant to subdivision (b) of Section 47634.2 is not required to reapply annually for a funding determination of its nonclassroom-based instruction program if an update of the information the state board reviewed when initially determining funding would not require material revision, as that term is defined in regulations adopted by the board. A charter school that has achieved a rank of 6 or greater on the Academic Performance Index for the two years immediately before receiving a funding determination pursuant to subdivision (b) of Section 47634.2 shall receive a five-year determination and is not required to annually reapply for a funding determination of its nonclassroom-based instruction program if an update of the information the state board reviewed when initially determining funding would not require material revision, as that term is defined in regulations adopted by the state board. Notwithstanding any law, the state board may require a charter school to provide updated information at any time it determines that a review of that information is necessary. The state board may terminate a determination for funding if updated or additional information requested by the board is not made available to the board by the charter school within a reasonable amount of time or if the information otherwise supports termination. A determination for funding pursuant to Section 47634.2 shall not exceed five years.

(3) A charter school that offers nonclassroom-based instruction in excess of the amount authorized by paragraph (1) of subdivision (e) is subject to the determination for funding requirement of Section 47634.2 to receive funding each time its charter is renewed or materially revised pursuant to Section 47607. A charter school that materially revises its charter to offer nonclassroom-based instruction in excess of the amount authorized by paragraph (1) of subdivision (e) is subject to the determination for funding requirement of Section 47634.2.

(e) (1) Notwithstanding any other law, and as a condition of apportionment, "classroom-based instruction" in a charter school, for purposes of this part, occurs only when charter school pupils are engaged in educational activities required of those pupils and are under the immediate supervision and control of an employee of the charter school who possesses a valid certification document registered as required by law. For purposes of calculating average daily attendance for classroom-based instruction apportionments, at least 80 percent of the instructional time offered by the charter school shall be at the schoolsite, and the charter school shall require the attendance of all pupils for whom a classroom-based apportionment is claimed at the schoolsite for at least 80 percent of the minimum instructional time required to be offered pursuant to paragraph (1) of subdivision (a).

(2) For the purposes of this part, "nonclassroom instruction" or "nonclassroom-based instruction" means instruction that does not meet the requirements specified in paragraph (1). The state board may adopt regulations pursuant to paragraph (1) of subdivision (d) specifying other conditions or limitations on what constitutes nonclassroom-based instruction, as it deems appropriate and consistent with this part.

(3) For purposes of this part, a schoolsite is a facility that is used principally for classroom instruction.

(4) Notwithstanding any other law, neither the state board nor the Superintendent may waive the requirements of paragraph (1) of subdivision (a).

SEC. 48. Section 47612.7 of the Education Code is amended to read:

47612.7. (a) Notwithstanding any other law and except as provided in subdivision (b), from January 1, 2020, to January 1, 2022, inclusive, the approval of a petition for the establishment of a new charter school, as defined in paragraph (2) of subdivision (e) of Section 47612.5, is prohibited.

(b) Subdivision (a) shall not apply to a nonclassroom-based charter school that was granted approval of its petition and providing educational services to pupils before October 1, 2019, under either of the following circumstances:

(1) If Assembly Bill 1507 of the 2019–20 Regular Session amends Section 47605.1 and becomes operative on January 1, 2020, and the charter school is required to submit a petition to the governing board of a school district or county board of education in an adjacent county in which its existing resource center is located in order to comply with Section 47605.1, as amended by Assembly Bill 1507 of the 2019–20 Regular Session, or to retain current program offerings or enrollment.

(2) If a charter school is required to submit a petition to a school district or county board of education in which a resource center is located in order to comply with the court decision in Anderson Union High School District v. Shasta Secondary Home School (2016) 4 Cal.App.5th 262, or other relevant court ruling, and the petition is necessary to retain current program offerings or enrollment.

(3) A charter school authorized by a different chartering authority pursuant to paragraphs (1) and (2) shall be regarded by the department as a continuing charter school for all purposes to the extent it does not conflict with federal law. In order to prevent any potential conflict with federal law, this paragraph does not apply to covered programs as identified in Section 8101(11) of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec. 7801) to the extent the affected charter school is the restructured portion of a divided charter school pursuant to Section 47654.

(c) Notwithstanding Section 33050 or any other law, the state board shall not waive the restrictions described in this section.

(d) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

SEC. 49. Section 47632 of the Education Code is amended to read:

47632. For purposes of this chapter, the following terms shall be defined as follows:

(a) “General-purpose entitlement” means an amount computed by the local control funding formula pursuant to Section 42238.02, as implemented by Section 42238.03.

(b) “Economic impact aid-eligible pupils” means those pupils that are included in the economic impact aid-eligible pupil count pursuant to Section 54023. For purposes of applying Section 54023 to charter schools, “economically disadvantaged pupils” means the pupils described in paragraph (2) of subdivision (a) of Section 54026.

(c) “General-purpose funding” means those funds that consist of state aid, local property taxes, and other revenues applied toward a school district’s local control funding formula, pursuant to Section 42238.02, as implemented by Section 42238.03.

(d) “Categorical aid” means aid that consists of state or federally funded programs, or both, that are apportioned for specific purposes set forth in statute or regulation.

(e) “Educationally disadvantaged pupils” means those pupils who meet federal eligibility criteria for free and reduced-price meals as specified in Section 49531, as that section read on January 1, 2013, except in regard to meals in family day care homes.

(f) “Operational funding” means all funding except funding for capital outlay.

(g) “School district of a similar type” means a school district that is serving similar grade levels.

(h) “Similar pupil population” means similar numbers of pupils by grade level, with a similar proportion of educationally disadvantaged pupils.

(i) “Sponsoring local educational agency” means the following:

(1) If a charter school petition is granted by a school district, the sponsoring local educational agency is the school district.

(2) If a charter school petition is granted by a county office of education after having been previously denied by a school district, the sponsoring local educational agency means the school district that initially denied the charter petition.

(3) If a charter school petition is granted after a local educational agency determination is reversed by the state board, the sponsoring local educational agency means the pupils’ school district of residence if the school district is a basic aid school district. For purposes of this paragraph, “basic aid school district” means a school district that did not receive an apportionment of state funds in the prior fiscal year as described in subdivision (o) of Section 42238.02. The requirements of this paragraph shall not be waived by the state board pursuant to Section 33050 or any other law.

(4) For pupils attending county-sponsored charter schools authorized pursuant to Section 47605.5 who do not meet the criteria identified in subdivision (b) of Section 47631, the sponsoring local educational agency means the pupils’ school district of residence.

(5) For pupils attending countywide charter schools authorized pursuant to Section 47605.6 who reside in a basic aid school district, the sponsoring local educational agency means the pupils’ school district of residence. For purposes of this paragraph, “basic aid school district” means a school district that did not receive an apportionment of state funds as described in subdivision (o) of Section 42238.02 in the prior fiscal year.

SEC. 50. Section 47635 of the Education Code is amended to read:

47635. (a) A sponsoring local educational agency shall annually transfer to each of its charter schools funding in lieu of property taxes equal to the lesser of the following two amounts:

(1) The average amount of property taxes per unit of average daily attendance, including average daily attendance attributable to charter schools, received by the local educational agency, multiplied by the charter school’s average daily attendance.

(2) The local control funding formula grant funding computed pursuant to subdivision (d) of Section 42238.02, per unit of average daily attendance, multiplied by the charter school’s average daily attendance in each of the four corresponding grade level ranges: kindergarten and grades 1, 2, and 3; grades 4, 5, and 6; grades 7 and 8; and grades 9 to 12, inclusive.

(3) Notwithstanding paragraph (2), until the Superintendent determines that a charter school is funded pursuant to Section 42238.02, the Superintendent shall apportion funding per unit of average daily attendance pursuant to this article. The base grant for purposes of paragraph (2) shall be the lesser of the amount calculated pursuant to paragraph (2) or the sum of the entitlements for the charter school in the specified fiscal year as computed pursuant to paragraphs (1) to (4), inclusive, of subdivision (a), and paragraph (3) of subdivision (b), of Section 42238.03, multiplied by the ratio of local control funding formula base grant funding computed pursuant to subdivision (d) of Section 42238.02 to the local control funding formula amount for the fiscal year computed pursuant to Section 42238.02.

(4) If the sum of the funding transferred pursuant to this subdivision and the funding calculated pursuant to subdivision (e) of Section 42238.03 exceeds the sum of the amounts calculated pursuant to subdivisions (e), (f), and (i) of Section 42238.02, the excess funding shall be used to offset funding calculated pursuant to subdivision (e) of Section 42238.03.

(b) The sponsoring local educational agency shall transfer funding in lieu of property taxes to the charter school in monthly installments, by no later than the 15th of each month.

(1) For the months of August to February, inclusive, a charter school’s funding in lieu of property taxes shall be computed based on the amount of property taxes received by the sponsoring local educational agency during the preceding fiscal year, as reported to the Superintendent for purposes of the second principal apportionment. A sponsoring local educational agency shall transfer to the charter school the charter school’s estimated annual entitlement to funding in lieu of property taxes as follows:

(A) Six percent in August.

(B) Twelve percent in September.

(C) Eight percent each month in October, November, December, January, and February.

(2) For the months of March to June, inclusive, a charter school's funding in lieu of property taxes shall be computed based on the amount of property taxes estimated to be received by the sponsoring local educational agency during the fiscal year, as reported to the Superintendent for purposes of the first principal apportionment. A sponsoring local educational agency shall transfer to each of its charter schools an amount equal to one-sixth of the difference between the school's estimated annual entitlement to funding in lieu of property taxes and the amounts provided pursuant to paragraph (1). An additional one-sixth of this difference shall be included in the amount transferred in the month of March.

(3) For the month of July, a charter school's funding in lieu of property taxes shall be computed based on the amount of property taxes estimated to be received by the sponsoring local educational agency during the prior fiscal year, as reported to the Superintendent for purposes of the second principal apportionment. A sponsoring local educational agency shall transfer to each of its charter schools an amount equal to the remaining difference between the school's estimated annual entitlement to funding in lieu of property taxes and the amounts provided pursuant to paragraphs (1) and (2).

(4) Notwithstanding subdivision (a) of Section 14002, final adjustments to the amount of funding in lieu of property taxes allocated to a charter school shall be made in June, in conjunction with the third recertification of annual apportionments to schools.

(5) Subdivision (a) and paragraphs (1) to (4), inclusive, do not apply for pupils who reside in, and are otherwise eligible to attend a school in, a basic aid school district, but who attend a charter school in a nonbasic aid school district. With regard to these pupils, the sponsoring basic aid school district shall transfer to the charter school an amount of funds equivalent to the local control funding formula grant pursuant to Section 42238.02, as implemented by Section 42238.03, earned through average daily attendance by the charter school for each pupil's attendance, not to exceed the average property tax share per unit of average daily attendance for pupils residing and attending in the basic aid school district. The transfer of funds shall be made in not fewer than two installments at the request of the charter school, the first occurring not later than February 1 and the second not later than June 1 of each school year. Payments shall reflect the average daily attendance certified for the time periods of the first and second principal apportionments, respectively. The Superintendent may not apportion any funds for the attendance of pupils described in this subdivision unless the amount transferred by the basic aid school district is less than the local control funding formula grant pursuant to Section 42238.02, as implemented by Section 42238.03, earned by the charter school, in which event the Superintendent shall apportion the difference to the charter school from state funds.

SEC. 51. Section 47644 of the Education Code is amended to read:

47644. For each charter school deemed a local educational agency for the purposes of special education, an amount equal to the amount computed pursuant to Section 56836.148 for the special education local plan area in which the charter school is included shall be apportioned by the Superintendent pursuant to the local allocation plan developed pursuant to subdivision (i) of Section 56195.7 or Section 56836.05, or both.

SEC. 52. Section 47653 is added to the Education Code, to read:

47653. (a) A charter school required to be regarded as a continuing charter school by the department pursuant to subparagraph (E) of paragraph (5) of subdivision (a) of Section 47605, subparagraph (B) of paragraph (5) of subdivision (c) of Section 47605.1, subdivision (d) of Section 47605.9, or paragraph (3) of subdivision (b) of Section 47612.7 shall notify the department by May 15 before the fiscal year in which the charter school is to be regarded as a continuing charter school by the department, in a format to be established by the Superintendent. The Superintendent may require attendance records or other documents necessary to verify that instruction had been provided at the site be submitted to substantiate that the charter school meets the requirements to be regarded as a continuing charter school by the department.

(b) Failure of an eligible charter school or its chartering authority to provide notice and substantiation to the department in accordance with subdivision (a) relieves the department of any obligation to regard the charter school as a continuing charter school.

(c) A charter school petition authorized by a different chartering authority pursuant to subparagraph (A) of paragraph (5) of subdivision (a) of Section 47605, subparagraph (A) of paragraph (5) of subdivision (c) of Section 47605.1, subdivision (c) of Section 47605.9, or subdivision (b) of Section 47612.7 shall be effective before the date instruction begins for the current fiscal year.

(d) A charter school regarded as a continuing charter school in accordance with this section shall commence instruction within the first three months of the fiscal year beginning July 1 of the year the petition is effective pursuant to subdivision (c). A charter school shall not be eligible for an apportionment for any fiscal year in which instruction commenced after September 30 of that fiscal year.

(e) A charter school regarded as a continuing charter school by the department shall not be eligible for funding as a new charter school pursuant to subdivision (a) of Section 47652.

(f) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

SEC. 53. Section 47654 is added to the Education Code, to read:

47654. The definitions set forth in this section apply for purposes of this part and Chapter 7 (commencing with Section 42238) of Part 24 of Division 3. "Affected charter school" means a charter school that has been, or is proposed to be, affected by an action to comply with subparagraph (A) of paragraph (5) of subdivision (a) of Section 47605, subparagraph (A) of paragraph (5) of subdivision (c) of Section 47605.1, subdivision (c) of Section 47605.9, or subdivision (b) of Section 47612.7. Affected charter schools include all of the following charter school types:

(a) (1) "Acquiring charter school" means a state charter school site deemed a continuing charter school that has wholly combined with one or more other affected state charter school sites by an action taken to comply with subdivision (c) of Section 47605.9. This paragraph shall become inoperative on July 1, 2023, unless its operation is extended by the Legislature.

(2) On the date paragraph (1) becomes inoperative, a charter school that meets the definition of an acquiring charter school pursuant to paragraph (1) shall no longer be regarded as a continuing charter school.

(b) "Continuing charter school" means a charter school that the department has deemed to have met the requirements of Section 47653.

(c) (1) "Divided charter school" means a continuing charter school that has had one or more of its sites become a separately authorized charter school by an action to comply with subparagraph (A) of paragraph (5) of subdivision (a) of Section 47605, subparagraph (A) of paragraph (5) of subdivision (c) of Section 47605.1, subdivision (c) of Section 47605.9, or subdivision (b) of Section 47612.7.

(2) The "restructured portion of a divided charter school" means the site or sites of the divided charter school that each become separately authorized by an action taken to comply with subparagraph (A) of paragraph (5) of subdivision (a) of Section 47605, subparagraph (A) of paragraph (5) of subdivision (c) of Section 47605.1, subdivision (c) of Section 47605.9, or subdivision (b) of Section 47612.7, and that is regarded as a continuing charter school in accordance with Section 47653.

(3) The "remaining portion of a divided charter school" means the portion of the original charter school remaining after action is taken to bring sites, resource centers, satellite facilities, and meeting spaces into compliance with subparagraph (A) of paragraph (5) of subdivision (a) of Section 47605, subparagraph (A) of paragraph (5) of subdivision (c) of Section 47605.1, subdivision (c) of Section 47605.9, or subdivision (b) of Section 47612.7.

(d) "Original charter school" means a charter school as it existed before an action taken to comply with subparagraph (A) of paragraph (5) of subdivision (a) of Section 47605, subparagraph (A) of paragraph (5) of subdivision (c) of Section 47605.1, subdivision (c) of Section 47605.9, or subdivision (b) of Section 47612.7.

(e) "Restructured charter school" means a transferred charter school, acquiring charter school, or divided charter school.

(f) "Transferred charter school" means a continuing charter school that is wholly authorized by a different chartering authority to comply with subparagraph (A) of paragraph (5) of subdivision (a) of Section 47605, subparagraph (A) of paragraph (5) of subdivision (c) of Section 47605.1, subdivision (c) of Section 47605.9, or subdivision (b) of Section 47612.7.

SEC. 54. Section 47655 is added to the Education Code, to read:

47655. (a) Notwithstanding any other law, all debt and liabilities owed to the state for an original charter school shall transfer to a restructured charter school in accordance with this section.

(b) (1) A transferred charter school shall retain all of the debt and liabilities owed to the state incurred by, or applicable to, the original charter school for the period before the fiscal year the restructuring becomes effective.

(2) An acquiring charter school shall assume all of the debt and liabilities owed to the state incurred by, or applicable to, the original charter schools for the period before the fiscal year the restructuring becomes effective. This paragraph shall become inoperative on July 1, 2023, unless its operation is extended by the Legislature.

(3) For a divided charter school, the debt and liabilities owed to the state incurred by, or applicable to, the original charter school for the period before the fiscal year the restructuring becomes effective shall be the responsibility of the remaining portion of a divided charter school. If the remaining portion of a divided charter school closes, unassigned debt and liability owed to the state shall be the responsibility of the restructured charter schools.

SEC. 55. Section 48000 of the Education Code is amended to read:

48000. (a) A child shall be admitted to a kindergarten maintained by the school district at the beginning of a school year, or at a later time in the same year, if the child will have their fifth birthday on or before one of the following dates:

(1) December 2 of the 2011–12 school year.

(2) November 1 of the 2012–13 school year.

(3) October 1 of the 2013–14 school year.

(4) September 1 of the 2014–15 school year and each school year thereafter.

(b) The governing board of the school district of a school district maintaining one or more kindergartens may, on a case-by-case basis, admit to a kindergarten a child having attained the age of five years at any time during the school year with the approval of the parent or guardian, subject to the following conditions:

(1) The governing board of the school district determines that the admittance is in the best interests of the child.

(2) The parent or guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance.

(c) As a condition of receipt of apportionment for pupils in a transitional kindergarten program pursuant to Section 46300, and Chapter 3 (commencing with Section 47610) of Part 26.8, as applicable, a school district or charter school shall ensure the following:

(1) In the 2012–13 school year, children who will have their fifth birthday between November 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

(2) In the 2013–14 school year, children who will have their fifth birthday between October 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

(3) (A) In the 2014–15 school year and each school year thereafter, children who will have their fifth birthday between September 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

(B) (i) For the 2015–16 school year and each school year thereafter, a school district or charter school may, at any time during a school year, admit children to a transitional kindergarten program who will have their fifth birthday after December 2 but during that same school year, with the approval of the parent or guardian, subject to the following conditions:

(I) The governing board of the school district or the governing body of the charter school determines that the admittance is in the best interests of the child.

(II) The parent or guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance.

(ii) Notwithstanding any other law, a pupil admitted to a transitional kindergarten program pursuant to clause (i) shall not generate average daily attendance for purposes of Section 46300, or be included in the enrollment or unduplicated pupil count pursuant to Section 42238.02, until the pupil has attained the pupil's fifth birthday, regardless of when the pupil was admitted during the school year.

(d) For purposes of this section, "transitional kindergarten" means the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate.

(e) A transitional kindergarten shall not be construed as a new program or higher level of service.

(f) It is the intent of the Legislature that transitional kindergarten curriculum be aligned to the California Preschool Learning Foundations developed by the department.

(g) As a condition of receipt of apportionment for pupils in a transitional kindergarten program pursuant to Section 46300, a school district or charter school shall ensure that credentialed teachers who are first assigned to a transitional kindergarten classroom after July 1, 2015, have, by August 1, 2021, one of the following:

(1) At least 24 units in early childhood education, or childhood development, or both.

(2) As determined by the local educational agency employing the teacher, professional experience in a classroom setting with preschool age children that is comparable to the 24 units of education described in paragraph (1).

(3) A child development teacher permit issued by the Commission on Teacher Credentialing.

(h) A school district or charter school may place four-year-old children, as defined in subdivision (aj) of Section 8208, enrolled in a California state preschool program into a transitional kindergarten program classroom. A school district or charter school that commingles children from both programs in the same classroom shall meet all of the requirements of the respective programs in which the children are enrolled, and the school district or charter school shall adhere to all of the following requirements, irrespective of the program in which the child is enrolled:

(1) An early childhood environment rating scale, as specified in Section 18281 of Title 5 of the California Code of Regulations, shall be completed for the classroom.

(2) All children enrolled for 10 or more hours per week shall be evaluated using the Desired Results Developmental Profile, as specified in Section 18272 of Title 5 of the California Code of Regulations.

(3) The classroom shall be taught by a teacher that holds a credential issued by the Commission on Teacher Credentialing in accordance with Section 44065 and subdivision (b) of Section 44256 and who meets the requirements set forth in subdivision (g).

(4) The classroom shall be in compliance with the adult-child ratio specified in subdivision (c) of Section 8264.8.

(5) Contractors of a school district or charter school commingling children enrolled in the California state preschool program with children enrolled in a transitional kindergarten program classroom shall report the services, revenues, and expenditures for the California state preschool program children in accordance with Section 18068 of Title 5 of the California Code of Regulations. Those contractors are not required to report services, revenues, and expenditures for the children in the transitional kindergarten program.

(i) Until July 1, 2019, a transitional kindergarten classroom that has in attendance children enrolled in a California state preschool program shall be licensed pursuant to Chapter 3.4 (commencing with Section 1596.70) of, and Chapter 3.5 (commencing with Section 1596.90) of, Division 2 of the Health and Safety Code.

(j) A school district or charter school that chooses to place California state preschool program children into a transitional kindergarten program classroom shall not also include children enrolled in transitional kindergarten for a second year or children enrolled in kindergarten in that classroom.

SEC. 56. Section 51461 of the Education Code is amended to read:

51461. (a) The State Seal of Biliteracy certifies attainment of a high level of proficiency by a graduating high school pupil in one or more languages, in addition to English, and certifies that the graduate meets all of the following criteria:

(1) Completion of all English language arts requirements for graduation with an overall grade point average of 2.0 or above in those classes.

(2) Passing the California Assessment of Student Performance and Progress for English language arts, or any successor test, administered in grade 11, at or above the "standard met" achievement level, or at the achievement level determined by the Superintendent for any successor test.

(3) Proficiency in one or more languages other than English, demonstrated through one of the following methods:

(A) Passing a world language Advanced Placement examination with a score of 3 or higher or an International Baccalaureate examination with a score of 4 or higher.

(B) Successful completion of a four-year high school course of study in a world language, attaining an overall grade point average of 3.0 or above in that course of study, and oral proficiency in the language comparable to that required pursuant to subparagraph (A).

(C) (i) If no Advanced Placement examination or off-the-shelf language test exists and the school district can certify to the Superintendent that the test meets the rigor of a four-year high school course of study in that world language, passing a school district language examination that, at a minimum, assesses speaking, reading, and writing in a language other than English at the proficient level or higher. If a school district offers a language examination in a language in which an Advanced Placement examination or off-the-shelf language test exists, the school district language examination shall be approved by the Superintendent for the purpose of determining proficiency in a language other than English.

(ii) Notwithstanding clause (i), a pupil who seeks to qualify for the State Seal of Biliteracy through a language that is not characterized by listening, speaking, or reading, or for which there is no written system, shall pass an assessment on the modalities that characterize communication in that language at the proficient level or higher.

(D) Passing the SAT II world language examination with a score of 600 or higher.

(b) If the primary language of a pupil in any of grades 9 to 12, inclusive, is other than English, the pupil shall do both of the following in order to qualify for the State Seal of Biliteracy:

(1) Attain the level demonstrating English language proficiency on the English Language Proficiency Assessments for California, or any successor English language proficiency assessment, in transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive.

(2) Meet the requirements of subdivision (a).

(c) For languages in which an Advanced Placement test is not available, the Superintendent may provide a listing of equivalent summative tests that school districts may use in place of an Advanced Placement test for purposes of subparagraph (A) of paragraph (3) of subdivision (a). A school district may provide the Superintendent with a list of equivalent summative tests that the school district uses in place of an Advanced Placement test for purposes of subparagraph (A) of paragraph (3) of subdivision (a). The Superintendent may use lists received from school districts in developing the Superintendent's list of equivalent summative tests.

(d) Notwithstanding subdivisions (a) and (b), for those pupils on track to graduate in 2020 or 2021, who were unable to take the assessments identified in paragraph (2) of subdivision (a) or paragraph (1) of subdivision (b), or who did not receive a letter grade in English language arts to satisfy paragraph (1) of subdivision (a), the Superintendent may provide alternatives to demonstrating attainment of a high level of proficiency in one or more languages in addition to English.

(e) For purposes of this article, "world language" has the same meaning as defined in Section 91.

SEC. 57. Section 52064 of the Education Code is amended to read:

52064. (a) On or before March 31, 2014, the state board shall adopt a template for a local control and accountability plan and an annual update to the local control and accountability plan for the following purposes:

(1) For use by school districts to meet the requirements of Sections 52060 to 52063, inclusive.

(2) For use by county superintendents of schools to meet the requirements of Sections 52066 to 52069, inclusive.

(3) For use by charter schools to meet the requirements of Section 47606.5.

(b) On or before January 31, 2020, the template adopted by the state board shall require the inclusion of all of the following information:

(1) A description of the annual goals, for all pupils and each subgroup of pupils identified pursuant to Section 52052, to be achieved for each of the state priorities identified in subparagraph (A) of paragraph (5) of subdivision (b) of Section 47605, subparagraph (A) of paragraph (5) of subdivision (b) of Section 47605.6, subdivision (d) of Section 52060, or subdivision (d) of Section 52066, as applicable, and for any additional local priorities identified by the governing board of the school district, the county board of education, or in the charter school petition. For purposes of this article, a subgroup of pupils identified pursuant to Section 52052 shall be a numerically significant pupil subgroup as specified in subdivision (a) of Section 52052.

(2) A description of the specific actions the school district, county office of education, or charter school will take during each year of the local control and accountability plan to achieve the goals identified in paragraph (1). The specific actions shall not supersede the provisions of existing local collective bargaining agreements, if any, within the jurisdiction of the school district, county office of education, or charter school.

(3) One or more summary tables listing and describing the budgeted expenditures for the ensuing fiscal year implementing each specific action included in the local control and accountability plan, including expenditures for the ensuing fiscal year that will serve unduplicated pupils, as defined in Section 42238.02, and pupils redesignated as fluent English proficient. The summary table or tables shall include both of the following:

(A) The total overall expenditures for all specific actions included in the local control and accountability plan, broken down by personnel and nonpersonnel expenditures.

(B) The subtotals of expenditures for each specific action included in the local control and accountability plan broken down into the following categories:

(i) Funds apportioned under the local control funding formula pursuant to Section 42238.02.

(ii) All other state funds.

(iii) All local funds.

(iv) All federal funds.

(4) One or more summary tables listing and describing the specific actions and budgeted expenditures in paragraph (3) that contribute to the demonstration that the school district, county office of education, or charter school will increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils, consistent with regulations adopted by the state board pursuant to Section 42238.07, grouped as follows:

(A) Specific actions and budgeted expenditures provided to all pupils on a districtwide, countywide, or charterwide basis.

(B) Specific actions and budgeted expenditures that are targeted only to one or more unduplicated pupil subgroups. For these specific actions, the description shall specify the unduplicated pupil subgroup or subgroups that are targeted by each specific action and, if not provided at all schools, the school or schools where the specific action is provided.

(C) Only for school districts and county offices of education that operate more than one schoolsite, specific actions and budgeted expenditures provided to all pupils on a schoolwide basis, but only at schools serving certain grade spans or only at one or more schools. For these specific actions, the description shall specify the school or schools at which the specific action is provided.

(5) An estimate of the funds to be apportioned in the ensuing fiscal year on the basis of the number and concentration of unduplicated pupils and calculation of the percent the school district, county office of education, or charter school will increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils, consistent with regulations adopted by the state board pursuant to Section 42238.07.

(6) A demonstration that the school district, county office of education, or charter school will increase or improve services for unduplicated pupils in the ensuing fiscal year in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils, consistent with regulations adopted by the state board pursuant to Section 42238.07.

(7) A review of the progress toward the goals included in the existing local control and accountability plan, a review of any changes in the applicability of the goals, an assessment of the effectiveness of the specific actions described in the existing local control and accountability plan toward achieving the goals, a description of changes to the specific actions and related expenditures the school district, county office of education, or charter school will make as a result of the review and assessment, and an update on progress implementing the specific actions in the current fiscal year, including estimated actual expenditures for the specific actions.

(8) A plan summary that includes general information about the school district, county office of education, or charter school and highlights of the local control and accountability plan and annual update to the local control and accountability plan, including reflections on annual performance on the California School Dashboard authorized in Section 52064.5 and other local data.

(9) A summary of the stakeholder engagement process and how stakeholder engagement influenced the development of the adopted local control and accountability plan and annual update to the local control and accountability plan.

(c) If possible, the templates identified in paragraph (2) of subdivision (a) for use by county superintendents of schools shall allow a county superintendent of schools to develop a single local control and accountability plan that would also satisfy the requirements of Section 48926.

(d) (1) The template for the local control and accountability plan and annual update to the local control and accountability plan shall, to the greatest extent practicable, use language that is understandable and accessible to parents. The state board shall include instructions for school districts, county offices of education, and charter schools to complete the local control and accountability plan and annual update to the local control and accountability plan consistent with the requirements of this section. The state board may include more technical language in the instructions.

(2) Except as provided in paragraph (3), the state board shall not require school districts, county offices of education, or charter schools to provide any information in addition to the information required pursuant to subdivision (b).

(3) The state board may require the inclusion of additional information in the template in order to meet requirements of federal law.

(e) (1) The process of developing and annually updating the local control and accountability plan should support school districts, county offices of education, and charter schools in comprehensive strategic planning, accountability, and improvement across the state priorities and any locally identified priorities through meaningful engagement with local stakeholders.

(2) In developing the template for the local control and accountability plan and annual update to the local control and accountability plan, the state board shall ensure that school districts, county offices of education, and charter schools track and report their progress annually on all state priorities, including the applicable metrics specified within each state priority and, for charter schools, in accordance with Section 47606.5.

(3) The instructions developed by the state board pursuant to paragraph (1) of subdivision (d) shall specify that school districts, county offices of education, and charter schools should prioritize the focus of the goals, specific actions, and related expenditures included within the local control and accountability plan and annual update to the local control and accountability plan within one or more state priorities. The instructions shall further specify that school districts, county offices of education, and charter schools should consider their performance on the state and local indicators, including their locally collected and reported data for the local indicators, that are included in the California School Dashboard authorized in Section 52064.5 in determining whether and how to prioritize the goals, specific actions, and related expenditures included within the local control and accountability plan and annual update to the local control and accountability plan.

(4) The instructions developed by the state board pursuant to paragraph (1) of subdivision (d) shall specify that school districts, county offices of education, and charter schools that have a numerically significant English learner pupil subgroup shall include specific actions in the local control and accountability plan related to, at a minimum, the language acquisition programs, as defined in Section 306, provided to pupils and professional development activities specific to English learners.

(5) On or before January 31, 2022, the instructions developed by the state board pursuant to paragraph (1) of subdivision (d) shall specify that school districts, county offices of education, and charter schools that meet the criteria to receive technical assistance pursuant to Section 47607, 47607.2, 52071, or 52071.5, as applicable, based on the performance of the same pupil subgroup or subgroups for three or more consecutive years shall include a goal in the local control and accountability plan focused on improving the performance of the pupil subgroup or subgroups.

(6) (A) On or before January 31, 2022, the instructions developed by the state board pursuant to paragraph (1) of subdivision (d) shall specify that, for any school district or county office of education with a school that meets the criteria described in subparagraph (B), the school district or county office of education shall include a goal in the local control and accountability plan focused on addressing the disparities in performance at the school or schools compared to the school district or county office of education as a whole.

(B) The requirement described in subparagraph (A) shall apply for any local educational agency with two or more schools if, for two consecutive years, a school receives the two lowest performance levels on all but one of the state indicators for which the school receives performance levels on the California School Dashboard pursuant to subdivision (d) of Section 52064.5 and the performance of the local educational agency for all pupils is at least one performance level higher on all of those indicators.

(f) (1) Except as provided in subdivision (g), the state board shall adopt the template pursuant to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The state board may adopt emergency regulations for purposes of implementing this section. The adoption of emergency regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare.

(2) Notwithstanding paragraph (1), the state board may adopt or revise the template in accordance with the requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code). When adopting the template pursuant to the requirements of the Bagley-Keene Open Meeting Act, the state board shall present the template at a regular meeting and may only take action to adopt the template at a subsequent regular meeting. This paragraph shall become inoperative on January 31, 2019.

(g) Notwithstanding subdivision (f), revisions of the template for the local control and accountability plan and annual update to the local control and accountability plan necessary to implement Assembly Bill 1808 and Assembly Bill 1840 of the 2017–18 Regular Session or legislation passed during the 2019–20 Regular Session shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The state board may make necessary revisions to the template in accordance with the requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(h) Revisions to a template shall be approved by the state board by January 31 before the fiscal year during which the template is to be used by a school district, county superintendent of schools, or charter school.

(i) In developing the template, the state board shall take steps to minimize duplication of effort at the local level to the greatest extent possible. The adoption of a template or evaluation rubric by the state board shall not create a requirement for a governing board of a school district, a county board of education, or a governing body of a charter school to submit a local control and accountability plan to the state board, unless otherwise required by federal law. The Superintendent shall not require a local control and accountability plan to be submitted by a governing board of a school district or the governing body of a charter school to the state board. The state board may adopt a template or evaluation rubric that would authorize a school district or a charter school to submit to the state board only the sections of the local control and accountability plan required by federal law.

(j) Notwithstanding any other law, the templates developed by the state board pursuant to this section, as it read on June 30, 2018, shall continue in effect until the state board adopts a new template pursuant to subdivision (b) on or before January 31, 2020, except that the state board may adopt revisions to those templates pursuant to subdivision (g) that are necessary to implement Assembly Bill 1808 of the 2017–18 Regular Session or meet federal requirements.

SEC. 58. Section 52074 of the Education Code is amended to read:

52074. (a) The California Collaborative for Educational Excellence is hereby established.

(b) The purpose of the California Collaborative for Educational Excellence is to advise and assist school districts, county superintendents of schools, and charter schools in achieving the goals set forth in a local control and accountability plan adopted pursuant to this article. The California Collaborative for Educational Excellence shall achieve this purpose by facilitating continuous improvement for local educational agencies within California's system of public school support.

(c) The California Collaborative for Educational Excellence shall be governed by a board consisting of the following five members:

(1) The Superintendent or the Superintendent's designee.

(2) The president of the state board or the president of the state board's designee.

(3) A county superintendent of schools appointed by the Senate Committee on Rules.

(4) A teacher appointed by the Speaker of the Assembly.

(5) A superintendent of a school district appointed by the Governor.

(d) The governing board of the California Collaborative for Educational Excellence shall select, and direct the administrative agent provided for in subdivision (e) to hire, the executive director of the California Collaborative for Educational Excellence and provide policy and program direction.

(e) The department, in consultation with the executive director of the state board and with the approval of the Department of Finance, shall contract with a local educational agency, or consortium of local educational agencies, to serve as the administrative agent for the California Collaborative for Educational Excellence. The administrative agent shall operate all aspects of the California Collaborative for Educational Excellence in accordance with the terms of its contract or contracts with the state, applicable statutes, and the policy and program direction of the governing board of the California Collaborative for Educational Excellence.

(f) Pursuant to the policy and program direction of the governing board of the California Collaborative for Educational Excellence, the administrative agent shall contract with individuals, local educational agencies, or organizations with the expertise, experience, and a record of success to carry out the purposes of this article. The areas of expertise, experience, and record of success shall include, but are not limited to, all of the following:

(1) State priorities as described in subdivision (d) of Section 52060, including the state and local indicators developed for the California School Dashboard pursuant to Section 52064.5.

(2) Improving the quality of teaching.

(3) Improving the quality of school district and schoolsite leadership.

(4) Successfully addressing the needs of special pupil populations, including, but not limited to, English learners, pupils eligible to receive a free or reduced-price meal, pupils in foster care, and individuals with exceptional needs.

(g) (1) The California Collaborative for Educational Excellence may accept a request or referral to advise and assist a school district, county superintendent of schools, or charter school pursuant to paragraph (2) or in either of the following circumstances:

(A) If the county superintendent of schools of the county in which the school district or charter school is located determines, following the provision of technical assistance pursuant to Section 52071 or 47607.3, as applicable, and the geographic lead agency of that county identified pursuant to Section 52073 agrees, that the advice and assistance of the California Collaborative for Educational Excellence is necessary to help the school district or charter school accomplish the goals described in the local control and accountability plan adopted pursuant to this article.

(B) If the Superintendent determines that the advice and assistance of the California Collaborative for Educational Excellence is necessary to help the school district, county superintendent of schools, or charter school accomplish the goals set forth in the local control and accountability plan adopted pursuant to this article.

(2) (A) If a school district receives an emergency apportionment pursuant to Article 2 (commencing with Section 41320) of Chapter 3 of Part 24 of Division 3, the school district shall be deemed to have been referred to the California Collaborative for Educational Excellence.

(B) If the California Collaborative for Educational Excellence provides assistance to a school district referred pursuant to this paragraph, the California Collaborative for Educational Excellence shall conduct a systemic review of the school district to identify needs and strategies to improve pupil academic achievement, including, but not limited to, needs identified pursuant to Sections 52052, 52064.5, and 52071. Based on the results of the systemic review, the California Collaborative for Educational Excellence shall coordinate and facilitate the assistance provided to the school district by governmental agencies to provide coherent and effective support consistent with the purpose of the statewide system of support specified in Section 52059.5. The governmental agencies may include, among others, the department, the local county superintendent, the applicable geographic lead agency, and the County Office Fiscal Crisis and Management Assistance Team. It is the intent of the Legislature that no single governmental agency providing assistance in partnership with other governmental agencies bear the full cost of assistance.

(3) Outside of the processes described in paragraphs (1) and (2), a school district, county office of education, or charter school that requests the advice and assistance of the California Collaborative for Educational Excellence shall reimburse the California Collaborative for Educational Excellence for the cost of those services pursuant to authority provided in the annual Budget Act.

(h) To the extent authority is provided in the annual Budget Act, a school district at risk of qualifying for state intervention pursuant to subdivision (b) of Section 52072 shall have priority for direct technical assistance from the California Collaborative for Educational Excellence.

(i) In addition to the functions described in subdivision (g), the California Collaborative for Educational Excellence shall do both of the following:

(1) Facilitate professional development activities that increase the capacity of local educational agencies to improve pupil outcomes in alignment with state priorities pursuant to Section 52060 and to improve performance on the state and local indicators developed for the California School Dashboard pursuant to Section 52064.5. The California Collaborative for Educational Excellence shall provide professional development in partnership with state professional associations, nonprofit organizations, and public agencies. The governing board of the California Collaborative for Educational Excellence shall determine the extent of the training that is necessary to comply with this paragraph.

(2) Produce a professional development training calendar, to be posted on the California Collaborative for Educational Excellence’s internet website, that publicizes all of the professional development activities offered pursuant to paragraph (1) at the local, regional, and state levels.

(j) The individuals with whom the administrative agent enters into employment contracts to carry out the purposes of this article shall be deemed employees of the administrative agent and eligible for participation in either the State Teachers’ Retirement System or the Public Employees’ Retirement System, as appropriate to the nature of the work to be performed by the employees.

(k) Receipt of any revenues not appropriated by the Legislature to the California Collaborative for Educational Excellence shall be subject to approval by the governing board of the California Collaborative for Educational Excellence. The governing board of the California Collaborative for Educational Excellence shall ensure that all activities, regardless of fund source, are aligned with the purpose of the California Collaborative for Educational Excellence, as described in subdivision (b).

SEC. 59. Section 52202 of the Education Code is amended to read:

52202. (a) The Bilingual Teacher Professional Development Program shall be administered by the department in consultation with the Commission on Teacher Credentialing. The department shall issue grants to applicants through a competitive process.

(b) (1) The department shall allocate grant funding to eligible local educational agencies, including county offices of education, school districts, charter schools, or a consortia of local educational agencies for purposes of providing professional development services to teachers or paraprofessionals who satisfy the requirements of subdivision (c). Grant recipients may partner with community colleges, public or private four-year institutions of postsecondary education, and professional organizations or nonprofit organizations with English learner expertise.

(2) The department shall issue a minimum of five grants under the program.

(c) (1) A teacher shall be eligible for professional development services pursuant to subdivision (b) if the teacher possesses a teaching credential or an education specialist credential authorizing the holder to teach pupils with exceptional needs, and does either of the following:

(A) Possesses an authorization to provide instruction to English learners pursuant to Section 44253.3, 44253.4, or 44253.7, and has provided instruction solely in English-only classrooms for three years or more.

(B) Is fluent in a language other than English, and seeks an authorization pursuant to Section 44253.3, 44253.4, or 44253.7 to provide instruction to English learners.

(2) A school paraprofessional employee shall be eligible for professional development services if the employee is fluent in a language other than English, seeks to work with English learners or in a bilingual program, and intends to enter a pathway to become a credentialed teacher who holds a bilingual authorization.

(d) In selecting a grant recipient pursuant to subdivision (b), the department shall ensure that an applicant indicates how it plans to increase the number of teachers who obtain a bilingual authorization as a result of participation in the program and increase the number of teachers with a bilingual authorization who return to teaching in a bilingual or multilingual setting.

(e) In awarding funding to eligible applicants pursuant to subdivision (b), the department shall adopt criteria demonstrating an applicant’s ability to provide professional development services. The adopted criteria shall include, but are not limited to, all of the following:

(1) Demonstrated commitment to bilingual and multilingual education and bilingual teacher development.

(2) Demonstrated capability to fully prepare teachers to obtain bilingual authorizations and to improve or update a teacher's knowledge and skills relating to biliteracy, English language acquisition, English language development, pupil assessment in English and other languages, and instruction in the components of a high-quality bilingual or multilingual education program.

(3) The availability of bilingual education staff with demonstrated experience and knowledge of bilingual and multilingual education for purposes of providing professional development programs.

(4) Demonstrated management and support services necessary to efficiently and effectively use funding provided under subdivision (b) to help meet the demand for bilingual teachers.

(5) Matching funds, or other in-kind matching resources, offered by the applicant in support of a professional development program funded pursuant to this article.

(6) Capacity to conduct an evaluation of a professional development program offered by the applicant for the purpose of identifying areas of strength, areas requiring improvement, and recommendations for making improvement.

(f) The department shall ensure grant recipients selected for purposes of this article, to the maximum extent possible, are balanced with regard to geographic regions and urban and rural settings.

(g) By January 1, 2022, grant recipients shall provide a final report to the department on the number of participants who were issued bilingual authorizations, the number of previously authorized teachers who have participated in the program and subsequently returned to bilingual teaching assignments, and the number of teachers who are still working at least 50 percent of the time in a bilingual setting.

(h) The project performance period for the Bilingual Teacher Professional Development grant is January 1, 2018, to June 30, 2021, inclusive.

SEC. 60. Section 54444.2 of the Education Code is amended to read:

54444.2. (a) The Superintendent shall take the steps necessary to ensure effective parental involvement throughout the state migrant education program, which shall include, but need not be limited to, all of the following:

(1) The Superintendent shall adopt rules and regulations requiring each operating agency receiving migrant education funds or services to actively solicit parental involvement in the planning, operation, and evaluation of its programs through the establishment of, and consultation with, a parent advisory council.

(A) The membership of each parent advisory council shall be composed of members who are knowledgeable of the needs of migrant children, and shall be elected by the parents of migrant children enrolled in the operating agency's programs. The composition of the council shall be determined by the parents at a general meeting to which all parents of pupils enrolled in the migrant program shall be invited. Parents shall be informed, in a language they understand, that the parents have the sole authority to decide on the composition of the council. All parent candidates for the council shall be nominated by parents; nonparent candidates shall be nominated by the groups they represent: teachers by teachers, administrators by administrators, other school personnel by other school personnel, and pupils by pupils. All other community candidates shall be nominated by the parents. Each parent advisory council shall hold meetings on a regular basis during the operation of the regular program, but not less than six times during the year.

(B) At least two-thirds of the members of each parent advisory council shall be the parents of migrant children. Each parent advisory council shall have the responsibilities listed in subdivision (a) of Section 54444.4.

(2) The Superintendent shall establish a statewide parent advisory council that shall participate in the planning, operation, and evaluation of the state migrant education program. The membership of the statewide parent advisory council shall be composed of members who are knowledgeable of the needs of migrant children, and shall be nominated and elected by the parents of migrant children enrolled in the operating agencies. At least two-thirds of the members of the State Parent Advisory Council shall be the parents of migrant children. The state council shall meet a minimum of six times a calendar year to provide input on issues relating to the operation of the program. Special meetings may be called at the discretion of the state director.

(3) (A) (i) The Superintendent also shall sponsor a biennial State Parent Advisory Council Conference. The conference shall be scheduled during the spring.

(ii) The Superintendent may sponsor regional conferences to take the place of the State Parent Advisory Council Conference if the Superintendent determines that regional conferences will increase parent participation.

(B) Every three years, the State Parent Advisory Council shall prepare and submit a report to the Legislature, pursuant to Section 9795 of the Government Code, the state board, the Superintendent, and the Governor regarding the status of the migrant education program. The report shall be submitted within 120 days from the conclusion of a training program on preparing the report provided by the Superintendent in accordance with paragraph (5).

(C) The report shall include an evaluation of the migrant education program, as required pursuant to paragraph (2), a review of annual needs and a yearend assessment, as required pursuant to paragraph (2) of subdivision (a) of Section 54444.4, and policy recommendations.

(4) The Superintendent and each operating agency shall furnish, without charge, to the statewide and operating agency parent advisory councils and, upon request, to each member, a copy of all applicable state and federal migrant education statutes, rules and regulations, and guidelines. In addition, the Superintendent and each operating agency shall furnish, without charge, to the statewide and operating agency parent advisory councils and, upon request, to each member, copies of all applicable state and federal audits, monitoring reports, and evaluations.

(5) The Superintendent and each operating agency shall establish and implement training programs for members of the statewide and operating agency parent advisory councils to enable them to carry out their responsibilities. Each training program shall be developed in consultation with the parent advisory councils, and shall include appropriate training materials in a language understandable to each member. Costs incurred in providing training under this paragraph, including federally authorized expenses associated with the attendance of members at training sessions, shall be funded, to the extent that funds are available, by federal funds allocated to the state, based upon the educational and related health needs of migratory children defined in subdivisions (a) and (b) of Section 54441, and may be supported by funds from the state migrant education program.

(b) Each operating agency that provides services on a statewide basis shall be exempt from the requirement that it create its own parent advisory council, but shall consult the statewide parent advisory council in the planning, operation, and evaluation of its programs.

(c) Notwithstanding subparagraph (A) of paragraph (1) of subdivision (a) or any other law, all requirements for 2020 nominations and elections for parent advisory councils shall be suspended until September 1, 2020.

(d) Notwithstanding subparagraph (A) of paragraph (1) of subdivision (a), parent advisory councils shall meet at least three times in the 2020 calendar year.

(e) Notwithstanding paragraph (2) of subdivision (a), the State Parent Advisory Council shall meet at least three times in the 2020 calendar year.

(f) Notwithstanding subparagraph (A) of paragraph (3) of subdivision (a), the Superintendent shall not be required to sponsor a biennial State Parent Advisory Council Conference in the 2020 calendar year.

SEC. 61. Section 54444.3 of the Education Code is amended to read:

54444.3. (a) Each operating agency receiving federal Title I Migrant Education funding shall conduct summer school programs for eligible migrant children in kindergarten and grades 1 to 12, inclusive. The summer school programs shall respond to the individual needs of participating pupils, and shall build on and be consistent with the instructional programs offered to these pupils during the regular school year. Each summer school program shall be funded, to the extent that funds are available, by federal funds earmarked for migrant education programs, and shall meet all of the following criteria:

(1) (A) That summer school programs meet the following time requirements:

(i) For kindergarten classes, not less than 180 minutes per day, based upon the full apportionment day of 240 minutes, including recesses, for not less than 20 teaching days.

(ii) For grades 1 to 8, inclusive, not less than 200 minutes per day, based upon the full apportionment day of 240 minutes, including recesses and passing time but excluding noon intermissions, for not less than 20 teaching days.

(iii) For grades 7 to 12, inclusive, not less than 240 minutes per day, including passing time but excluding noon intermissions, for not less than 30 teaching days.

(B) Exemptions from the requirements of this paragraph may be made by the Superintendent upon petition submitted to the Superintendent by the school district. The basis for the exemption shall be agricultural labor factors, climatic conditions, specialized educational programs, and other conditions appearing to the Superintendent to warrant exemption.

(C) For purposes of this paragraph, holidays designated in Section 37220 other than Saturday and Sunday may be deducted from the required number of teaching days.

(2) That the program has been established with the prior written approval of the Superintendent based upon the submission of an application that is in the form prescribed and furnished by the Superintendent. Each application shall designate the persons who will exercise administrative or supervisorial responsibilities for the summer school program, and shall be submitted before the establishment of the summer school program.

(3) That the summer school program contains coursework that is of the same level of difficulty in each subject as that provided to pupils enrolled in regular classes of instruction within the school district in the preceding year.

(4) That instructional programs are taught by staff with cultural training or background and understanding of the special needs of migrant children, and who are properly credentialed for the subjects and grade levels to which they are assigned.

(5) That the summer school program supplements other summer school programs, whether required or optional and whether federally or state funded, operated by the school district, including the programs for graduating high school seniors, handicapped children, pupils enrolled in grade 11, pupils enrolled in any of grades 7 to 12, inclusive, who do not meet the school district’s adopted proficiency standards, and eligible compensatory education pupils.

(b) (1) Each school district, county office of education, and community college district shall, upon request, make facilities available at cost for the operation of migrant summer school programs whenever they are available. Where available, these facilities shall be suitable for the summer climate. The Superintendent may allow neighboring districts to jointly offer facilities if the Superintendent determines that the use of one district’s facilities for an area will adequately meet the needs of the migrant summer school program for the entire area.

(2) If the Superintendent determines that requests from prospective users of these facilities were denied without just cause, the Superintendent shall reduce the school district’s or county superintendent’s entitlement from Section A of the State School Fund by an amount equal to one thousand dollars ($1,000) or four times the costs to the prospective user for alternative facilities for the entire period for which the facilities were requested, whichever is greater.

(c) Notwithstanding subdivision (b), school districts, county offices of education, and community college districts that have closed their facilities due to the COVID-19 pandemic are not required to make facilities available for migrant summer school programs in the 2020 calendar year.

(d) Summer school programs required by this section may be offered through distance learning for the 2020 calendar year.

(e) The time requirements in subdivision (a) are waived for the 2020 calendar year. However, local educational agencies are encouraged to offer the minimum instructional minute requirements to the extent practicable for the 2020 calendar year.

SEC. 62. Section 56122 of the Education Code is amended to read:

56122. (a) The Superintendent shall establish guidelines for the development of local plans, including a standard format for local plans, and provide assistance in the development of local plans. The purposes of the guidelines and assistance shall be to help districts and county offices benefit from the experience of other local agencies that implement programs under this part, including, but not limited to, reducing paperwork, increasing parental involvement, improving transparency, and providing effective staff development activities. To the extent possible, all forms, reports, and evaluations shall be designed to satisfy simultaneously state and federal requirements.

(b) On or before July 1, 2019, the department shall develop templates that shall be used by special education local plan areas, districts, and county superintendents of schools to meet the requirements of Sections 56195.1 and 56205.

(c) Commencing July 1, 2023, each local plan shall include an annual assurances support plan. The purpose of the annual assurances support plan is to demonstrate how the special education local plan area and its participating agencies are coordinating for purposes of assuring effective outcomes for pupils with disabilities. The department shall develop a template for the annual assurances support plan by July 1, 2022. The annual assurances support plan shall include all of the following elements:

(1) A description of how the governing board of the special education local plan area has determined that the special education local plan area will support participating agencies in achieving the goals, actions, and services identified in their local control and accountability plans.

(2) A description of how the governing board of the special education local plan area has determined that the special education local plan area will connect its participating agencies in need of technical assistance to the statewide system of support.

(3) A brief description of the services, technical assistance, and support the governing board of the special education local plan area has determined that it will provide in meeting the requirements under paragraphs (1) to (21), inclusive, of subdivision (a) of Section 56205.

SEC. 63. Section 56195.1 of the Education Code is amended to read:

56195.1. The governing board of a district shall elect to do one of the following described in subdivision (a), (b), or (c):

(a) (1) If of sufficient size and scope, under standards adopted by the board, submit to the superintendent a local plan for the education of all individuals with exceptional needs residing in the district in accordance with Chapter 3 (commencing with Section 56205).

(2) From July 1, 2020, to July 1, 2024, inclusive, the governing board of a district shall not submit a local plan for the education of all individuals with exceptional needs residing in the district under paragraph (1) for the purpose of creating a single district special education local plan area.

(b) In conjunction with one or more districts, submit to the superintendent a local plan for the education of individuals with exceptional needs residing in those districts in accordance with Chapter 3 (commencing with Section 56205). The plan shall include, through joint powers agreements or other contractual agreements, all the following:

(1) Provision of a governance structure and any necessary administrative support to implement the plan.

(2) Establishment of a system for determining the responsibility of participating agencies for the education of each individual with exceptional needs residing in the special education local plan area.

(3) Designation of a responsible local agency or alternative administrative entity to perform functions such as the receipt and distribution of funds, provision of administrative support, and coordination of the implementation of the plan. Any participating agency may perform any of these services required by the plan.

(c) Join with the county office, to submit to the superintendent a local plan in accordance with Chapter 3 (commencing with Section 56205) to assure access to special education and services for all individuals with exceptional needs residing in the geographic area served by the plan. The county office shall coordinate the implementation of the plan, unless otherwise specified in the plan. The plan shall include, through contractual agreements, all of the following:

(1) Establishment of a system for determining the responsibility of participating agencies for the education of each individual with exceptional needs residing in the geographical area served by the plan.

(2) Designation of the county office, of a responsible local agency, or of any other administrative entity to perform functions such as the receipt and distribution of funds, provision of administrative support, and coordination of the implementation of the plan. Any participating agency may perform any of these services required by the plan.

(d) The service area covered by the local plan developed under subdivision (a), (b), or (c) shall be known as the special education local plan area.

(e) This section does not limit the authority of a county office and a district or group of districts to enter into contractual agreements for services relating to the education of individuals with exceptional needs. Except for instructional personnel service units serving infants, until a special education local plan area adopts a revised local plan approved pursuant to Section 56836.03, the county office or district that reports a unit for funding shall be the agency that employs the personnel who staff the unit, unless the combined unit rate and support service ratio of the nonemploying agency is equal to or lower than that of the employing agency and both agencies agree that the nonemploying agency will report the unit for funding.

(f) A charter school that is deemed a local educational agency for purposes of special education pursuant to Article 4 (commencing with Section 47640) of Chapter 6 of Part 26.8 shall participate in an approved local plan pursuant to subdivision (a), (b), or (c). A charter school may submit written policies and procedures to the department for approval by the board that establish compliance with the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), and implementing regulations, either individually, pursuant to subdivision (a) or with other charter schools pursuant to subdivision (b). The board shall review these policies and procedures, based on the criteria established pursuant to Section 56100. Upon approval by the board, these written policies and procedures shall become the local plan.

(g) The requirements of this section shall not be waived by the board pursuant to Section 56101 or any other law.

SEC. 64. Section 56213 of the Education Code is amended to read:

56213. (a) A necessary small special education local plan area, as described in Section 56212, shall receive an additional funding amount pursuant to subdivision (b) if, between the fiscal year in which the computation is made and the prior fiscal year, it declines in both of the following:

(1) Funding calculated pursuant to subdivision (b) of Section 56836.08.

(2) The applicable funded units of average daily attendance, as calculated pursuant to paragraph (3) of subdivision (b) of Section 56836.08.

(b) The additional funding amount shall be calculated as 40 percent of the decline in funded units of average daily attendance multiplied by the applicable amount of funding per unit of average daily attendance calculated pursuant to paragraph (3) of subdivision (b) of Section 56836.08.

(c) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 65. Section 56214 is added to the Education Code, to read:

56214. For the 2020–21 fiscal year and each fiscal year thereafter, a necessary small special education local plan area, as described in Section 56212, shall receive, in addition to the funding it received in the 2019–20 fiscal year, an additional funding amount equal to the sum of both of the following:

(a) The amount it received in the 2019–20 fiscal year pursuant to subdivision (b) of Section 56213, as that section read on January 1, 2020.

(b) A proportional share of any additional funding provided for this purpose in the annual Budget Act.

SEC. 66. Section 56345 of the Education Code is amended to read:

56345. (a) The individualized education program is a written statement for each individual with exceptional needs that is developed, reviewed, and revised in accordance with this section, as required by Section 1414(d) of Title 20 of the United States Code, and that includes all of the following:

(1) A statement of the individual's present levels of academic achievement and functional performance, including all of the following:

(A) The manner in which the disability of the individual affects their involvement and progress in the general education curriculum.

(B) For preschool children, as appropriate, the manner in which the disability affects their participation in appropriate activities.

(C) For individuals with exceptional needs who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives.

(2) A statement of measurable annual goals, including academic and functional goals, designed to do both of the following:

(A) Meet the needs of the individual that result from the disability of the individual to enable the pupil to be involved in and make progress in the general education curriculum.

(B) Meet each of the other educational needs of the pupil that result from the disability of the individual.

(3) A description of the manner in which the progress of the pupil toward meeting the annual goals described in paragraph (2) will be measured and when periodic reports on the progress the pupil is making toward meeting the annual goals, such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards, will be provided.

(4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the pupil, or on behalf of the pupil, and a statement of the program modifications or supports for school personnel that will be provided to enable the pupil to do all of the following:

(A) To advance appropriately toward attaining the annual goals.

(B) To be involved in and make progress in the general education curriculum in accordance with paragraph (1) and to participate in extracurricular and other nonacademic activities.

(C) To be educated and participate with other individuals with exceptional needs and nondisabled pupils in the activities described in this subdivision.

(5) An explanation of the extent, if any, to which the pupil will not participate with nondisabled pupils in the regular class and in the activities described in subparagraph (C) of paragraph (4).

(6) (A) A statement of individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the pupil on state and districtwide assessments consistent with Section 1412(a)(16)(A) of Title 20 of the United States Code.

(B) If the individualized education program team determines that the pupil shall take an alternate assessment instead of a particular state or districtwide assessment of pupil achievement, a statement of both of the following:

(i) The reason why the pupil cannot participate in the regular assessment.

(ii) The reason why the particular alternate assessment selected is appropriate for the pupil.

(7) The projected date for the beginning of the services and modifications described in paragraph (4), and the anticipated frequency, location, and duration of those services and modifications.

(8) Beginning not later than the first individualized education program to be in effect when the pupil is 16 years of age, or younger if determined appropriate by the individualized education program team, and updated annually thereafter, both of the following shall be included:

(A) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills.

(B) The transition services, as defined in Section 56345.1, including courses of study, needed to assist the pupil in reaching those goals.

(9) (A) A description of the means by which the individualized education program will be provided under emergency conditions, as described in Section 46392, in which instruction or services, or both, cannot be provided to the pupil either at the school or in person for more than 10 school days. The description shall include all of the following:

(i) Special education and related services.

(ii) Supplementary aids and services.

(iii) Transition services, as defined in Section 56345.1

(iv) Extended school year services pursuant to Section 300.106 of Title 34 of the Code of Federal Regulations.

(B) Subparagraph (A) shall apply, on or after the operative date of this paragraph, to the development of an initial individualized education program or the next regularly scheduled revision of an individualized education program that has not already met the requirements of subparagraph (A).

(C) Public health orders shall be taken into account in implementing subparagraph (A).

(b) If appropriate, the individualized education program shall also include, but not be limited to, all of the following:

(1) For pupils in grades 7 to 12, inclusive, any alternative means and modes necessary for the pupil to complete the prescribed course of study of the district and to meet or exceed proficiency standards for graduation.

(2) For individuals whose native language is a language other than English, linguistically appropriate goals, objectives, programs, and services.

(3) Pursuant to Section 300.106 of Title 34 of the Code of Federal Regulations, extended school year services shall be included in the individualized education program and provided to the pupil if the individualized education program team of the pupil determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education to the pupil.

(4) Provision for the transition into the regular class program if the pupil is to be transferred from a special class or nonpublic, nonsectarian school into a regular class in a public school for any part of the schoolday, including both of the following:

(A) A description of activities provided to integrate the pupil into the regular education program. The description shall indicate the nature of each activity, and the time spent on the activity each day or week.

(B) A description of the activities provided to support the transition of pupils from the special education program into the regular education program.

(5) For pupils with low-incidence disabilities, specialized services, materials, and equipment, consistent with guidelines established pursuant to Section 56136.

(c) It is the intent of the Legislature in requiring individualized education programs, that the local educational agency is responsible for providing the services delineated in the individualized education program. However, the Legislature recognizes that some pupils may not meet or exceed the growth projected in the annual goals and objectives of the individualized education program of the pupil.

(d) Consistent with Section 56000.5 and Section 1414(d)(3)(B)(iv) of Title 20 of the United States Code, it is the intent of the Legislature that, in making a determination of the services that constitute an appropriate education to meet the unique needs of a deaf or hard-of-hearing pupil in the least restrictive environment, the individualized education program team shall consider the related services and program options that provide the pupil with an equal opportunity for communication access. The individualized education program team shall specifically discuss the communication needs of the pupil, consistent with “Deaf Students Education Services Policy Guidance” (57 Fed. Reg. 49274 (October 1992)), including all of the following:

(1) The pupil’s primary language mode and language, which may include the use of spoken language with or without visual cues, or the use of sign language, or a combination of both.

(2) The availability of a sufficient number of age, cognitive, and language peers of similar abilities, which may be met by consolidating services into a local plan areawide program or providing placement pursuant to Section 56361.

(3) Appropriate, direct, and ongoing language access to special education teachers and other specialists who are proficient in the pupil’s primary language mode and language consistent with existing law regarding teacher training requirements.

(4) Services necessary to ensure communication-accessible academic instructions, school services, and extracurricular activities consistent with the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 701 et seq.) and the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.).

(5) In accordance with Section 300.113 of Title 34 of the Code of Federal Regulations, each public agency shall ensure that hearing aids worn in school by children with hearing impairments, including deafness, are functioning properly.

(6) Subject to paragraph (7), each public agency, pursuant to Section 300.113(b) of Title 34 of the Code of Federal Regulations, shall ensure that external components of surgically implanted medical devices are functioning properly.

(7) For a child with a surgically implanted medical device who is receiving special education and a service under Section 56363, a public agency is not responsible for the postsurgical maintenance, programming, or replacement of the medical device that has been surgically implanted, or of an external component of the surgically implanted medical device.

(e) State moneys appropriated to districts or local educational agencies may not be used for any additional responsibilities and services associated with paragraphs (1) and (2) of subdivision (d), including the training of special education teachers and other specialists, even if those additional responsibilities or services are required pursuant to a judicial or state agency determination. Those responsibilities and services shall only be funded by a local educational agency as follows:

(1) The costs of those activities shall be funded from existing programs and funding sources.

(2) Those activities shall be supported by the resources otherwise made available to those programs.

(3) Those activities shall be consistent with Sections 56240 to 56243, inclusive.

(f) It is the intent of the Legislature that the communication skills of teachers who work with hard-of-hearing and deaf children be improved. This section does not remove the discretionary authority of the local educational agency in regard to inservice activities.

(g) Beginning not later than one year before the pupil reaches the age of 18 years, a statement that the pupil has been informed of the pupil’s rights under this part, if any, that will transfer to the pupil upon reaching the age of 18 years pursuant to Section 56041.5.

(h) The individualized education program team is not required to include information under one component of a pupil’s individualized education program that is already contained under another component of the individualized education program.

(i) This section does not require that additional information, beyond that explicitly required by Section 1414 of Title 20 of the United States Code and this part, be included in the individualized education program of a pupil.

SEC. 67. Section 56477 of the Education Code is amended to read:

56477. (a) Commencing with the 2019–20 fiscal year, the department shall jointly convene with the State Department of Developmental Services and the State Department of Health Care Services one or more workgroups that include representatives from local educational agencies, appropriate county agencies, regional centers, and legislative staff. The workgroups shall convene for the following purposes:

(1) Improving transition of three-year-old children with disabilities from regional centers to local educational agencies, to help ensure continuity of services for young children and families.

(2) Improving coordination and expansion of access to available federal funds through the Local Educational Agency Medi-Cal Billing Option Program, the School-Based Medi-Cal Administrative Activities Program, and medically necessary federal Early and Periodic Screening, Diagnostic, and Treatment benefits.

(b) On or before October 1, 2020, the workgroups shall provide the chairs of the relevant policy committees and budget subcommittees of the Legislature and the Department of Finance with a progress report that includes all of the following:

(1) A detailed timeline for the implementation of the workgroups, including information on the structure of the workgroups, frequency of meetings, and other relevant information.

(2) Work conducted by each workgroup to date and initial findings, including information gathered, if any, on potential barriers to access the Local Educational Agency Medi-Cal Billing Option Program, the School-Based Medi-Cal Administrative Activities Program, and medically necessary federal Early and Periodic Screening, Diagnostic, and Treatment benefits.

(3) Information on potential barriers to ensure smooth transitions for three-year-old children with disabilities from regional centers to local educational agencies.

(c) On or before October 1, 2021, the workgroups shall provide the chairs of the relevant policy committees and budget subcommittees of the Legislature and the Department of Finance with a final report that includes recommendations for all of the following:

(1) Strategies to improve the state’s performance in meeting federal deadlines for transitioning three-year-old children with disabilities from individualized family service plans administered by a regional center to individualized education programs administered by a local educational agency.

(2) Best practices for regional centers and local educational agencies to ensure every three-year-old child with disabilities receives an uninterrupted continuum of support services.

(3) Program requirements and support services needed for the Local Educational Agency Medi-Cal Billing Option Program, the School-Based Medi-Cal Administrative Activities Program, and medically necessary federal Early and Periodic Screening, Diagnostic, and Treatment benefits to ensure ease of use and access for local educational agencies and parity of eligible services throughout the state and country.

(d) Recommendations provided pursuant to this section shall include any specific changes needed to state regulations or statutes, need for approval of amendments to the state Medicaid plan or federal waivers, changes to the implementation of federal regulations, changes to state agency support and oversight, and associated staffing or funding needed to implement the recommendations.

(e) The amount appropriated for purposes of this section in Provision 38 of Item 6100-001-0001 of Section 2.00 of the Budget Act of 2019 shall be available for encumbrance or expenditure until June 30, 2022.

(f) The requirements for submitting a report imposed under subdivisions (b) and (c) are inoperative on October 1, 2024, and October 1, 2025, respectively, pursuant to Section 10231.5 of the Government Code.

SEC. 68. Section 56836.045 of the Education Code is repealed.

SEC. 69. Section 56836.06 of the Education Code is amended to read:

56836.06. (a) For purposes of this article, the following terms or phrases have the following meanings, unless the context clearly requires otherwise:

(1) “Average daily attendance reported for the special education local plan area” means the total of the following:

(A) The total number of units of average daily attendance reported for the second principal apportionment pursuant to Section 41601 for all pupils enrolled in the district or districts that are a part of the special education local plan area.

(B) The total number of units of average daily attendance reported pursuant to subdivisions (a) and (b) of Section 41601 for all pupils enrolled in schools operated by the county office or offices that compose the special education local plan area, or for those county offices that are a part of more than one special education local plan area, that portion of the average daily attendance of pupils enrolled in the schools operated by the county office that are under the jurisdiction of the special education local plan area.

(2) For purposes of computing apportionments pursuant to this chapter for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area, the term “average daily attendance” means the total number of units of average daily attendance reported for the second principal apportionment pursuant to subdivisions (a) and (b) of Section 41601 for all pupils enrolled in districts within the County of Los Angeles and all schools operated by the Los Angeles County Office of Education and the districts within the County of Los Angeles.

(3) “Special education local plan area” includes the school district or districts and county office or offices of education composing the special education local plan area.

(4) “The fiscal year in which equalization among special education local plan areas has been achieved” means the first fiscal year in which each special education local plan area is funded at or above the statewide target amount per unit of average daily attendance, as computed pursuant to Section 56836.11.

(5) For a charter school deemed a local educational agency for purposes of special education, an amount equal to the amount computed pursuant to Section 56836.08 for the special education local plan area in which the charter school is included shall be apportioned by the department pursuant to the local allocation plan developed pursuant to subdivision (i) of Section 56195.7 or 56836.05, or both.

(b) This section shall become inoperative on July 1, 2020.

SEC. 70. Section 56836.07 of the Education Code is amended to read:

56836.07. (a) For the 2004–05 fiscal year to the 2019–20 fiscal year, inclusive, to the extent there is an appropriation in the annual Budget Act for purposes of educationally related mental health services, the Superintendent shall allocate funds per unit of average daily attendance, as defined in Section 56836.06, reported for the special education local plan area. For the 2004–05 fiscal year to the 2019–20 fiscal year, inclusive, for which there is an appropriation in the annual Budget Act for this purpose, the Superintendent shall determine a proportionate share, consistent with existing law, to the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area based on the ratio of the amount per unit of average daily attendance determined pursuant to Section 56836.10 to the amount of the statewide target per unit of average daily attendance determined pursuant to Section 56836.11.

(b) For the 2020–21 fiscal year and each fiscal year thereafter, to the extent there is an appropriation of federal funds in the annual Budget Act for purposes of educationally related mental health services, the Superintendent shall allocate funds per unit of average daily attendance, as defined in Section 56836.06, reported for the special education local plan area for the 2019–20 fiscal year. For the 2020–21 fiscal year and each fiscal year thereafter for which there is an appropriation of federal funds in the annual Budget Act for this purpose, the Superintendent shall determine a proportionate share, consistent with existing law, to the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area based on the ratio of the amount per unit of average daily attendance for the 2019–20 fiscal year determined pursuant to Section 56836.10 to the amount of the statewide target per unit of average daily attendance for the 2019–20 fiscal year determined pursuant to Section 56836.11.

(c) For the 2020–21 fiscal year and each fiscal year thereafter, to the extent there is a General Fund appropriation in the annual Budget Act for purposes of mental health-related services, the Superintendent shall allocate funds per unit of average daily attendance, as defined in Section 56836.06, reported for the special education local plan area for the 2019–20 fiscal year. For the 2020–21 fiscal year and each fiscal year thereafter for which there is a General Fund appropriation in the annual Budget Act for this purpose, the Superintendent shall determine a proportionate share, consistent with existing law, to the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area based on the ratio of the amount per unit of average daily attendance for the 2019–20 fiscal year determined pursuant to Section 56836.10 to the amount of the statewide target per unit of average daily attendance for the 2019–20 fiscal year determined pursuant to Section 56836.11.

(d) For the 2020–21 fiscal year and each fiscal year thereafter, the General Fund appropriations specified in subdivision (c) shall be available for all mental health-related services, including, but not limited to, all of the following:

(1) Out-of-home residential services for emotionally disturbed pupils.

(2) Counseling and guidance services, including counseling, personal counseling, and parental counseling and training.

(3) Psychological services.

(4) Social work services.

(5) Behavioral interventions.

(6) Any other mental health-related service not necessarily required by the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).

SEC. 71. Section 56836.08 of the Education Code is amended to read:

56836.08. (a) For the 1998–99 fiscal year, the Superintendent shall make the following computations to determine the amount of funding for each special education local plan area:

(1) Add the amount of funding per unit of average daily attendance computed for the special education local plan area pursuant to paragraph (1) of subdivision (a) of Section 56836.10 to the inflation adjustment computed pursuant to subdivision (d) for the 1998–99 fiscal year.

(2) Multiply the amount computed in paragraph (1) by the units of average daily attendance reported for the special education local plan area for the 1997–98 fiscal year, excluding average daily attendance for absences excused pursuant to subdivision (b) of Section 46010, as that subdivision read on July 1, 1996.

(3) Add the actual amount of the equalization adjustment, if any, computed for the 1998–99 fiscal year pursuant to Section 56836.14 to the amount computed in paragraph (2).

(4) Add or subtract, as appropriate, the adjustment for growth computed pursuant to Section 56836.13 from the amount computed in paragraph (3).

(b) (1) For the 1999–2000 fiscal year and each fiscal year thereafter, the Superintendent shall make the following computations to determine the amount of funding for each special education local plan area for the fiscal year in which the computation is made:

(A) Add the amount of funding per unit of average daily attendance computed for the special education local plan area for the prior fiscal year pursuant to Section 56836.10 to the inflation adjustment computed pursuant to subdivision (d) through the 2012–13 fiscal year, and for the 2013–14 fiscal year and each fiscal year thereafter, the inflation adjustment computed pursuant to subdivision (f), for the fiscal year in which the computation is made.

(B) For the 1999–2000 fiscal year to the 2018–19 fiscal year, inclusive, multiply the amount computed in subparagraph (A) by the units of average daily attendance reported for the special education local plan area for the prior fiscal year. For the 2019–20 fiscal year and each fiscal year thereafter, multiply the amount computed in subparagraph (A) by the units of average daily attendance upon which funding was based for the prior year.

(C) Add or subtract, as appropriate, the adjustment for growth or decline in enrollment, if any, computed for the special education local plan area for the fiscal year in which the computation is made pursuant to Section 56836.13 from the amount computed in subparagraph (B).

(2) For the 1999–2000 fiscal year to the 2018–19 fiscal year, inclusive, the amount of funding for each special education local plan area shall be the amount computed in paragraph (1).

(3) Subject to Section 56836.045, for the 2019–20 fiscal year and each fiscal year thereafter, the Superintendent shall determine the amount of funding for each special education local plan area, which shall be the greater of either subparagraph (A) or (B):

(A) The amount of funding computed for each special education local plan area pursuant to paragraph (1).

(B) An amount of funding computed as follows:

(i) Calculate the funded units of average daily attendance based on the average daily attendance reported for the special education local plan area for the fiscal year in which the computation is made or the prior fiscal year, whichever is greater.

(ii) For the 2019–20 fiscal year, calculate the amount of funding per unit of average daily attendance pursuant to Section 56836.11. For the 2020–21 fiscal year and every fiscal year thereafter, the amount of funding per unit of average daily attendance shall be the amount computed pursuant to this clause for the prior fiscal year multiplied by the inflation factor for the current fiscal year computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(iii) Multiply the funded units of average daily attendance computed in clause (i) by the amount of funding per unit of average daily attendance computed in clause (ii).

(C) If the amount of funding for a special education local plan area is determined pursuant to subparagraph (B) as of the second principal apportionment for the fiscal year in which the computation is made, the special education local plan area shall be funded pursuant to subparagraph (B) for each fiscal year thereafter.

(c) For the 1998–99 fiscal year to the 2012–13 fiscal year, inclusive, the Superintendent shall make the following computations to determine the amount of General Fund moneys that the special education local plan area may claim:

(1) Add the total of the amount of property taxes for the special education local plan area pursuant to Section 2572 for the fiscal year in which the computation is made to the amount of federal funds allocated for the purposes of paragraph (1) of subdivision (a) of Section 56836.09 for the fiscal year in which the computation is made.

(2) Add the amount of funding computed for the special education local plan area pursuant to subdivision (a) for the 1998–99 fiscal year, and commencing with the 1999–2000 fiscal year to the 2012–13 fiscal year, inclusive, the amount computed for the fiscal year in which the computations were made pursuant to subdivision (b) to the amount of funding computed for the special education local plan area pursuant to Article 3 (commencing with Section 56836.165).

(3) Subtract the sum computed in paragraph (1) from the sum computed in paragraph (2).

(d) For the 1998–99 fiscal year to the 2012–13 fiscal year, inclusive, the Superintendent shall make the following computations to determine the inflation adjustment for the fiscal year in which the computation is made:

(1) For the 1998–99 fiscal year, multiply the sum of the statewide target amount per unit of average daily attendance for special education local plan areas for the 1997–98 fiscal year computed pursuant to paragraph (3) of subdivision (a) of Section 56836.11 by the inflation adjustment computed pursuant to Section 42238.1 for the 1998–99 fiscal year.

(2) For the 1999–2000 fiscal year to the 2012–13 fiscal year, inclusive, multiply the sum of the statewide target amount per unit of average daily attendance for special education local plan areas for the prior fiscal year computed pursuant to Section 56836.11 for the prior fiscal year by the inflation adjustment computed pursuant to Section 42238.1 for the fiscal year in which the computation is made.

(3) For purposes of computing the inflation adjustment for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area for the 1998–99 fiscal year to the 2012–13 fiscal year, inclusive, the Superintendent shall multiply the amount of funding per unit of average daily attendance computed for that special education local plan area for the prior fiscal year pursuant to Section 56836.10 by the inflation adjustment computed pursuant to Section 42238.1 for the fiscal year in which the computation is being made.

(e) Notwithstanding any other law, for the 2013–14 fiscal year and each fiscal year thereafter, the Superintendent shall make the following computations to determine the amount of General Fund moneys that the special education local plan area may claim:

(1) Determine the total amount of property taxes for the special education local plan area pursuant to Section 2572 for the fiscal year in which the computation is made.

(2) Calculate the amount of funding computed for the special education local plan area pursuant to subdivision (b) for the fiscal year in which the computation is made.

(3) Subtract the amount computed in paragraph (1) from the amount computed in paragraph (2).

(f) For the 2013–14 fiscal year and each fiscal year thereafter, the Superintendent shall make the following computations to determine the inflation adjustment for the fiscal year in which the computation is made:

(1) Multiply the statewide target amount per unit of average daily attendance for special education local plan areas for the prior fiscal year computed pursuant to Section 56836.11 by the inflation factor for the current fiscal year computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(2) For purposes of computing the inflation adjustment for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area, the Superintendent shall multiply the amount of funding per unit of average daily attendance computed for that special education local plan area for the prior fiscal year pursuant to Section 56836.10 by the inflation factor for the current fiscal year computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(g) This section shall become inoperative on July 1, 2020.

SEC. 72. Section 56836.10 of the Education Code is amended to read:

56836.10. (a) The Superintendent shall make the following computations to determine the amount of funding per unit of average daily attendance for each special education local plan area for the 1998–99 fiscal year:

(1) Divide the amount of funding for the special education local plan area computed for the 1997–98 fiscal year pursuant to Section 56836.09 by the number of units of average daily attendance, excluding average daily attendance for absences excused pursuant to subdivision (b) of Section 46010 as that subdivision read on July 1, 1997, reported for the special education local plan area for the 1997–98 fiscal year.

(2) Add the amount computed in paragraph (1) to the inflation adjustment computed pursuant to subdivision (d) of Section 56836.08 for the 1998–99 fiscal year.

(b) Commencing with the 1999–2000 fiscal year and continuing through the 2012–13 fiscal year, inclusive, the Superintendent shall make the following computations to determine the amount of funding per unit of average daily attendance for each special education local plan area for the fiscal year in which the computation is made:

(1) For the 1999–2000 fiscal year, divide the amount of funding for the special education local plan area computed for the 1998–99 fiscal year pursuant to subdivision (a) of Section 56836.08 by the number of units of average daily attendance upon which funding is based pursuant to subdivision (a) of Section 56836.13 for the special education local plan area for the 1998–99 fiscal year.

(2) For the 2000–01 fiscal year, to the 2012–13 fiscal year, inclusive, divide the amount of funding for the special education local plan area computed for the prior fiscal year pursuant to subdivision (b) of Section 56836.08 by the number of units of average daily attendance upon which funding is based pursuant to subdivision (a) of Section 56836.13 for the special education local plan area for the prior fiscal year.

(c) Notwithstanding any other law, for the 2013–14 fiscal year, the Superintendent shall make the following computations to determine the amount of funding per unit of average daily attendance for each special education local plan area:

(1) From the amount of funding for the special education local plan area computed for the 2012–13 fiscal year pursuant to subdivision (b) of Section 56836.08, subtract the total amount of federal funds apportioned to the special education local plan area pursuant to Schedule (1) of Item 6110-161-0890 of Section 2.00 of the Budget Act of 2013 for purposes of special education for individuals with exceptional needs enrolled in kindergarten and grades 1 to 12, inclusive.

(2) Divide the amount computed in paragraph (1) by the number of units of average daily attendance upon which funding is based pursuant to subdivision (a) of Section 56836.13 for the special education local plan area for the 2012–13 fiscal year.

(d) For the 2014–15 fiscal year, and each fiscal year thereafter, divide the amount of funding for the special education local plan area computed for the prior fiscal year pursuant to subdivision (b) of Section 56836.08 by the number of units of average daily attendance upon which funding is based pursuant to subdivision (a) of Section 56836.13 for the special education local plan area for the prior fiscal year. For the 2014–15 fiscal year, the amount of funding per unit of average daily attendance for each special education local plan area shall include funding provided pursuant to Section 56836.12.

(e) This section shall become inoperative on July 1, 2020.

SEC. 73. Section 56836.11 of the Education Code is amended to read:

56836.11. (a) For the purpose of computing the equalization adjustment for special education local plan areas for the 1998–99 fiscal year, the Superintendent shall make the following computations to determine the statewide target amount per unit of average daily attendance for special education local plan areas:

(1) Total the amount of funding computed for each special education local plan area excluding the amount of funding computed for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area, pursuant to Section 56836.09 for the 1997–98 fiscal year.

(2) Total the number of units of average daily attendance reported for each special education local plan area for the 1997–98 fiscal year, excluding average daily attendance for absences excused pursuant to subdivision (b) of Section 46010, as that section read on July 1, 1996, and excluding the units of average daily attendance computed for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area.

(3) Divide the sum computed in paragraph (1) by the sum computed in paragraph (2) to determine the statewide target amount for the 1997–98 fiscal year.

(4) Add the amount computed in paragraph (3) to the inflation adjustment computed pursuant to subdivision (d) of Section 56836.08 for the 1998–99 fiscal year to determine the statewide target amount for the 1998–99 fiscal year.

(b) Commencing with the 1999–2000 fiscal year to the 2004–05 fiscal year, inclusive, to determine the statewide target amount per unit of average daily attendance for special education local plan areas, the Superintendent shall multiply the statewide target amount per unit of average daily attendance computed for the prior fiscal year pursuant to this section by one plus the inflation factor computed pursuant to subdivision (b) of Section 42238.1 for the fiscal year in which the computation is made.

(c) For the 2005–06 fiscal year, the Superintendent shall make the following computation to determine the statewide target amount per unit of average daily attendance to determine the inflation adjustment pursuant to paragraph (2) of subdivision (d) of Section 56836.08 and growth pursuant to subdivision (c) of Section 56836.13, as follows:

(1) The 2004–05 fiscal year statewide target amount per unit of average daily attendance less the sum of the 2004–05 fiscal year total amount of federal funds apportioned pursuant to Schedule (1) in Item 6110-161-0890 of Section 2.00 of the Budget Act of 2004 for purposes of special education for individuals with exceptional needs enrolled in kindergarten and grades 1 to 12, inclusive, divided by the total average daily attendance computed for the 2004–05 fiscal year.

(2) Multiply the amount computed in paragraph (1) by the inflation factor computed pursuant to subdivision (b) of Section 42238.1 for the fiscal year in which the computation is made.

(3) Add the amounts computed in paragraphs (1) and (2).

(d) Commencing with the 2006–07 fiscal year and continuing through the 2012–13 fiscal year, inclusive, the Superintendent shall make the following computation to determine the statewide target amount per unit of average daily attendance for special education local plan areas for the purpose of computing the inflation adjustment pursuant to paragraph (2) of subdivision (d) of Section 56836.08 and growth pursuant to subdivision (c) of Section 56836.13:

(1) The statewide target amount per unit of average daily attendance computed for the prior fiscal year pursuant to this section.

(2) Multiply the amount computed in paragraph (1) by the inflation factor computed pursuant to subdivision (b) of Section 42238.1 for the fiscal year in which the computation is made.

(3) Add the amounts computed in paragraphs (1) and (2).

(e) For the 2013–14 fiscal year, the Superintendent shall make the following computations to determine the statewide target amount per unit of average daily attendance to determine the inflation adjustment pursuant to subdivision (f) of Section 56836.08 and growth pursuant to subdivision (c) of Section 56836.13, as follows:

(1) Total the amount of funding computed for each special education local plan area pursuant to the amount computed in subdivision (b) of Section 56836.08, including the amount of funds appropriated pursuant to Provision 22 of Item 6110-161-0001 of Section 2.00 of the Budget Act of 2013, and excluding the amount of funding computed for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area, for the 2013–14 fiscal year.

(2) Total the number of units of average daily attendance reported for each special education local plan area for the 2012–13 fiscal year, excluding the units of average daily attendance computed for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area.

(3) Divide the sum computed in paragraph (1) by the sum computed in paragraph (2).

(f) For the 2014–15 fiscal year to the 2017–18 fiscal year, inclusive, the Superintendent shall make the following computations to determine the statewide target amount per unit of average daily attendance for special education local plan areas for the purpose of computing the inflation adjustment pursuant to subdivision (f) of Section 56836.08 and growth pursuant to subdivision (c) of Section 56836.13:

(1) The statewide target amount per unit of average daily attendance computed for the prior fiscal year pursuant to this section.

(2) Multiply the amount computed in paragraph (1) by the inflation factor computed pursuant to Section 42238.1, as that section read on January 1, 2013, or any successor section of law enacted by the Legislature that specifies the inflation factor contained in Section 42238.1, as that section read on January 1, 2013, for application to the 2014–15 fiscal year and each fiscal year thereafter.

(3) Add the amounts computed in paragraphs (1) and (2).

(g) For the 2018–19 fiscal year, the Superintendent shall make the following computations to determine the statewide target amount per unit of average daily attendance for special education local plan areas for the purpose of computing the inflation adjustment pursuant to subdivision (f) of Section 56836.08 and growth pursuant to subdivision (c) of Section 56836.13:

(1) The statewide target amount per unit of average daily attendance computed for the prior fiscal year pursuant to this section.

(2) Subtract the amount computed pursuant to subparagraph (B) of paragraph (1) of subdivision (a) of Section 56836.24 for the 2017–18 fiscal year from the amount computed in paragraph (1).

(3) Multiply the amount computed in paragraph (2) by the inflation factor for the 2018–19 fiscal year computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(4) Add the amounts computed in paragraphs (2) and (3).

(h) Commencing with the 2019–20 fiscal year and continuing each fiscal year thereafter, the Superintendent shall make the following computations to determine the statewide target amount per unit of average daily attendance for special education local plan areas for the purpose of computing the inflation adjustment pursuant to subdivision (f) of Section 56836.08 and growth pursuant to subdivision (c) of Section 56836.13:

(1) The statewide target amount per unit of average daily attendance computed for the prior fiscal year pursuant to this section.

(2) Multiply the amount computed in paragraph (1) by the inflation factor for the current fiscal year computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(3) Add the amounts computed in paragraphs (1) and (2).

(i) This section shall become inoperative on July 1, 2020.

SEC. 74. Section 56836.145 of the Education Code is amended and renumbered to read:

56836.12. (a) For the 2013–14 fiscal year, the Superintendent shall compute an equalization adjustment for each special education local plan area, excluding the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area, so that the special education funding rate per unit of average daily attendance calculated pursuant to subdivision (c) of Section 56836.10 of a special education local plan area is not less than the special education funding rate per unit of average daily attendance calculated pursuant to subdivision (c) of Section 56836.10 that does not fall below more than 10 percent of the total statewide units of average daily attendance for each special education local plan area.

(b) The Superintendent shall compute an equalization adjustment for each special education local plan area's special education funding rate per unit of average daily attendance, excluding the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area, as follows:

(1) Multiply the amount computed for each special education local plan area pursuant to subdivision (a) by the average daily attendance used to calculate the special education local plan area's special education funding for the 2013–14 fiscal year.

(2) Divide the amount appropriated for purposes of this section for the 2013–14 fiscal year by the statewide sum of the amount computed pursuant to paragraph (1).

(3) Multiply the amount computed for the special education local plan area pursuant to subdivision (a) by the amount computed pursuant to paragraph (2).

(c) For purposes of this section, the statewide 90th percentile special education funding rate determined pursuant to subdivision (a), and the fraction computed pursuant to paragraph (2) of subdivision (b) for the 2012–13 second principal apportionment, shall be final, and shall not be recalculated at subsequent apportionments. The fraction computed pursuant to paragraph (2) of subdivision (b) shall not exceed 1.00.

SEC. 75. Section 56836.15 of the Education Code is amended and renumbered to read:

56836.13. (a) In order to mitigate the effects of any declining enrollment, commencing in the 1998–99 fiscal year, and each fiscal year thereafter, the Superintendent shall calculate allocations to special education local plan areas based on the average daily attendance reported for the special education local plan area for the fiscal year in which the computation is made or the prior fiscal year, whichever is greater. However, the prior fiscal year average daily attendance reported for the special education local plan area shall be adjusted for any loss or gain of average daily attendance reported for the special education local plan area due to a reorganization or transfer of territory in the special education local plan area.

(b) For the 1998–99 fiscal year only, the prior year average daily attendance used in this section shall be the 1997–98 average daily attendance reported for the special education local plan area, excluding average daily attendance for absences excused pursuant to subdivision (b) of Section 46010, as that section read on July 1, 1996.

(c) If in the fiscal year for which the computation is made, the number of units of average daily attendance upon which allocations to the special education local plan area are based is greater than the number of units of average daily attendance upon which allocations to the special education local plan area were based in the prior fiscal year, the special education local plan area shall be allocated a growth adjustment equal to the product determined by multiplying the amounts determined under paragraphs (1) and (2).

(1) The statewide target amount per unit of average daily attendance for special education local plan areas determined pursuant to Section 56836.11.

(2) The difference between the number of units of average daily attendance upon which allocations to the special education local plan area are based for the fiscal year in which the computation is made and the number of units of average daily attendance upon which allocations to the special education local plan area were based for the prior fiscal year.

(d) If in the fiscal year for which the computation is made, the number of units of average daily attendance upon which allocations to the special education local plan area are based is less than the number of units of average daily attendance upon which allocations to the special education local plan area were based in the prior fiscal year, the special education local plan area shall receive a funding reduction equal to the product determined by multiplying the amounts determined under paragraphs (1) and (2):

(1) The amount of funding per unit of average daily attendance computed for the special education local plan area for the prior fiscal year. For the 2013–14 fiscal year only, the amount of funding per unit of average daily attendance computed for the special education local plan area for the 2013–14 fiscal year shall be used for this purpose.

(2) The difference between the number of units of average daily attendance upon which allocations to the special education local plan area are based for the fiscal year in which the computation is made and the number of units of average daily attendance upon which allocations to the special education local plan area were based for the prior fiscal year.

(e) If, in the fiscal year for which the computation is made, the number of units of average daily attendance upon which the allocations to the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area are based is greater than the number of units of average daily attendance upon which the allocations to that special education local plan area were based in the prior fiscal year, that special education local plan area shall be allocated a growth adjustment equal to the product determined by multiplying the amounts determined under paragraphs (1) and (2).

(1) The amount of funding per unit of average daily attendance computed for the special education local plan area for the prior fiscal year pursuant to Section 56836.10 multiplied by one plus the inflation factor computed pursuant to Section 42238.1, as that section read on January 1, 2013, or any successor section of law enacted by the Legislature that specifies the inflation factor contained in Section 42238.1, as that section read on January 1, 2013. For the 2013–14 fiscal year only, the amount of funding per unit of average daily attendance computed for the special education local plan area for the 2013–14 fiscal year shall be used, and multiplied by one plus the inflation factor computed pursuant to Section 42238.1, as that section read on January 1, 2013, or any successor section of law enacted by the Legislature that specifies the inflation factor contained in Section 42238.1, as that section read on January 1, 2013, for application to the 2013–14 fiscal year and each fiscal year thereafter.

(2) The difference between the number of units of average daily attendance upon which allocations to the special education local plan area are based for the fiscal year in which the computation is made and the number of units of average daily attendance upon which allocations to the special education local plan area were based for the prior fiscal year.

(f) This section shall become inoperative on July 1, 2020.

SEC. 76. Article 2.2 (commencing with Section 56836.14) is added to Chapter 7.2 of Part 30 of Division 4 of Title 2 of the Education Code, to read:

Article 2.2. Special Education Funding Formula

56836.14. Commencing with the 2020–21 fiscal year and for each fiscal year thereafter, the Superintendent shall annually calculate the special education funding formula pursuant to this article.

56836.142. (a) For purposes of this article, the following terms and phrases have the following meanings:

(1) “Average daily attendance reported for a special education local plan area” means the total of the following:

(A) The total number of units of average daily attendance reported for the second principal apportionment pursuant to Section 41601 for all pupils enrolled in the district or districts that are a part of the special education local plan area.

(B) The total number of units of average daily attendance reported pursuant to subdivisions (a) and (b) of Section 41601 for all pupils enrolled in schools operated by the county office or offices that compose the special education local plan area, or for those county offices that are a part of more than one special education local plan area, that portion of the average daily attendance of pupils enrolled in the schools operated by the county office that are under the jurisdiction of the special education local plan area.

(2) For purposes of computing apportionments pursuant to this chapter for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area, the term “average daily attendance” means the total number of units of average daily attendance reported for the second principal apportionment pursuant to subdivisions (a) and (b) of Section 41601 for all pupils enrolled in districts within the County of Los Angeles and all schools operated by the Los Angeles County Office of Education and the districts within the County of Los Angeles.

(3) “Special education local plan area” includes the school district or districts, county office or offices of education, and charter schools comprising the special education local plan area.

(b) (1) For purposes of this article, the inflation factor shall be the percentage change in the annual average value of the Implicit Price Deflator for the State and Local Government Purchases of Goods and Services for the United States, as published by the United States Department of Commerce for the 12-month period ending in the third quarter of the prior fiscal year. This percentage change shall be determined using the latest data available as of May 10 of the preceding fiscal year compared with the annual average value of the same deflator for the 12-month period ending in the third quarter of the second preceding fiscal year, using the latest data available as of May 10 of the preceding fiscal year, as reported by the Department of Finance.

(2) The inflation factor shall be determined pursuant to this subdivision unless otherwise specified in the annual Budget Act.

56836.144. For the 2020–21 fiscal year and each fiscal year thereafter, the Superintendent shall calculate allocations to special education local plan areas based on the average daily attendance reported for the special education local plan area for the fiscal year in which the computation is made, the most recent prior fiscal year, or the second most recent prior fiscal year, whichever is greatest.

56836.146. (a) For the 2020–21 fiscal year, the Superintendent shall determine the amount of funding per unit of average daily attendance for each special education local plan area, which shall be the greater of the following:

(1) Six hundred twenty-five dollars ($625) per unit of average daily attendance.

(2) The amount of funding per unit of average daily attendance calculated in the 2019–20 fiscal year pursuant to Section 56836.08 for the special education local plan area.

(b) Commencing with the 2021–22 fiscal year and for each fiscal year thereafter, the Superintendent shall determine the amount of funding per unit of average daily attendance for each special education local plan area, which shall be the greater of the following:

(1) For the 2021–22 fiscal year, the amount of funding per unit of average daily attendance calculated for the 2020–21 fiscal year pursuant to paragraph (1) of subdivision (a), adjusted by the inflation factor described in Section 56836.142. For each fiscal year thereafter, the amount of funding per unit of average daily attendance calculated for the prior fiscal year pursuant to this paragraph, adjusted each year by the inflation factor described in Section 56836.142.

(2) The amount of funding per unit of average daily attendance calculated in paragraph (2) of subdivision (a).

(c) For purposes of calculating the amount of funding per unit of average daily attendance for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area, the Superintendent shall make the following computations:

(1) For the 2020–21 fiscal year, increase the amount of funding per unit of average daily attendance computed for that special education local plan area for the 2019–20 fiscal year pursuant to Section 56836.10 by 13 percent and then multiply by the inflation factor described in Section 56836.142 for the 2020–21 fiscal year.

(2) For the 2021–22 fiscal year and for each fiscal year thereafter, the amount of funding per unit of average daily attendance computed for that special education local plan area for the prior fiscal year shall be adjusted by the inflation factor described in Section 56836.142 for the current fiscal year.

56836.148. (a) For the 2020–21 fiscal year, the Superintendent shall determine the base grant funding for each special education local plan area by multiplying the amount funded per unit of average daily attendance for each special education local plan area computed in subdivision (a) of Section 56836.146 by the funded average daily attendance computed in Section 56836.144 for the corresponding special education local plan area.

(b) Commencing with the 2021–22 fiscal year and for each fiscal year thereafter, the Superintendent shall determine the base grant funding for each special education local plan area by multiplying the amount funded per unit of average daily attendance for each special education local plan area computed in subdivision (b) of Section 56836.146 by the funded average daily attendance computed in Section 56836.144 for the corresponding special education local plan area.

(c) For purposes of calculating the base funding for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area, the Superintendent shall make the following computations:

(1) For the 2020–21 fiscal year, multiply the amount of funding per funded unit of average daily attendance computed in paragraph (1) of subdivision (c) of Section 56836.146 by the funded average daily attendance computed in subdivision (a) of Section 56836.144.

(2) Commencing with the 2021–22 fiscal year and for each fiscal year thereafter, multiple the amount of funding per funded unit of average daily attendance computed in paragraph (2) of subdivision (c) of Section 56836.146 by the funded average daily attendance computed in subdivision (a) of Section 56836.144.

56836.15. Notwithstanding any other law, for the 2020–21 fiscal year and each fiscal year thereafter, the Superintendent shall make the following computations to determine the amount of General Fund moneys that the special education local plan area may claim:

(a) Determine the total amount of property taxes for the special education local plan area pursuant to Section 2572 for the fiscal year in which the computation is made.

(b) Calculate the amount of funding computed for the special education local plan area pursuant to Section 56836.148 for the fiscal year in which the computation is made.

(c) Subtract the amount computed in subdivision (a) from the amount computed in subdivision (b).

SEC. 77. Section 56836.159 of the Education Code is amended to read:

56836.159. (a) For the 2001–02 fiscal year, the Superintendent shall compute a permanent adjustment for each special education local plan area as determined by this section.

(b) The Superintendent shall rank each special education local plan area by its funding level per unit of average daily attendance as determined by dividing the amount calculated for each special education local plan area for the 2001–02 fiscal year pursuant to Section 56836.08 plus the amount provided to each special education local plan area pursuant to subdivision (c) of Section 56836.158 by each special education local plan area's average daily attendance upon which funding is based for the 2001–02 fiscal year pursuant to Section 56836.13.

(c) The Superintendent shall increase the special education local plan areas with the lowest level of funding per unit of average daily attendance as determined in subdivision (b) to that of the special education local plan area with the next highest level of funding per unit of average daily attendance by allocating an amount from that available for this purpose from the Budget Act to the lowest level special education local plan areas. The amount to be allocated shall equal the difference between the funding level per unit of average daily attendance of the lowest level special education local plan areas and the next highest level special education local plan area multiplied by the average daily attendance upon which funding is based for the 2001–02 fiscal year pursuant to Section 56836.13 of the lowest level special education local plan areas.

(d) If there is additional funding available after the allocation pursuant to subdivision (c), the allocation pursuant to subdivision (c) shall be repeated until all the funds appropriated for this purpose in the Budget Act have been used. If the amount appropriated for the purposes of this section from the 2001–02 Budget Act is not sufficient to fully fund the allocation pursuant to subdivision (c), the funding provided to each special education local plan area in the last iteration pursuant to subdivision (c) shall be prorated.

(e) The amount, if any, computed pursuant to subdivision (c) and subdivision (d) for each special education local plan area shall be a permanent increase and shall, commencing in the 2002–03 fiscal year, be included in the prior year amount determined pursuant to paragraph (2) of subdivision (b) of Section 56836.10.

SEC. 78. Section 56836.165 of the Education Code is amended to read:

56836.165. (a) For the 2004–05 fiscal year and each fiscal year thereafter, the Superintendent shall calculate for each special education local plan area an amount based on (1) the number of children and youth residing in foster family homes, small family homes, and foster family agencies, (2) the licensed capacity of group homes licensed by the State Department of Social Services, and (3) the number of children and youth 3 to 21 years of age, inclusive, referred by the State Department of Developmental Services who are residing in skilled nursing facilities or intermediate care facilities licensed by the State Department of Health Care Services and the number of children and youth 3 to 21 years of age, inclusive, referred by the State Department of Developmental Services who are residing in community care facilities licensed by the State Department of Social Services.

(b) The department shall assign each facility described in paragraphs (1), (2), and (3) of subdivision (a) a severity rating. The severity ratings shall be on a scale from 1 to 14. Foster family homes and small family homes shall be assigned a severity rating of 1. Foster family agencies shall be assigned a severity rating of 2. Facilities described in paragraph (2) of subdivision (a) shall be assigned the same severity rating as its State Department of Social Services rate classification level. For facilities described in paragraph (3) of subdivision (a), skilled nursing facilities shall be assigned a severity rating of 14, intermediate care facilities shall be assigned a severity rating of 11, and community care facilities shall be assigned a severity rating of 8.

(c) (1) The department shall establish a "bed allowance" for each severity level. For the 2004–05 fiscal year, the bed allowance shall be calculated as described in paragraph (2). For the 2005–06 fiscal year and each fiscal year thereafter, the department shall increase the bed allowance by the inflation adjustment computed pursuant to Section 42238.1. The department shall not establish a bed allowance for any facility described in paragraphs (2) and (3) of subdivision (a) if it is not licensed by the State Department of Social Services or the State Department of Health Care Services.

(2) (A) The bed allowance for severity level 1 shall be five hundred two dollars ($502).

(B) The bed allowance for severity level 2 shall be six hundred ten dollars ($610).

(C) The bed allowance for severity level 3 shall be one thousand four hundred thirty-four dollars ($1,434).

(D) The bed allowance for severity level 4 shall be one thousand six hundred forty-nine dollars ($1,649).

(E) The bed allowance for severity level 5 shall be one thousand eight hundred sixty-five dollars ($1,865).

(F) The bed allowance for severity level 6 shall be two thousand eighty dollars ($2,080).

(G) The bed allowance for severity level 7 shall be two thousand two hundred ninety-five dollars ($2,295).

(H) The bed allowance for severity level 8 shall be two thousand five hundred ten dollars ($2,510).

(I) The bed allowance for severity level 9 shall be five thousand four hundred fifty-one dollars ($5,451).

(J) The bed allowance for severity level 10 shall be five thousand eight hundred eighty-one dollars ($5,881).

(K) The bed allowance for severity level 11 shall be nine thousand four hundred sixty-seven dollars ($9,467).

(L) The bed allowance for severity level 12 shall be thirteen thousand four hundred eighty-three dollars ($13,483).

(M) The bed allowance for severity level 13 shall be fourteen thousand three hundred forty-three dollars ($14,343).

(N) The bed allowance for severity level 14 shall be twenty thousand eighty-one dollars ($20,081).

(d) (1) For each fiscal year, the department shall calculate an out-of-home care funding amount for each special education local plan area as the sum of the amounts computed pursuant to paragraphs (2), (3), and (4). The State Department of Social Services and the State Department of Developmental Services shall provide the State Department of Education with the residential counts identified in paragraphs (2), (3), and (4).

(2) The number of children and youth residing on April 1 in foster family homes, small family homes, and foster family agencies located in each special education local plan area multiplied by the appropriate bed allowance.

(3) The capacity on April 1 of each group home licensed by the State Department of Social Services located in each special education local plan area multiplied by the appropriate bed allowance.

(4) The number on April 1 of children and youth (A) 3 to 21 years of age, inclusive, referred by the State Department of Developmental Services who are residing in skilled nursing facilities and intermediate care facilities licensed by the State Department of Health Care Services located in each special education local plan area multiplied by the appropriate bed allowance, and (B) 3 to 21 years of age, inclusive, referred by the State Department of Developmental Services who are residing in community care facilities licensed by the State Department of Social Services located in each special education local plan area multiplied by the appropriate bed allowance.

(5) Notwithstanding subdivision (b) and paragraphs (2) and (3), for purposes of the out-of-home care funding amount for group homes, foster family homes, small family homes, and foster family agencies for the 2017–18 to 2020–21 fiscal years, inclusive, the Superintendent shall use the data received from the State Department of Social Services that was used for the funding for the 2016–17 fiscal year.

(e) In determining the amount of the first principal apportionment for a fiscal year pursuant to Section 41332, the Superintendent shall continue to apportion funds from Section A of the State School Fund to each special education local plan area equal to the amount apportioned at the advance apportionment pursuant to Section 41330 for that fiscal year.

(f) Notwithstanding subdivision (b) and paragraph (3) of subdivision (d), for purposes of the 2016–17 fiscal year funding for group homes, the Superintendent shall use the rate classification levels as they existed on December 31, 2016, and the capacity of each group home licensed by the State Department of Social Services located in each special education local plan area on December 31, 2016.

SEC. 79. Section 56836.21 of the Education Code is amended to read:

56836.21. (a) The department shall administer an extraordinary cost pool to protect special education local plan areas from the extraordinary costs associated with single placements as described in subdivision (d). Funds shall be appropriated for this purpose in the annual Budget Act. Special education local plan areas shall be eligible for reimbursement from this pool in accordance with this section.

(b) The threshold amount for claims under this section shall be the lesser of the following:

(1) (A) Through the 2019–20 fiscal year, one percent of the allocation calculated pursuant to Section 56836.08 for the special education local plan area for the current fiscal year for any special education local plan area that meets the criteria in Section 56212.

(B) For the 2020–21 fiscal year and each fiscal year thereafter, one percent of the allocation calculated pursuant to Section 56836.08 for the special education local plan area for the 2019–20 fiscal year for any special education local plan area that met the criteria in Section 56212 for the 2019–20 fiscal year.

(2) The department shall calculate the average cost of a nonpublic, nonsectarian school placement in the 1997–98 fiscal year. This amount shall be multiplied by 2.5, then by one plus the inflation factor computed pursuant to Section 42238.1, as that section read on January 1, 2013, to obtain the alternative threshold amount for claims in the 1998–99 fiscal year. In subsequent fiscal years, the alternative threshold amount shall be the alternative threshold amount for the prior fiscal year

multiplied by one plus the inflation factor computed pursuant to Section 42238.1, as that section read on January 1, 2013, through the 2012–13 fiscal year and, commencing with the 2013–14 fiscal year, paragraph (2) of subdivision (d) of Section 42238.02.

(c) Special education local plan areas are eligible to submit claims for costs exceeding the threshold amount on forms developed by the department. All claims for a fiscal year shall be submitted by October 30 following the close of the fiscal year. If the total amount claimed by special education local plan areas exceeds the amount appropriated, the claims shall be prorated.

(d) Special education local plan areas are eligible to submit claims for the costs of nonpublic, nonsectarian school placements in excess of those in existence in the 1997–98 fiscal year and the costs of special education and related services for pupils who reside in licensed children's institutions.

SEC. 80. Section 56836.22 of the Education Code is amended to read:

56836.22. (a) Commencing with the 1985–86 fiscal year, and for each fiscal year thereafter, funds to support special education and related services as required under the individualized education program for each pupil with low-incidence disabilities, as defined in Section 56026.5, shall be determined by dividing the total number of pupils with low-incidence disabilities in the state, as reported in the California Longitudinal Pupil Achievement Data System pursuant to Chapter 10 (commencing with Section 60900) of Part 33 on the Fall 1 Census of the prior fiscal year, into the annual appropriation provided for this purpose in the annual Budget Act.

(b) The per-pupil entitlement determined pursuant to subdivision (a) shall be multiplied by the number of pupils with low-incidence disabilities in each special education local plan area to determine the total funds available for each local plan.

(c) The Superintendent shall apportion the amount determined pursuant to subdivision (b) to the special education local plan area for purposes of providing special education and related services as required under the individualized education program for each pupil with low-incidence disabilities.

SEC. 81. Section 56836.24 of the Education Code is amended to read:

56836.24. (a) Commencing with the 2018–19 fiscal year and each fiscal year thereafter, the Superintendent shall make the following computations to determine the amount of funding for the purposes specified in Section 56836.23 for apportionment to each special education local plan area for the fiscal year in which the computation is made:

(1) For the 2018–19 fiscal year, the Superintendent shall make the following computations:

(A) Compute the statewide average for program specialists and regionalized services, excluding the amount computed for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area, for the 2012–13 fiscal year.

(B) Multiply the computed amount in subparagraph (A) by one plus the inflation factor for the 2013–14 to 2017–18 fiscal years, inclusive, computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(C) Multiply the amount computed in subparagraph (B) by one plus the inflation factor for the 2018–19 fiscal year computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(D) Multiply the amount computed in subparagraph (C) by the number of units of average daily attendance upon which funding is based pursuant to subdivision (d) of Section 56836.10 for the special education local plan area.

(2) For the 2019–20 fiscal year, the Superintendent shall make the following computations:

(A) Multiply the prior fiscal year statewide average amount by one plus the inflation factor for the current fiscal year computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(B) Multiply the amount computed in subparagraph (A) by the number of units of average daily attendance upon which funding is based pursuant to clause (i) of subparagraph (B) of paragraph (3) of subdivision (b) of Section 56836.08 for the special education local plan area.

(3) For the 2020–21 fiscal year and each fiscal year thereafter, the Superintendent shall make the following computations:

(A) Multiply the 2019–20 fiscal year statewide average amount by one plus the inflation factor for the current fiscal year computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(B) Multiply the amount computed in subparagraph (A) by the number of units of average daily attendance upon which funding is based pursuant to clause (i) of subparagraph (B) of paragraph (3) of subdivision (b) of Section 56836.08 for the special education local plan area for the 2019–20 fiscal year.

(b) For purposes of this section, a special education local plan area that only includes charter schools shall be apportioned by the Superintendent for each unit of average daily attendance reported pursuant to subdivision (a) of Section 56836.06.

SEC. 82. Section 56836.31 of the Education Code is amended to read:

56836.31. (a) To accomplish the activities set forth in Section 56836.23, supplemental funds shall be apportioned to special education local plan areas that are designated as necessary small special education local plan areas in accordance with Section 56212 and that report fewer than 15,000 units of average daily attendance.

(b) For the 2013–14 fiscal year to the 2017–18 fiscal year, inclusive, the Superintendent shall allocate the supplemental amount described in subdivision (a) based on the following computations:

(1) Calculate the difference between the number of units of average daily attendance reported for the necessary small special education local plan area for the current fiscal year and 15,000 units of average daily attendance.

(2) Multiply the amount calculated in paragraph (1) by the rate calculated in subdivision (c).

(c) For the 2013–14 fiscal year, the supplemental rate per unit of average daily attendance shall be fifteen dollars ($15). For the 2014–15 fiscal year and each fiscal year thereafter, the supplemental rate per unit of average daily attendance shall be fifteen dollars ($15) multiplied by one plus the inflation factor computed pursuant to subdivision (b) of Section 42238.1 for the current fiscal year.

(d) For the 2018–19 and 2019–20 fiscal years, the Superintendent shall allocate the supplemental amount described in subdivision (a) based on the following computations:

(1) Calculate the difference between the number of units of average daily attendance determined pursuant to Section 56836.24 for the necessary small special education local plan area and 15,000 units of average daily attendance.

(2) For the 2018–19 fiscal year, the supplemental rate per unit of average daily attendance shall be the rate computed pursuant to subparagraph (C) of paragraph (1) of subdivision (a) of Section 56836.24. For the 2019–20 fiscal year, the supplemental rate per unit of average daily attendance shall be the rate computed pursuant to subparagraph (A) of paragraph (2) of subdivision (a) of Section 56836.24.

(3) Multiply the amount calculated in paragraph (1) by the rate calculated in paragraph (2).

(e) For the 2020–21 fiscal year and each fiscal year thereafter, the Superintendent shall allocate the supplemental amount described in subdivision (a) by taking the difference calculated pursuant to paragraph (1) of subdivision (d) for the 2019–20 fiscal year and multiplying it by the supplemental rate per unit of average daily attendance computed pursuant to subparagraph (A) of paragraph (3) of subdivision (a) of Section 56836.24.

SEC. 83. Section 17581.6 of the Government Code is amended to read:

17581.6. (a) Funding apportioned pursuant to this section shall constitute reimbursement pursuant to Section 6 of Article XIII B of the California Constitution for the performance of any state mandates included in the statutes and executive orders identified in subdivision (f).

(b) Any school district, county office of education, or charter school may elect to receive block grant funding pursuant to this section.

(c) (1) (A) A school district, county office of education, or charter school that elects to receive block grant funding pursuant to this section in a given fiscal year shall submit a letter requesting funding to the Superintendent of Public Instruction on or before August 30 of that fiscal year.

(B) A charter school regarded as a continuing charter school pursuant to subparagraph (E) of paragraph (5) of subdivision (a) of Section 47605 of the Education Code, subparagraph (B) of paragraph (5) of subdivision (c) of Section 47605.1 of the Education Code, subdivision (d) of Section 47605.9 of the Education Code, or paragraph (3) of subdivision (b) of Section 47612.7 of the Education Code, shall do all of the following in the first year the charter school is affected by an action to restructure:

(i) Provide timely notification to the Superintendent of Public Instruction pursuant to Section 47653 of the Education Code.

(ii) Submit a letter requesting funding on or before August 30 of the fiscal year for which funding is requested pursuant to subparagraph (A) or 30 days after the charter school is assigned a number by the State Board of Education pursuant to Section 47602 of the Education Code, whichever is later.

(iii) As applicable, provide to the Superintendent of Public Instruction the prior year average daily attendance attributable to each restructured charter school to be used in the calculation of funding. The charter school shall provide data in a format prescribed by the Superintendent of Public Instruction. The total average daily attendance attributable to the restructured charter school or schools pursuant to this clause shall not exceed the total prior year average daily attendance of the original charter school. The definitions in Section 47654 of the Education Code apply for purposes of this subparagraph.

(2) (A) The Superintendent of Public Instruction shall, in the month of November of each year, apportion block grant funding appropriated pursuant to Item 6100-296-0001 of Section 2.00 of the annual Budget Act to all school districts, county offices of education, and charter schools that submitted letters requesting funding in that fiscal year according to the provisions of that item, except as provided in subparagraph (B).

(B) In the first year that a charter school is affected by an action to restructure pursuant to Section 47654 of the Education Code, the Superintendent of Public Instruction may apportion funds after November of that fiscal year to a charter school that is eligible for funding pursuant to subparagraph (B) of paragraph (1) and that has submitted a letter requesting funding after August 30 of that fiscal year.

(3) A school district or county office of education that receives block grant funding pursuant to this section shall not be eligible to submit claims to the Controller for reimbursement pursuant to Section 17560 for any costs of any state mandates included in the statutes and executive orders identified in subdivision (f) incurred in the same fiscal year during which the school district or county office of education received funding pursuant to this section.

(d) Commencing with the 2017–18 fiscal year, the per unit average daily attendance funding rates specified in the provisions of Item 6100-296-0001 of the annual Budget Act shall be adjusted annually by the percentage change in the annual average value of the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States, as published by the United States Department of Commerce for the 12-month period ending in the third quarter of the prior fiscal year. This percentage change shall be determined using the latest data available as of May 10 of the preceding fiscal year compared with the annual average value of the same deflator for the 12-month period ending in the third quarter of the second preceding fiscal year, using the latest data available as of May 10 of the preceding fiscal year, as reported by the Department of Finance.

(e) Block grant funding apportioned pursuant to this section is subject to annual financial and compliance audits required by Section 41020 of the Education Code.

(f) Block grant funding apportioned pursuant to this section is specifically intended to fund the costs of the following programs and activities:

(1) Agency Fee Arrangements (00-TC-17 and 01-TC-14; Chapter 893 of the Statutes of 2000 and Chapter 805 of the Statutes of 2001).

(2) AIDS Instruction and AIDS Prevention Instruction (CSM 4422, 99-TC-07, and 00-TC-01; Chapter 818 of the Statutes of 1991; and Chapter 403 of the Statutes of 1998).

(3) Cal Grant: Opt-Out Notice and Grade Point Average Submission (16-TC-02; Chapter 679 of the Statutes of 2014 and Chapter 82 of the Statutes of 2016).

(4) California Assessment of Student Performance and Progress (CAASPP) (14-TC-01 and 14-TC-04; Chapter 489 of the Statutes of 2013; and Chapter 32 of the Statutes of 2014).

(5) California State Teachers' Retirement System (CalSTRS) Service Credit (02-TC-19; Chapter 603 of the Statutes of 1994; Chapters 383, 634, and 680 of the Statutes of 1996; Chapter 838 of the Statutes of 1997; Chapter 965 of the Statutes of 1998; Chapter 939 of the Statutes of 1999; and Chapter 1021 of the Statutes of 2000).

(6) Caregiver Affidavits (CSM 4497; Chapter 98 of the Statutes of 1994).

(7) Charter Schools I, II, and III (CSM 4437, 99-TC-03, and 99-TC-14; Chapter 781 of the Statutes of 1992; Chapters 34 and 673 of the Statutes of 1998; Chapter 34 of the Statutes of 1998; and Chapter 78 of the Statutes of 1999).

(8) Charter Schools IV (03-TC-03; Chapter 1058 of the Statutes of 2002).

(9) Child Abuse and Neglect Reporting (01-TC-21; Chapters 640 and 1459 of the Statutes of 1987; Chapter 132 of the Statutes of 1991; Chapter 459 of the Statutes of 1992; Chapter 311 of the Statutes of 1998; Chapter 916 of the Statutes of 2000; and Chapters 133 and 754 of the Statutes of 2001).

(10) Collective Bargaining (CSM 4425; Chapter 961 of the Statutes of 1975).

(11) Comprehensive School Safety Plans (98-TC-01 and 99-TC-10; Chapter 736 of the Statutes of 1997; Chapter 996 of the Statutes of 1999; and Chapter 828 of the Statutes of 2003).

(12) Consolidation of Annual Parent Notification/Schoolsite Discipline Rules/Alternative Schools (CSM 4488, CSM 4461, 99-TC-09, 00-TC-12, 97-TC-24, CSM 4453, CSM 4474, CSM 4462; Chapter 448 of the Statutes of 1975; Chapter 965 of the Statutes of 1977; Chapter 975 of the Statutes of 1980; Chapter 469 of the Statutes of 1981; Chapter 459 of the Statutes of 1985; Chapters 87 and 97 of the Statutes of 1986; Chapter 1452 of the Statutes of 1987; Chapters 65 and 1284 of the Statutes of 1988; Chapter 213 of the Statutes of 1989; Chapters 10 and 403 of the Statutes of 1990; Chapter 906 of the Statutes of 1992; Chapter 1296 of the Statutes of 1993; Chapter 929 of the Statutes of 1997; Chapters 846 and 1031 of the Statutes of 1998; Chapter 1 of the Statutes of 1999, First Extraordinary Session; Chapter 73 of the Statutes of 2000; Chapter 650 of the Statutes of 2003; Chapter 895 of the Statutes of 2004; and Chapter 677 of the Statutes of 2005).

(13) Consolidation of Law Enforcement Agency Notification and Missing Children Reports (CSM 4505; Chapter 1117 of the Statutes of 1989 and 01-TC-09; Chapter 249 of the Statutes of 1986; and Chapter 832 of the Statutes of 1999).

(14) Consolidation of Notification to Teachers: Pupils Subject to Suspension or Expulsion I and II, and Pupil Discipline Records (00-TC-10 and 00-TC-11; Chapter 345 of the Statutes of 2000).

(15) Consolidated Suspensions, Expulsions, and Expulsion Appeals (96-358-03, 03A, 98-TC-22, 01-TC-18, 98-TC-23, 97-TC-09; Chapters 972 and 974 of the Statutes of 1995; Chapters 915, 937, and 1052 of the Statutes of 1996; Chapter 637 of the Statutes of 1997; Chapter 489 of the Statutes of 1998; Chapter 332 of the Statutes of 1999; Chapter 147 of the Statutes of 2000; and Chapter 116 of the Statutes of 2001) (CSM 4455; Chapter 1253 of the Statutes of 1975; Chapter 965 of the Statutes of 1977; Chapter 668 of the Statutes of 1978; Chapter 318 of the Statutes of 1982; Chapter 498 of the Statutes of 1983; Chapter 622 of the Statutes of 1984; Chapter 942 of the Statutes of 1987; Chapter 1231 of the Statutes of 1990; Chapter 152 of the Statutes of 1992; Chapters 1255, 1256, and 1257 of the Statutes of 1993; and Chapter 146 of the Statutes of 1994) (CSM 4456; Chapter 965 of the Statutes of 1977; Chapter 668 of the Statutes of 1978; Chapter 73 of the Statutes of 1980; Chapter 498 of the Statutes of 1983; Chapter 856 of the Statutes of 1985; and Chapter 134 of the Statutes of 1987) (CSM 4463; Chapter 1253 of the Statutes of 1975; Chapter 965 of the Statutes of 1977; Chapter 668 of the Statutes of 1978; and Chapter 498 of the Statutes of 1983).

(16) County Office of Education Fiscal Accountability Reporting (97-TC-20; Chapters 917 and 1452 of the Statutes of 1987; Chapters 1461 and 1462 of the Statutes of 1988; Chapter 1372 of the Statutes of 1990; Chapter 1213 of the Statutes of 1991; Chapter 323 of the Statutes of 1992; Chapters 923 and 924 of the Statutes of 1993; Chapters 650 and 1002 of the Statutes of 1994; and Chapter 525 of the Statutes of 1995).

(17) Criminal Background Checks (97-TC-16; Chapters 588 and 589 of the Statutes of 1997).

(18) Criminal Background Checks II (00-TC-05; Chapters 594 and 840 of the Statutes of 1998; and Chapter 78 of the Statutes of 1999).

(19) Developer Fees (02-TC-42; Chapter 955 of the Statutes of 1977; Chapter 282 of the Statutes of 1979; Chapter 1354 of the Statutes of 1980; Chapter 201 of the Statutes of 1981; Chapter 923 of the Statutes of 1982; Chapter 1254 of the Statutes of 1983; Chapter 1062 of the Statutes of 1984; Chapter 1498 of the Statutes of 1985; Chapters 136 and 887 of the Statutes of 1986; and Chapter 1228 of the Statutes of 1994).

(20) Differential Pay and Reemployment (99-TC-02; Chapter 30 of the Statutes of 1998).

(21) Expulsion of Pupil: Transcript Cost for Appeals (SMAS; Chapter 1253 of the Statutes of 1975).

(22) Financial and Compliance Audits (CSM 4498 and CSM 4498-A; Chapter 36 of the Statutes of 1977).

(23) Graduation Requirements (CSM 4181; Chapter 498 of the Statutes of 1983).

(24) Habitual Truants (CSM 4487 and CSM 4487-A; Chapter 1184 of the Statutes of 1975).

(25) Immunization Records (SB 90-120; Chapter 1176 of the Statutes of 1977).

(26) Immunization Records—Mumps, Rubella, and Hepatitis B (98-TC-05; 14-MR-04; Chapter 325 of the Statutes of 1978; Chapter 435 of the Statutes of 1979; Chapter 472 of the Statutes of 1982; Chapter 984 of the Statutes of 1991; Chapter 1300 of the Statutes of 1992; Chapter 1172 of the Statutes of 1994; Chapters 291 and 415 of the Statutes of 1995; Chapter 1023 of the Statutes of 1996; and Chapters 855 and 882 of the Statutes of 1997; and Chapter 434 of the Statutes of 2010).

(27) Immunization Records—Pertussis (11-TC-02; Chapter 434 of the Statutes of 2010).

(28) Interdistrict Attendance Permits (CSM 4442; Chapters 172 and 742 of the Statutes of 1986; Chapter 853 of the Statutes of 1989; Chapter 10 of the Statutes of 1990; and Chapter 120 of the Statutes of 1992).

(29) Intradistrict Attendance (CSM 4454; Chapters 161 and 915 of the Statutes of 1993).

(30) Juvenile Court Notices II (CSM 4475; Chapters 1011 and 1423 of the Statutes of 1984; Chapter 1019 of the Statutes of 1994; and Chapter 71 of the Statutes of 1995).

(31) Notification of Truancy (CSM 4133; Chapter 498 of the Statutes of 1983; Chapter 1023 of the Statutes of 1994; and Chapter 19 of the Statutes of 1995).

(32) Parental Involvement Programs (03-TC-16; Chapter 1400 of the Statutes of 1990; Chapters 864 and 1031 of the Statutes of 1998; and Chapter 1037 of the Statutes of 2002).

(33) Physical Performance Tests (96-365-01; Chapter 975 of the Statutes of 1995).

(34) Prevailing Wage Rate (01-TC-28; Chapter 1249 of the Statutes of 1978).

(35) Public Contracts (02-TC-35; Chapter 1073 of the Statutes of 1985; Chapter 1408 of the Statutes of 1988; Chapter 330 of the Statutes of 1989; Chapter 1414 of the Statutes of 1990; Chapter 321 of the Statutes of 1990; Chapter 799 of the Statutes of 1992; and Chapter 726 of the Statutes of 1994).

(36) Pupil Health Screenings (CSM 4440; Chapter 1208 of the Statutes of 1976; Chapter 373 of the Statutes of 1991; and Chapter 750 of the Statutes of 1992).

(37) Pupil Promotion and Retention (98-TC-19; Chapter 100 of the Statutes of 1981; Chapter 1388 of the Statutes of 1982; Chapter 498 of the Statutes of 1983; Chapter 1263 of the Statutes of 1990; and Chapters 742 and 743 of the Statutes of 1998).

(38) Pupil Safety Notices (02-TC-13; Chapter 498 of the Statutes of 1983; Chapter 482 of the Statutes of 1984; Chapter 948 of the Statutes of 1984; Chapter 196 of the Statutes of 1986; Chapter 332 of the Statutes of 1986; Chapter 445 of the Statutes of 1992; Chapter 1317 of the Statutes of 1992; Chapter 589 of the Statutes of 1993; Chapter 1172 of the Statutes of 1994; Chapter 1023 of the Statutes of 1996; and Chapter 492 of the Statutes of 2000).

(39) Race to the Top (10-TC-06; Chapters 2 and 3 of the Statutes of 2009).

(40) School Accountability Report Cards (97-TC-21, 00-TC-09, 00-TC-13, and 02-TC-32; Chapter 918 of the Statutes of 1997; Chapter 912 of the Statutes of 1997; Chapter 824 of the Statutes of 1994; Chapter 1031 of the Statutes of 1993; Chapter 759 of the Statutes of 1992; and Chapter 1463 of the Statutes of 1989).

(41) School District Fiscal Accountability Reporting (97-TC-19; Chapter 100 of the Statutes of 1981; Chapter 185 of the Statutes of 1985; Chapter 1150 of the Statutes of 1986; Chapters 917 and 1452 of the Statutes of 1987; Chapters 1461 and 1462 of the Statutes of 1988; Chapter 525 of the Statutes of 1990; Chapter 1213 of the Statutes of 1991; Chapter 323 of the Statutes of 1992; Chapters 923 and 924 of the Statutes of 1993; Chapters 650 and 1002 of the Statutes of 1994; and Chapter 525 of the Statutes of 1995).

(42) School District Reorganization (98-TC-24; Chapter 1192 of the Statutes of 1980; and Chapter 1186 of the Statutes of 1994).

(43) Student Records (02-TC-34; Chapter 593 of the Statutes of 1989; Chapter 561 of the Statutes of 1993; Chapter 311 of the Statutes of 1998; and Chapter 67 of the Statutes of 2000).

(44) The Stull Act (98-TC-25; Chapter 498 of the Statutes of 1983; and Chapter 4 of the Statutes of 1999).

(45) Threats Against Peace Officers (CSM 96-365-02; Chapter 1249 of the Statutes of 1992; and Chapter 666 of the Statutes of 1995).

(46) Training for School Employee Mandated Reporters (14-TC-02; Chapter 797 of the Statutes of 2014).

(47) Uniform Complaint Procedures (03-TC-02; Chapter 1117 of the Statutes of 1982; Chapter 1514 of the Statutes of 1988; and Chapter 914 of the Statutes of 1998).

(48) Williams Case Implementation I, II, and III (05-TC-04, 07-TC-06, and 08-TC-01; Chapters 900, 902, and 903 of the Statutes of 2004; Chapter 118 of the Statutes of 2005; Chapter 704 of the Statutes of 2006; and Chapter 526 of the Statutes of 2007).

(g) Notwithstanding Section 10231.5, on or before November 1 of each fiscal year, the Superintendent of Public Instruction shall produce a report that indicates the total amount of block grant funding each school district, county office of education, and charter school received in that fiscal year pursuant to this section. Funding apportioned pursuant to subparagraph (B) of paragraph (2) of subdivision (c) shall be excluded from this reporting requirement. The Superintendent of Public Instruction shall provide this report to the appropriate fiscal and policy committees of the Legislature, the Controller, the Department of Finance, and the Legislative Analyst's Office.

SEC. 84. Section 97.2 of the Revenue and Taxation Code is amended to read:

97.2. Notwithstanding any other provision of this chapter, the computations and allocations made by each county pursuant to Section 96.1 or its predecessor section shall be modified for the 1992–93 fiscal year pursuant to subdivisions (a) to (d), inclusive, and for the 1997–98 and 1998–99 fiscal years pursuant to subdivision (e), as follows:

(a) (1) Except as provided in paragraph (2), the amount of property tax revenue deemed allocated in the prior fiscal year to each county shall be reduced by the dollar amounts indicated as follows, multiplied by 0.953649:

	Property Tax Reduction per County
Alameda	$ 27,323,576
Alpine	5,169

Amador	286,131
Butte	846,452
Calaveras	507,526
Colusa	186,438
Contra Costa	12,504,318
Del Norte	46,523
El Dorado	1,544,590
Fresno	5,387,570
Glenn	378,055
Humboldt	1,084,968
Imperial	998,222
Inyo	366,402
Kern	6,907,282
Kings	1,303,774
Lake	998,222
Lassen	93,045
Los Angeles	244,178,806
Madera	809,194
Marin	3,902,258
Mariposa	40,136
Mendocino	1,004,112
Merced	2,445,709
Modoc	134,650
Mono	319,793
Monterey	2,519,507
Napa	1,362,036
Nevada	762,585
Orange	9,900,654
Placer	1,991,265
Plumas	71,076
Riverside	7,575,353
Sacramento	15,323,634
San Benito	198,090
San Bernardino	14,467,099
San Diego	17,687,776
San Francisco	53,266,991
San Joaquin	8,574,869
San Luis Obispo	2,547,990
San Mateo	7,979,302
Santa Barbara	4,411,812
Santa Clara	20,103,706
Santa Cruz	1,416,413
Shasta	1,096,468
Sierra	97,103
Siskiyou	467,390
Solano	5,378,048
Sonoma	5,455,911
Stanislaus	2,242,129
Sutter	831,204
Tehama	450,559
Trinity	50,399
Tulare	4,228,525
Tuolumne	740,574
Ventura	9,412,547
Yolo	1,860,499
Yuba	842,857

(2) Notwithstanding paragraph (1), the amount of the reduction specified in that paragraph for any county or city and county that has been materially and substantially impacted as a result of a federally declared disaster, as evidenced by at least 20 percent of the cities, or cities and unincorporated areas of the county representing 20 percent of the population within the county suffering substantial damage, as certified by the Director of Emergency Services, occurring between October 1, 1989, and September 30, 1994, shall be reduced by that portion of five million dollars ($5,000,000) determined for that county or city and county pursuant to subparagraph (B) of paragraph (3).

(3) On or before October 1, 1992, the Director of Finance shall do all of the following:

(A) Determine the population of each county and city and county in which a federally declared disaster has occurred between October 1, 1989, and September 30, 1994.

(B) Determine for each county and city and county as described in subparagraph (A) its share of five million dollars ($5,000,000) on the basis of that county's population relative to the total population of all counties described in subparagraph (A).

(C) Notify each auditor of each county and city and county of the amounts determined pursuant to subparagraph (B).

(b) (1) Except as provided in paragraph (2), the amount of property tax revenue deemed allocated in the prior fiscal year to each city, except for a newly incorporated city that did not receive property tax revenues in the 1991–92 fiscal year, shall be reduced by 9 percent. In making the above computation with respect to cities in Alameda County, the computation for a city described in paragraph (6) of subdivision (a) of Section 100.7, as added by Section 73.5 of Chapter 323 of the Statutes of 1983, shall be adjusted so that the amount multiplied by 9 percent is reduced by the amount determined for that city for "museums" pursuant to paragraph (2) of subdivision (h) of Section 95.

(2) Notwithstanding paragraph (1), the amount of the reduction determined pursuant to that paragraph for any city that has been materially and substantially impacted as a result of a federally declared disaster, as certified by the Director of Emergency Services, occurring between October 1, 1989, and September 30, 1994, shall be reduced by that portion of fifteen million dollars ($15,000,000) determined for that city pursuant to subparagraph (B) of paragraph (3).

(3) On or before October 1, 1992, the Director of Finance shall do all of the following:

(A) Determine the population of each city in which a federally declared disaster has occurred between October 1, 1989, and September 30, 1994.

(B) Determine for each city as described in subparagraph (A) its share of fifteen million dollars ($15,000,000) on the basis of that city's population relative to the total population of all cities described in subparagraph (A).

(C) Notify each auditor of each county and city and county of the amounts determined pursuant to subparagraph (B).

(4) In the 1992–93 fiscal year and each fiscal year thereafter, the auditor shall adjust the computations required pursuant to Article 4 (commencing with Section 98) so that those computations do not result in the restoration of any reduction required pursuant to this section.

(c) (1) Subject to paragraph (2), the amount of property tax revenue, other than those revenues that are pledged to debt service, deemed allocated in the prior fiscal year to a special district, other than a multicounty district, a local hospital district, or a district governed by a city council or whose governing board has the same membership as a city council, shall be reduced by 35 percent. For purposes of this subdivision, "revenues that are pledged to debt service" include only those amounts required to pay debt service costs in the 1991–92 fiscal year on debt instruments issued by a special district for the acquisition of capital assets.

(2) No reduction pursuant to paragraph (1) for any special district, other than a countywide water agency that does not sell water at retail, shall exceed an amount equal to 10 percent of that district's total annual revenues, from whatever source, as shown in the 1989–90 edition of the State Controller's Report on Financial Transactions Concerning Special Districts (not including any annual revenues from fiscal years following the 1989–90 fiscal year). With respect to any special district, as defined pursuant to subdivision (m) of Section 95, that is allocated property tax revenue pursuant to this chapter but does not appear in the State Controller's Report on Financial Transactions Concerning Special Districts, the auditor shall determine the total annual revenues for that special district from the information in the 1989–90 edition of the State Controller's Report on Financial Transactions Concerning Counties. With respect to a special district that did not exist in the 1989–90 fiscal year, the auditor may use information from the first full fiscal year, as appropriate, to determine the total annual revenues for that special district. No reduction pursuant to paragraph (1) for any countywide water agency that does not sell water at retail shall exceed an amount equal to 10 percent of that portion of that agency's general fund derived from property tax revenues.

(3) The auditor in each county shall, on or before January 15, 1993, and on or before January 30 of each year thereafter, submit information to the Controller concerning the amount of the property tax revenue reduction to each special district within that county as a result of paragraphs (1) and (2). The Controller shall certify that the calculation of the property tax revenue reduction to each special district within that county is accurate and correct, and submit this information to the Director of Finance.

(A) The Director of Finance shall determine whether the total of the amounts of the property tax revenue reductions to special districts, as certified by the Controller, is equal to the amount that would be required to be allocated to school districts and community college districts as a result of a three hundred seventy-five million dollar ($375,000,000) shift of property tax revenues from special districts for the 1992–93 fiscal year. If, for any year, the total of the amount of the property tax revenue reductions to special districts is less than the amount as described in the preceding sentence, the amount of property tax revenue, other than those revenues that are pledged to debt service, deemed allocated in the prior fiscal year to a special district, other than a multicounty district, a local hospital district, or a district governed by a city council or whose governing board has the same membership as a city council, shall, subject to subparagraph (B), be reduced by an amount up to 5 percent of the amount subject to reduction for that district pursuant to paragraphs (1) and (2).

(B) No reduction pursuant to subparagraph (A), in conjunction with a reduction pursuant to paragraphs (1) and (2), for any special district, other than a countywide water agency that does not sell water at retail, shall exceed an amount equal to 10 percent of that district's total annual revenues, from whatever source, as shown in the most recent State Controller's Report on Financial Transactions Concerning Special Districts. No reduction pursuant to subparagraph (A), in conjunction with a reduction pursuant to paragraphs (1) and (2), for any countywide water agency that does not sell water at retail shall exceed an amount equal to 10 percent of that portion of that agency's general fund derived from property tax revenues.

(C) In no event shall the amount of the property tax revenue loss to a special district derived pursuant to subparagraphs (A) and (B) exceed 40 percent of that district's property tax revenues or 10 percent of that district's total revenues, from whatever source.

(4) For the purpose of determining the total annual revenues of a special district that provides fire protection or fire suppression services, all of the following shall be excluded from the determination of total annual revenues:

(A) If the district had less than two million dollars ($2,000,000) in total annual revenues in the 1991–92 fiscal year, the revenue generated by a fire suppression assessment levied pursuant to Article 3.6 (commencing with Section 50078) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code.

(B) The total amount of all funds, regardless of the source, that are appropriated to a district, including a fire department, by a board of supervisors pursuant to Section 25642 of the Government Code or Chapter 7 (commencing with Section 13890) of Part 2.7 of Division 12 of the Health and Safety Code for fire protection. The amendment of this subparagraph by Chapter 290 of the Statutes of 1997 does not affect any exclusion from the total annual revenues of a special district that was authorized by this subparagraph as it read before that amendment.

(C) The revenue received by a district as a result of contracts entered into pursuant to Section 4133 of the Public Resources Code.

(5) For the purpose of determining the total annual revenues of a resource conservation district, all of the following shall be excluded from the determination of total annual revenues:

(A) Any revenues received by that district from the state for financing the acquisition of land, or the construction or improvement of state projects, and for which that district serves as the fiscal agent in administering those state funds pursuant to an agreement entered into between that district and a state agency.

(B) Any amount received by that district as a private gift or donation.

(C) Any amount received as a county grant or contract as supplemental to, or independent of, that district's property tax share.

(D) Any amount received by that district as a federal or state grant.

(d) (1) The amount of property tax revenues not allocated to the county, cities within the county, and special districts as a result of the reductions calculated pursuant to subdivisions (a), (b), and (c) shall instead be deposited in the Educational Revenue Augmentation Fund to be established in each county. The amount of revenue in the Educational Revenue Augmentation Fund, derived from whatever source, shall be allocated pursuant to paragraphs (2) and (3) to school districts and county offices of education, in total, and to community college districts, in total, in the same proportion that property tax revenues were distributed to school districts and county offices of education, in total, and community college districts, in total, during the 1991–92 fiscal year.

(2) (A) The auditor shall, based on information provided by the county superintendent of schools pursuant to this paragraph, allocate the proportion of the Educational Revenue Augmentation Fund to those school districts and county offices of education within the county that are not excess tax school entities, as defined in subdivision (n) of Section 95. The county superintendent of schools shall determine the amount to be allocated to each school district and county office of education in inverse proportion to the amounts of property tax revenue per average daily attendance in each school district and county office of education. In no event shall any additional money be allocated from the fund to a school district or county office of education upon that school district or county office of education becoming an excess tax school entity.

(B) The Controller shall issue, on or before December 31, 2020, guidance to counties for implementation of subparagraph (A). Any guidance issued to counties pursuant to this subparagraph shall not be subject to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) or Section 30200 of Government Code. Commencing with the 2019–20 fiscal year, if a county auditor-controller fails to allocate Educational Revenue Augmentation Fund revenues in accordance with the guidance issued by the Controller pursuant to this subparagraph, the Controller may request a writ of mandate to require the county auditor-controller to immediately perform this duty. Such actions may be filed only in the County of Sacramento and shall have priority over other civil matters.

(C) Calculations made pursuant to subparagraph (A) for fiscal years before the 2018–19 fiscal year shall be considered final as of the 2018–19 fiscal year second principal apportionment.

(D) Calculations pursuant to subparagraph (A) for the 2018–19 fiscal year shall be considered final as of the February 20, 2020, certification.

(3) The auditor shall, based on information provided by the Chancellor of the California Community Colleges pursuant to this paragraph, allocate the proportion of the Educational Revenue Augmentation Fund to those community college districts within the county that are not excess tax school entities, as defined in subdivision (n) of Section 95. The chancellor shall determine the amount to be allocated to each community college district in inverse proportion to the amounts of property tax revenue per funded full-time equivalent student in each community college district. In no event shall any additional money be allocated from the fund to a community college district upon that district becoming an excess tax school entity.

(4) (A) If, after making the allocation required pursuant to paragraph (2), the auditor determines that there are still additional funds to be allocated, the auditor shall allocate those excess funds pursuant to paragraph (3). If, after making the allocation pursuant to paragraph (3), the auditor determines that there are still additional funds to be allocated, the auditor shall allocate those excess funds pursuant to paragraph (2).

(B) (i) (I) For the 1995–96 fiscal year and each fiscal year thereafter, if, after making the allocations pursuant to paragraphs (2) and (3) and subparagraph (A), the auditor determines that there are still additional funds to be allocated, the auditor shall, subject to clauses (ii) and (iii), allocate those excess funds to the county superintendent of schools. Funds allocated pursuant to this subclause shall be counted as property tax revenues for special education programs in augmentation of the amount calculated pursuant to Section 2572 of the Education Code, to the extent that those property tax revenues offset state aid for county offices of education and school districts within the county pursuant to Section 56836.15 of the Education Code.

(II) For the 2007–08 fiscal year and for each fiscal year thereafter, both of the following apply:

(ia) In allocating the revenues described in subclause (I), the auditor shall apportion funds to the appropriate special education local plan area to cover the amount determined in Section 56836.173 of the Education Code.

(ib) Except as otherwise provided by sub-subclause (ia), property tax revenues described in subclause (I) shall not be apportioned to special education programs funded pursuant to Section 56836.173 of the Education Code.

(III) If, for the 2000–01 fiscal year or any fiscal year thereafter, any additional revenues remain after the implementation of subclauses (I) and (II), the auditor shall allocate those remaining revenues among the county, cities, and special districts in proportion to the amounts of ad valorem property tax revenue otherwise required to be shifted from those local agencies to the county's Educational Revenue Augmentation Fund for the relevant fiscal year.

(IV) A county Educational Revenue Augmentation Fund shall not be required to provide funding for special education programs funded pursuant to Section 56836.173 of the Education Code or any predecessor to that section for a fiscal year before the 2007–08 fiscal year that it has not already provided for these programs before the beginning of the 2007–08 fiscal year.

(ii) For the 1995–96 fiscal year only, clause (i) shall have no application to the County of Mono and the amount allocated pursuant to clause (i) in the County of Marin shall not exceed five million dollars ($5,000,000).

(iii) For the 1996–97 fiscal year only, the total amount of funds allocated by the auditor pursuant to clause (i) and clause (i) of subparagraph (B) of paragraph (4) of subdivision (d) of Section 97.3 shall not exceed that portion of two million five hundred thousand dollars ($2,500,000) that corresponds to the county's proportionate share of all moneys allocated pursuant to clause (i) and clause (i) of subparagraph (B) of paragraph (4) of subdivision (d) of Section 97.3 for the 1995–96 fiscal year. Upon the request of the auditor, the Department of Finance shall provide to the auditor all information in the department's possession that is necessary for the auditor to comply with this clause.

(iv) Notwithstanding clause (i) of this subparagraph, for the 1999–2000 fiscal year only, if, after making the allocations pursuant to paragraphs (2) and (3) and subparagraph (A), the auditor determines that there are still additional funds to be allocated, the auditor shall allocate the funds to the county, cities, and special districts in proportion to the amounts of ad valorem property tax revenue otherwise required to be shifted from those local agencies to the county's Educational Revenue Augmentation Fund for the relevant fiscal year. The amount allocated pursuant to this clause shall not exceed eight million two hundred thirty-nine thousand dollars ($8,239,000), as appropriated in Item 6110-250-0001 of Section 2.00 of the Budget Act of 1999 (Chapter 50, Statutes of 1999). This clause shall be operative for the 1999–2000 fiscal year only to the extent that moneys are appropriated for purposes of this clause in the Budget Act of 1999 by an appropriation that specifically references this clause.

(C) For purposes of allocating the Educational Revenue Augmentation Fund for the 1996–97 fiscal year, the auditor shall, after making the allocations for special education programs, if any, required by subparagraph (B), allocate all remaining funds among the county, cities, and special districts in proportion to the amounts of ad valorem property tax revenue otherwise required to be shifted from those local agencies to the county's Educational Revenue Augmentation Fund for the relevant fiscal year. For purposes of ad valorem property tax revenue allocations for the 1997–98 fiscal year and each fiscal year thereafter, no amount of ad valorem property tax revenue allocated to the county, a city, or a special district pursuant to this subparagraph shall be deemed to be an amount of ad valorem property tax revenue allocated to that local agency in the prior fiscal year.

(5) For purposes of allocations made pursuant to Section 96.1 or its predecessor section for the 1993–94 fiscal year, the amounts allocated from the Educational Revenue Augmentation Fund pursuant to this subdivision, other than amounts deposited in the Educational Revenue Augmentation Fund pursuant to Section 33681 of the Health and Safety Code, shall be deemed property tax revenue allocated to the Educational Revenue Augmentation Fund in the prior fiscal year.

(e) (1) For the 1997–98 fiscal year:

(A) The amount of property tax revenue deemed allocated in the prior fiscal year to any city subject to the reduction specified in paragraph (2) of subdivision (b) shall be reduced by an amount that is equal to the difference between the amount determined for the city pursuant to paragraph (1) of subdivision (b) and the amount of the reduction determined for the city pursuant to paragraph (2) of subdivision (b).

(B) The amount of property tax revenue deemed allocated in the prior fiscal year to any county or city and county subject to the reduction specified in paragraph (2) of subdivision (a) shall be reduced by an amount that is equal to the difference between the amount specified for the county or city and county pursuant to paragraph (1) of subdivision (a) and the amount of the reduction determined for the county or city and county pursuant to paragraph (2) of subdivision (a).

(2) The amount of property tax revenues not allocated to a city or city and county as a result of this subdivision shall be deposited in the Educational Revenue Augmentation Fund described in subparagraph (A) of paragraph (1) of subdivision (d).

(3) For purposes of allocations made pursuant to Section 96.1 for the 1998–99 fiscal year, the amounts allocated from the Educational Revenue Augmentation Fund pursuant to this subdivision shall be deemed property tax revenues allocated to the Educational Revenue Augmentation Fund in the prior fiscal year.

(f) It is the intent of the Legislature in enacting this section that this section supersede and be operative in place of Section 97.03 of the Revenue and Taxation Code, as added by Senate Bill 617 of the 1991–92 Regular Session.

SEC. 85. Section 97.3 of the Revenue and Taxation Code is amended to read:

97.3. Notwithstanding any other provision of this chapter, the computations and allocations made by each county pursuant to Section 96.1 or its predecessor section, as modified by Section 97.2 or its predecessor section for the 1992–93 fiscal year, shall be modified for the 1993–94 fiscal year pursuant to subdivisions (a) to (c), inclusive, as follows:

(a) The amount of property tax revenue deemed allocated in the prior fiscal year to each county and city and county shall be reduced by an amount to be determined by the Director of Finance in accordance with the following:

(1) The total amount of the property tax reductions for counties and cities and counties determined pursuant to this section shall be one billion nine hundred ninety-eight million dollars ($1,998,000,000) in the 1993–94 fiscal year.

(2) The Director of Finance shall determine the amount of the reduction for each county or city and county as follows:

(A) The proportionate share of the property tax revenue reduction for each county or city and county that would have been imposed on all counties under the proposal specified in the "May Revision of the 1993–94 Governor's Budget" shall be determined by reference to the document entitled "Estimated County Property Tax Transfers Under Governor's May Revision Proposal," published by the Legislative Analyst's Office on June 1, 1993.

(B) Each county's or city and county's proportionate share of total taxable sales in all counties in the 1991–92 fiscal year shall be determined.

(C) An amount for each county and city and county shall be determined by applying its proportionate share determined pursuant to subparagraph (A) to the one billion nine hundred ninety-eight million dollar ($1,998,000,000) statewide reduction for counties and cities and counties.

(D) An amount for each county and city and county shall be determined by applying its proportionate share determined pursuant to subparagraph (B) to the one billion nine hundred ninety-eight million dollar ($1,998,000,000) statewide reduction for counties and cities and counties.

(E) The Director of Finance shall add the amounts determined pursuant to subparagraphs (C) and (D) for each county and city and county, and divide the resulting figure by two. The amount so determined for each county and city and county shall be divided by a factor of 1.038. The resulting figure shall be the amount of property tax revenue to be subtracted from the amount of property tax revenue deemed allocated in the prior fiscal year.

(3) The Director of Finance shall, by July 15, 1993, report to the Joint Legislative Budget Committee its determination of the amounts determined pursuant to paragraph (2).

(4) On or before August 15, 1993, the Director of Finance shall notify the auditor of each county and city and county of the amount of property tax revenue reduction determined for each county and city and county.

(5) Notwithstanding any other provision of this subdivision, the amount of the reduction specified in paragraph (2) for any county or city and county that has first implemented, for the 1993–94 fiscal year, the alternative procedure for the distribution of property tax levies authorized by Chapter 3 (commencing with Section 4701) of Part 8 shall be reduced, for the 1993–94 fiscal year only, in the amount of any increased revenue allocated to each qualifying school entity that would not have been allocated for the 1993–94 fiscal year but for the implementation of that alternative procedure. For purposes of this paragraph, "qualifying school entity" means any school district, county office of education, or community college district that is not an excess tax school entity, as defined in Section 95, and a county's Educational Revenue Augmentation Fund, as described in subdivision (d) of this section and subdivision (d) of Section 97.2. Notwithstanding any other provision of this paragraph, the amount of any reduction calculated pursuant to this paragraph for any county or city and county shall not exceed the reduction calculated for that county or city and county pursuant to paragraph (2).

(6) Notwithstanding the provisions of paragraph (5), the amount of the reduction specified in paragraph (2) for a county of the 16th class that has first implemented, for the 1993–94 fiscal year, the alternative procedure for the distribution of property tax levies authorized by Chapter 2 (commencing with Section 4701) of Part 8 shall be reduced, for the 1993–94 fiscal year only, in the amount of any increased revenue distributed to each qualifying school entity that would not have been distributed for the 1993–94 fiscal year, pursuant to the historical accounting method of that county of the 16th class, but for the implementation of that alternative procedure. For purposes of this paragraph, "qualifying school entity" means any school district, county office of education, or community college district that is not an excess tax school entity, as defined in Section 95, and a county's Educational Revenue Augmentation Fund, as described in subdivision (a) of this section and subdivision (d) of Section 97.2. Notwithstanding any other provision of this paragraph, the amount of any reduction calculated pursuant to this paragraph for any county shall not exceed the reduction calculated for that county pursuant to paragraph (2).

(b) The amount of property tax revenue deemed allocated in the prior fiscal year to each city shall be reduced by an amount to be determined by the Director of Finance in accordance with the following:

(1) The total amount of the property tax reductions determined for cities pursuant to this section shall be two hundred eighty-eight million dollars ($288,000,000) in the 1993–94 fiscal year.

(2) The Director of Finance shall determine the amount of reduction for each city as follows:

(A) The amount of property tax revenue that is estimated to be attributable in the 1993–94 fiscal year to the amount of each city's state assistance payment received by that city pursuant to Chapter 282 of the Statutes of 1979 shall be determined.

(B) A factor for each city equal to the amount determined pursuant to subparagraph (A) for that city, divided by the total of the amounts determined pursuant to subparagraph (A) for all cities, shall be determined.

(C) An amount for each city equal to the factor determined pursuant to subparagraph (B), multiplied by three hundred eighty-two million five hundred thousand dollars ($382,500,000), shall be determined.

(D) In no event shall the amount for any city determined pursuant to subparagraph (C) exceed a per capita amount of nineteen dollars and thirty-one cents ($19.31), as determined in accordance with that city's population on January 1, 1993, as estimated by the Department of Finance.

(E) The amount determined for each city pursuant to subparagraphs (C) and (D) shall be the amount of property tax revenue to be subtracted from the amount of property tax revenue deemed allocated in the prior year.

(3) The Director of Finance shall, by July 15, 1993, report to the Joint Legislative Budget Committee those amounts determined pursuant to paragraph (2).

(4) On or before August 15, 1993, the Director of Finance shall notify each county auditor of the amount of property tax revenue reduction determined for each city located within that county.

(c) (1) The amount of property tax revenue deemed allocated in the prior fiscal year to each special district, as defined pursuant to subdivision (m) of Section 95, shall be reduced by the amount determined for the district pursuant to paragraph (3) and increased by the amount determined for the district pursuant to paragraph (4). The total net amount of these changes is intended to equal two hundred forty-four million dollars ($244,000,000) in the 1993–94 fiscal year.

(2) (A) Notwithstanding any other provision of this subdivision, no reduction shall be made pursuant to this subdivision with respect to any of the following special districts:

(i) A local hospital district, as described in Division 23 (commencing with Section 32000) of the Health and Safety Code.

(ii) A water agency that does not sell water at retail, but not including an agency the primary function of which, as determined on the basis of total revenues, is flood control.

(iii) A transit district.

(iv) A police protection district formed pursuant to Part 1 (commencing with Section 20000) of Division 14 of the Health and Safety Code.

(v) A special district that was a multicounty special district as of July 1, 1979.

(B) Notwithstanding any other provision of this subdivision, the first one hundred four thousand dollars ($104,000) of the amount of any reduction that otherwise would be made under this subdivision with respect to a qualifying community services district shall be excluded. For purposes of this subparagraph, a "qualifying community services district" means a community services district that meets all of the following requirements:

(i) Was formed pursuant to Division 3 (commencing with Section 61000) of Title 6 of the Government Code.

(ii) Succeeded to the duties and properties of a police protection district upon the dissolution of that district.

(iii) Currently provides police protection services to substantially the same territory as did that district.

(iv) Is located within a county in which the board of supervisors has requested the Department of Finance that this subparagraph be operative in the county.

(3) (A) On or before September 15, 1993, the county auditor shall determine an amount for each special district equal to the amount of its allocation determined pursuant to Section 96 or 96.1, and Section 96.5 or their predecessor sections for the 1993–94 fiscal year multiplied by the ratio determined pursuant to paragraph (1) of subdivision (a) of former Section 98.6, as that section read on June 15, 1993. In those counties that were subject to former Sections 98.66, 98.67, and 98.68, as those sections read on that same date, the county auditor shall determine an amount for each special district that represents the current amount of its allocation determined pursuant to Section 96 or 96.1, and Section 96.5 or their predecessor sections for the 1993–94 fiscal year that is attributed to the property tax shift from schools required by Chapter 282 of the Statutes of 1979. In that county subject to Section 100.4, the county auditor shall determine an amount for each special district that represents the current amount of its allocations determined pursuant to Section 96, 96.1, 96.5, or 100.4 or their predecessor sections for the 1993–94 fiscal year that is attributable to the property tax shift from schools required by Chapter 282 of the Statutes of 1979. In determining these amounts, the county auditor shall adjust for the influence of increased assessed valuation within each district, including the effect of jurisdictional changes, and the reductions in property tax allocations required in the 1992–93 fiscal year by Chapters 699 and 1369 of the Statutes of 1992. In the case of a special district that has been consolidated or reorganized, the auditor shall determine the amount of its current property tax allocation that is attributable to the prior district's or districts' receipt of state assistance payments pursuant to Chapter 282 of the Statutes of 1979. Notwithstanding any other provision of this paragraph, for a special district that is governed by a city council or whose governing board has the same membership as a city council and that is a subsidiary district, as defined in subdivision (e) of Section 16271 of the Government Code, the county auditor shall multiply the amount that otherwise would be calculated pursuant to this paragraph by 0.38 and the result shall be used in the calculations required by paragraph (5). In no event shall the amount determined by this paragraph be less than zero.

(B) Notwithstanding subparagraph (A), commencing with the 1994–95 fiscal year, in the County of Sacramento, the auditor shall determine the amount for each special district that represents the current amount of its allocations determined pursuant to Section 96, 96.1, 96.5, or 100.6 for the 1994–95 fiscal year that is attributed to the property tax shift from schools required by Chapter 282 of the Statutes of 1979.

(4) (A) (i) On or before September 15, 1993, the county auditor shall determine an amount for each special district that is engaged in fire protection activities, as reported to the Controller for inclusion in the 1989–90 edition of the Financial Transactions Report Concerning Special Districts under the heading of "Fire Protection," that is equal to the amount of revenue allocated to that special district from the Special District Augmentation Fund for fire protection activities in the 1992–93 fiscal year. For purposes of the preceding sentence for counties of the second class, the phrase "amount of revenue allocated to that special district" means an amount of revenue that was identified for transfer to that special district, rather than the amount of revenue that was actually received by that special district pursuant to that transfer.

(ii) In the case of a special district, other than a special district governed by the county board of supervisors or whose governing body is the same as the county board of supervisors, that is engaged in fire protection activities as reported to the Controller, the county auditor shall also determine the amount by which the district's amount determined pursuant to paragraph (3) exceeds the amount by which its allocation was reduced by operation of former Section 98.6 in the 1992–93 fiscal year. This amount shall be added to the amount otherwise determined for the district under this paragraph. In any county subject to former Section 98.65, 98.66, 98.67, or 98.68 in that same fiscal year, the county auditor shall determine for each special district that is engaged in fire protection activities an amount that is equal to the amount determined for that district pursuant to paragraph (3).

(B) For purposes of this paragraph, a special district includes any special district that is allocated property tax revenue pursuant to this chapter and does not appear in the State Controller's Report on Financial Transactions Concerning Special Districts, but is engaged in fire protection activities and appears in the State Controller's Report on Financial Transactions Concerning Counties.

(5) The total amount of property taxes allocated to special districts by the county auditor as a result of paragraph (4) shall be subtracted from the amount of property tax revenues not allocated to special districts by the county auditor as a result of paragraph (3) to determine the amount to be deposited in the Education Revenue Augmentation Fund as specified in subdivision (d).

(6) On or before September 30, 1993, the county auditor shall notify the Director of Finance of the net amount determined for special districts pursuant to paragraph (5).

(d) (1) The amount of property tax revenues not allocated to the county, city and county, cities within the county, and special districts as a result of the reductions required by subdivisions (a), (b), and (c) shall instead be deposited in the Educational Revenue Augmentation Fund established in each county or city and county pursuant to Section 97.2. The amount of revenue in the Educational Revenue Augmentation Fund, derived from whatever source, shall be allocated pursuant to paragraphs (2) and (3) to school districts and county offices of education, in total, and to community college districts, in total, in the same proportion that property tax revenues were distributed to school districts and county offices of education, in total, and community college districts, in total, during the 1992–93 fiscal year.

(2) The county auditor shall, based on information provided by the county superintendent of schools pursuant to this paragraph, allocate that proportion of the revenue in the Educational Revenue Augmentation Fund to be allocated to school districts and county offices of education only to those school districts and county offices of education within the county that are not excess tax school entities, as defined in subdivision (n) of Section 95. The county superintendent of schools shall determine the amount to be allocated to each school district in inverse proportion to the amounts of property tax revenue per average daily attendance in each school district. For each county office of education, the allocation shall be made based on the historical split of base property tax revenue between the county office of education and school districts within the county. In no event shall any additional money be allocated from the Educational Revenue Augmentation Fund to a school district or county office of education upon that district or county office of education becoming an excess tax school entity. If, after determining the amount to be allocated to each school district and county office of education, the county superintendent of schools determines there are still additional funds to be allocated, the county superintendent of schools shall determine the remainder to be allocated in inverse proportion to the amounts of property tax revenue, excluding Educational Revenue Augmentation Fund moneys, per average daily attendance in each remaining school district, and on the basis of the historical split described above for each county office of education that is not an excess tax school entity, until all funds that would not result in a school district or county office of education becoming an excess tax school entity are allocated. The county superintendent of schools may determine the amounts to be allocated between each school district and county office of education to ensure that all funds that would not result in a school district or county office of education becoming an excess tax school entity are allocated.

(3) The county auditor shall, based on information provided by the Chancellor of the California Community Colleges pursuant to this paragraph, allocate that proportion of the revenue in the Educational Revenue Augmentation Fund to be allocated to community college districts only to those community college districts within the county that are not excess tax school entities, as defined in subdivision (n) of Section 95. The chancellor shall determine the amount to be allocated to each community college district in inverse proportion to the amounts of property tax revenue per funded full-time equivalent student in each community college district. In no event shall any additional money be allocated from the Educational Revenue Augmentation Fund to a community college district upon that district becoming an excess tax school entity.

(4) (A) If, after making the allocation required pursuant to paragraph (2), the auditor determines that there are still additional funds to be allocated, the auditor shall allocate those excess funds pursuant to paragraph (3). If, after making the allocation pursuant to paragraph (3), the auditor determines that there are still additional funds to be allocated, the auditor shall allocate those excess funds pursuant to paragraph (2). If, after determining the amount to be allocated to each community college district, the Chancellor of the California Community Colleges determines that there are still additional funds to be allocated, the Chancellor of the California Community Colleges shall determine the remainder to be allocated to each community college district in inverse proportion to the amounts of property tax revenue, excluding Educational Revenue Augmentation Fund moneys, per funded full-time equivalent student in each remaining community college district that is not an excess tax school entity until all funds that would not result in a community college district becoming an excess tax school entity are allocated.

(B) (i) (I) For the 1995–96 fiscal year and each fiscal year thereafter, if, after making the allocations pursuant to paragraphs (2) and (3) and subparagraph (A), the auditor determines that there are still additional funds to be allocated, the auditor shall, subject to clauses (ii) and (iii), allocate those excess funds to the county superintendent of schools. Funds allocated pursuant to this subclause shall be counted as property tax revenues for special education programs in augmentation of the amount calculated pursuant to Section 2572 of the Education Code, to the extent that those property tax revenues offset state aid for county offices of education and school districts within the county pursuant to Section 56836.15 of the Education Code.

(II) For the 2007–08 fiscal year and for each fiscal year thereafter, both of the following apply:

(ia) In allocating the revenues described in subclause (I), the auditor shall apportion funds to the appropriate special education local plan area to cover the amount determined in Section 56836.173 of the Education Code.

(ib) Except as otherwise provided by sub-subclause (ia), property tax revenues described in subclause (I) shall not be apportioned to special education programs funded pursuant to Section 56836.173 of the Education Code.

(III) If, for the 2000–01 fiscal year or any fiscal year thereafter, any additional revenues remain after the implementation of subclauses (I) and (II), the auditor shall allocate those remaining revenues among the county, cities, and special districts in proportion to the amounts of ad valorem property tax revenue otherwise required to be shifted from those local agencies to the county's Educational Revenue Augmentation Fund for the relevant fiscal year.

(IV) A county Educational Revenue Augmentation Fund shall not be required to provide funding for special education programs funded pursuant to Section 56836.173 of the Education Code or any predecessor to that section for a fiscal year before the 2007–08 fiscal year that it has not already provided for these programs before the beginning of the 2007–08 fiscal year.

(ii) For the 1995–96 fiscal year only, clause (i) shall not apply to the County of Mono and the amount allocated pursuant to clause (i) in the County of Marin shall not exceed five million dollars ($5,000,000).

(iii) For the 1996–97 fiscal year only, the total amount of funds allocated by the auditor pursuant to clause (i) and clause (i) of subparagraph (B) of paragraph (4) of subdivision (d) of Section 97.2 shall not exceed that portion of two million five hundred thousand dollars ($2,500,000) that corresponds to the county's proportionate share of all moneys allocated pursuant to clause (i) and clause (i) of subparagraph (B) of paragraph (4) of subdivision (d) of Section 97.2 for the 1995–96 fiscal year. Upon the request of the auditor, the Department of Finance shall provide to the auditor all information in the department's possession that is necessary for the auditor to comply with this clause.

(iv) Notwithstanding clause (i) of this subparagraph, for the 1999–2000 fiscal year only, if, after making the allocations pursuant to paragraphs (2) and (3) and subparagraph (A), the auditor determines that there are still additional funds to be allocated, the auditor shall allocate the funds to the county, cities, and special districts in proportion to the amounts of ad valorem property tax revenue otherwise required to be shifted from those local agencies to the county's Educational Revenue Augmentation Fund for the relevant fiscal year. The amount allocated pursuant to this clause shall not exceed eight million two hundred thirty-nine thousand dollars ($8,239,000), as appropriated in Item 6110-250-0001 of Section 2.00 of the Budget Act of 1999 (Chapter 50, Statutes of 1999).

(C) For purposes of allocating the Educational Revenue Augmentation Fund for the 1996–97 fiscal year, the auditor shall, after making the allocations for special education programs, if any, required by subparagraph (B), allocate all remaining funds among the county, cities, and special districts in proportion to the amounts of ad valorem property tax revenue otherwise required to be shifted from those local agencies to the county's Educational Revenue Augmentation Fund for the relevant fiscal year. For purposes of ad valorem property tax revenue allocations for the 1997–98 fiscal year and each fiscal year thereafter, no amount of ad valorem property tax revenue allocated to the county, a city, or a special district pursuant to this subparagraph shall be deemed to be an amount of ad valorem property tax revenue allocated to that local agency in the prior fiscal year.

(5) For purposes of allocations made pursuant to Section 96.1 for the 1994–95 fiscal year, the amounts allocated from the Educational Revenue Augmentation Fund pursuant to this subdivision, other than those amounts deposited in the Educational Revenue Augmentation Fund pursuant to any provision of the Health and Safety Code, shall be deemed property tax revenue allocated to the Educational Revenue Augmentation Fund in the prior fiscal year.

SEC. 86. Part 1.7 (commencing with Section 10200) is added to Division 9 of the Welfare and Institutions Code, to read:

PART 1.7. The Early Childhood Development Act of 2020

CHAPTER 1. Transfer of Childcare Programs to the State Department of Social Services

10200. This part shall be known, and may be cited, as the Early Childhood Development Act of 2020.

10201. This chapter shall become operative July 1, 2021.

10202. Legislature finds and declares both of the following:

(a) The state's system of early learning and care must become more integrated and coordinated to achieve its goals of promoting a high-quality, affordable, early childhood system designed to comprehensively and effectively serve children and families.

(b) Social determinants of health, adverse childhood experiences, quality learning and care for children, and economic and other supports for the needs of families are critical determinants of life outcomes for children, and California's system of early learning and care must address inequities and disproportionalities.

10203. (a) It is the intent of the Legislature to launch a phased approach to achieving the goals of the state's Master Plan for Early Learning and Care, uniting childcare programs where they can best be integrated with other child and family focused benefits, programs, and services, and support childcare providers and programs while maintaining vital connections to preschool, transitional kindergarten, and K-12 education.

(b) To effectuate this transition, effective July 1, 2021, responsibility for the following programs, responsibilities, services, and systems are hereby transferred from the State Department of Education and the Superintendent of Public Instruction to the State Department of Social Services:

(1) Alternative payment programs pursuant to Article 3 (commencing with Section 8220) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code.

(2) Migrant alternative payment programs pursuant to Article 3 (commencing with Section 8220) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code.

(3) CalWORKs Stage 2 childcare pursuant to Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code.

(4) CalWORKs Stage 3 childcare pursuant to Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code.

(5) General childcare and development programs pursuant to Article 8 (commencing with Section 8240) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code.

(6) Migrant childcare and development programs pursuant to Article 6 (commencing with Section 8230) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code.

(7) Childcare and development services for children with severe disabilities pursuant to Article 9 (commencing with Section 8250) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code.

(8) The Child and Adult Care Food Program implemented pursuant to Section 1766 of Title 42 of the United States Code.

(9) Childcare and development facilities capital outlay pursuant to Article 24 (commencing with Section 8493) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code.

(10) Responsibility as the lead agency for administration of the Child Care and Development Fund, as defined in Section 98.2 of Title 45 of the Code of Federal Regulations, and as set forth in Sections 8206 to 8206.6, inclusive, of the Education Code.

(11) Responsibility as the lead agency for the Child Care and Development Fund State Plan Early Learning and Care Infrastructure Grant Program pursuant to Section 8280 of the Education Code.

(12) The Early Learning and Care Workforce Development Grants Program pursuant to Section 8280.1 of the Education Code.

(13) The California Head Start State Collaboration Office funded by collaboration grants awarded pursuant to Section 9837b of Title 42 of the United States Code.

(14) The Early Head Start-Child Care Partnerships Grant from the United States Department of Health and Human Services.

(15) Resource and referral agencies pursuant to Article 2 (commencing with Section 8210) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code.

(16) Local childcare and development planning councils pursuant to Chapter 2.3 (commencing with Section 8499) of Part 6 of Division 1 of Title 1 of the Education Code.

(17) The California Child Care Initiative Project pursuant to Section 8215 of the Education Code.

(18) Other childcare quality improvement projects.

(19) Any memoranda of understanding and partnerships related to the programs, services, and systems listed in this subdivision.

(20) The Child Development Management Information System and other related data systems as they pertain to the programs, services, and systems listed in this subdivision.

10204. (a) For purposes of this part, "department" means the State Department of Social Services.

(b) Commencing July 1, 2021, whenever the laws governing the programs, responsibilities, services, or systems listed in subdivision (b) of Section 10203 refer to the "State Department of Education," "department," "Superintendent of Public Instruction," or "Superintendent," the reference shall be construed to be to the State Department of Social Services.

10205. (a) Commencing July 1, 2021, the department succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the programs, responsibilities, services, and systems listed in subdivision (b) of Section 10203.

(b) The department may enter into memoranda of understanding or interagency agreements or contracts with the California Health and Human Services Agency, its other departments and offices, the State Department of Education, and any other state agency, department, or office, as necessary to implement this part.

(c) Unless the context clearly requires otherwise, any reference to the State Department of Education or the Superintendent of Public Instruction in any regulation, contract, or in any other code, with respect to any of the programs, responsibilities, services, or systems listed in subdivision (b) of Section 10203, is a reference to the State Department of Social Services.

(d) Without limiting any other powers or duties, the department shall ensure compliance with the terms of any state plans, memoranda of understanding, administrative orders, interagency agreements, contracts, assurances, single state agency obligations, federal statutes and regulations, and any other form of agreement or obligation that vital government activities rely upon or are a condition to the continued receipt by the department of state or federal funds or services.

(e) All existing regulations relating to programs, responsibilities, services, and systems listed in subdivision (b) of Section 10203 that have been adopted by the State Department of Education on or before June 30, 2021, are expressly continued in force, unless they conflict with the act that added this part. Any statute, law, rule, or regulation relating to the programs, responsibilities, services, and systems listed in subdivision (b) of Section 10203 that are in force on June 30, 2020, or that may hereafter be enacted or adopted with reference to this part, shall apply to the department.

(f) A contract, lease, license, state or federal grant, memorandum of understanding, or any other agreement relating to the programs, responsibilities, services, and systems listed in subdivision (b) of Section 10203 to which the State Department of Education is a party is not void or voidable by reason of the act that added this part, but are continued in full force and effect, with the department assuming all of the rights, obligations, and duties of the State Department of Education. The assumption by the department does not in any way affect the rights of the parties to the contract, lease, license, state or federal grant, memorandum of understanding, or agreement.

(g) Any legal action concerning the duties, responsibilities, obligations, liabilities, and functions described in this chapter shall not abate, and shall continue in the name of the department. The substitution of the department for the State Department of Education or the Superintendent of Public Instruction does not affect the rights of the parties to the action.

(h) All financial and accounting records, documents, records, and property relating to programs, responsibilities, services, and systems listed in subdivision (b) of Section 10203 shall be transferred to the department by the State Department of Education. The format and timing of this transfer shall be mutually agreed upon by the State Department of Social Services and the State Department of Education and the Superintendent of Public Instruction, and shall not require formal agreement or approval by any other entity.

(i) On or before July 1, 2021, the Governor shall establish the position of Deputy Director of Child Development within the department, as an exempt position, to be appointed by the Governor, subject to confirmation by the Senate, and who holds office at the pleasure of the Governor.

(j) On or before March 31, 2021, the department shall submit to the appropriate budget and policy committees of the Legislature, the Department of Finance, and the Early Childhood Policy Council, a plan that describes how the department will achieve the intent expressed in Section 10203, including a description of activities undertaken by the department up until that date, and specifying all of the following:

(1) How the department intends to make childcare programs more integrated.

(2) How the department plans to maintain existing connections or enhance connections to California state preschool programs, transitional kindergarten, and elementary and secondary education.

(3) An estimate of the ongoing cost of the State Department of Social Services for administering childcare programs. A description of the number of positions that will move to the State Department of Social Services from the State Department of Education and the number of additional positions the State Department of Social Services will need.

(4) How this shift results in better services for children and families, including how this shift will ensure families have the most comprehensive information about their choices in comprehensive supports for their families, including childcare.

(5) How the department plans to prevent administrative duplication and regulatory conflict for providers that have contracts for both general childcare and development programs and California state preschool programs.

(6) How the department plans to maintain the existing provider flexibility to transfer funds across contracts for both general childcare and development programs and California state preschool programs.

(7) How the department plans to ensure quality projects support state-supported childcare in all settings, including California state preschool programs.

(8) How the California Head Start State Collaboration Office will continue to engage with California state preschool program providers and school districts.

(9) How parents will be provided enhanced information about making an informed childcare choice that best meets their child’s and family’s needs, from the full spectrum of quality childcare available.

(10) How a cradle-to-career, interagency data system will provide improved state-level reporting, support the goals of the Master Plan for Early Learning and Care, and support the achievement of paragraph (9).

(11) Further plans to align activities with recommendations from the Master Plan for Early Learning and Care regarding childcare.

(k) From October 1, 2020, to December 31, 2024, inclusive, the department shall submit to the appropriate budget and policy committees of the Legislature, the Department of Finance, and the Early Childhood Policy Council a quarterly report that describes how the department is making progress on the transition required by this chapter, and how the department is furthering the intent of this transition.

10206. (a) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the State Department of Social Services and the State Department of Education may implement, interpret, or make specific this part by means of all-county letters, bulletins, or similar written instructions from either department until regulations are adopted. These all-county letters or similar written instructions shall have the same force and effect as regulations.

(b) Initial regulations developed pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) that are necessary to implement the act that added this part shall be adopted by each department no later than December 31, 2023.

SEC. 87. Chapter 5.4 (commencing with Section 13265) is added to Part 3 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 5.4. California Newcomer Education and Well-Being (CalNEW) Program

13265. (a) Subject to an appropriation of funds for this purpose in the annual Budget Act, the State Department of Social Services shall administer the California Newcomer Education and Well-Being Program (CalNEW) to provide services for refugees, unaccompanied undocumented minors, and immigrant families. The department shall allocate funding to school districts with significant numbers of refugee pupils and unaccompanied undocumented minors, or a significant population of English learner pupils. The department shall have sole discretion to determine which school districts and services to fund.

(b) Subject to an appropriation of funds for this purpose in the annual Budget Act, the department shall contract to conduct a formal evaluation of the services provided pursuant to subdivision (a).

(c) For purposes of this section, the following definitions apply:

(1) “English learner” has the same meaning as defined in Section 306 of the Education Code.

(2) “Immigrant families” means families with household members and immediate relatives of pupils in which one or more of the members or relatives are not United States citizens.

(3) “Refugee” means populations eligible to receive benefits and services from the federal Office of Refugee Resettlement, an office of the Administration for Children and Families within the United States Department of Health and Human Services.

(4) “Unaccompanied undocumented minors” has the same meaning as unaccompanied alien children, as defined in Section 279(g)(2) of Title 6 of the United States Code.

(d) In accordance with Section 1621(d) of Title 8 of the United States Code, this section provides services for undocumented persons.

(e) Notwithstanding any other law:

(1) Contracts or grants awarded pursuant to this chapter shall be exempt from the personal services contracting requirements of Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code.

(2) Contracts or grants awarded pursuant to this chapter shall be exempt from the Public Contract Code and the State Contracting Manual, and shall not be subject to the approval of the Department of General Services.

SEC. 88. Item 6100-158-0001 of Section 2.00 of the Budget Act of 2019 is amended to read:

6100-158-0001—For local assistance, State Department of Education (Proposition 98), in lieu of the amount that otherwise would be appropriated pursuant to Section 41841.5 of the Education Code for Adults in Correctional Facilities	5,981,000

Schedule:

(1)	5200163-Adults in Correctional Facilities Program	5,981,000

Provisions:

1. Notwithstanding Section 41841.5 of the Education Code, or any other provision of law, all of the following shall apply:

   (a) The amount appropriated in this item and any amount allocated for this program in this act shall be the only funds available for allocation by the Superintendent of Public Instruction to school districts or county offices of education for the Adults in Correctional Facilities Program.

   (b) The amount appropriated in this item shall be allocated based upon 2018–19 rather than 2019–20 expenditures.

   (c) Funding distributed to each local educational agency (LEA) for reimbursement of services provided in the 2018–19 fiscal year for the Adults in Correctional Facilities Program shall be limited to the amount received by the agency for services provided in the 2017–18 fiscal year, increased by the percentage change determined and provided pursuant to paragraph (2) of subdivision (d) of Section 42238.02 of the Education Code for the 2018–19 fiscal year. Funding shall be reduced or eliminated, as appropriate, for any LEA that reduces or eliminates services provided under this program in the 2018–19 fiscal year, as compared to the level of services provided in the 2017–18 fiscal year. Any funds remaining as a result of those decreased levels of service shall be allocated to provide support for new programs in accordance with Section 41841.8 of the Education Code.

   (d) Funding appropriated in this item for growth in average daily attendance (ADA) first shall be allocated to programs that are funded for 20 units or less of ADA, up to a maximum of 20 additional units of ADA per program.

SEC. 89. Item 6100-194-0001 of Section 2.00 of the Budget Act of 2019, as amended by Section 67 of Chapter 363 of the Statutes of 2019, is amended to read:

6100-194-0001—For local assistance, State Department of Education, for allocation by the Superintendent of Public Instruction to school districts, county offices of education, and other agencies for childcare and development programs included in this item, in lieu of the amount that otherwise would be appropriated pursuant to any other statute	1,807,475,000

Schedule:

(1)	5210026-General Child Development	387,658,000
(2)	5210027-State Preschool Non-Local Educational Agencies	486,172,000
(3)	5210028-Migrant Day Care	39,446,000
(4)	5210030-Alternative Payment	170,131,000
(5)	5210032-Resource and Referral	20,333,000
(6)	5210034-CalWORKs Stage 2	533,937,000
(7)	5210036-CalWORKs Stage 3	160,236,000
(8)	5210038-Accounts Payable	4,000,000
(9)	5210040-Child Care for Children with Severe Disabilities	2,084,000
(10)	5210042-California Child Care Initiative	225,000
(11)	5210044-Quality Improvement	2,961,000
(12)	5210046-Local Planning Councils	292,000

Provisions:

1. Funds in Schedules (5), (10), (11), and (12) shall be allocated to meet federal requirements to improve the quality of childcare and shall be used in accordance with the approved California state plan for the federal Child Care and Development Fund that is developed pursuant to the requirements under Section 8206.1 of the Education Code.

2. Nonfederal funds appropriated in this item which have been budgeted to meet the state’s Temporary Assistance for Needy Families maintenance-of-effort requirement established pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) shall not be expended in any way that would cause their disqualification as a federally allowable maintenance-of-effort expenditure.

3. Notwithstanding any other provision of law, funds in Schedule (8) are available for accounts payable for alternative payment programs for actual and allowable costs incurred for additional services, pursuant to Section 8222.1 of the Education Code. The State Department of Education shall give priority for the allocation of these funds for accounts payable.

4. The amounts provided in Schedules (1), (2), (3), (4), and (9) of this item reflect an adjustment to the base funding of −0.68 percent for a decrease in the population of 0–4 year-olds.

5. (a) The maximum standard reimbursement rate shall not exceed $49.54 per day for general childcare programs. Furthermore, the migrant childcare program shall adhere to the maximum standard reimbursement rates as prescribed for the general childcare programs. All other rates and adjustment factors shall conform.

   (b) Notwithstanding any other law, the maximum standard reimbursement rate shall not exceed $30.87 per day for part-day California state preschool programs. The maximum standard reimbursement rate shall not exceed $49.85 for full-day California state preschool programs.

6. (a) Alternative payment childcare programs shall be subject to the rate ceilings established in the Regional Market Rate Survey of California childcare and development providers for provider payments. When approved pursuant to Section 8447 of the Education Code, any changes to the market rate limits, adjustment factors, or regions shall be utilized by the State Department of Education, the California Community Colleges, and the State Department of Social Services in various programs under the jurisdiction of these departments.

   (b) Notwithstanding any other provision of law, the funds appropriated in this item for the cost of licensed childcare services provided through alternative payment or voucher programs, including those provided under Article 3 (commencing with Section 8220) and Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, shall be used only to reimburse childcare costs up to the greater of either:

      (1) The 75th percentile of rates based on the 2016 Regional Market Rate Survey.

      (2) The regional market rate ceiling for that region as it existed on December 31, 2017.

   (c) The funds appropriated in this item for the cost of license-exempt childcare services provided through alternative payment or voucher programs, including those provided under Article 3 (commencing with Section 8220) and Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, shall be used only to reimburse license-exempt childcare costs up to 70 percent of the regional reimbursement rate limits established for family childcare homes.

   (d) The State Department of Education shall distribute funds for increases to the Regional Market Rate based on estimates of how contractors’ reimbursements will increase due to the rate change.

7. (a) The State Department of Education (SDE) shall conduct monthly analyses of CalWORKs Stage 2 and Stage 3 caseloads and expenditures and adjust agency contract maximum reimbursement amounts and allocations as necessary to ensure funds are distributed proportionally to need. SDE shall share monthly caseload analyses with the State Department of Social Services (DSS).

   (b) SDE shall provide quarterly information regarding the sufficiency of funding for Stage 2 and Stage 3 to DSS. SDE shall provide caseloads, expenditures, allocations, unit costs, family fees, and other key variables and assumptions used in determining the sufficiency of state allocations. Detailed backup by month and on a county-by-county basis shall be provided to DSS at least on a quarterly basis for comparisons with Stage 1 trends.

   (c) By September 30 and March 30 of each year, SDE shall ensure that detailed caseload and expenditure data, through the most recent period for Stage 2 and Stage 3 along with all relevant assumptions, is provided to DSS to facilitate budget development. The detailed data provided shall include actual and projected monthly caseload from Stage 2 scheduled to time off of their transitional childcare benefit from the last actual month reported by agencies through the next two fiscal years as well as local attrition experience. DSS shall utilize data provided by SDE, including key variables from the prior fiscal year and the first two months of the current fiscal year, to provide coordinated estimates in November of each year for each of the three stages of care for preparation of the Governor’s Budget, and shall utilize data from at least the first two quarters of the current fiscal year, and any additional monthly data as they become available for preparation of the May Revision. DSS shall share its assumptions and methodology with SDE in the preparation of the Governor’s Budget.

   (d) SDE shall coordinate with DSS to identify annual general subsidized childcare program expenditures for Temporary Assistance for Needy Families-eligible children. SDE shall modify existing reporting forms as necessary to capture this data.

   (e) SDE shall provide to DSS, upon request, access to the information and data elements necessary to comply with federal reporting requirements and any other information deemed necessary to improve estimation of childcare budgeting needs.

(f) (1) On or before January 30 of each year, following consultation with DSS, SDE shall determine the adequacy of funding appropriated by the Legislature for CalWORKs Stage 2 and Stage 3.

(2) If SDE determines that the Stage 2 appropriation exceeds the current year caseload needs and the Stage 3 appropriation is not sufficient to fully fund its caseload need, then SDE shall submit a request to the Department of Finance to transfer the excess funds from Schedule (6), CalWORKs Stage 2 childcare to Schedule (7), CalWORKs Stage 3 childcare. Notwithstanding Section 26.00 or any other provision of law, the Department of Finance may, at its discretion, approve such a transfer.

(3) If SDE determines that the Stage 3 appropriation exceeds the current year caseload needs and the Stage 2 appropriation is not sufficient to fully fund its caseload need, SDE shall submit a request to the Department of Finance to transfer the excess funds from Schedule (7), CalWORKs Stage 3 childcare to Schedule (6), CalWORKs Stage 2 childcare. Notwithstanding Section 26.00 or any other provision of law, the Department of Finance may, at its discretion, approve such a transfer.

(g) Notwithstanding any other provision of law or any other sections of this act, the Department of Finance may augment the appropriation for CalWORKs Stage 3 if the estimate of expenditures, as determined by SDE, following consultation with DSS, will exceed the expenditures authorized in Schedule (7). The Department of Finance shall report any augmentation pursuant to this paragraph to the Joint Legislative Budget Committee. At the time the report is made, the amount of the appropriation made in Schedule (7) shall be increased by the amount of the augmentation.

(h) The Director of Finance may, pursuant to subdivisions (f) and (g), authorize the augmentation of the amount available for expenditure in Schedule (7) by making a transfer from Schedule (6). An augmentation may be authorized not sooner than 30 days after notification in writing of the necessity to exceed the limitations is provided to the Joint Legislative Budget Committee, or whatever lesser time the chairperson of the joint committee may determine. Any request made by SDE to augment the CalWORKs Stage 3 appropriation shall be approved only in order to cover increases in costs that are consistent with assumptions of this act. This provision shall not be construed to treat Stage 3 as an entitlement.

8. Notwithstanding any other provision of law, the funds in Schedule (7) are reserved exclusively for continuing childcare for the following: (a) former CalWORKs families who are working, have left cash aid, and have exhausted their two-year eligibility for transitional services in either Stage 1 or Stage 2 pursuant to subdivision (c) of Section 8351 or Section 8353 of the Education Code, respectively, but still meet eligibility requirements for receipt of subsidized childcare services, and (b) families who received lump-sum diversion payments or diversion services under Section 11266.5 of the Welfare and Institutions Code and have spent two years in Stage 2 off of cash aid, but still meet eligibility requirements for receipt of subsidized childcare services.

9. Notwithstanding any other provision of law, each local planning council receiving funds appropriated in Schedule (12) shall meet the requirements of Section 8499.5 of the Education Code to the extent feasible and to the extent data is readily accessible.

10. Notwithstanding any other provision of law, the implementation of Provision 12 is not subject to the appeal and resolution procedures for agencies that contract with the State Department of Education for the provision of childcare services or the due process requirements afforded to families that are denied services specified in Chapter 19 (commencing with Section 18000) of Division 1 of Title 5 of the California Code of Regulations.

11. Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the State Department of Education may implement Provision 12 through management bulletins or similar instructions.

12. Notwithstanding any other provision of law, families shall be disenrolled from subsidized childcare services consistent with the priorities for services specified in subdivision (b) of Section 8263 of the Education Code. Families shall be disenrolled in the following order: (a) families with the highest income below 85 percent of the State Median Income (SMI) adjusted for family size, (b) of families with the same income level, those that have been receiving childcare services for the longest period of time, (c) of families with the same income level, those that have a child with exceptional needs, and (d) families with children who are receiving child protective services or are at risk of being neglected or abused, regardless of family income.

15. Funds in Schedule (2) shall be allocated to both the part-day and full-day California State Preschool Program for non-local educational agencies.

16. Of the amount appropriated in Schedule (1), $50,000,000 is available beginning July 1, 2019, to provide 3,086 slots for General Child Care.

17. Of the amount appropriated in Schedule (11), $1,500,000 is available on a one-time basis for the City of Los Angeles to build a child development center in Reseda, California.

18. For the 2019–20 fiscal year, if the State Department of Education determines that appropriations for General Child Development in Schedule (1) are not sufficient to fully fund the contracts executed, then the department may transfer the necessary funds from the non-LEA preschool program in Schedule (2) to Schedule (1), upon written notification to the Department of Finance.

SEC. 90. Item 6100-196-0001 of Section 2.00 of the Budget Act of 2019 is amended to read:

6100-196-0001—For local assistance, State Department of Education (Proposition 98), for allocation by the Superintendent of Public Instruction to school districts, county offices of education, and other agencies for the purposes of part-day California state preschool programs pursuant to Article 7 (commencing with Section 8235) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code funded in this item, in lieu of the amount that otherwise would be appropriated pursuant to any other statute 853,078,000

Schedule:

(1) 5210020-State Preschool—Local Educational Agencies	803,078,000
(2) 5210010-Child Development, Quality Rating Improvement System Grants	50,000,000

Provisions:

1. Nonfederal funds appropriated in this item that have been budgeted to meet the state's Temporary Assistance for Needy Families maintenance-of-effort requirement established pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) shall not be expended in any way that would cause their disqualification as a federally allowable maintenance-of-effort expenditure.
2. The amount provided in Schedule (1) reflects an adjustment to the base funding of −0.68 percent for a decrease in the population of 0–4 year-olds.
3. Notwithstanding any other law, the maximum standard reimbursement rate shall not exceed $30.87 per day for part-day California state preschool programs. The maximum standard reimbursement rate shall not exceed $49.85 for full-day California state preschool programs.
4. Of the amount appropriated in Schedule (1), up to $5,000,000 is available for the family literacy supplemental grant provided to California state preschool programs pursuant to Section 8238.4 of the Education Code.
5. The amount appropriated in Schedule (2) is available for Quality Rating and Improvement System grants provided to California state preschool programs pursuant to Section 8203.1 of the Education Code.
6. Funds in Schedule (1) shall be allocated to both the part-day and full-day California State Preschool Program for local educational agencies.

SEC. 91. Section 1 of Chapter 3 of the Statutes of 2020 is amended to read:

SECTION 1. (a) For all local educational agencies that comply with Executive Order No. N–26–20 or that are not subject to a closure due to the coronavirus (COVID-19), and for purposes of average daily attendance claimed for apportionment purposes pursuant to Section 41601 of the Education Code, for the 2019–20 school year average daily attendance reported to the State Department of Education for the second period and the annual period for local educational agencies shall only include all full school months from July 1, 2019, to February 29, 2020, inclusive. Any applicable contrary provisions in Sections 1244 and 41601 of the Education Code are waived.

(b) It is the intent of the Legislature that a local educational agency receiving a hold harmless apportionment pursuant to this section ensures that the local educational agency's employees and contractors are compensated and paid during the period of time a school is closed due to COVID-19, as reasonably anticipated if the school has not been closed due to COVID–19.

SEC. 92. Section 4 of Chapter 3 of the Statutes of 2020 is amended to read:

SEC. 4. For local educational agencies that comply with Executive Order No. N–26–20, and to ensure continuity of funding for the After School Education and Safety Program established by Article 22.5 (commencing with Section 8482) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, a school closure due to the coronavirus (COVID–19) shall be considered a qualifying event for purposes of subdivision (d) of Section 8482.8 of the Education Code, and the obligation for a program grantee to submit a request for pupil attendance credits is waived. Program grantees shall be credited with the average annual attendance that the grantee would have received if it had been able to operate its entire program during the period of time the school was closed or restructured due to COVID–19.

SEC. 93. Section 9 of Chapter 3 of the Statutes of 2020 is amended to read:

SEC. 9. (a) For the 2019–20 school year, the sum of one hundred million dollars ($100,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction to administer the funds in the manner and for the purposes described in subdivision (b).

(b) The funds appropriated pursuant to subdivision (a) shall be apportioned by the Superintendent of Public Instruction on the basis of average daily attendance, excluding nonclassroom-based average daily attendance for charter schools, funded as of the 2019–20 First Principal Apportionment to local educational agencies that were operational as of March 4, 2020. The average daily attendance for each state special school shall be deemed to be 97 percent of the enrollment as reported in the California Longitudinal Pupil Achievement Data System as of 2019–20 Fall 1 Submission. Funds apportioned to a local educational agency pursuant to this subdivision shall be used for costs associated with maintaining nutrition services, cleaning and disinfecting facilities, personal protective equipment, and materials necessary to provide pupils with opportunities for distance learning. The priority for these funds is health and safety needs for local educational agencies, including for pupil meal access, during COVID-19 closure periods. An eligible local educational agency shall not receive less than two hundred fifty dollars ($250) pursuant to this section.

(c) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2018–19 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 of the Education Code, for the 2018–19 fiscal year.

SEC. 94. (a) Given the critical role of classified employees in reopening school and college campuses and addressing the learning loss caused by COVID-19, it is the intent of the Legislature that school districts, county offices of education, community college districts, and joint powers authorities retain all classified employees. With the amount of funding and flexibility provided to schools and community colleges in the Budget Act of 2020, schools and community colleges should avoid layoffs of classified employees in the 2020–21 fiscal year.

(b) From July 1, 2020, to June 30, 2021, inclusive, the governing board of a school district, county office of education, community college district, or joint powers authority shall not implement layoffs or releases of any permanent or probationary classified employees of the school district, county office of education, community college district, or joint powers authority who hold classifications in, or are assigned to positions in, nutrition, transportation, or custodial services. Nothing in this section shall be construed to prohibit a school district, county office of education, community college district, or joint powers authority from terminating a classified employee for good cause.

SEC. 95. For purposes of the annual update to the local control and accountability plan for the 2021–22 school year required pursuant to Sections 47606.5, 52061, and 52066 of the Education Code, the school district, county office of education, or charter school shall include the actions and expenditures included in the learning continuity and attendance plan adopted pursuant to Section 43509 of the Education Code.

SEC. 96. (a) Notwithstanding Section 1 of Chapter 3 of the Statutes of 2020 and Section 3043 of Title 5 of the California Code of Regulations, a local educational agency may claim apportionment for extended school year services for pupils with disabilities offered through distance learning for the summer of 2020 under all of the following conditions:

(1) The time value of the pupil’s work products shall be determined by the certificated teacher assigned to the pupil for the extended school year and shall be equivalent to the day requirements specified in Section 3043 of Title 5 of the California Code of Regulations and the equivalent in time value to a minimum day, pursuant to Sections 46112, 46113, 46117, and 46141 of the Education Code for each day that attendance is claimed unless otherwise specified in the pupil’s individualized education program to meet the pupil’s unique needs.

(2) The pupil’s work must be aligned with the goals in the pupil’s individualized education program to promote measurable progress and completed by the established due date.

(b) For purposes of this section, the following definitions apply:

(b) For purposes of this section, the following definitions apply:

(1) "Extended school year" and "summer of 2020" mean the period of time between the end of a local educational agency's 2019–20 academic year and June 30, 2020.

(2) "Local educational agency" means a school district, county office of education, or charter school.

SEC. 97. (a) The State Department of Education may waive the following provisions relating to before and after school programs during the 2020–21 school year to provide the needed flexibility to serve pupils during the COVID-19 pandemic:

(1) Paragraphs (3) and (4) of subdivision (d) of Section 8426 of the Education Code.

(2) Paragraph (1) of subdivision (a) of Section 8483 of the Education Code.

(3) Paragraphs (1) and (2) of subdivision (a) of Section 8483.1 of the Education Code.

(4) The requirement in Section 8483.4 of the Education Code that a program established pursuant to Article 22.5 (commencing with Section 8482) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code shall maintain a pupil-to-staff member ratio of no more than 20 to 1.

(5) Subparagraphs (C) and (D) of paragraph (1) of subdivision (a) of Section 8483.7 of the Education Code.

(b) The State Department of Education may prorate the funding rates pursuant to Sections 8483.7 and 8483.75 of the Education Code for programs operating for more than three hours per day, up to six hours per day.

SEC. 98. (a) If the Superintendent of Public Instruction and the Director of Finance concur that repayment in the current fiscal year of two million three hundred thirty-nine thousand three hundred seventeen dollars ($2,339,317) by the Guerneville Elementary School District for the 2018–19 fiscal year would constitute a severe financial hardship for the local educational agency, they may establish a plan of equal annual payments over a period of up to five fiscal years.

(b) The Superintendent and the Director of Finance shall jointly establish the plan described in subdivision (a). The plan shall include interest on each fiscal year's outstanding balance at the rate earned on the state's Pooled Money Investment Account during that fiscal year. The Controller shall withhold amounts from state apportionments pursuant to the plan.

SEC. 99. Moneys appropriated pursuant to Sections 22954 and 22955.1 of the Education Code and Section 6217.5 of the Public Resources Code shall not be considered school district or county office of education general fund expenditures for purposes of Section 17070.75 of the Education Code. This section supplements and does not supersede Section 16 of Chapter 413 of the Statutes of 2019.

SEC. 100. As a result of the decline in Education Protection Account revenue for the 2019–20 fiscal year and the resulting nontransfer of funds into the Education Protection Account for the 2019–20 fiscal year fourth-quarter payment, the Superintendent of Public Instruction shall recover a local educational agency's overpayment of Education Protection Account funds from its local control funding formula state aid determined pursuant to Sections 2574, 2575, 42238.02, and 48838.03 of the Education Code from the second principal apportionment payment made pursuant to Section 14041 of the Education Code for deposit into the Education Protection Account. The fourth-quarter Education Protection Account payment for the 2019–20 fiscal year shall be made by the Controller as soon as practical, but not later than August 15, 2020.

SEC. 101. For the 2020–21 fiscal year, due to the emergency measures taken at schools to respond to the COVID-19 pandemic, the Orange County Office of Education, selected to expand the state's Multi-Tiered System of Support framework pursuant to Section 143 of Chapter 32 of the Statutes of 2018, shall not be required to submit an annual report to the Superintendent of Public Instruction summarizing how the county office of education used the funds in the prior fiscal year until June 30, 2021, instead of September 30, 2020.

SEC. 102. As a result of the COVID-19 pandemic, the annual report required by Section 7 of Chapter 325 of the Statutes of 2012 (Senate Bill 533 of the 2011–12 Regular Session) shall be omitted for the 2019–20 fiscal year, and the next annual report shall be filed for the 2020–21 fiscal year.

SEC. 103. (a) Notwithstanding Section 313 of the Education Code, a local educational agency may administer the summative English language proficiency assessment pursuant to the requirements of this section for purposes of reclassification pursuant to paragraph (1) of subdivision (f) of Section 313 of the Education Code and Sections 11511 and 11511.5 of Title 5 of the California Code of Regulations at the beginning of the 2020–21 school year.

(b) Any results of assessments conducted pursuant to this section shall be used only for the purpose of determining a pupil's reclassification from English learner to English proficient.

(c) All assessments administered pursuant to this section shall be completed by October 30, 2020.

SEC. 104. (a) Notwithstanding subdivision (f) of Section 52064.5 of the Education Code, the State Department of Education shall not publish the California School Dashboard in December 2020 based on performance data on the state and local indicators included in the evaluation rubrics adopted by the State Board of Education.

(b) The State Department of Education shall publish any valid and reliable data collected through the California Longitudinal Pupil Achievement Data System pursuant to Chapter 10 (commencing with Section 60900) of Part 33 of Division 4 of Title 2 of the Education Code that would have been included in the 2020 California School Dashboard on the DataQuest internet website or by other means.

(c) Notwithstanding Section 52064.5 of the Education Code or any other law, the State Department of Education shall not identify local educational agencies in the 2020–21 school year for technical assistance or intervention pursuant to Sections 47607.3, 52071, 52071.5, 52072, and 52072.5 of the Education Code. A local educational agency identified for technical assistance or intervention based on the 2019 California School Dashboard shall retain that identification until the release of the 2021 California School Dashboard, consistent with the preliminary waiver of federal assessment and accountability requirements granted by the United States Department of Education on March 27, 2020.

(d) For purposes of identifying local educational agencies for technical assistance or intervention pursuant to Sections 47607.3, 52071, 52071.5, 52072, and 52072.5 of the Education Code in December 2021, the State Department of Education shall use performance data on the state and local indicators from the December 2019 California School Dashboard and the December 2021 California School Dashboard.

SEC. 105. Notwithstanding any other law, a charter school that is scheduled to open or, pursuant to its petition will add grade levels, in the 2020–21 school year may delay opening or adding grade levels for one year without submitting to its chartering authority a request for a material revision to its charter petition. No later than July 17, 2020, the charter school shall notify its chartering authority, the State Department of Education, and the parents or guardians of pupils who have indicated an intent to enroll in the charter school or enroll in the affected grade levels, in writing, of the charter school's decision to delay opening or adding grade levels.

SEC. 106. The funds appropriated in Section 133 of Chapter 32 of the Statutes of 2018, as amended by Section 37 of Chapter 426 of the Statutes of 2018, shall be available for encumbrance until June 30, 2023, and any unexpended balance available after December 31, 2020, shall be available for the purposes of Section 45500 of the Education Code. Additional funds made available pursuant to this section shall only be made available for school districts and county offices of education that were included in the notification the department made pursuant to subdivision (f) of Section 45500 of the Education Code on April 30, 2020.

SEC. 107. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code, except that funding provided for school districts, county offices of education, and charter schools pursuant to Sections 2574, 2575, 42238.02, and 42238.03 of the Education Code, as applicable, shall be used to directly offset any mandated costs imposed pursuant to Part 24.5 (commencing with Section 43500) of Division 3 of Title 2 of the Education Code.

SEC. 108. Notwithstanding any other law, the funds appropriated pursuant to Items 6100-158-0001 and 6100-161-0001 of Section 2.00 of the Budget Act of 2018 shall be available for encumbrance until November 30, 2021.

SEC. 109. (a) Consistent with the intent expressed in subdivision (c) of Section 76 of Chapter 15 of the Statutes of 2017, the sum of one million dollars ($1,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for allocation to the Southern California Regional Occupational Center for instructional and operating costs in the 2020–21 fiscal year. It is the intent of the Legislature that this allocation assist the Southern California Regional Occupational Center to transition to a fully fee-supported funding model.

(b) As a condition of receiving funding appropriated pursuant to subdivision (a), the Southern California Regional Occupational Center shall submit an updated operational plan to the Department of Finance and the Legislative Analyst's Office on or before September 1, 2020.

(c) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the amount appropriated in subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 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 of the Education Code, for the 2020–21 fiscal year.

SEC. 110. (a) The sum of three hundred fifty-five million two hundred twenty-seven thousand dollars ($355,227,000) from the Federal Trust Fund and the sum of one billion one hundred forty-four million seven hundred seventy-three thousand dollars ($1,144,773,000) from the Coronavirus Relief Fund are hereby appropriated to the Superintendent of Public Instruction for allocation in the 2020–21 fiscal year to eligible local educational agencies in an equal amount per pupil using the following methodology:

(1) For each eligible local educational agency, determine the total number of pupils 3 to 22 years of age, inclusive, with exceptional needs enrolled in that local educational agency using Fall 1 Census special education data for the 2019–20 fiscal year.

(2) The sum of the totals determined pursuant to paragraph (1) is the total statewide number of pupils with exceptional needs for the applicable year.

(3) Calculate a per pupil amount by dividing the amount specified in subdivision (a) for purposes of this section by the total statewide number of pupils with exceptional needs calculated in paragraph (2).

(4) Calculate a grant for each eligible local educational agency by multiplying the per pupil amount calculated in paragraph (3) by the total amount of pupils with exceptional needs for the eligible local educational agency determined in paragraph (1).

(5) The Superintendent shall allocate the applicable amount of funds calculated in paragraph (4) to eligible local educational agencies.

(b) (1) In addition to the amounts specified in subdivisions (a) and (c), the sum of two billion eight hundred fifty-five million two hundred twenty-seven dollars ($2,855,227,000) from the Coronavirus Relief Fund is hereby appropriated to the Superintendent for allocation in the 2020–21 fiscal year to eligible local educational agencies. For purposes of making this allocation, funds shall be apportioned proportionally on the basis of the eligible local educational agency's supplemental and concentration grant funding determined as of the 2019–20 second principal apportionment certification, pursuant to subdivisions (e) and (f) of Section 42238.02 of the Education Code or paragraphs (2) and (3) of subdivision (c) of Section 2574 of the Education Code, as applicable.

(2) Consistent with Section 2576 of the Education Code, a county office of education's supplemental and concentration grant funding for purposes of paragraph (1) shall include funding that the Superintendent transferred to the county, wherein a pupil is enrolled, equal to the amount calculated for the school district of residence pursuant to subdivisions (e) and (f) of Section 42238.02 of the Education Code for each unit of average daily attendance credited to the school district of residence as of the 2019–20 second principal apportionment certification.

(c) In addition to the amounts specified in subdivisions (a) and (b), the sum of five hundred thirty-nine million nine hundred twenty-six thousand dollars ($539,926,000) from the General Fund and the sum of four hundred thirty-nine million eight hundred forty-four thousand dollars ($439,844,000) from the Coronavirus Relief Fund are hereby appropriated to the Superintendent for allocation in the 2020–21 fiscal year to eligible local educational agencies. For purposes of making this allocation, funds shall be apportioned proportionally on the basis of the eligible local educational agency's local control funding formula entitlement determined as of the 2019–20 second principal apportionment certification.

(d) Funds apportioned to eligible local educational agencies from the Federal Trust Fund pursuant to subdivision (a) shall be used from March 13, 2020, to September 30, 2021, inclusive, and all other funds apportioned pursuant to this section shall be used from March 1, 2020, to December 30, 2020, inclusive, for activities that directly support pupil academic achievement and mitigate learning loss related to COVID-19 school closures, and shall be expended for any of the following purposes:

(1) Addressing learning loss or accelerating progress to close learning gaps through the implementation, expansion, or enhancement of learning supports that begin before the start of the school year and the continuation of intensive instruction and supports into the school year.

(2) Extending the instructional school year by making adjustments to the academic calendar, increasing the number of instructional minutes provided during each week or schoolday, or taking any other action that increases the amount of instructional time or services provided to pupils based on their learning needs.

(3) Providing additional academic services for pupils, such as diagnostic assessments of pupil learning needs, intensive instruction for addressing gaps in core academic skills, additional instructional materials or supports, or devices or connectivity for the provision of in-classroom and distance learning.

(4) Providing integrated pupil supports to address other barriers to learning, such as the provision of health, counseling, or mental health services, professional development opportunities to help teachers and parents support pupils in distance-learning contexts, access to school breakfast and lunch programs, or programs to address pupil trauma and social-emotional learning.

(e) As a condition of receipt of the funds pursuant to this section, an eligible local educational agency shall certify that funding received pursuant to this section will be used in full compliance with federal law, and shall adopt, on or before September 30, 2020, at a regularly scheduled meeting of the governing board or body of the local educational agency, a learning continuity and attendance plan pursuant to Section 43509 of the Education Code.

(f) This section does not preclude an eligible local educational agency from receiving or expending funds pursuant to subdivisions (a) and (b) before the adoption of its learning continuity and attendance plan for the 2020–21 school year.

(g) As a condition of receipt of the funds pursuant to this section, each eligible local educational agency shall maintain a file of all receipts and records of expenditures made pursuant to this section for a period of no less than three years, or, where an audit has been requested, until the audit is resolved, whichever is longer. Receipts and records that are required to be retained by each eligible local educational agency shall be made available to the Superintendent, upon request. The Superintendent shall take action to recoup any federal disallowances of funds allocated to eligible local educational agencies, as applicable.

(h) (1) As a condition of receipt of the funds pursuant to this section, an eligible local educational agency shall report, on or before August 31, 2020, the balance of any unexpended funds received from the Coronavirus Relief Fund to the Superintendent. Funds that are not expended by December 30, 2020, shall be reported to the Superintendent within 30 days, and the Superintendent shall initiate collection proceedings.

(2) As a condition of receipt of the funds pursuant to this section, an eligible local educational agency shall report, on or before August 31, 2021, the balance of any unexpended funds received from the Federal Trust Fund to the Superintendent. Funds that are not expended by September 30, 2021, shall be reported to the Superintendent within 30 days, and the Superintendent shall initiate collection proceedings.

(i) (1) For purposes of subdivisions (a) and (b), "eligible local educational agency" means a school district, county office of education, or a classroom-based direct-funded charter school as determined pursuant to Sections 47612.5 and 47634.2 of the Education Code as of the 2019–20 second principal apportionment certification.

(2) For purposes of subdivision (c), "eligible local educational agency" means a school district, county office of education, or a charter school.

(j) (1) For purposes of the calculations pursuant to subdivisions (a) and (b), data for a classroom-based locally funded charter school shall be included in the determination of the chartering authority's funding.

(2) For purposes of the calculations pursuant to subdivision (c), data for a locally funded charter school shall be included in the determination of the chartering authority's funding.

SEC. 111. (a) The Legislature finds and declares all of the following:

(1) The federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Child Care and Development Block Grant supplemental payment awarded three hundred fifty million three hundred fourteen thousand dollars ($350,314,000) to California to address the impact of the COVID-19 pandemic on childcare providers and the families they serve. These funds were awarded to prevent, prepare for, and respond to the COVID-19 pandemic emergency, to provide assistance to childcare providers in the case of decreased enrollment or closures, and to provide childcare assistance to essential workers during the response to the COVID-19 pandemic.

(2) In response to the COVID-19 pandemic, the state appropriated the sum of one hundred fifty-two million three hundred fourteen thousand dollars ($152,314,000) from the General Fund to childcare providers for COVID-19 pandemic-related assistance between March 4, 2020, and August 28, 2020, inclusive, as follows:

(A) Fifty million dollars ($50,000,000) was allocated to non-local educational agency childcare providers, which remained open or intend to reopen during the COVID-19 pandemic emergency, for health, safety, and cleaning supplies related to federal, state, and local COVID-19 pandemic emergency public health and safety guidance, pursuant to Senate Bill 89 (Chapter 2 of the Statutes of 2020).

(B) Fifty million dollars ($50,000,000) was allocated to existing state-subsidized childcare providers to support additional access to early learning and care for essential workers, at-risk children, and children with disabilities or special health care needs whose individualized education programs or individualized family service plans include early learning and care services, pursuant to Senate Bill 89 (Chapter 2 of the Statutes of 2020), for a minimum of 60 days of care for each eligible worker and at-risk child.

(C) Forty-one million three hundred fourteen thousand dollars ($41,314,000) was allocated for the estimated cost of provider closures, waived family fees, and other assistance, consistent with Executive Order No. N–66–20.

(D) Three million three hundred thousand dollars ($3,300,000) was allocated to CalWORKs Stage 1 childcare for the estimated cost of waived family fees, consistent with Executive Order No. N–66–20.

(E) Six million dollars ($6,000,000) was allocated for the estimated costs of extending the family fee waivers through June 30, 2020, consistent with Executive Order No. N–66–20.

(F) Two million dollars ($2,000,000) was allocated to CalWORKs Stage 1 childcare for the estimated costs of extending the family fee waivers through June 30, 2020, consistent with Executive Order No. N–66-20.

(b) It is therefore the intent of the Legislature, consistent with the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Child Care and Development Block Grant supplemental payment requirements, which allow states to restore amounts either directly or through reimbursement for obligations incurred to prevent, prepare for, and respond to the COVID-19 pandemic before enactment of the CARES Act, to allocate one hundred fifty-two million three hundred fourteen thousand dollars ($152,314,000) of the CARES Act Child Care and Development Block Grant supplemental payment to fund reimbursement of the General Fund for the costs described in paragraph (2) of subdivision (a).

(c) On July 1, 2020, the Controller shall transfer the sum of one hundred fifty-two million three hundred fourteen thousand dollars ($152,314,000) from the Federal Trust Fund, consistent with the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Child Care and Development Block Grant supplemental payment requirements, to the General Fund to offset the state costs incurred in the 2019–20 fiscal year described in subdivision (b).

(d) For the 2020–21 fiscal year, the sum of one hundred ninety-eight million dollars ($198,000,000) is hereby appropriated from the Federal Trust Fund, consistent with the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Child Care and Development Block Grant supplemental payment requirements, to the Superintendent of Public Instruction for COVID-19 pandemic-related relief and assistance for childcare providers, the families those childcare providers serve, and essential workers, as follows:

(1) Of the funds appropriated pursuant to this subdivision, one hundred twenty-five million dollars ($125,000,000) shall be allocated to state-subsidized childcare providers, including centers, family childcare homes, and license-exempt providers, serving children through an alternative payment program pursuant to Article 3 (commencing with Section 8220) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code and migrant childcare and development programs pursuant to Article 6 (commencing with Section 8230) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, or through a CalWORKs Stage 1, Stage 2, or Stage 3 program that remained open or intends to reopen during the COVID-19 pandemic emergency, for financial assistance to address any hardships incurred as a result of various economic factors, such as decreased enrollment, increased teacher-to-child ratios, and other increased costs, to ensure that childcare providers maintain high-quality care, access, and safety for workers and families in their childcare programs. These funds shall be allocated as follows:

(A) (i) Of the funds allocated for purposes of this paragraph, sixty-two million five hundred thousand dollars ($62,500,000) shall be allocated to support alternative payment programs, including migrant alternative payment programs, to reimburse providers described in paragraph (1) through June 30, 2021, or until this funding is exhausted, whichever is sooner. Notwithstanding subdivision (d) of Section 8221.5 of the Education Code, reimbursement for childcare providers, including license-exempt providers, shall be based on families' certified need, regardless of attendance.

(ii) For families certified for a variable schedule, providers shall be reimbursed based on the maximum authorized hours of care.

(iii) For license-exempt providers that provide part-time services, providers shall be reimbursed based on the maximum authorized hours of care.

(B) Of the funds allocated for purposes of this paragraph, up to sixty-two million five hundred thousand dollars ($62,500,000) shall be allocated to support alternative payment programs, including migrant alternative payment programs, to reimburse providers described in paragraph (1) with a one-time stipend as follows:

(i) The State Department of Education, in consultation with the State Department of Social Services, shall determine a flat-rate stipend amount for all childcare providers based on the number of subsidized children enrolled and the average cost of care.

(ii) The Superintendent of Public Instruction shall allocate stipends to alternative payment programs for distribution to childcare providers according to a schedule to be provided by the Superintendent of Public Instruction and approved by the Department of Finance. The State Department of Education may designate another agency to distribute these funds to childcare providers if the alternative payment program in the area is determined by the State Department of Education to be unable to allocate the funds.

(iii) The administration fee charged by an alternative payment program distributing the stipends to childcare providers shall not exceed 5 percent.

(C) Once the funding from the allocations in subparagraphs (A) and (B) necessary for CalWORKs Stage 1 providers, pursuant to Section 8351 of the Education Code, has been identified, a budget revision shall be submitted by the State Department of Education to the Controller to move the appropriate funding amounts identified for CalWORKs Stage 1 providers to the State Department of Social Services for allocation.

(2) Of the funds appropriated pursuant to this subdivision, seventy-three million dollars ($73,000,000) shall be allocated by the State Department of Education to existing state-subsidized alternative payment programs, including, but not limited to, alternative payment programs for migrant childcare and development programs pursuant to Article 6 (commencing with Section 8230) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, to extend childcare services for essential workers, at-risk children, and children with disabilities or special health care needs whose individualized education programs or individualized family service plans include early learning and care services who accessed childcare services pursuant to Senate Bill 89 (Chapter 2 of the Statutes of 2020) and who were not able to get ongoing childcare services through the additional funds provided in Schedule (3) and described in Provision (7) of Item 6100-194-0890 of Section 2.00 of the Budget Act of 2020.

(A) The funds allocated pursuant to this paragraph shall be used to provide childcare services for 90 days in addition to the days specified in Executive Order No. N–66–20.

(B) Notwithstanding any other law, if essential workers, at-risk children, and children with disabilities or special health care needs whose individualized education programs or individualized family service plans include early learning and care services who accessed childcare services pursuant to Senate Bill 89 (Chapter 2 of the Statutes of 2020) were disenrolled, they may be reenrolled pursuant to this paragraph before July 15, 2020, without needing to provide eligibility documentation.

(C) An alternative payment program shall, to the extent possible, work directly with a family that receives childcare services funded pursuant to this paragraph and the local resource and referral agency to assist the family in accessing ongoing subsidized or nonsubsidized childcare services that meets the family's needs.

(D) If an alternative payment program projects that it will have unspent funds after childcare services are provided pursuant to subparagraph (A), the alternative payment program may extend childcare services beyond 90 days for the enrolled families, until funds are exhausted.

(E) Of the funds appropriated pursuant to Senate Bill 89 (Chapter 2 of the Statutes of 2020) to extend childcare services for essential workers, at-risk children, and children with disabilities or special health care needs whose individualized education programs or individualized family service plans include early learning and care services, any funds not encumbered before July 1, 2020, shall be used for purposes of this section.

(e) Notwithstanding Section 26.00 of the Budget Act of 2020, the State Department of Education may transfer program expenditure authority provided in paragraph (1) of subdivision (d) between schedules to accurately reflect expenditures in the program schedules, upon the approval of the Department of Finance. The Department of Finance may, at its discretion, approve such a transfer of program expenditure authority to the extent total allocations do not exceed the total amount appropriated pursuant to paragraph (1) of subdivision (d). Upon approval from the Department of Finance, the Superintendent of Public Instruction shall notify the chairs of the relevant policy committees and budget subcommittees of the Legislature of its intent to transfer program expenditure authority between programs.

(f) Notwithstanding the priorities for services pursuant to Section 8263 of the Education Code, all children who meet the need and eligibility requirements of Sections 8263 and 8263.1 of the Education Code enrolled in childcare pursuant to Executive Order No. N–45–20, N–47–20, or N–66–20 shall be first priority for enrollment in alternative payment programs with available capacity, subject to guidance from the Superintendent of Public Instruction.

(g) For purposes of this section, “essential worker” has the same meaning as “essential critical infrastructure worker” pursuant to Executive Order No. N–45–20.

SEC. 112. (a) It is the intent of the Legislature to prepare for the effective use of childcare funds available from the federal government during the COVID-19 pandemic and recovery period in order to support the essential workforce through necessary, high-quality childcare, support healthy child development during this historic time, and ensure the stability of California’s childcare system.

(b) Contingent on the receipt of federal funds that may be used for these purposes during the 2020–21 fiscal year, the State Department of Education shall prioritize funding in the following order, over the total duration of time allowable for expenditure under federal law, or, if shorter, until an applicable date specified below:

(1) Up to one hundred million dollars ($100,000,000) for alternative payment programs to extend childcare services for families eligible for services under Chapter 2 (commencing with Section 8200) of Part 6 of Division 1 of Title 1 of the Education Code, with first priority to extend childcare services through June 30, 2021, for essential workers, at-risk children, and children with disabilities or special health care needs whose individualized education programs or individualized family service plans include early learning and care services who accessed care pursuant to Senate Bill 89 (Chapter 2 of the Statutes of 2020), second priority for children who are (A) identified as children at risk of abuse, neglect, or exploitation in a written referral from a legal, medical, or social service agency, or emergency shelter, or (B) identified by a legal, medical, or social services agency, a local educational agency liaison for homeless children and youths designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code, a Head Start program, or an emergency or transitional shelter as (i) a recipient of protective services, (ii) being neglected, abused, or exploited, or at risk of neglect, abuse, or exploitation, or (iii) being homeless, and third priority for other essential workers otherwise eligible for childcare services pursuant to Section 8263 of the Education Code through June 30, 2021, to the extent required or permitted under federal law.

(2) Up to fifty million dollars ($50,000,000) to contractors for California state preschool programs pursuant to Article 7 (commencing with Section 8235) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code and contractors for general childcare and development programs pursuant to Article 8 (commencing with Section 8240) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code to increase capacity for up to two years. Priority for funding pursuant to this paragraph shall be as follows:

(A) First priority shall go to existing general childcare and development program contractors to expand new childcare services for children from 0 to 3 years of age, inclusive.

(B) Second priority shall go to existing California state preschool program contractors to expand new capacity for full-day programs, pursuant to Section 8239 of the Education Code.

(C) Third priority shall go to new or existing contractors for general childcare and development programs or California state preschool programs.

(3) (A) Up to twenty-five million dollars ($25,000,000) in stipends to assist licensed childcare providers with costs to reopen childcare facilities closed due to the COVID-19 pandemic, and to supplement unfunded costs caused by low attendance or temporary closures due to the COVID-19 pandemic. First priority for these stipends shall be given to providers whose total child enrollment is at least 50-percent state-subsidized.

(B) Stipends shall go to licensed family childcare home providers and licensed center-based childcare programs that closed on or after March 15, 2020, and remain closed through July 1, 2020, and that served at least three children enrolled in childcare services under CalWORKs or through an alternative payment program between January 1, 2019, and March 1, 2020.

(C) Alternative payment programs shall provide up to five thousand dollars ($5,000) per licensed family childcare home contractor and up to fifteen thousand dollars ($15,000) per licensed center-based childcare agency to address debts incurred during the childcare and development facility’s closure after the 30 days of funding provided under Senate Bill 89 (Chapter 2 of the Statutes of 2020). Allowable costs shall be determined by the department, consistent with federal law and reimbursable costs guidance, to address debts incurred between March 15, 2020, and July 1, 2020, that may be preventing a licensed family childcare home or licensed center-based childcare agency from reopening.

(D) For each stipend provided pursuant to this paragraph, the alternative payment program shall disburse one-half of the awarded funds up front. A stipend recipient shall remain open and willing to serve families eligible for childcare services under CalWORKs or through an alternative payment program for at least three months after reopening. At the end of the three-month period, the remainder of stipend shall be disbursed.

(E) A stipend provided pursuant to this paragraph may cover up to 100 percent of operating costs during the childcare and development facility’s closure period, up to the applicable amount stated in subparagraph (C), on the condition that the childcare program meets all federal requirements, including, but not limited to, staff compensation. A licensed family childcare home provider or licensed center-based childcare program shall not have received family fees or state or federal reimbursement for services during the childcare and development facility’s closure period. To the extent funds received under Senate Bill 89 (Chapter 2 of the Statutes of 2020) were received by a provider during a closure period, the alternative payment program shall subtract the amount of funds received under Senate Bill 89 (Chapter 2 of the Statutes of 2020) from the facility’s closure period operating costs, for purposes of calculating the stipend amount.

(4) (A) Up to one hundred twenty-five million dollars ($125,000,000) to the department for subsidized childcare provider stipends to assist all subsidized childcare providers operating programs pursuant to Article 3 (commencing with Section 8220) of, Article 6 (commencing with Section 8230) of, Article 7 (commencing with Section 8235) of, Article 8 (commencing with Section 8240) of, Article 8.5 (commencing with Section 8245) of, Article 9 (commencing with Section 8250) of, or Article 15.5 (commencing with Section 8350) of, Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code with increased cost-of-care expenses during the COVID-19 pandemic period.

(B) The Superintendent of Public Instruction shall, on or before September 1, 2020, develop a methodology for augmenting each individual contractor operating programs identified in subparagraph (A) with a stipend, in accordance with both of the following:

(i) For the direct-contract subsidized childcare programs pursuant to Article 6 (commencing with Section 8230) of, Article 7 (commencing with Section 8235) of, Article 8 (commencing with Section 8240) of, Article 8.5 (commencing with Section 8245) of, and Article 9 (commencing with Section 8250) of, Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, the proposed stipend methodology shall be based on the number of children served and the proportion to the provider’s reimbursement from the state and the applicable regional market rate.

(ii) For voucher-based subsidized childcare programs pursuant to Article 3 (commencing with Section 8220), Article 6 (commencing with Section 8230), and Article 15.5 (commencing with Section 8350) of, Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, the proposed methodology shall be based on the number of children served and the regional average cost of care. The methodology developed pursuant to this clause shall be developed in consultation and collaboration with the State Department of Social Services.

(C) The Superintendent of Public Instruction shall present the methodology developed pursuant to subparagraph (B) and the proposed schedule of augmentations to the Department of Finance and the Joint Legislative Budget Committee for review and approval before any augmentations are made.

(D) Once the Department of Finance and the Joint Legislative Budget Committee have approved the methodology and the proposed schedule of augmentations, a budget revision shall be submitted by the State Department of Education to the Controller to move the appropriate funding amounts for augmentation to CalWORKs Stage 1, pursuant to Section 8351 of the Education Code, to the State Department of Social Services.

(c) Notwithstanding Section 26.00 of the Budget Act of 2020, the State Department of Education may transfer program expenditure authority provided in paragraph (4) of subdivision (b) between schedules to accurately reflect expenditures in the program schedules, upon the approval of the Department of Finance. The Department of Finance may, at its discretion, approve such a transfer of program expenditure authority to the extent total allocations do not exceed the total amount specified in paragraph (4) of subdivision (b). Upon approval from the Department of Finance, the Superintendent of Public Instruction shall notify the chairs of the relevant policy committees and budget subcommittees of the Legislature of its intent to transfer program expenditure authority between programs.

(d) For purposes of this section, “essential worker” has the same meaning as “essential critical infrastructure worker” pursuant to Executive Order No. N–45–20.

SEC. 113. (a) The sum of fifty million dollars ($50,000,000) is hereby appropriated from the General Fund in the 2020–21 fiscal year to the State Department of Education on a one-time basis to administer the Early Literacy Support Block Grant. The State Department of Education may use three million dollars ($3,000,000) of this sum to offset its costs associated with activities required to administer the program, consistent with subdivision (f).

(b) (1) The State Department of Education shall award grants to local educational agencies with the 75 schools with the highest percentage of pupils in grade 3 scoring at the lowest achievement standard level, also referred to as the level 1 achievement level, on the consortium summative assessment in English language arts. A grant provided pursuant to this section shall be divided into three yearly allocations and awarded consistent with subdivision (f).

(2) For purposes of this subdivision, both of the following shall apply:

(A) Grant eligibility shall be determined based on the weighted average, as calculated by the State Department of Education, of the 2018 and 2019 results on the consortium summative assessment in English language arts specified in Section 60640 of the Education Code.

(B) A school, including a charter school, shall be eligible for a grant only if it meets both of the following conditions:

(i) The school reported results for at least 11 pupils in grade 3 for both the 2018 and 2019 results on the consortium summative assessment in English language arts.

(ii) The school was designated “Traditional” in the “Educational Option Type” field, as reported through the 2018–19 Source File for the California Longitudinal Pupil Achievement Data System established pursuant to Chapter 10 (commencing with Section 60900) of Part 33 of Division 4 of Title 2 of the Education Code.

(c) The State Department of Education shall establish the per-school grant amount for an eligible school based on the school’s grade 3 enrollment, with three tiers of funding based on the 2018–19 enrollment of grade 3 pupils at eligible schools.

(d) (1) As a condition of receiving a grant pursuant to this section, the local educational agency shall agree that it will use grant funds for an eligible school for only the purposes described in paragraphs (2) and (3).

(2) Except as provided in subparagraph (E), the local educational agency shall, for each of its eligible schools, conduct a root cause analysis and needs assessment, consistent with all of the following:

(A) The root cause analysis and needs assessment shall examine both school-level and local educational agency-level practices or unmet needs, including those relating to school climate, social-emotional learning, and the experience of pupils who are below grade-level standard on the English language arts content standards adopted by the State Board of Education and their families, that have contributed to low pupil outcomes for pupils in grade 3 on the consortium summative assessment in English language arts.

(B) The root cause analysis and needs assessment shall identify the strengths and weaknesses of both the eligible school and the local educational agency with regard to literacy instruction in kindergarten and grades 1 to 3, inclusive. The local educational agency shall review all relevant diagnostic measures, including, but not limited to, pupil performance data, data on effective and ineffective practices, and equity and performance gaps.

(C) The local educational agency shall consult with stakeholders, including school staff, school leaders, parents, and community members, at each eligible school about the root cause analysis and needs assessment and proposed expenditures of the grant funds. The local educational agency may use an existing schoolsite council established pursuant to Section 65000 of the Education Code for this purpose. If the schoolsite council is used for this purpose, the school shall provide public notice of meetings and shall conduct meetings in the manner required by Section 35147 of the Education Code.

(D) The local educational agency shall partner with staff with expertise in literacy from the county office of education for the county in which the local educational agency is located, a geographic lead agency established pursuant to Section 52073 of the Education Code, or the expert lead in literacy established pursuant to Section 114 of this act in the development of the root cause analysis and needs assessment and the literacy action plan described in paragraph (3). In addition, the local educational agency may partner with a member of an institution of higher education or nonprofit organization with expertise in literacy for this purpose, and may also involve experts in participatory design and meaningful community involvement.

(E) If a local educational agency or eligible school has completed a root cause analysis and needs assessment that complies with the requirements specified in subparagraphs (A) to (D), inclusive, within the last two years, it may use that root cause analysis and needs assessment for purposes of developing and adopting the literacy action plan pursuant to paragraph (3).

(3) Based on the root cause analysis and needs assessment, the local educational agency shall develop a three-year local educational agency literacy action plan, consistent with all of the following:

(A) The local educational agency literacy action plan shall include goals and actions to improve literacy instruction based on the root cause analysis and needs assessment and shall include a section reflecting the input received from stakeholders at each eligible school as part of the root cause analysis and needs assessment.

(B) The local educational agency literacy action plan shall identify metrics to measure progress toward the goals and actions.

(C) The local educational agency literacy action plan shall identify planned expenditures for programs or services consistent with one or more of the categories described in subdivision (e).

(D) Grant funds may be used only to fund supplemental activities targeted for kindergarten and grades 1 to 3, inclusive, and shall not supplant already existing activities being provided by the local educational agency or at the eligible school. The activities shall be targeted for improvement strategies for pupils in kindergarten and grades 1 to 3, inclusive, at eligible schools.

(E) The local educational agency shall provide a copy of the draft local educational agency literacy action plan to each eligible school to share with the school community before it is finalized for presentation to the governing board or body of the local educational agency.

(F) The local educational agency literacy action plan shall be adopted at a regularly scheduled, publicly noticed meeting of the governing board or body of the local educational agency as a nonconsent agenda item.

(G) A local educational agency that includes more than one eligible school may develop one literacy action plan addressing all of its eligible schools, and the local educational agency may combine the grant funds to maximize results at the eligible schools only if the literacy action plan is specifically responsive to the root cause analysis and needs assessment specific to each of the eligible schools.

(e) A local educational agency shall expend grant funds only on programs or services within one or more of the following categories:

(1) Access to high-quality literacy teaching, which shall include any of the following:

(A) Hiring of literacy coaches or instructional aides to provide support to struggling pupils, including, among others, bilingual reading specialists to support English learner programs.

(B) Development of strategies to provide culturally responsive curriculum and instruction.

(C) Evidence-based professional development for teachers, instructional aides, and school leaders regarding literacy instruction and literacy achievement and the use of data to help identify and support struggling pupils.

(D) Professional development for teachers and school leaders regarding implementation of the curriculum framework for English language arts adopted by the State Board of Education pursuant to Section 60207 of the Education Code and the use of data to support effective instruction.

(2) Support for literacy learning, which shall include any of the following:

(A) Purchase of literacy curriculum resources and instructional materials aligned with the English language arts content standards and the curriculum framework for English language arts adopted by the State Board of Education, but only if the literacy action plan also includes professional development for staff on effective use of these materials.

(B) Purchase of diagnostic assessment instruments to help assess pupil needs and progress and training for school staff regarding the use of those assessment instruments.

(3) Pupil supports, which shall include any of the following:

(A) Expanded learning programs, such as before- and after-school programs or summer school, to improve pupils' access to literacy instruction.

(B) Extended schoolday to enable implementation of breakfast in the classroom or library models to support expanded literacy instruction.

(C) Strategies to improve school climate, pupil connectedness, and attendance and to reduce exclusionary discipline practices, including in-school suspensions, that may limit a pupil's time in school.

(D) Strategies to implement research-based social-emotional learning approaches, including restorative justice.

(E) Expanded access to the school library.

(4) Family and community supports, which shall include any of the following:

(A) Development of trauma-informed practices and supports for pupils and families.

(B) Provision of mental health resources to support pupil learning.

(C) Strategies to implement multitiered systems of support and the response to intervention approach.

(D) Development of literacy training and education for parents to help develop a supportive literacy environment in the home.

(E) Strategies to improve parent and community engagement and to improve communication with parents regarding how to address pupils' literacy needs.

(f) The State Department of Education may establish conditions for the grant and otherwise administer the grant as necessary to advance the purposes of this section. In administering the grant, the State Department of Education shall ensure all of the following:

(1) The State Department of Education shall provide a local educational agency up to fifty thousand dollars ($50,000) for each eligible school for purposes of conducting the root cause analysis and needs assessment for each eligible school and preparing the local educational agency literacy action plan.

(2) A local educational agency that receives a grant shall submit its literacy action plan to the State Department of Education. The State Department of Education or its designee shall review each local educational agency's literacy action plan to determine if all of the following conditions are met:

(A) The local educational agency consulted with each eligible school and stakeholders in the development of the root cause analysis and needs assessment.

(B) The local educational agency identified the county office of education, geographic lead agency authorized pursuant to Section 52073 of the Education Code, or expert lead in literacy established pursuant to Section 114 of this act with which the local educational agency partnered in the development of the root cause analysis and needs assessment and literacy action plan.

(C) The literacy action plan was approved by the governing board or body of the local educational agency at a publicly noticed meeting.

(D) The planned expenditures are for programs or services consistent with subdivision (e).

(E) The literacy action plan clearly articulates that the grant funds will be used for supplemental activities.

(3) Upon approval of the literacy action plan by the State Department of Education or its designee, the local educational agency shall receive the balance of its first-year allocation to begin implementing the literacy action plan at eligible schools.

(4) Each local educational agency with an eligible school shall provide the State Department of Education, the schoolsite council at each eligible school, and the governing board or body of the local educational agency with quarterly reports demonstrating that it has made expenditures consistent with the applicable literacy action plan. These reports shall also be publicly posted on the local educational agency's internet website.

(5) On an annual basis, each local educational agency with an eligible school shall submit to the State Department of Education, the schoolsite council at each eligible school, and the governing board or body of the local educational agency a report on achievement towards the actions and goals described, and an assessment of progress made on the metrics identified, in its literacy action plan. These reports shall also be publicly posted on the local educational agency's internet website.

(6) At the end of the second year of grant eligibility, a local educational agency with an eligible school shall, as a nonconsent agenda item at a regularly scheduled, publicly noticed meeting of its governing board or body, provide an update on progress implementing the literacy action plan. The local educational agency may modify the literacy action plan based on this update, consistent with the authorized uses of the grant funds.

(7) Upon submission of the reports required in paragraphs (4) and (5), the local educational agency shall receive its second- and third-year allocations, as applicable.

(g) Notwithstanding any other law, this section shall not be subject to waiver by the State Board of Education pursuant to Section 33050 of the Education Code or by the Superintendent of Public Instruction.

(h) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2018–19 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 of the Education Code, for the 2018–19 fiscal year.

SEC. 114. (a) The sum of three million dollars ($3,000,000) is hereby appropriated from the General Fund in the 2020–21 fiscal year to the State Department of Education to establish an expert lead in literacy within the statewide system of support established pursuant to Section 52059.5 of the Education Code. The State Department of Education and the California Collaborative for Educational Excellence shall select a county office of education to serve as the expert lead in literacy, consistent with Section 52073.1 of the Education Code, no later than December 1, 2020. The funds appropriated in this subdivision shall be available for expenditure over three years.

(b) In addition to the abilities and expertise specified in Section 52073.1 of the Education Code, the expert lead in literacy shall demonstrate expertise in all of the following:

(1) Developing and implementing literacy instruction and support programs, particularly focused on literacy in early grades.

(2) Supporting other local educational agencies and their schools in implementing literacy instruction and support programs, particularly focused on literacy in early grades.

(3) The four categories of programs and services specified in subdivision (e) of Section 113 of this act.

(c) The expert lead in literacy shall have all of the following responsibilities:

(1) Assist local educational agencies with schools eligible for grants authorized by the Early Literacy Support Block Grant established pursuant to Section 113 of this act and the relevant county offices of education that work with those local educational agencies to build capacity around literacy instruction and support programs.

(2) Assist in the development of the root cause analysis and needs assessment and literacy action plans required as part of the Early Literacy Support Block Grant established pursuant to Section 113 of this act, as appropriate.

(3) As part of the statewide system of support, and in coordination with the State Department of Education and the California Collaborative for Educational Excellence, create professional learning networks to help build statewide capacity among local educational agencies in implementing effective literacy instruction and support programs at their schools.

(d) A county office of education may partner as a consortium with other local educational agencies, institutions of higher education, or nonprofit educational services providers to submit a proposal to serve as the expert lead in literacy.

(e) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2018–19 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 of the Education Code, for the 2018–19 fiscal year.

SEC. 115. (a) On or before June 30, 2021, an amount to be determined by the Director of Finance shall be appropriated from the General Fund to the Superintendent of Public Instruction in augmentation of Schedule (1) of Item 6100-161-0001 of Section 2.00 of the Budget Act of 2020.

(b) The funds appropriated in subdivision (a) shall only be available to the extent that revenues distributed to local educational agencies for special education programs pursuant to Sections 34177, 34179.5, 34179.6, and 34188 of the Health and Safety Code are less than the estimated amount reflected in the Budget Act of 2020, as determined by the Director of Finance.

(c) On or before June 30, 2021, the Director of Finance shall determine if the revenues distributed to local educational agencies for special education programs pursuant to Sections 34177, 34179.5, 34179.6, and 34188 of the Health and Safety Code exceed the estimated amount reflected in the Budget Act of 2020 and shall reduce Schedule (1) of Item 6100-161-0001 of Section 2.00 of the Budget Act of 2020 by the amount of that excess.

(d) In making the determinations pursuant to subdivisions (b) and (c), the Director of Finance shall consider any other local property tax revenues collected in excess or in deficit of the estimated amounts reflected in the Budget Act of 2020.

(e) The Director of Finance shall notify the Chairperson of the Joint Legislative Budget Committee, or the chairperson's designee, of the Director of Finance's intent to notify the Controller of the necessity to release funds appropriated in subdivision (a) or to make the reduction pursuant to subdivision (c), and the amount needed to address the property tax shortfall determined pursuant to subdivision (b) or the amount of the reduction made pursuant to subdivision (c). The Controller shall make the funds available pursuant to subdivision (a) not sooner than five days after this notification and the State Department of Education shall work with the Controller to allocate these funds to local educational agencies as soon as practicable.

(f) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriations made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 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 of the Education Code, for the 2020–21 fiscal year.

SEC. 116. (a) For the 2020–21 fiscal year, the sum of four hundred fifty thousand dollars ($450,000) is hereby appropriated from the General Fund to the State Department of Education to support the alignment and integration of the online platforms supporting the California School Dashboard, the Local Control and Accountability Plan Electronic Template System, and the School Accountability Report Card. In performing this work, every effort shall be made to maximize the consistency of school-level data reported through the School Accountability Report Card with the state priorities described in subdivision (d) of Section 52060 of the Education Code and included in California's accountability system and reported through the California School Dashboard.

(b) It is the intent of the Legislature that the work conducted pursuant to this section on the Local Control and Accountability Plan Electronic Template System include the development of a database connected to a data entry tool that will allow comprehensive analysis by policymakers of actions and expenditures and progress on metrics included within Local Control and Accountability Plans adopted by local educational agencies.

(c) It is the intent of the Legislature that the work conducted pursuant to this section on the School Accountability Report Card platform focus on ensuring that users of the California School Dashboard can readily access the information contained in locally adopted School Accountability Report Cards.

(d) (1) For purposes specified in subdivision (a), the State Department of Education, in collaboration with, and subject to the approval of, the executive director of the State Board of Education, shall enter into contracts with the San Joaquin County Office of Education. Of the funds appropriated in subdivision (a), and consistent with subdivision (c), no less than fifty thousand dollars ($50,000) shall be used to hire an outside consultant pursuant to paragraph (2) with expertise in user design.

(2) Of the funds appropriated in subdivision (a), fifty thousand dollars ($50,000) is available to facilitate stakeholder sessions to gather input on the design of the Local Control and Accountability Plan Electronic Template System and a potential database connected to that system, including opportunities to display or create reports based on information contained in such a database.

(3) When performing these activities, the San Joaquin County Office of Education may enter into appropriate contracts to provide support and services, as necessary.

(e) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 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 of the Education Code, for the 2020–21 fiscal year.

SEC. 117. (a) The Legislature finds and declares all of the following:

(1) The COVID-19 emergency has exacerbated conditions associated with poverty, including food insecurity, housing and employment instability, and inadequate health care, which has led to additional barriers to learning.

(2) Community schools offer unique models to more efficiently and effectively provide integrated educational, health, and mental health services to pupils with a wide range of needs that have been affected by the COVID-19 crisis.

(3) Community schools that provide integrated pupil supports, community partnerships, and expanded learning opportunities will help address the trauma and loss of learning that have resulted from the COVID-19 crisis.

(b) The sum of forty-five million dollars ($45,000,000) is hereby appropriated from the Federal Trust Fund (Elementary and Secondary School Emergency Relief Fund (ESSER)) in the 2020–21 fiscal year to the Superintendent of Public Instruction to establish and administer the California Community Schools Partnership Program in the manner and for the purposes set forth in this section. Funds shall be made available for encumbrance or expenditure until June 30, 2025.

(c) On or before November 1, 2020, the Superintendent, with the approval of the executive director of the State Board of Education, shall develop an application process and administration plan for the selection of grant recipients. Administration of the California Community Schools Partnership Program shall include offering technical assistance to potential applicants before awarding a grant under the program and providing program oversight and technical assistance to grantees selected pursuant to this section. The Superintendent may retain up to 1 percent of the appropriation pursuant to this section for technical assistance purposes.

(d) The Superintendent shall award, subject to the approval of the executive director of the state board, grants on a competitive basis to local educational agencies, including county offices of education, to support and expand existing community schools and shall give priority to grant funding based on the following:

(1) Applicants serving pupils in high-poverty schools in which at least 80 percent of the pupil population are eligible for free and reduced-price meals.

(2) Applicants with a demonstrated need for expanded access to integrated services.

(3) Applicants who commit to partner in a consortium with other schools or county agencies.

(4) Applicants with committed matching funds for pupil services.

(5) Applicants with a plan for sustaining community school services after grant expiration.

(6) Applications with cosignatories from partner government agencies, including, but not limited to, county public health, county health, and county mental health agencies.

(e) Grant funding may be used for any of the following purposes:

(1) Expanding and sustaining existing community schools, which may include direct grants to local educational agencies.

(2) Coordinating and providing health, mental health, and pupil support services to pupils and families at community schools.

(3) Providing training and support to local educational agency personnel to help develop best practices for integrating pupil supports.

(f) For purposes of this section, both of the following definitions apply:

(1) "Community school" means a public school serving preschool, kindergarten, or any of grades 1 to 12, inclusive, and includes the following:

(A) Integrated supports services, including the coordination of health, mental health, and social services that ensure coordination and support with county and local educational agency resources, and early screening and intervention for learning and other needs.

(B) Family and community engagement, which may include home visits, home-school collaboration, community partnerships, and school climate surveys.

(C) Collaborative leadership and practices for educators and administrators, including professional development to support mental and behavioral health, trauma-informed care, social-emotional learning, restorative justice, and other key areas.

(D) Extended learning time and opportunities, including before and after school care.

(2) "Local educational agency" means a school district, county office of education, or charter school, excluding nonclassroom-based charter schools operating pursuant to Section 47612.5 of the Education Code.

(g) Grant recipients shall commit to providing program data to the State Department of Education, as specified by the Superintendent, and participate in overall program evaluation.

(h) The Superintendent shall provide a comprehensive report, on December 31, 2025, to the Governor and the appropriate policy and fiscal committees of the Legislature on the impact of the grant program in achieving the goals described in this section, including an evaluation of the effectiveness of the opportunities provided.

SEC. 118. (a) The sum of one hundred twelve million two hundred thirty-one thousand dollars ($112,231,000) is hereby appropriated from the Federal Trust Fund in accordance with the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116–136) for allocation by the State Department of Education for purposes of subdivision (b).

(b) (1) A program operator participating in the National School Lunch Program, School Breakfast Program, Seamless Summer Option, or Summer Food Service Program that has served meals any time during the months of March 2020 to August 2020, inclusive, consistent with the United States Department of Agriculture regulations and waivers for the applicable program, during school closures caused by the COVID-19 pandemic is eligible for increased state meal reimbursement pursuant to this section.

(2) Funds appropriated in subdivision (a) are available to reimburse eligible program operators based on meals served for breakfast and lunch at a rate not to exceed an additional $0.75 per meal. Additional reimbursements may be made if funding remains available after all claims for the months of March 2020 to August 2020, inclusive, are reimbursed.

(c) If other federal funding for child nutrition programs is made available to the State Department of Education for increased reimbursement for the Seamless Summer Option or Summer Food Service Program pursuant to this section, the State Department of Education shall allocate the one hundred twelve million two hundred thirty-one thousand dollars ($112,231,000) appropriated in subdivision (a) to local educational agencies pursuant to Section 110 of this act.

(d) For the months of March 2020 to August 2020, inclusive, a program operator participating in the National School Lunch Program, School Breakfast Program, Seamless Summer Option, or Summer Food Service Program may apply for reimbursement from the State Department of Education for eligible costs pursuant to this subdivision. The State Department of Education shall reimburse nutrition program operators for eligible costs by using savings identified in Item 6100-203-0001 of the Budget Act of 2019. Requests for reimbursement shall be subject to review and approval by the State Department of Education. Program operators are eligible for reimbursement in the following order of priority:

(1) (A) A program operator with some or all sites that temporarily closed as a result of a state or federally declared pandemic emergency, and that has made an effort to serve eligible meals to eligible pupils during the closure, is eligible to receive reimbursement equal to the average daily participation of closed sites multiplied by the average combined state and federal reimbursement rate received by the program operator in the month before the closure, multiplied by the number of days the program operator closed, to pay for salaries and other fixed expenses of the National School Lunch Program, School Breakfast Program, Seamless Summer Option, or Summer Food Service Program.

(B) (i) For purposes of subparagraph (A), the State Department of Education may determine if the program operator has made an effort to serve eligible meals to eligible pupils during the closure.

(ii) To the extent funds are not available to fully fund claims made pursuant to subparagraph (A), the State Department of Education shall prorate reimbursement funds.

(2) (A) To the extent funds are available, if eligible meals served to eligible pupils by the program operator have been reduced as a result of a state or federally declared pandemic emergency, the program operator is eligible to receive reimbursement equal to the difference between clause (i) and clause (ii), as follows:

(i) The average daily participation multiplied by the average combined state and federal meal reimbursement rate received by the program operator in the month before the reduction occurred, multiplied by the number of days the program operator experienced a reduction in meals served.

(ii) The number of meals served to eligible pupils during the state or federally declared pandemic emergency multiplied by the average combined state and federal meal reimbursement rate, multiplied by the number of days the program operator experienced a reduction in meals served.

(B) To the extent funds are not available to fully fund claims made pursuant to subparagraph (A), the State Department of Education shall prorate reimbursement funds.

(e) If federal funding for meal reimbursement or other state or federal funding for emergency response is made available to the program operator, the program operator is eligible to claim only those meals not reimbursed by other federal or state funding.

(f) All program operators participating in the National School Lunch Program, School Breakfast Program, Seamless Summer Option, or Summer Food Service Program that apply for reimbursement pursuant to subdivision (d) shall demonstrate conformity with the applicable procedures required in the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.). The State Department of Education shall ensure that applicants for reimbursement under subdivision (d) have followed those procedures.

(g) The funds appropriated pursuant to Item 6110-203-0001 of the Budget Act of 2019 shall be available for encumbrance until December 31, 2020, for the purposes specified in subdivision (d).

(h) For purposes of this section, “program operator” means a school district, county office of education, charter school, residential childcare institution, or private school that participates in the National School Lunch Program, School Breakfast Program, Seamless Summer Option, or Summer Food Service Program.

SEC. 119. (a) The Legislature finds and declares all of the following:

(1) (A) Pupils with dyslexia and other forms of specific learning disabilities often go undiagnosed until the pupil is failing in school, while many pupils are never diagnosed and never receive services. Early identification and intervention with pupils showing signs of dyslexia are critical for improving pupil outcomes.

(B) The most effective treatment for pupils who struggle with reading and related language problems is early diagnosis and skilled teaching. For that reason, it is critical that educators receive evidence-based practices and strategies informed by research to reduce the impact on long-term educational outcomes.

(C) The California Dyslexia Guidelines, developed by the State Department of Education pursuant to Section 56335 of the Education Code, as added by Chapter 647 of the Statutes of 2015 (Assembly Bill 1369 of the 2015–16 Regular Session), provides guidelines for educators, parents, and other stakeholders in identifying, assessing, and supporting pupils with dyslexia. While these guidelines created a road map for supporting pupils with dyslexia, the guidelines were developed before the establishment of the statewide system of support and are not integrated into those supports.

(D) To ensure existing research and available resources lead to improved outcomes for these pupils, the state must invest in a statewide effort to build upon the California Dyslexia Guidelines and to disseminate the knowledge and information of best practices throughout the statewide system of support.

(2) The statewide system of support established pursuant to Section 52059.5 of the Education Code should include expertise and resources to help school districts, county offices of education, and charter schools improve their ability to identify signs of dyslexia and other specific learning disabilities as early as possible and to provide evidence-based supports and services to pupils once identified.

(b) The California Dyslexia Initiative is hereby established for all of the following purposes:

(1) To build capacity in the statewide system of support for school districts, county offices of education, and charter schools to provide early intervention services and supports for pupils with specific learning disabilities, such as dyslexia, with a focus on improving outcomes for pupils in all education settings.

(2) To identify effective models for diagnosis and treatment of specific learning disabilities.

(3) To develop effective professional development for educators on evidence-based instruction and strategies informed by research to reduce the impact on long-term educational outcomes.

(4) To develop effective partnerships between school districts, county offices of education, and charter schools in using the statewide system of support structure administered by the California Collaborative for Educational Excellence and the resources of the State Department of Education to disseminate lessons learned from the capacity built pursuant to paragraph (1) and the models identified in paragraph (2).

(5) To disseminate the resources, information, and models identified in paragraphs (1) to (4), inclusive.

(c) By September 1, 2020, the State Department of Education and the California Collaborative for Educational Excellence, with approval from the executive director of the State Board of Education, shall designate an applicant county office of education to administer the California Dyslexia Initiative in direct consultation with the State Department of Education, the California Collaborative for Educational Excellence, and the postsecondary educational institution selected pursuant to subdivision (d). For this work, the designated county office of education shall demonstrate a willingness and capacity to do all of the following:

(1) Work collaboratively with the State Department of Education, the California Collaborative for Educational Excellence, and the postsecondary educational institution selected pursuant to subdivision (d) to further the purposes of the California Dyslexia Initiative described in subdivision (b).

(2) Communicate regularly with the State Department of Education and the California Collaborative for Educational Excellence.

(3) In partnership with the California Collaborative for Educational Excellence, document the outcomes of the activities described in this section throughout the duration of the California Dyslexia Initiative to ensure the resources, research, and professional development models that are developed are available throughout the statewide system of support and align with other statewide initiatives.

(4) Play a leadership role in the California Dyslexia Initiative.

(d) The designated county office of education shall contract with a California postsecondary educational institution, selected in consultation with the executive director of the State Board of Education, to expand the state’s dyslexia and specific learning disabilities early identification and evidence-based best practices for supports and services in furtherance of the California Dyslexia Initiative. The postsecondary educational institution shall be selected no later than December 1, 2020.

(e) The designated county office of education and the selected postsecondary educational institution shall identify existing evidence-based resources, professional development activities, and other efforts currently available at the state, federal, and local levels, and develop new evidence-based resources and activities designed to help local educational agencies across the state identify and provide services and supports to pupils with specific learning disabilities, as defined in Section 56337 of the Education Code, such as dyslexia. The identified and developed resources and activities shall be able to accomplish, at a minimum, all of the following:

(1) Develop professional development through train-the-trainer models or online training modules.

(2) Provide technical assistance to local educational agencies.

(3) Develop a network of educators who can provide coaching and training to other local educational agencies.

(4) Develop evaluation tools to measure the effectiveness of identified evidence-based strategies.

(f) (1) The sum of four million dollars ($4,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction to allocate to the designated county office of education for the California Dyslexia Initiative.

(2) Of that appropriation, the designated county office of education may use up to five hundred thousand dollars ($500,000) to administer the program.

(3) The designated county office of education shall submit an expenditure plan for the funds allocated pursuant to this subdivision to the Department of Finance for approval by January 20, 2021, that includes the estimated allocation to the postsecondary educational institution. The approved expenditure plan shall become operative no sooner than 30 days after notification is provided in writing to the Joint Legislative Budget Committee. The designated county office of education shall encumber or expend the funds appropriated pursuant to this subdivision by June 30, 2023.

(g) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (f) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 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 of the Education Code, for the 2020–21 fiscal year.

SEC. 120. (a) For the 2020–21 fiscal year, the sum of four million two hundred forty-eight thousand dollars ($4,248,000) is hereby appropriated from the General Fund to the State Department of Education for the purposes set forth in subdivision (b).

(b) The State Department of Education shall allocate the funds appropriated pursuant to subdivision (a) to the Kern County superintendent of schools for the County Office Fiscal Crisis and Management Assistance Team for the Standardized Account Code Structure system replacement project.

(c) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2018–19 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 of the Education Code, for the 2018–19 fiscal year.

SEC. 121. (a) For the 2020–21 fiscal year, the sum of seven hundred fifty thousand dollars ($750,000) is hereby appropriated from the General Fund to the State Department of Education for the purposes set forth in subdivision (b).

(b) The State Department of Education shall allocate the funds appropriated pursuant to subdivision (a) to the Sacramento County superintendent of schools by September 1, 2020, to develop draft distance learning curriculum and instructional guidance for mathematics, English language arts, and English language development.

(c) The Sacramento County superintendent of schools, under the direction of the executive director of the State Board of Education, shall develop draft distance learning curriculum and instructional guidance for mathematics, English language arts, and English language development that includes, but is not limited to, a framework for addressing critical standards, guidance and resources for formative and diagnostic assessment, guidance on recommended aggregate time for instruction and independent work by grade span, and guidance on embedding social emotional supports for pupils into distance learning curricula.

(d) For the purposes specified in subdivision (c), the Sacramento County superintendent of schools shall do both of the following:

(1) Conduct statewide stakeholder outreach to, among others, pupils, parents, educators, and experts in the areas specified in subdivision (c).

(2) Finalize the draft guidance in sufficient time for adoption by the State Board of Education pursuant to subdivision (g).

(e) When performing activities pursuant to subdivisions (c) and (d), the Sacramento County superintendent of schools may enter into appropriate contracts for the provision of support and services, as necessary.

(f) For purposes of subdivision (b), the State Department of Education is exempt from the requirements of Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code and from the requirements of Article 6 (commencing with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code.

(g) The State Board of Education shall adopt the distance learning curriculum and instructional guidance for mathematics, English language arts, and English language development by May 31, 2021.

(h) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 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 of the Education Code, for the 2020–21 fiscal year.

SEC. 122. (a) For the 2020–21 fiscal year, the sum of sixty million dollars ($60,000,000) is hereby appropriated from the General Fund to the State Department of Education for the Classified School Employee Summer Assistance Program established pursuant to Section 45500 of the Education Code. The funds appropriated pursuant to this section shall be available for encumbrance until June 30, 2025.

(b) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 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 of the Education Code, for the 2020–21 fiscal year.

SEC. 123. The sum of two hundred thousand dollars ($200,000) is hereby appropriated from the General Fund for the 2020–21 fiscal year to the State Department of Education on a one-time basis to support the Young People’s Task Force. The Superintendent of Public Instruction, in consultation with the President of the State Board of Education, or the president’s designee, shall convene a Young People’s Task Force to develop guidance to promote culturally competent interactions between school resource officers and young people on school campuses, contingent on the enactment of later legislation during the 2019–20 Regular Session prescribing the duties of the task force.

SEC. 124. 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.