

Introduced by Senator Portantino

January 3, 2022

An act to add Section 41338 to the Education Code, relating to education finance.

LEGISLATIVE COUNSEL'S DIGEST

SB 830, as introduced, Portantino. Education finance: supplemental education funding.

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, that includes average daily attendance as a component of that calculation for these local educational agencies. Existing law requires the Superintendent of Public Instruction, on or before February 20 of each year, to make a first principal apportionment of funds and, on or before July 2 of each year, to make a 2nd principal apportionment of funds to each local educational agency.

This bill would define “average daily membership” as the quotient of the aggregate enrollment days for all pupils in a school district or county office of education, from transitional kindergarten to grade 12, inclusive, as applicable, divided by the total number of instructional days for the local educational agency in an academic year. The bill, commencing with the 2023–24 fiscal year, would authorize a county office of education or school district to apply each fiscal year to the Superintendent for supplemental education funding. The bill would require a local educational agency to receive as supplemental education funding the difference between what the local educational agency would have received under the local control funding formula based on average daily membership and what the local educational agency received under

the local control funding formula based on average daily attendance for that fiscal year, as provided. In order for a local educational agency to be eligible for supplemental educational funding, the bill would require the local educational agency to report to the Superintendent on July 1 the average daily membership for the prior academic year and to demonstrate a maintenance of effort to address chronic absenteeism and habitual truancy, as provided. The bill would require local educational agencies to use at least 50% of their supplemental education funding to supplement existing local educational agency expenditures to address chronic absenteeism and habitual truancy, as provided. The bill would condition implementation of these provisions upon the appropriation of funds for these purposes in the annual Budget Act or other statute.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 41338 is added to the Education Code,
2 to read:
3 41338. (a) For purposes of this section, the following terms
4 have the following meanings:
5 (1) “Average daily membership” means the quotient of the
6 aggregate enrollment days for all pupils in a local educational
7 agency, from transitional kindergarten to grade 12, inclusive, as
8 applicable, divided by the total number of instructional days for
9 the local educational agency in an academic year.
10 (2) “Local educational agency” means a school district or county
11 office of education.
12 (b) Commencing with the 2023–24 fiscal year, and each fiscal
13 year thereafter, a local educational agency may apply to the
14 Superintendent for supplemental education funding. A local
15 educational agency shall receive as supplemental education funding
16 an amount equal to the difference between what the local
17 educational agency would have received under the local control
18 funding formula if the local funding formula were based on average
19 daily membership instead of average daily attendance, and what
20 the local educational agency received under the local control
21 funding formula based on average daily attendance for that fiscal

1 year. In no case shall a local educational agency’s supplemental
2 education funding be less than zero dollars (\$0).

3 (c) In order to be eligible for supplemental education funding
4 under this section, a local educational agency shall comply with
5 both of the following requirements:

6 (1) Report to the Superintendent by July 1 the average daily
7 membership of the local educational agency for the prior academic
8 year. Local educational agencies shall have the opportunity to
9 clarify or confirm their average daily membership, as necessary,
10 until August 31.

11 (2) Demonstrate a maintenance of effort to address chronic
12 absenteeism and habitual truancy. To fulfill this requirement, a
13 local educational agency shall maintain at least the same per-pupil
14 spending level on staff who address chronic absenteeism and
15 habitual truancy as the local educational agency did in the 2019–20
16 school year.

17 (d) At least 50 percent of the funds allocated pursuant to this
18 section shall supplement existing local educational agency
19 expenditures to address chronic absenteeism and habitual truancy
20 by providing services and supports that have been determined to
21 improve school attendance, or addressing the root causes that
22 contribute to pupils being chronically absent or habitually truant.

23 (e) Consistent with the requirements of Section 48240, local
24 educational agencies shall continue to implement a system to
25 accurately track pupil attendance in order to raise the awareness
26 of the effects of truancy and chronic absenteeism, identify and
27 address factors contributing to habitual truancy and chronic
28 absenteeism, and ensure that pupils with attendance problems are
29 identified as early as possible to provide applicable support services
30 and interventions.

31 (f) Nothing in this section shall supersede or otherwise modify
32 Section 48240, 48260, 52060, or 60901.

33 (g) The implementation of this section is contingent upon an
34 appropriation of funds for its purpose in the annual Budget Act or
35 other statute.

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