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**SB-1321 School finance: necessary small schools.** (2017-2018)

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**Senate Bill No. 1321**

**CHAPTER 664**

An act to amend Sections 42282 and 42283 of the Education Code, relating to school finance.

[ Approved by Governor September 21, 2018. Filed with Secretary of State September 21, 2018. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1321, Monning. School finance: necessary small schools.

(1) Existing law, for specified purposes, provides that a necessary small school is an elementary school with an average daily attendance of less than 97 pupils, excluding pupils attending the 7th and 8th grades of a junior high school, maintained by a school district to which any of certain conditions apply, including specified distance requirements.

This bill would include in the definition of "necessary small school" an elementary school with an average daily attendance of less than 97 pupils, excluding pupils attending the 7th and 8th grades of a junior high school, maintained by a school district with more than 2,500 and fewer than 5,001 units of 2nd principal apportionment average daily attendance in which as many as 15 pupils residing in the school district and attending kindergarten and grades 1 to 8, inclusive, excluding pupils attending the 7th and 8th grades of a junior high school, in the elementary school with an average daily attendance of less than 97 pupils would be required to travel more than 30 miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school.

(2) Existing law requires the Superintendent of Public Instruction to make specified computations for each school district with fewer than 2,501 units of 2nd principal apportionment average daily attendance, on account of each necessary small school.

This bill would require the Superintendent to make those specified computations also for each school district on account of each necessary small school meeting the added definition described above under paragraph (1).

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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

**SECTION 1.** Section 42282 of the Education Code is amended to read:

**42282.** (a) For each school district, on account of each necessary small school, as defined in Section 42283, the Superintendent shall make the following computations:

(1) For each necessary small school that has an average daily attendance during the fiscal year of less than 25, excluding pupils attending the 7th and 8th grades of a junior high school, and for which school at least one teacher was hired full time, the Superintendent shall compute for the school district fifty-two thousand nine hundred twenty-five dollars (\$52,925).

(2) For each necessary small school that has an average daily attendance during the fiscal year of 25 or more and less than 49, excluding pupils attending the 7th and 8th grades of a junior high school, and for which school at least two teachers were hired full time for more than one-half of the days schools were maintained, the Superintendent shall compute for the school district one hundred five thousand eight hundred fifty dollars (\$105,850).

(3) For each necessary small school that has an average daily attendance during the fiscal year of 49 or more, but less than 73, excluding pupils attending the 7th and 8th grades of a junior high school, and for which school three teachers were hired full time for more than one-half of the days schools were maintained, the Superintendent shall compute for the school district one hundred fifty-eight thousand seven hundred seventy-five dollars (\$158,775).

(4) For each necessary small school that has an average daily attendance during the fiscal year of 73 or more and less than 97, excluding pupils attending the 7th and 8th grades of a junior high school, and for which school four teachers were hired full time for more than one-half of the days schools were maintained, the Superintendent shall compute for the school district two hundred eleven thousand seven hundred dollars (\$211,700).

(b) A school district that continues to satisfy the criteria specified in Section 42283 may use the funding calculation in subdivision (a) until the local control funding formula grade span adjusted base grant calculated pursuant to subdivision (d) of Section 42238.02 produces state aid equal to the small school funding formula.

**SEC. 2.** Section 42283 of the Education Code is amended to read:

**42283.** (a) For purposes of Section 42282, a “necessary small school” is an elementary school with an average daily attendance of less than 97 pupils, excluding pupils attending the 7th and 8th grades of a junior high school, maintained by a school district to which any of the following conditions apply:

(1) If as many as five pupils residing in a school district with fewer than 2,501 units of second principal apportionment average daily attendance and attending kindergarten and grades 1 to 8, inclusive, excluding pupils attending the 7th and 8th grades of a junior high school, in the elementary school with an average daily attendance of less than 97 pupils would be required to travel more than 10 miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school.

(2) If as many as 15 pupils residing in a school district with fewer than 2,501 units of second principal apportionment average daily attendance and attending kindergarten and grades 1 to 8, inclusive, excluding pupils attending the 7th and 8th grades of a junior high school, in the elementary school with an average daily attendance of less than 97 pupils would be required to travel more than five miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school.

(3) If as many as 15 pupils residing in a school district with more than 2,500 and fewer than 5,001 units of second principal apportionment average daily attendance and attending kindergarten and grades 1 to 8, inclusive, excluding pupils attending the 7th and 8th grades of a junior high school, in the elementary school with an average daily attendance of less than 97 pupils would be required to travel more than 30 miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school.

(b) If topographical or other conditions exist in a school district that would impose unusual hardships if the number of miles specified in paragraph (1) or (2) of subdivision (a) were required to be traveled, or if during the fiscal year the roads that would be traveled have been impassable for more than an average of two weeks per year for the preceding five years, the governing board of the school district may, on or before April 1, request the Superintendent, in writing, for an exemption from these requirements or for a reduction in the miles required. The request shall be accompanied by a statement of the conditions upon which the request is based, giving the information in a form required by the Superintendent. The Superintendent shall cause an investigation to be made, and shall either grant the request to the extent he or she deems necessary, or deny the request.

(c) For purposes of this section, “other public elementary school” is a public school, including a charter school, that serves kindergarten or any of grades 1 to 8, inclusive, excluding grades 7 and 8 of a junior high school.