



## AB-2038 School finance: administrative employees to teacher ratio. (2021-2022)

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### Assembly Bill No. 2038

#### CHAPTER 908

An act to amend Sections 41401, 41403, 41404, and 41404.5 of the Education Code, relating to school finance.

[ Approved by Governor September 30, 2022. Filed with Secretary of State September 30, 2022. ]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2038, Gipson. School finance: administrative employees to teacher ratio.

Existing law sets forth the maximum ratios of administrative employees to each 100 teachers in the various types of school districts. Existing law requires the Superintendent of Public Instruction to determine, for each current fiscal year, for each school district in the state, the total number of administrative employees except as provided, the total number of teachers except those serving in positions that are supported by federal funds or by categorical grants from any source and are in programs that require specific teacher/administrator ratios, the total maximum number of administrative employees that should be employed by the school district based upon the application of the appropriate ratio prescribed by law, and the number of administrative employees in excess of the number allowable without penalty, as provided. Existing law, for purposes of determining the allowable ratio of administrative employees to teachers for the San Diego City School District, excludes from the numbers identified pursuant to the above provisions the number of employees and the full-time equivalent of all of the fractional time of employees serving the school district in positions mandated as the result of the school district's court-ordered integration plan.

This bill would extend the exclusion described above to the Los Angeles Unified School District. The bill also would, for purposes of calculating the administrative employee-to-teacher ratio in the 2022–23 to 2024–25 fiscal years, inclusive, authorize the Los Angeles Unified School District to include in the definition of “teacher,” when calculating the ratio of administrative employees to teachers in the 2022–23 to 2024–25 fiscal years, inclusive, teachers who spend a majority of their time with pupils as intervention specialists or teachers who spend a majority of their time on a school campus providing training, coaching, or professional development to other teachers, or both of those. The bill would require the Los Angeles Unified School District to submit various reports related to the administrative employee-to-teacher ratio to the Superintendent, the Department of Finance, and the budget committees of both houses of the Legislature, as specified. By imposing additional reporting requirements on the Los Angeles Unified School District, the bill would impose a state-mandated local program. The bill also would make conforming and nonsubstantive changes.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Los Angeles Unified School District.

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.

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

**SECTION 1.** Section 41401 of the Education Code is amended to read:

**41401.** For the purposes of this article, the following definitions apply:

(a) "Administrative employee" means an employee of a school district, employed in a position requiring certification qualifications, who does not come within the definition of a "pupil services employee" or a "teacher."

(b) "Classified employee" means an employee of a school district, employed in a position not requiring certification qualifications.

(c) "Pupil services employee" means an employee of a school district, employed in a position requiring a standard designated services credential, health and development credential, or a librarian credential, who performs direct services to pupils. "Pupil services employee" includes, but is not limited to, in-school librarians, school nurses, assistant in-school librarians, audiovisual personnel, counselors, psychologists, psychometrists, guidance and welfare personnel, attendance personnel, school social workers, and all other certificated personnel performing pupil-personnel, health, or librarian services.

(d) (1) "Teacher" means an employee of a school district, employed in a position requiring certification qualifications, whose duties require the employee to provide direct instruction to pupils in the schools of that district for the full time for which the employee is employed. "Teacher" includes, but is not limited to, teachers of special classes, teachers of exceptional children, teachers of pupils with physical disabilities, teachers of minors with intellectual disabilities, substitute teachers, instructional television teachers, specialist mathematics teachers, specialist reading teachers, home and hospital teachers, and learning disability group teachers. Instructional preparation time shall be counted as part of the teacher full-time equivalent, including, but not limited to, mentor teacher or department chairperson time.

(2) The Los Angeles Unified School District may also include in the definition of "teacher" any of the following when calculating the ratio of administrative employees to teachers calculated pursuant to this article in the 2022–23 to 2024–25 fiscal years, inclusive:

(A) Teachers who spend a majority of their time with pupils as intervention specialists.

(B) Teachers who spend a majority of their time on a school campus providing training, coaching, or professional development to other teachers.

**SEC. 2.** Section 41403 of the Education Code is amended to read:

**41403.** (a) The Superintendent shall determine, for each current fiscal year, for each school district in the state, to two decimal points, the following:

(1) The total number of administrative employees, except those serving in positions that are supported by categorical grants from any source and are in programs that require specific teacher/administrator ratios, or that are supported by federal funds. As to those serving in positions that are not supported completely by these categorical grants from any source or completely by federal funds, the number of administrative employees reported shall include the full-time equivalent of all fractional time attributable to that time not supported by categorical grants or federal funds.

(2) The total number of teachers, except those serving in positions that are supported by federal funds or by categorical grants from any source and are in programs that require specific teacher/administrator ratios. As to those serving in positions that are not supported completely by these categorical grants from any source or completely by federal funds, the number of teachers reported shall include the full-time equivalent of all fractional time attributable to that time not supported by categorical grants or federal funds. Substitute teachers may be counted as teachers only if the teacher for whom they are substituting is not counted. In no event shall the number of full-time equivalent teachers reported be greater than the number of full-time equivalent teaching positions in the school district.

(3) The total maximum number of administrative employees that should be employed by the school district based upon the application of the appropriate ratio prescribed by Section 41402 to the number of teachers determined pursuant to paragraph (2).

(4) The number of administrative employees in excess of the number allowable without penalty as determined by subtracting the number determined pursuant to paragraph (3) from the number determined pursuant to paragraph (1).

(b) The number of employees reported pursuant to paragraphs (1) to (4), inclusive, of subdivision (a) shall include the full-time equivalent of all fractional time of those employees.

(c) For purposes of determining the allowable ratio of administrative employees to teachers for the Los Angeles Unified School District and the San Diego City School District, the number of employees and the full-time equivalent of all of the fractional time of employees serving the school district in positions mandated as the result of the school district's court-ordered integration plan is excluded from the numbers identified pursuant to paragraphs (1) to (4), inclusive, of subdivision (a).

(d) No individual may be counted as more than one full-time equivalent employee unless the individual is employed on a part-time basis in adult education, driver education, or vocational education, or any part-time or additional teaching assignment, in addition to the individual's regular full-time assignment.

**SEC. 3.** Section 41404 of the Education Code is amended to read:

**41404.** (a) The Superintendent shall determine the reduction in state support resulting from excess administrative employees identified in paragraph (4) of subdivision (a) of Section 41403 as follows:

(1) Compute the ratio that total state support to the school district general fund bears to the total general fund income of the school district.

(2) Multiply the ratio determined pursuant to paragraph (1) by the average salary of administrative employees.

(3) Multiply the product of paragraph (2) by the number of administrative employees converted to the nearest whole number in excess of the maximum number specified in Section 41402.

(b) The amount of the second principal apportionment made to the school district for the current fiscal year pursuant to Section 41335 shall be reduced by the product so produced. However, no reduction shall reduce the final apportionment below the amount specified in Section 6 of Article IX of the California Constitution.

**SEC. 4.** Section 41404.5 of the Education Code is amended to read:

**41404.5.** (a) A school district with an average daily attendance of more than 400,000 as of the 2016–17 second principal apportionment shall be exempt from any reduction in state support pursuant to Section 41404 for the 2019–20 fiscal year to the 2021–22 fiscal year, inclusive. A school district subject to this exemption shall submit the following to the Superintendent, the Department of Finance, and the budget committees of both houses of the Legislature:

(1) By September 1, 2019, a report containing the administrator-to-teacher ratio calculated pursuant to this article for the 2011–12 fiscal year to the 2019–20 fiscal year, inclusive, a description of the reasons for not meeting the ratio requirement for each fiscal year in which the ratio was not met, including the estimated impact on pupils, and a plan setting out goals for meeting the ratio by the 2023–24 fiscal year.

(2) By each September 1 from 2020 to 2022, inclusive, a report detailing the administrator-to-teacher ratio calculated pursuant to this article for the prior fiscal year and the progress towards meeting the goals set out in the report provided pursuant to subdivision (a).

(b) The Los Angeles Unified School District shall submit the following to the Superintendent, the Department of Finance, and the budget committees of both houses of the Legislature:

(1) By September 1, 2023, a report containing the ratio of administrative employees to teachers calculated pursuant to this article for the 2011–12 fiscal year to the 2022–23 fiscal year, inclusive, a description of the reasons for not meeting the ratio requirement for each fiscal year in which the ratio was not met, including the estimated impact on pupils and the number of teachers and administrators above the required ratio, and a plan setting out goals for meeting the ratio by the 2025–26 fiscal year.

(2) By each September 1 from 2024 to 2025, inclusive, a report detailing the ratio of administrative employees to teachers calculated pursuant to this article, including the number of teachers and administrators above the required ratio, for the prior fiscal year and the progress towards meeting the goals set out in the report provided pursuant to paragraph (1).

**SEC. 5.** The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances facing the Los Angeles Unified School District, including being the second largest school district in the country and the largest school district in California.

**SEC. 6.** 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.