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AB-721 School districts: budgets: public hearings: notice. (2023-2024)

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Date Published: 10/16/2023 02:00 PM

Assembly Bill No. 721

CHAPTER 811

An act to amend, repeal, and add Section 42103 of the Education Code, relating to school districts.

[Approved by Governor October 13, 2023. Filed with Secretary of State October 13, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 721, Valencia. School districts: budgets: public hearings: notice.

Existing law requires the governing board of each school district to hold a public hearing on the proposed budget of the school district in a school district facility, or some other place conveniently accessible to the residents of the school district, as specified. Existing law requires notification of the dates and location or locations at which the proposed budget may be inspected by the public, and the date, time, and location of the public hearing on the proposed budget, to be published by the county superintendent of schools in a newspaper of general circulation in the school district or, if there is no newspaper of general circulation in the school district, in any newspaper of general circulation in the county, at least 3 days before the availability of the proposed budget for public inspection.

This bill, on January 1, 2027, would repeal the requirement to publish that information in a newspaper of general circulation and instead require the information to be posted prominently on the homepage of the internet website of the school district at least 3 days before the availability of the proposed budget for public inspection. The bill would require each county superintendent of schools to verify the posting or publishing requirement, as applicable, is met for all school districts in their jurisdiction. By imposing additional duties on local educational agency officials, the bill would impose a state-mandated local program.

The bill would require the State Department of Education to select 3 school districts that agree to provide information to the department regarding how the school district communicates with the school community within the school district, as provided. The bill would require the participating school districts to provide specified information to the department on or before December 31, 2024, on or before December 31, 2025, and on or before December 31, 2026.

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.

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

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

SECTION 1. Section 42103 of the Education Code is amended to read:

42103. (a) The governing board of each school district shall hold a public hearing on the proposed budget in a school district facility, or some other place conveniently accessible to the residents of the school district. The public hearing shall be held any day on or before the date specified for this purpose in subdivision (a) of, or paragraph (3) of subdivision (d) of, Section 42127, but not less than three working days following availability of the proposed budget for public inspection. At the hearing, any resident in the school district may appear and object to the proposed budget or any item in the budget.

(b) The public hearing required by this section may be concluded on the proposed budget when there are no requests for further hearing on file, and shall be concluded no later than the date specified for this purpose in subdivision (a) of, or paragraph (3) of subdivision (d) of, Section 42127. The budget shall not be finally adopted by the governing board of the school district until after the public hearing has been held.

(c) The proposed budget shall show expenditures, cash balances, and all revenues, as required to be tabulated pursuant to Sections 42122 and 42123, and also shall include an estimate of those figures, unaudited, for the preceding fiscal year. In addition, any tax statement submitted by the governing board of the school district pursuant to subdivision (a) of Section 42127, any school district tax requirement computed pursuant to subdivision (b) of Section 42127 for the school year to which the proposed budget is intended to apply, and any recommendations made by the county superintendent of schools pursuant to subdivision (d) of Section 42127 shall be made available by the school district for public inspection in a facility of the school district or in some other place conveniently accessible to residents of the school district.

(d) (1) (A) Notification of the dates and location or locations at which the proposed budget may be inspected by the public, and the date, time, and location of the public hearing on the proposed budget, shall be published by the school district or the county superintendent of schools on behalf of the school district, in a newspaper of general circulation in the school district or, if there is no newspaper of general circulation in the school district, in any newspaper of general circulation in the county, at least three days before the availability of the proposed budget for public inspection.

(B) The publication of the dates and locations pursuant to subparagraph (A) shall occur no earlier than 45 days before the final date for the hearing as specified in subdivision (a) of, or paragraph (3) of subdivision (d) of, Section 42127, but not less than 10 days before the date set for hearing. The cost of the publication shall be a legal and proper charge against the school district for which the publication is made.

(2) A school district may also post the notice described in paragraph (1) on the school district's internet website.

(3) Each county superintendent of schools shall verify that the publishing requirement described in paragraph (1) is met for all school districts in their jurisdiction.

(e) (1) The department shall select three school districts that agree to provide information to the department regarding how the school district communicates with the school community within the school district. The department shall select school districts from the northern, southern, and central regions of the state and from urban, rural, and suburban areas, so that the school districts are broadly representative of the geographic diversity of the state.

(2) (A) A participating school district shall provide all of the following information to the department:

(i) How the school community receives or accesses information from the school district.

(ii) The types of information posted on the school district's internet website.

(iii) The effectiveness of information posted on the school district's internet website for communicating with the school community.

(iv) Other methods by which the school district communicates with the school community aside from posting information on the school district's internet website and the effectiveness of those other methods.

(v) Recommendations for how the school district can improve communication with the school community.

(vi) Any other information the department requests relating to how the school district communicates with the school community within the school district.

(B) A participating school district shall solicit feedback from the larger school community, including, but not limited to, the parents and guardians of pupils enrolled in the school district, for purposes of this subdivision.

(3) A participating school district shall provide the information described in paragraph (2) to the department on or before December 31, 2024, on or before December 31, 2025, and on or before December 31, 2026.

(f) This section shall remain in effect only until January 1, 2027, and as of that date is repealed.

SEC. 2. Section 42103 is added to the Education Code, to read:

42103. (a) The governing board of each school district shall hold a public hearing on the proposed budget in a school district facility, or some other place conveniently accessible to the residents of the school district. The public hearing shall be held any day on or before the date specified for this purpose in subdivision (a) of, or paragraph (3) of subdivision (d) of, Section 42127, but not less than three working days following availability of the proposed budget for public inspection. At the hearing, any resident in the school district may appear and object to the proposed budget or any item in the budget.

(b) The public hearing required by this section may be concluded on the proposed budget when there are no requests for further hearing on file, and shall be concluded no later than the date specified for this purpose in subdivision (a) of, or paragraph (3) of subdivision (d) of, Section 42127. The budget shall not be finally adopted by the governing board of the school district until after the public hearing has been held.

(c) The proposed budget shall show expenditures, cash balances, and all revenues, as required to be tabulated pursuant to Sections 42122 and 42123, and also shall include an estimate of those figures, unaudited, for the preceding fiscal year. In addition, any tax statement submitted by the governing board of the school district pursuant to subdivision (a) of Section 42127, any school district tax requirement computed pursuant to subdivision (b) of Section 42127 for the school year to which the proposed budget is intended to apply, and any recommendations made by the county superintendent of schools pursuant to subdivision (d) of Section 42127 shall be made available by the school district for public inspection in a facility of the school district or in some other place conveniently accessible to residents of the school district.

(d) (1) (A) Notification of the dates and location or locations at which the proposed budget may be inspected by the public, and the date, time, and location of the public hearing on the proposed budget, shall be posted prominently on the homepage of the internet website of the school district at least three days before the availability of the proposed budget for public inspection.

(B) The posting of the dates and locations pursuant to subparagraph (A) shall occur no earlier than 45 days before the final date for the hearing as specified in subdivision (a) of, or paragraph (3) of subdivision (d) of, Section 42127, but not less than 10 days before the date set for hearing.

(2) The notice described in paragraph (1) may also be published by the school district, or the county superintendent of schools on behalf of the school district, in a newspaper of general circulation in the school district or in any newspaper of general circulation in the county.

(3) Each county superintendent of schools shall verify that the posting requirement described in paragraph (1) is met for all school districts in their jurisdiction.

(e) This section shall become operative on January 1, 2027.

SEC. 3. 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.