

1988

School Funding

Follow this and additional works at: http://repository.uchastings.edu/ca_ballot_props

Recommended Citation

School Funding California Proposition 98 (1988).
http://repository.uchastings.edu/ca_ballot_props/979

This Proposition is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Propositions by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.

Official Title and Summary Prepared by the Attorney General

SCHOOL FUNDING. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE. Amends State Constitution by establishing a minimum level of state funding for school and community college districts; transferring to such districts, within limits, state revenues in excess of State's appropriations limit; and exempting excess funds from appropriations limit. Adds provisions to Education Code requiring excess funds to be used solely for instructional improvement and accountability and requiring schools to report student achievement, drop-out rates, expenditures per student, progress toward reducing class size and teaching loads, classroom discipline, curriculum, quality of teaching, and other school matters. Contains other provisions. Summary of Legislative Analyst's estimate of net state and local government fiscal impact: Meeting the required minimum funding level for schools and community college districts will result in state General Fund costs of \$215 million in 1988-89. No excess state revenues are expected in 1988-89 for transfer to schools and community colleges. Local administrative costs are estimated to be \$2 million to \$7 million a year for preparation and distribution of School Accountability Report Cards. No fiscal effect can be identified for the required prudent reserve fund.

Analysis by the Legislative Analyst

Background

The state provides funding for public schools and community colleges, adjusted each year to reflect changes in inflation and student enrollment.

Under the California Constitution, most government entities (including the state and local school districts) have a limit on the amount of tax revenues they can appropriate each year, adjusted annually to reflect changes in inflation and population. Whenever a government entity does not appropriate all of its tax revenues, these "excess revenues" must be returned to taxpayers.

Proposal

This measure makes changes in the way the state funds public schools and treats excess revenues. Specifically, the measure does the following:

- Establishes a minimum level of funding for public schools and community colleges.
- Requires the state to spend any excess revenues, up to a specified maximum, for public schools and community colleges. Other provisions of the measure would (a) increase the state's appropriations limit so that these funds may be spent and (b) raise the minimum level of funding for public schools and community colleges by the amount of excess revenues they receive.
- Requires the Legislature to establish a state reserve fund.
- Requires school districts to prepare and distribute "School Accountability Report Cards" each year.

Minimum Funding Level. Starting in 1988-89, this measure requires the state to provide a minimum level of funding for public schools and community colleges.

The measure specifies two methods for determining what the minimum funding level should be and requires the state to use the method that results in the *larger* amount.

- The first method would require the state to ensure that the percentage of State General Fund revenue that is allocated to public schools and community

colleges is not less than the percentage that was allocated to them in 1986-87.

- The second method would require the state to ensure that public schools and community colleges receive from state and local tax revenues the same total amount of funds received from these sources in the prior year, adjusted for changes in inflation and increases in enrollment.

The measure permits the enactment of legislation by a two-thirds vote, to suspend the minimum funding requirement for one year.

Distribution of Excess Revenues. This measure requires any excess revenues to be distributed to public schools and community colleges rather than returned to taxpayers. The measure limits the amount the state may distribute each year to 4 percent of the minimum school funding level. In 1988-89, this limit would be about \$500 million. Any remaining amount above this limit would be returned to taxpayers.

If excess revenues are distributed in any year, the measure requires that the state's appropriations limit be increased by this amount in the next year. Any excess revenues that public schools or community colleges receive would permanently increase their minimum funding levels.

The measure requires public schools and community colleges to use these additional funds for "instructional improvement and accountability." It also requires that these funds be in addition to—rather than a replacement for—other funding and be kept in a separate account.

The distribution of excess revenues to public schools would not be required in any year in which the Superintendent of Public Instruction and the Director of Finance determine that *both* of the following conditions have been met:

- The annual expenditure per student in California is equal to or greater than the average annual expenditure per student of the 10 states with the highest annual expenditures per student for elementary and high schools.

- The average class size in California is equal to or less than the average class size of the 10 states with the lowest class size for elementary and high schools.

Similarly, the distribution of excess revenues to community colleges would not be required in any year in which the Chancellor of the California Community Colleges and the Director of Finance determine that the annual expenditure per student in California is equal to or greater than the annual expenditure per student of the 10 states with the highest annual expenditures per student for community colleges.

School Accountability Report Card. This measure requires the Superintendent of Public Instruction to appoint and consult with a task force to develop a model School Accountability Report Card by March 1, 1989. The model report card would contain information on a variety of school conditions, including student achievement, dropout rates, expenditures, class size, teacher assignment, textbook quality, student services, school safety, teacher evaluation and staff development, classroom discipline, and instructional quality.

This measure requires each public school district to issue an annual School Accountability Report Card for each of its schools, beginning in 1989-90. The measure does not require school districts to adopt the statewide model but, at a minimum, each report card must contain information on the conditions listed above.

State Reserve Fund. This measure requires the Legislature to establish a prudent state reserve fund each year. The measure does not specify the amount of the reserve.

Fiscal Effect

Minimum Funding Level. This measure would result in State General Fund costs of about \$215 million in 1988-89. This would bring funding for public schools and community colleges to the same percentage level they had in 1986-87. There would be unknown increases in General Fund costs in the future to maintain school funding at the minimum funding level.

Excess Revenues. It is unclear at this time whether the state will have excess revenues in 1988-89. If there are such excess revenues in 1988-89 or in future years, they would be distributed to public schools and community colleges, up to the specified annual maximum—\$500 million in 1988-89.

Report Cards. It would cost local schools from \$2 million to \$7 million each year to prepare and distribute the School Accountability Report Cards.

State Reserve Fund. The requirement to establish a state reserve fund would have no fiscal effect because the state already maintains a reserve fund and the measure does not specify an amount that must be allocated to it.

Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the Constitution.

This initiative measure expressly amends the Constitution by amending and adding sections thereto, and adds sections to the Education Code; therefore, existing sections proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. *This Act shall be known as "The Classroom Instructional Improvement and Accountability Act"*

SECTION 2. *Purpose and Intent. The People of the State of California find and declare that:*

(a) *California schools are the fastest growing in the nation. Our schools must make room for an additional 130,000 students every year.*

(b) *Classes in California's schools have become so seriously overcrowded that California now has the largest classes of any state in the nation.*

(c) *This act will enable Californians to once again have one of the best public school systems in the nation.*

(d) *This act will not raise taxes.*

(e) *It is the intent of the People of California to ensure that our schools spend money where it is most needed. Therefore, this Act will require every local school board to prepare a School Accountability Report Card to guarantee accountability for the dollars spent.*

(f) *This Act will require that excess state funds be used directly for classroom instructional improvement by providing for additional instructional materials and reducing class sizes.*

(g) *This Act will establish a prudent state reserve to enable California to set aside funds when the economy is strong and prevent cutbacks or tax increases in times of severe need or emergency.*

SECTION 3. Section 5.5 is hereby added to Article XIII B as follows:

SECTION 5.5. *Prudent State Reserve. The Legislature shall establish a prudent state reserve fund in such amount as it shall deem reasonable and necessary. Contributions to, and withdrawals from, the shall be subject to the provisions of Section 5 of this Article.*

SECTION 4. Section 2 of Article XIII B is hereby amended to read as follows:

SECTION 2. *Revenues in Excess of Limitation.*

(a) *All revenues received by the state in excess of that amount which is appropriated by the state in compliance with this Article, and which would otherwise be required, pursuant to subdivision (b) of this*

Section, to be returned by a revision of tax rates or fee schedules within the next two subsequent fiscal years, shall be transferred and allocated pursuant to Section 8.5 of Article XVI up to the maximum amount permitted by that section.

(b) *Except as provided in subdivision (a) of this Section, Revenues received by any entity of government in excess of that amount which is appropriated by such entity in compliance with this Article during the fiscal year shall be returned by a revision of tax rates or fee schedules within the next two subsequent fiscal years.*

SECTION 5. Section 8 of Article XVI is hereby amended to read as follows:

SECTION 8. *School Funding Priority*

(a) *From all state revenues there shall first be set apart the monies to be applied by the state for support of the public school system and public institutions of higher education.*

(b) *Commencing with the 1988-89 fiscal year, the monies to be applied by the state for the support of school districts and community college districts shall be not less than the greater of:*

(1) *The amount which, as a percentage of the State General Fund revenues which may be appropriated pursuant to Article XIII B, equals the percentage of such State General Fund revenues appropriated for school districts and community college districts, respectively, in fiscal year 1986-87; or*

(2) *The amount required to ensure that the total allocations to school districts and community college districts from the State General Fund proceeds of taxes appropriated pursuant to Article XIII B and allocated local proceeds of taxes shall not be less than the total amount from these sources in the prior year, adjusted for increases in enrollment, and adjusted for changes in the cost of living pursuant to the provisions of Article XIII B.*

(c) *The provisions of subdivision (b) of this Section may be suspended for one year by the enactment of an urgency statute pursuant to Section 8 of Article IV, provided that no urgency statute enacted under this subdivision may be made part of or included within any bill enacted pursuant to Section 12 of Article IV.*

SECTION 6. Section 8.5 of Article XVI is hereby added as follows:

SECTION 8.5. *Allocations to State School Fund*

(a) *In addition to the amount required to be applied for the support of school districts and community colleges pursuant to Section 8(b), the Controller shall during each fiscal year transfer and allocate all revenues available pursuant to subdivision (a) of Section 2 of Article*

Argument in Favor of Proposition 98

Proposition 98, the School Funding for Instructional Improvement and Accountability Initiative, is a well-thought-out plan for California's schools to once again be among the very best in the nation. Proposition 98 will not raise taxes; it just tells the politicians how to spend state funds to make our schools better.

- Today, classes are overcrowded. California packs more students into its schoolrooms than any other state. And 140,000 more young people are entering our schools each and every year.
- We can't give enough attention to essential subjects and we've had to eliminate some courses entirely.
- We have far too few counselors to help our youth plan their educational and job futures, and to work with those who show signs of delinquency and drug abuse.

In the last ten years the percentage of local property tax dollars used to support local schools has decreased from 43% to 32%. The percentage of our personal income spent on public education has declined from 4.6% to 3.3%, which means a loss of \$1,000 a year per student.

Those are only a few of our schools' problems. But they're big ones. And unless we, the voters, do something about them, our state's economy and every Californian's well-being will suffer.

It wasn't always this way.

By 1910, a provision was added to the California Constitution which required that the Legislature first set aside funds for the "support of the public school system."

Beginning in the 1920s the State Constitution required a minimum amount of money be spent on each student. And over the years the specific dollar amount spent on each child was adjusted for inflation.

All that has changed.

Every year for the last ten years, our schools asked the

politicians for help. Year after year they said, "We'd like to help, but we just can't agree among ourselves."

We are asking you to step in and reestablish public education as a first priority in our state.

We recognize that there'll never be enough money for everything.

But, since our elected leaders in Sacramento cannot seem to agree on how to spend existing tax dollars, the schoolteachers and the PTA have written a plan for school funding, instructional improvement, and accountability.

- Proposition 98 takes school financing out of politics by ensuring a minimum funding level for schools which the Legislature and Governor must honor except in fiscal emergencies.
- Proposition 98 requires that if there is a state budget surplus over and above the government spending limit, the money that goes for education can only be used for instructional improvements, paying teachers, or reducing class size.
- Proposition 98 makes schools accountable by requiring that each school make public a progress report on test scores, dropout rates, classroom discipline, class size, instructional materials, the quality of instruction and school leadership.

We're proud that over 1,000,000 Californians signed our initiative and put it on the ballot. Proposition 98 gives us a chance to make our schools number one again.

Please vote "YES" on Proposition 98, the School Funding for Instructional Improvement and Accountability Initiative.

ED FOGLIA

President, California Teachers Association

HELEN H. LINDSEY

President, California State PTA

Rebuttal to Argument in Favor of Proposition 98

Despite the claims of its supporters, Proposition 98 will do nothing to improve the quality of education in California. It will not improve student performance or make teachers and administrators more accountable. It will likely cause an increase in your taxes.

Proposition 98 is an attempt by the teachers' unions and the educational bureaucracy to guarantee a certain level of state funding for K-12th-grade schools and community colleges—regardless of any other vital state and local needs, and regardless of whether they are doing a good job in spending those funds and teaching our children.

This year, California will invest more than \$20 billion in our K-12th-grade schools—an increase of nearly \$8 billion in the past five years. Total school funding has increased 78 percent during this time period—far in excess of inflation. With this level of support, many people believe that California's schools should be doing better.

The proponents of Proposition 98 don't realize that

bigger budgets don't necessarily buy better schools. Many of the most effective reforms taking place in our classrooms today—such as more homework, greater parental involvement, increased discipline and more rigorous courses—do not take additional money. They are the result of increased commitment by principals, teachers, students and parents.

If California hopes to retain its place as a leadership state, we need to provide our students with quality education—but Proposition 98 will do nothing to help us meet this goal.

VOTE NO ON PROPOSITION 98.

GEORGE DEUKMEJIAN

Governor

GEORGE CHRISTOPHER

Chairman, California Commission on Educational Quality

RICHARD P. SIMPSON

Executive Vice President, California Taxpayers' Association

Argument Against Proposition 98

Education is already California's top budget priority. Over 50% of all the dollars that you pay into the state's General Fund are spent on schools. **SINCE 1982, CALIFORNIA'S PUBLIC SCHOOLS HAVE RECEIVED A 78% INCREASE IN FUNDING, WHILE STUDENT ENROLLMENT HAS RISEN ONLY 14%.** Average teacher salaries are now the fifth highest in the nation.

Since 1982, the Governor and the Legislature have provided schools with funding increases every year. Proposition 98 would place a provision in the Constitution which mandates a certain level of school funding *even if it means cutting other services, such as health care for senior citizens, funds to fight drug trafficking or programs to reduce traffic congestion.*

Proposition 98 would place all other important state services at risk. Proposition 98 would throw away the

reasonable limit on state spending imposed by a vote of the people. In just a few years, Proposition 98 would surely require a major tax increase.

And for what? Proposition 98 will certainly increase the level of school bureaucracy, but does it guarantee that your children will receive better schooling? Absolutely not!

If you want to continue to increase funding and quality of education *without* raising taxes and *without* cutting other services such as health care, transportation and public safety, then vote "NO" on Proposition 98.

GEORGE DEUKMEJIAN
Governor

GEORGE CHRISTOPHER
Chairman, California Commission on Educational Quality

RICHARD P. SIMPSON
Executive Vice President, California Taxpayers' Association

Rebuttal to Argument Against Proposition 98

By including hundreds of millions of dollars spent on state universities and colleges, opponents of Proposition 98 attempt to make it seem that all is well in our public elementary and high schools.

But using "statistics" cannot hide the simple truth. **How many dollars do we spend just one real dollar more per student per day in our schools than 10 years ago.**

That puts California 48th among the 50 states in percent of personal income spent on schools.

We rank dead last on average class size.

- | | | |
|------------------|-------------------|------------------|
| 1. Vermont | 10. Nebraska | 19. Maine |
| 2. Wyoming | 11. North Dakota | 20. Oklahoma |
| 3. Connecticut | 12. Montana | 21. Pennsylvania |
| 4. Massachusetts | 13. South Dakota | 22. Illinois |
| 5. New York | 14. West Virginia | 23. Virginia |
| 6. Kansas | 15. Iowa | 24. Maryland |
| 7. Rhode Island | 16. Wisconsin | 25. Florida |
| 8. New Jersey | 17. Delaware | 26. Minnesota |
| 9. New Hampshire | 18. Missouri | 27. Oregon |

- | | | |
|--------------------|--------------------|----------------|
| 28. South Carolina | 36. Kentucky | 44. Alabama |
| 29. Arizona | 37. Indiana | 45. Tennessee |
| 30. Texas | 38. Georgia | 46. Michigan |
| 31. Louisiana | 39. Ohio | 47. Washington |
| 32. Arkansas | 40. North Carolina | 48. Idaho |
| 33. New Mexico | 41. Hawaii | 49. Utah |
| 34. Mississippi | 42. Alaska | 50. California |
| 35. Colorado | 43. Nevada | |

Proposition 98 only guarantees schools as much money as they received in the last year adjusted to pay for new children and inflation. It does not raise taxes.

It reforms the system by requiring that extra money is only spent for instructional improvement.

And it sets up a comprehensive program which holds educators accountable for the job they do and the tax dollars they spend.

BILL HONIG
State Superintendent of Public Instruction

RAY TOLCACHER
President, Association of California School Administrators

assign a specific date and time as approved by the court for appearance by the person contesting the violation and shall then file a complaint and a copy of the notice of delinquent violation with the court pursuant to Section 31027 within 15 days. The processing agency shall notify the person contesting the violation of the date and time for appearance. Thereafter, all proceedings including the imposition of any penalties and fees shall be conducted by the court in the same manner as infraction violations of the Vehicle Code.

(b) Neither the outcome of a processing agency's action pursuant to paragraph (1) of subdivision (a) of this section, nor the court's verdict upon a referral pursuant to paragraph (2) of subdivision (a) of this section, shall be admissible in any subsequent criminal proceeding.

31025. Circumstances Requiring Termination of Proceedings on Notice of Delinquent Violation. The processing agency shall terminate proceedings on the notice of delinquent violation in either of the following cases:

(a) Upon receipt of collected penalties and applicable fees for that notice of delinquent violation. The termination under this subdivision is by satisfaction of the penalty.

(b) Upon a verdict of not guilty from a court of competent jurisdiction.

31026. Deposit of Penalties.

Any penalties which are received by a processing agency or court under this chapter shall be deposited pursuant to chapter 3 of this division.

31027. Filing of Complaint; Notice of Delinquent Violation; Jurisdiction of Court

(a) When a processing agency files a complaint with the court pursuant to Section 31023 or Section 31024, a copy of the notice of delinquent violation issued for service under Section 31020 shall be filed with the court within 15 days and, if prepared in the form approved by the Judicial Council shall be treated as a written notice to appear.

(b) After filing of a complaint or a notice of delinquent violation under this section, the court shall exercise all further jurisdiction over the violation. Any fines or forfeitures collected by the court, after filing of a complaint, shall be collected, deposited, and disbursed pursuant to the provisions of chapter 3 of this division.

CHAPTER 3. DISPOSITION OF FUNDS

31040. Disposition of Funds. Notwithstanding any other provision of law,

Proposition 96: Text of Proposed Law

Continued from page 71

should continue to monitor their own health and should consult a physician as appropriate."

person subject to the test is a minor, copies of the test result shall also be made available to the minor's parents or guardian.

(e) The court shall order all persons, other than the test subject, who receive test results pursuant to Sections 199.96 or 199.97, to maintain the confidentiality of personal identifying data relating to the test results except for disclosure which may be necessary to obtain medical or psychological care or advice.

(f) The specimens and the results of tests ordered pursuant to Sections 199.96 and 199.97 shall not be admissible evidence in any criminal or juvenile proceeding.

(g) Any person performing testing, transmitting test results, or disclosing information pursuant to the provisions of this chapter shall be immune from civil liability for any action undertaken in accordance with the provisions of this chapter.

199.99. Custodial Safety.

(a) Any medical personnel employed by, under contract to, or receiving payment from the State of California, any agency thereof, or any county, city, or county and county to provide service at any state prison, the Medical Facility, any Youth Authority institution, any county jail, city jail, hospital jail ward, juvenile hall, juvenile detention facility, or any other facility in which adults are held in custody or minors are detained, or any medical personnel employed, under contract, or receiving payment to provide services to persons in custody or detained at any of the foregoing facilities, who receives information as specified herein that an inmate or minor at such a facility has been exposed to or infected by the AIDS virus or has an AIDS-related condition or any communicable disease, shall communicate such information to the officer in charge of the facility in which such inmate or minor is in custody or detained.

(b) Information subject to disclosure under subsection (a) shall include the

including but not limited to any provision relating to state funding of trial courts by block grant or other means, the total amount of penalties received by a processing agency or court under this division shall be allocated as follows:

(a) An amount equal to ten percent shall be retained in the county treasury or general fund, at the direction of the Board of Supervisors, for the purpose of paying administrative costs incurred by issuing agencies under this division;

(b) An amount equal to eighty percent shall be transferred each month to the California Emergency Housing and Nutrition Fund, pursuant to the provisions of Section 8699.40 of the Government Code;

(c) An amount equal to ten percent shall be transferred each month to the California Housing Fund, pursuant to the provisions of Section 8699.30 of the Government Code.

(d) All processing fees shall be deposited with the county for reimbursement to the processing agency or court.

(e) Pursuant to a finding by the board of directors of the Corporation for California that amounts retained in county treasuries and general funds under subdivision (a) of this section are insufficient to pay administrative costs incurred by issuing agencies under this division, the board may increase the allocation of funds under subdivision (a) of this section up to but not exceeding an amount equal to twenty-five percent (25%) of the total amount of penalties received by a processing agency or court under this division, and may make such other allocations of funds to the California Emergency Housing and Nutrition Fund and the California Housing Fund as may be required to achieve the purposes of this subdivision.

31041. State Funding of Courts. Except as provided in Section 31017 and 31040, nothing in this division is intended to affect, reduce, or otherwise alter the participation of any county in the Court Funding Trust Account or other programs providing state funding of trial courts pursuant to Chapter 13 (commencing with Section 77000) of Title 8 of the Government Code.

SECTION 9. To the extent that this Act is inconsistent with any other governmental statute or special act or parts thereof, this Act is controlling and shall be liberally construed to effect its purpose.

SECTION 10. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, shall be held invalid, the remainder of this Act, to the extent that it can be given effect, shall not be affected thereby, and to this end the provisions of this Act are severable.

following: any laboratory test which indicates exposure to or infection by the AIDS virus, AIDS-related condition, or other communicable diseases; any statement by the inmate or minor to medical personnel that he or she has AIDS or an AIDS-related condition, has been exposed to the AIDS virus, or has any communicable disease; the results of any medical examination or test which indicates that the inmate or minor has tested positive for antibodies to the AIDS virus, has been exposed to the AIDS virus, has an AIDS-related condition, or is infected with AIDS or any communicable disease; provided, that information subject to disclosure shall not include information communicated to or obtained by a scientific research study pursuant to prior written approval expressly waiving disclosure under this section by the officer in charge of the facility.

(c) The officer in charge of the facility shall notify all employees, medical personnel, contract personnel, and volunteers providing services at such facility who have or may have direct contact with the inmate or minor in question, or with bodily fluids from such inmate or minor, of the substance of the information received under subsections (a) and (b) so that such persons can take appropriate action to provide for the care of such inmate or minor, the safety of other inmates or minors, and their own safety.

(d) The officer in charge and all persons to whom information is disclosed pursuant to this section shall maintain the confidentiality of personal identifying data regarding such information, except for disclosure authorized hereunder or as may be necessary to obtain medical or psychological care or advice.

(e) Any person who wilfully discloses personal identifying data regarding information obtained under this section to any person who is not a peace officer or an employee of a federal, state, or local public health agency, except as authorized hereunder, by court order, with the written consent of the patient or as otherwise authorized by law, is guilty of a misdemeanor.

SECTION 2. Effective Date; Retrospective Application.

This initiative and its statutory amendments shall take effect the day after the election and shall be construed to apply retrospectively to pending complaints and petitions, regardless of when the underlying actions took place, and to information subject to disclosure hereunder obtained prior to its effective date, to the maximum extent permitted by law.

Proposition 98: Text of Proposed Law

Continued from page 79

XIIIB, up to a maximum of four percent (4%) of the total amount required pursuant to Section 8(b) of this Article, to that portion of the State School Fund restricted for elementary and high school purposes, and to that portion of the State School Fund restricted for community college purposes, respectively, in proportion to the enrollment in school districts and community college districts respectively.

(1) With respect to funds allocated to that portion of the State School Fund restricted for elementary and high school purposes, no transfer or allocation of funds pursuant to this section shall be required at any time that the Director of Education and the Superintendent of Public Instruction mutually determine that current annual expenditures per student equal or exceed the average annual expenditure per student of the ten states with the highest annual expenditures per student for elementary and high schools, and that average class size equals or is less than the average class size of the ten states with the lowest class size for elementary and high schools.

(2) With respect to funds allocated to that portion of the State School Fund

restricted for community college purposes, no transfer or allocation of funds pursuant to this section shall be required at any time that the Director of Finance and the Chancellor of Community Colleges mutually determine that current annual expenditures per student for community colleges in this state equal or exceed the average annual expenditure per student of the ten states with the highest annual expenditures per student for community colleges.

(b) Notwithstanding the provisions of Article XIIIB, funds allocated pursuant to this section shall not constitute appropriations subject to limitation, but appropriation limits established in Article XIIIB shall be annually increased for any such allocations made in the prior year.

(c) From any funds transferred to the State School Fund pursuant to paragraph (a) of this Section, the Controller shall each year allocate to each school district and community college district an equal amount per enrollment in school districts from the amount in that portion of the State School Fund restricted for elementary and high school purposes and an equal amount per enrollment in community college districts from that portion of the State School Fund restricted for community college purposes.

(d) All revenues allocated pursuant to subdivision (a) of this section, together

with an amount equal to the total amount of revenues allocated pursuant to subdivision (a) of this section in all prior years, as adjusted if required by Section 8(b)(2) of Article XVI, shall be expended solely for the purposes of instructional improvement and accountability as required by law.

(e) Any school district maintaining an elementary or secondary school shall develop and cause to be prepared an annual audit accounting for such funds and shall adopt a School Accountability Report Card for each school.

SECTION 7. Section 33126 is hereby added to Article 2 of Chapter 2 of Part 20 of Division 2 of Title 2 of the Education Code to read as follows:

33126. School Accountability Report Card

In order to promote a model statewide standard of instructional accountability and conditions for teaching and learning, the Superintendent of Public Instruction shall by March 1, 1989, develop and present to the Board of Education for adoption a statewide model School Accountability Report Card.

(a) The model School Accountability Report Card shall include, but is not limited to, assessment of the following school conditions:

- (1) Student achievement in and progress toward meeting reading, writing, arithmetic and other academic goals.
- (2) Progress toward reducing drop-out rates.
- (3) Estimated expenditures per student, and types of services funded.
- (4) Progress toward reducing class sizes and teaching loads.
- (5) Any assignment of teachers outside their subject areas of competence.
- (6) Quality and currency of textbooks and other instructional materials.
- (7) The availability of qualified personnel to provide counseling and other student support services.
- (8) Availability of qualified substitute teachers.
- (9) Safety, cleanliness, and adequacy of school facilities.
- (10) Adequacy of teacher evaluations and opportunities for professional improvement.

- (11) Classroom discipline and climate for learning.
- (12) Teacher and staff training, and curriculum improvement programs.
- (13) Quality of school instruction and leadership.

(b) In developing the statewide model School Accountability Report, the Superintendent of Public Instruction shall consult with a Task Force on Instructional Improvement, to be appointed by the Superintendent, composed of practicing classroom teachers, school administrators, parents, school board members, classified employees, and educational research specialists, provided that the majority of the task force shall consist of practicing classroom teachers.

SECTION 8. Section 35256 is hereby added to Article 8 of Chapter 2 of Part 20 of Division 3 of Title 2 of the Education Code to read as follows:

35256. School Accountability Report Card

The governing board of each school district maintaining an elementary or secondary school shall by September 30, 1989, or the beginning of the school year develop and cause to be implemented for each school in the school district a School Accountability Report Card.

(a) The School Accountability Report Card shall include, but is not limited to, the conditions listed in Education Code Section 33126.

(b) Not less than triennially, the governing board of each school district shall compare the content of the school district's School Accountability Report Card to the model School Accountability Report Card adopted by the State Board of Education. Variances among school districts shall be permitted where necessary to account for local needs.

(c) The Governing Board of each school district shall annually issue a School Accountability Report Card for each school in the school district, publicize such reports, and notify parents or guardians of students that a copy will be provided upon request.

SECTION 9. Section 41300.1 is hereby added to Article 1 of Chapter 3 of Part 24 of Division 3 of Title 2 of the Education Code to read as follows:

41300.1 Instructional Improvement and Accountability.

The amount transferred to Section A of the State School Fund pursuant to Section 8.5 of Article XVI of the State Constitution shall to the maximum extent feasible be expended or encumbered during the fiscal year received and solely for the purpose of instructional improvement and accountability.

(a) For the purpose of this section, "instructional improvement and accountability" shall mean expenditures for instructional activities for school sites which directly benefit the instruction of students, and shall be limited to expenditures for the following:

- (1) Lower pupil-teacher ratios until a ratio is attained of not more than 20 students per teacher providing direct instruction in any class, and until a goal is

attained of total teacher loads of less than 100 total students per teacher in all secondary school classes in academic subjects as defined by the Superintendent of Public Instruction.

(2) Instructional supplies, instructional equipment, instructional materials and support services necessary to improve school conditions.

(3) Direct student services needed to ensure that each student makes progress necessary to be promoted to the next appropriate grade level.

(4) Staff development which improves services to students or increases the quality and effectiveness of instructional staff, designed and implemented by classroom teachers and other participating school district personnel, including the school principal, with the aid of outside personnel as necessary. Classroom teachers shall comprise the majority of any group designated to design such staff development programs for instructional personnel.

(5) Compensation of teachers.

(b) Funds transferred to each school district, pursuant to this section shall be deposited in a separate account and shall be maintained and appropriated separately from funds from all other sources. Funds appropriated pursuant to this section shall supplement other resources of each school district and shall not supplant any other funds.

SECTION 10. Section 14020.1 is hereby added to Article 1 Chapter 1 of Part 9 of Division 1 of Title 1 of the Education Code to read as follows:

14020.1 Instructional Improvement and Accountability.

The amount transferred to Section B of the State School Fund pursuant to Section 8.5 of Article XVI of the State Constitution shall to the maximum extent feasible be expended or encumbered during the year received solely for the purposes of instructional improvement and accountability.

(a) For the purposes of this section, "instructional improvement and accountability" shall mean expenditures for instructional activities for college sites which directly benefit the instruction of students and shall be limited to expenditures for the following:

(1) Programs which require individual assessment and counseling of students for the purpose of designing a curriculum for each student and establishing a period of time within which to achieve the goals of that curriculum and the support services needed to achieve these goals, provided that any such program shall first have been approved by the Board of Governors of Community Colleges.

(2) Instructional supplies, instructional equipment, and instructional materials and support services necessary to improve campus conditions.

(3) Faculty development which improves instruction and increases the quality and effectiveness of instructional staff, as mutually determined by faculty and the community college district governing board.

(4) Compensation of faculty.

(b) Funds transferred to each community college district pursuant to this section shall be deposited in a separate account and shall be maintained and appropriated separately from funds from all other sources. Funds appropriated pursuant to this section shall supplement other resources of each community college district and shall not supplant funds appropriated from any other source.

SECTION 11. Section 14022 is added to the Education Code to read as follows:

14022. (a) For the purposes of Section 8 and Section 8.5 of Article XVI of the California Constitution, 'enrollment' shall mean:

(1) In community college districts, full-time equivalent students receiving services, and

(2) In school districts, average daily attendance when students are counted as average daily attendance and average daily attendance equivalents for services not counted in average daily attendance.

(b) Determination of enrollment shall be based upon actual data from prior years and for the next succeeding year such enrollments shall be estimated enrollments adjusted for actual data as actual data becomes available.

SECTION 12. Section 41302.5 is added to the Education Code to read as follows:

41302.5. For the purposes of Section 8 and Section 8.5 of Article XVI of the California Constitution, 'school districts' shall include county boards of education, county superintendents of schools and direct elementary and secondary level instructional services provided by the State of California.

SECTION 13. No provision of this Act may be changed except to further its purposes by a bill passed by a vote of two-thirds of the membership of both houses of the Legislature and signed by the Governor.

SECTION 14. Severability

If any provision of this Act, or the application of any provision of this Act to any person or circumstance, shall be held invalid, the remainder of this Act, to the extent that it can be given effect, shall not be affected thereby, and to this end the provisions of this Act are severable.

Proposition 100: Analysis

Continued from page 86

- Creates an Office of Insurance Consumer Advocate in the State Department of Justice, and
- Establishes a Senior Bureau of Investigations in the Department of Insurance to assist senior citizens with health-care insurance.

Good Driver and Other Motor Vehicle Insurance Provisions

1. Rate Reductions. This measure requires insurance companies to reduce motor vehicle insurance rates for 128

good drivers on January 2, 1989. The reductions would:

- Lower rates 20 percent below those charged on January 1, 1988;
- Apply to private passenger vehicles, trucks with a load capacity of 1,500 pounds or less, and motorcycles; and
- Apply to the liability, medical payment and collision portions of the insurance rates.

This measure generally defines a good driver as a person who during the last three years (1) held a valid driver's license, (2) had no more than one moving violation, and (3) had no accident in which he or she was