

Hearing Date: 11/20/86
File Number: CSM-4181
Staff: Rose Mary Swart
WP 1035A

TEST CLAIM
Chapter 498, Statutes of 1983
Education Code Section 51225.3
Graduation Requirements

EXECUTIVE SUMMARY

Chapter 498, Statutes of 1983 added Section 51225.3 to the Education Code. This section requires that beginning with the 1986-87 school year, no pupil shall receive a high school diploma without completing an additional science course above that which was required prior to enactment of Chapter 498/83.

The Department of Finance (DOF), in its recommendation (Attachment B), states that Section 51225.3 contains a state mandate that is not reimbursable because there is no requirement to teach science classes in a laboratory, and Section 51225.3 of the Education Code requires a school district to provide students with alternatives.

The State Department of Education found that Section 51225.3 contains a state-mandated higher level of service but indicates that some of the costs of this claim are not reimbursable.

Staff believes that a higher level of service is mandated by this statute in terms of requiring schools to provide additional science courses.

Claimant

Santa Barbara High School District

Chronology

- 4/25/85 Incomplete test claim filed with Commission on State Mandates. Claim continued for hearing pending receipt of complete test claim filing from claimant.
- 12/10/85 Documents received which comprise complete test claim filing.

5/29/86 Claim continued by claimant.

9/25/86 Claim continued by claimant.

Claim Summary

Chapter 498/83 added Education Code Section 51225.3. This section requires that for a pupil to graduate from high school the student must have completed a specified course of study. The classes needed for high school graduation as specified by Chapter 498/83 include an additional required science course in addition to the previously required science course. The statute also specifies that the two science courses include one course each in biological and physical sciences.

Departmental Recommendations

DOF states that Section 51225.3 contains a state mandate that is not reimbursable for the following reasons: 1) there is no requirement to teach science classes in a laboratory, and, 2) Section 51225.3 requires a school district to provide students with alternative means for earning the credits necessary for high school graduation. (Attachment B)

The State Department of Education (SDE) recommendation states that "Education Code Section 51225.3, as added by Chapter 498, Statutes of 1983 has imposed a reimbursable state mandate by specifying the number and length of courses required for high school graduation". The recommendation also states that "only those costs that are over and above the normal cost of operating a classroom for the required periods of instruction be considered for reimbursement". (Attachment A)

Staff Analysis

Issue #1. Does Education Code Section 51225.3(a)(1) require a higher level of service?

Chapter 498/83 added Section 51225.3 to the Education Code which specifies in subsection (a)(1), that beginning with the 1986-87 school year, no pupil shall receive a high school diploma who has not completed at least the following number of one-year courses:

- "(a) three courses in English,
- (b) two courses in mathematics,
- (c) two courses in science, including biological and physical sciences,
- (d) three courses in social studies, as specified,
- (e) one course in fine arts or foreign language,
- (f) two courses in physical education unless the pupil is exempted, and
- (g) other coursework as the governing board of the school district may by rule specify."

Prior to enactment of Chapter 498/83, one year of science was required for high school graduation. Section 51225.3 now requires two science courses. It further specifies that the curriculum include one course each of biological and physical sciences. The commission may also wish to note that Section 51225.3 has been further amended by the Legislature. Chapter 1158/85 modifies Section 51225.3 effective July 1, 1988 (see Attachment D).

The claimant alleges that in order to comply with the order of Chapter 498/83 and due to a lack of space, it had to build two new science laboratories and renovate a third science laboratory. The claimant also stated that it is not possible to have a science course laboratory class in a regular classroom because of the need for electrical and gas outlets as well as other plumbing. In addition, the claimant asserts that such facilities are required to safely conduct experiments and to adequately instruct students in the sciences. The claimant has not asserted that the renovation was intended to provide more space to accommodate students.

Santa Barbara High School District is also claiming, in addition to costs of designing, renovating and constructing science labs, furniture expenses, the costs of supplies and additional teaching staff. The district claims that the costs of compliance with Section 51225.3 at Santa Barbara High School exceed \$500,000 (Attachment E1).

The DOF recommendation stated that Chapter 498/83 contains a mandate but the mandate is not reimbursable because "although it is generally recognized that the use of a laboratory for conducting a science class enhances the learning of pupils, Chapter 498/83 did not require that science classes be taught in a laboratory setting. In addition, we do not know of any other statutes which specify that science classes must be taught in a laboratory" (Attachment B).

While there may not be statutes compelling schools to teach science classes in laboratory settings, the claimant maintains that not doing so would severely limit the teachers' ability to demonstrate scientific theories. An unequipped, regular classroom could thus have a negative impact on the students' ability to learn.

In its recommendation on this claim, the State Department of Education finds that Education Code Section 51225.3 has imposed a reimbursable state mandate by specifying the number and length of courses. SDE also supports reimbursement for retrofitting space for use as a science laboratory. The Department indicates that this is a "legitimate additional cost incurred by the district because of the provisions of E.C. 51225.3".

In summary, it appears to staff that Section 51225.3(a)(1) requires a higher level of service by doubling the science requirement for high school graduation. One one-year science course was previously required; two one-year science courses will now be the minimum allowable to earn a high school diploma. In support of staff's position, the commission may wish to note that in the Legislative Counsel's Digest of Chapter 498/83, the Legislative Counsel states that "this bill would impose a state-mandated local program by increasing those requirements" (see Attachment E).

Issue #2. Does the requirement to provide alternative means to complete the prescribed course of study mean that the alternatives set forth in Section 51225.3(b) prevent the requirements of Section 51225.3(a)(1) from comprising a state-mandated higher level of service?

DOF, in its recommendation, states its position regarding alternative courses as follows:

"Section 51225.3 of the Education Code specified certain course requirements for a pupil to receive a diploma of graduation, it also provides (as did previous law) that the governing board, with the involvement of parents and others, shall adopt alternative means for students to complete the prescribed course of study. Therefore, the claimant or other school districts are not specifically required to provide classrooms or teachers for the courses specified in Section 51225.3 of the Education Code. In order to provide the means for students to complete the prescribed course of study for graduation of their pupils, districts can adopt alternatives as specified in Education Code Section 51225.3(b)."

Subsection (b) of Section 51225.3 reads as follows:

(b) The governing board, with the active involvement of parents, administrators, teachers, and pupils, shall adopt alternative means for students to complete the prescribed course of study which may include practical demonstration of skills and competencies, supervised work experience or other outside school experience, interdisciplinary study, independent study, and credit earned at a postsecondary institution. Requirements for graduation and specified alternative modes for completing the prescribed course of study shall be made available to pupils, parents, and the public."

The "alternatives" required by subsection (b) above do not appear to staff to, in any way, negate the requirement that schools provide their students with two years of science instruction and, thus, allow them to earn a diploma through academics. The statute uses the term "alternative" which, by definition, means at least two choices. If one of these two methods for graduation is eliminated, as suggested by DOF, then choice is eliminated. The alternatives are available to students who can not or choose not to take the standard curriculum. The alternative does not appear to be offered to the schools as an alternative to provide science courses or not but as an educational option for students. The claimant is fully aware of college entrance requirements and has stated to staff that for any student planning to attend college, the academic curriculum specified in subsection (a)(1) is a necessity and that many of the alternative methods would fall short of some colleges' entrance requirement.

In addition, Education Code Section 51228 which was also added by Chapter 498/83 requires districts which have schools offering grades 7-12 to provide a course of study which meets the requirements and prerequisites for admission to the California public universities. Section 51228 reads as follows:

51228.

"(a) Each school district maintaining any of grades 7 to 12, inclusive, shall offer to all otherwise qualified pupils in those grades a course of study fulfilling the requirements and prerequisites for admission to the California public universities.

(b) Each school district maintaining any of grades 7 to 12, inclusive, shall offer to all otherwise qualified pupils in those grades a course of study which provides an opportunity for those pupils to attain entry level employment skills in business or industry upon graduation from high school.

(c) Any school district which adopts a required curriculum which meets or exceeds the model standards developed by the State Board of Education pursuant to Section 51226 shall be deemed to have fulfilled its responsibilities pursuant to this section."

Also, according to the claimant's representative, School Services of California, Inc., the University of California requires that high school students have had laboratory science in order to gain admission (Attachment C). It is for these reasons that staff disagrees with the DOF position. According to the claimant, the "alternatives" are options available only to that segment of the students who do not plan to attend college. For those who plan to apply to colleges, the course of study in subsection (a)(1) is the only means available. It is a requirement for entrance to a majority of colleges. Therefore, in order to adequately prepare students for their chosen pursuits schools are required to provide both means of meeting graduation requirements.

Therefore, staff recommends that the commission find that Subsection (b) of Section 51225.3 is not an alternative which if taken, precludes the requirement that schools provide the curriculum of subsection (a)(1).

Issue #3. Is Section 51225.3 the reason Santa Barbara High School District had to build and renovate science classrooms?

The claimant alleges that there was literally no space available in which to conduct the newly required science class. They maintain that the school was being fully utilized prior to enactment of Chapter 498/83.

According to the claimant, the increased population in the Santa Barbara area has caused a crowded condition in Santa Barbara High School. The school was designed and built in the early 1920's. The enrollment at that time was far below its current enrollment. Other high schools have been built in the area

to accomodate district students. Santa Barbara High School was, however, functioning at maximum capacity prior to enactment of the increased science class requirement. The claimant made the following assertion in its Statement of Facts:

"As a result of the increased science courses required for graduation, the existing science laboratory classrooms at Santa Barbara High School were inadequate and the District was obligated to provide additional laboratories to meet the State's mandate."

The DOF, in its recommendation stated that "the claimant or other school districts are not specifically required to provide classrooms or teachers for the courses specified in Section 51225.3 of the Education Code." Staff disagrees and sees the order of Section 51225.3 to be straightforward in wanting schools to teach more science courses prior to graduating students. There is no mention by the Legislature that it wants schools and students to go through the types of machinations outlined in the DOF recommendation.

If this request for a mandate finding is successful then the commission will need to decide during the adoption of parameters and guidelines if the increase in student population should be taken into consideration when calculating the costs that are reimbursable.

Issue #4. Are other funds available to reimburse the claimant for the costs alleged in this test claim? These costs include building costs, costs of teacher salaries, furnishings and supplies.

According to the claimant, there are no other funds available to help with the costs incurred by Santa Barbara High School District in complying with Education Code Section 51225.3. The claimant's representative stated in its recommendation:

"Although students in the science classes have been generating ADA funds, those funds have been expended for other classes and educational purposes. To suggest using those funds to fund the costs of increased science classes mandated by Chapter 498 is to suggest that other courses be discontinued and those teachers terminated" (Attachment C).

According to staff of SDE, school district funding is a mix of monies called base revenue limit funding. This funding formula, which is comprised of local property taxes and state general funds, supplies approximately 85 percent of school districts' revenues. Fifteen percent of the funding comes from federal funds, local government funds, capital outlay, and state lottery revenues.

SDE indicates that through Chapter 498/83, over \$3 billion in new funds have been appropriated to education. It is not clear if any of this amount has been available to the claimant for the purposes of this claim. If the commission determines that a mandate exists in Education Code Section 51225.3, the funding which has been provided as well as how ADA monies are allocated and used will be primary considerations in development of parameters and guidelines.

Staff Recommendation

Staff recommends that the commission find that Chapter 498/83 by implementing Education Code Section 51225.3 created "costs mandated by the state" as defined by Article XIII B, Section 6 of the California Constitution and Government Code Section 17514.

BEFORE THE COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

Claim of:

Santa Barbara High School District)
Claimant)

No. CSM-4181

DECISION

The attached Proposed Statement of Decision of the Commission on State Mandates is hereby adopted by the Commission on State Mandates as its decision in the above-entitled matter.

This Decision shall become effective on January 22, 1987.

IT IS SO ORDERED January 22, 1987.


Peter Pelkofer, Vice Chairman
Commission on State Mandates

BEFORE THE COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

Claim of:)
)
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 Santa Barbara School)
 High School District,) CSM- 4181
 Claimant)
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PROPOSED DECISION

This claim was heard by the Commission on State Mandates (commission) on November 20, 1986, in Sacramento, California, during a regularly scheduled meeting of the commission. Mary Gleason, William Jackson and Carol Miller appeared on behalf of the Santa Barbara School High School District. Mike Ricketts of the State Department of Education also appeared.

Evidence both oral and documentary having been introduced, the matter submitted, and a vote taken, the commission finds:

I.

NOTE

1. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to **commission** approval of parameters and guidelines for **reimbursement** of the claim, and a statewide cost estimate; legislative appropriation; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

II.

FINDINGS OF FACT

1. The complete test claim was filed with the Commission on State Mandates on December 10, 1985 by the Santa Barbara School High School District.

2. The subject of the claim is Chapter 498, Statutes of 1983 as it amended Education Code Section 51225.3.
3. Education Code Section 51225.3 as amended by Chapter 498, Statutes of 1983 requires that no pupil shall receive a high school diploma without completing an additional science course above that which was required prior to enactment of Chapter 498/83.
4. The Santa Barbara School High School District has incurred increased costs as a result of having to provide the additional science course required by Education Code Section 51225.3.
5. Some of the Santa Barbara School High School District's increased costs resulting from compliance with Education Code Section 51225.3 are costs mandated by the State.

III.

DETERMINATION OF ISSUES

1. The **commission** has authority to decide this claim under the provisions of Government Code Section 17551.
2. Education Code Section 51225.3 imposes a reimbursable state mandate upon school di **stricts**. The Santa Barbara School High School District has established that this statute has imposed a higher level of service by requiring school districts to provide an additional science course to students prior to their graduation from the twelfth grade.