
THIRD READING

Bill No: SB 884
Author: Dodd (D) and Stern (D), et al.
Amended: 6/18/20
Vote: 21

SENATE EDUCATION COMMITTEE: 6-0, 5/12/20
AYES: Leyva, Wilk, Chang, Durazo, McGuire, Pan
NO VOTE RECORDED: Glazer

SENATE APPROPRIATIONS COMMITTEE: 7-0, 6/18/20
AYES: Portantino, Bates, Bradford, Hill, Jones, Leyva, Wieckowski

SUBJECT: Education finance: emergencies: public safety power shutoffs

SOURCE: Author

DIGEST: This bill adds public safety power shutoffs to the list of emergencies that a local educational agency's (LEA) average daily attendance (ADA) is held harmless for.

ANALYSIS:

Existing law:

- 1) Provides funding to LEAs on the basis of ADA.
- 2) Allows school districts to claim the greater of current year ADA for apportionment purposes to provide a one-year buffer against declining enrollment.
- 3) Requires the Superintendent of Public Instruction (SPI), for apportionment purposes, to credit to a LEA a material loss of ADA due to the following reasons, provided the loss has been established to the satisfaction of the SPI by affidavits of the members of the governing board or body of the LEA:

- a) Fire
 - b) Flood
 - c) Impassable roads
 - d) Epidemic
 - e) Earthquake
 - f) The imminence of a major safety hazard as determined by the local law enforcement agency.
 - g) A strike involving transportation services to pupils provided by a non-school entity.
- 4) Requires, in the event of a state of emergency declared by the Governor in a county, the SPI to determine the length of the period during which ADA has been reduced by the state of emergency, and prohibits the SPI from extending the period into the next fiscal year except upon a showing by a LEA, to the satisfaction of the SPI, that extending the period into the next fiscal year is essential to alleviate continued reductions in ADA attributable to the state of emergency.
- 5) Requires the SPI to extend through the 2018-19 fiscal year the period during which it is essential to alleviate continued reductions in ADA attributable to a state of emergency declared by the Governor in October 2017, for a school district where no less than 5 percent of the residences within the school district or school district facilities were destroyed by the qualifying emergency.
- 6) Requires the SPI to make specified ADA calculations for a school district or charter school physically located where no less than five percent of the residences within the school district, or the school district's facilities, were destroyed as a result of a state of emergency that was declared by the Governor in November 2018.

This bill adds “public safety power shutoff” to the list of emergencies that LEAs are not penalized for if the emergency causes the LEA’s ADA to decline.

Comments

- 1) *Need for the bill.* According to the author, “The last five years have taken a toll on schools across California. Last school year, wildfires, related outages, and smoke pollution kept more than 1.1 million of the state’s 6 million public school students out of school, setting an unprecedented record for student absences. During 2017, 40 Sonoma County school districts lost approximately

340 instructional days. In the fall of 2019, Sonoma County schools lost 258 instructional days. As a result, students are missing valuable instructional time, affecting their academic performance.

Public safety power shut-offs and lost school time are especially detrimental to low-income students, depriving them not only of instruction but also, in many cases, of critical health services, nutrition and child care. With power shut-offs expected to continue in the years ahead, we can expect additional loss of instructional days each year. Moreover, counties in high fire severity zones are likely to be disproportionately impacted by these shutoffs. While schools build emergency makeup days into their calendars, these days are not adequate to cover the high number of forced closures experienced lately.”

- 2) *LEAs do not lose state revenue if schools close due to emergency.* According to data provided by the California Department of Education (CDE), there have been 2,040 school closure requests submitted by LEAs from 2014-15 to 2018-19. As shown in the table below, the total number of school closures reported increased dramatically beginning in 2016-17 due to the wildfires. The vast majority of these school closures lasted less than three days.

Emergency	2014-15	2015-16	2016-17	2017-18	2018-19
Weather	144	38	312	58	239
Other	36	56	61	57	62
Epidemic	1	1	3	8	4
Violence Threat	7	28	8	24	7
Wildfire	18	29	25	352	443
Power Shutoff	0	0	0	0	19
TOTAL	206	152	409	499	774

Because ensuring student safety is most important, existing law does not penalize school districts for losses in ADA during and immediately following an emergency. Two sections of law allow the SPI to grant normal apportionment credit to districts in emergencies—one section (Education Code Section (ECS) 41422) authorizes maintenance of apportionments in instances when schools must be closed because of "extraordinary conditions" while another section (ECS 46392) provides for the crediting of ADA whenever the average daily attendance of an LEA has been materially decreased because of fire, flood, impassable road, and other specified circumstances. Although the wording of these two code sections differ in detail, the effect is the same. All

LEAs are held harmless from revenue loss that might otherwise result from the loss of ADA or instructional time in emergencies.

- 3) *Disaster preparedness in schools.* Under existing law, CDE is required to electronically distribute disaster preparedness educational materials and lesson plans that are currently available to school districts and county offices of education. The CDE must (1) ensure that the disaster preparedness materials are available in at least the three most dominant primary languages spoken by English learners in California, and (2) coordinate with the Office of Emergency Services to make sure that all materials are reviewed and updated annually. Among the materials circulated to LEAs are information about teaching children proper use of 9-1-1, fire safety information, emergency preparedness, and curriculum-based programs on the emotional, social, and economic effects of natural and human-caused disasters.

Further, each school district and county office of education is responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 through 12. Charter schools must include in their petitions the procedures that the charter school will follow to ensure the health and safety of pupils and staff.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee, while school districts are typically held harmless from revenue losses that might otherwise result from a decline in ADA or instructional time during specified emergencies such as fire, floods, and earthquakes, this bill expands that list by adding “public safety power shutoffs.” This could result in additional, unknown Proposition 98 General Fund costs that would depend on the frequency and nature of these emergencies.

SUPPORT: (Verified 6/19/20)

California Association of School Business Officials
 California County Superintendents Educational Services Association
 California Federation of Teachers
 California State PTA
 Contra Costa County Office of Education
 County of Napa
 Humboldt County Office of Education
 Lake County Office of Education
 Napa County Office of Education

San Bernardino County District Advocates for Better Schools
San Bernardino County Superintendent of Schools
San Diego County Office of Education
Small School Districts Association
Solano County Office of Education
Sonoma County Office of Education
Yolo County Office of Education

OPPOSITION: (Verified 6/19/20)

None received

Prepared by: Ian Johnson / ED. /
6/23/20 17:13:34

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