

Date of Hearing: August 18, 2020

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

SB 884 (Dodd) – As Amended June 18, 2020

Policy Committee: Education

Vote: 7 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill adds public safety power shutoffs (PSPS) to the list of emergencies for which a local education agency (LEA) may receive financial protections due to a resulting school closure.

FISCAL EFFECT:

Unknown Proposition 98 General Fund costs. Current law allows LEAs to apply to the Superintendent of Public Instruction (SPI) for financial protections in the case of a PSPS. To the extent the additional clarification provided by this bill leads to LEAs gaining financial protections where they otherwise would not, the resulting costs of this bill could be as high as in the millions of dollars in financial assistance. (For example, for the 2019-20 school year, about 130 LEAs have been approved for financial protections for PSPS. If 10% more LEAs received financial protections in a school year in the future as a result of this bill, with an average of two days closure and an affected student population of about 500 at each closed LEA, state costs could be about \$1 million.)

The fiscal effects of this bill likely would not be realized in the near term because Chapter 3 of 2020 (SB 117, Committee on Budget and Fiscal Review) contains funding protections for LEAs due to the hardships of the COVID-19 pandemic.

COMMENTS:

1) **Purpose.** According to the author:

With power shut-offs expected to continue in the years ahead, we can expect additional loss of instructional days each year, which is why it is essential to add 'Public safety power shutoff' to the list of emergencies that LEAs are not penalized if the emergency causes the LEA's average daily attendance (ADA) to decline.

2) **Background.** The state funds an LEA at a set amount for each student who attends schools in the LEA's jurisdiction. State law also requires LEAs to operate a minimum of 175 days per school year and between 200 and 360 minutes per day, depending on grade level and school type. To incentivize schools to ensure students attend school, the per-student funding rate is based on the ADA of students attending an LEA during the school year, not the LEA's enrollment.

In cases where an LEA shuts a school due to an emergency, two separate sections of existing law provide for special funding protections to the LEA. First, Section 41422 of the Education Code waives minimum day and minute requirements for the LEA upon SPI approval. Second, Section 46392 of Education Code credits lost ADA to the LEA upon SPI approval. The effect of both sections is the same: Upon SPI approval, LEAs are held harmless from revenue loss that might otherwise result from the loss of instructional time or ADA in emergencies. To gain these approvals, an LEA submits to the SPI a Request for Allowance of Attendance Due to Emergency Conditions (Form J-13A).

The aforementioned code sections list certain qualified emergencies for protections. The sections also provide discretion to the SPI to grant protections in cases of emergencies not listed. Explicitly listed emergencies includes flood, earthquake, pandemic and fire. PSPS are not listed. According to the California Department of Education (CDE), the SPI never has denied a request for protections to LEAs experiencing closure due to a PSPS. In the 2019-20 school year, LEAs submitted 540 J-13A waivers to the SPI for approval. While not all of the waivers have been processed, the SPI has approved 128 and denied zero requests due to PSPS events.

This bill explicitly adds PSPS to the list of qualified emergencies in both code sections.

- 3) **Related Legislation.** AB 2052 (O'Donnell), of this legislative session, authorizes an LEA to meet minimum instructional day requirements by adding remaining instructional minutes to remaining instructional days in a school year and submitting affidavits to members of the governing body of the LEA and its county superintendent. The bill was not set for a hearing in the Senate Education Committee.

AB 2126 (O'Donnell), of this legislative session, requires the CDE to develop and implement a website and app for the purpose of collecting temporary school closure information from LEAs. This bill currently is awaiting a hearing in the Senate Appropriations Committee

Analysis Prepared by: Natasha Collins / APPR. / (916) 319-2081