

SENATE THIRD READING  
SB 941 (Portantino)  
As Amended August 18, 2022  
Majority vote

## SUMMARY

Authorizes local educational agencies (LEAs) to enter into agreements with one or more LEAs to offer individual classes and coursework to students from LEAs who have been impacted by disruptions or cancellations in classes in science, technology, engineering, and mathematics (STEM), dual language immersion programs, or teacher shortages in those classes or programs.

### Major Provisions

- 1) Defines "LEA" to mean a school district, county office of education (COE), or charter school.
- 2) Authorizes the governing board or body of an LEA to enter into an agreement with one or more LEAs to offer the same or similar corresponding individual courses and coursework to a pupil from another LEA, subject to the agreement, who has been impacted by any of the following:
  - a) Disruptions or cancellations in STEM classes;
  - b) Disruptions or cancellations in dual language immersion programs; or
  - c) Teacher shortages in STEM classes or dual language immersion programs.
- 3) Requires, if the governing board or body of an LEA elects to accept pupils pursuant to the agreement, the LEA to determine the number of pupils it is willing to offer the same or similar corresponding individual courses and coursework to, and requires the LEA to accept pupils who apply for the same or similar corresponding individual courses and coursework until the LEA is at maximum capacity.
- 4) Requires the LEA accepting pupils pursuant to the agreement to ensure that the pupils admitted are selected through an unbiased process that prohibits an inquiry into, or evaluation or consideration of, whether or not a pupil should be authorized to participate in the course or coursework based upon the pupil's academic or athletic performance, physical condition, proficiency in English, specified individual characteristics, or family income.
- 5) Requires, if the number of pupils seeking a classroom opportunity exceeds the number of seats available in a classroom of the LEA offering to serve pupils from another LEA, the approval for study to be determined by a random drawing held in public at a regularly scheduled meeting of the governing board or body of the LEA offering to serve pupils from another LEA.
- 6) Requires LEAs that enter into an agreement to publicly post information to ensure that pupils and their families are aware of the opportunities to participate under the agreement. Requires this publicly available information to include, at a minimum, any applicable forms and the timelines for submissions pursuant to the agreement.

- 7) Requires the average daily attendance (ADA) attributable to a pupil authorized to participate in the course of coursework by a LEA to remain with the LEA that the pupil originated from for purposes of state apportionment. Requires the agreement entered into to include an appropriate shared cost structure negotiated by the collaborating LEAs.
- 8) Requires, on or before January 1, 2028, the California Department of Education (CDE) to evaluate the programs implemented, including an analysis of whether pupils benefited from the programs and any obstacles to creating the programs.
- 9) Requires this authorization to become inoperative on July 1, 2029, and, as of January 1, 2030, is repealed.

## COMMENTS

*Key provisions of the bill.* This bill authorizes school districts, COEs and charter schools (LEAs) to enter into an agreement with one or more LEAs to offer individual classes and coursework to a student from another LEA who has been impacted disruptions or cancellations in classes in STEM, dual language immersion programs, or teacher shortages in those classes or programs.

This bill requires LEAs, if they elect to authorize pupils to take courses pursuant to this bill, to take certain steps in determining how many students to authorize, selecting students through an unbiased process, and conduct a public random drawing if the number of students seeking an opportunity exceeds the number of seats available in a classroom. These provisions are consistent with existing law related to interdistrict transfer and Districts of Choice, as described below.

Pupils may be enrolled in only one public school and one school district, COE, or charter school at a time. It is likely that local agreements exist between neighboring LEAs to offer classes and coursework to pupils from other LEAs if those courses are unavailable in the LEA in which the pupil is enrolled. However, no source of this data is collected statewide. Many LEAs collaborate with community colleges to offer dual enrollment programs, which allow high school pupils to take college courses and earn college credits while still attending high school. This bill specifies that the average daily attendance attributable to a pupil admitted by a LEA is required to remain with the "home" LEA, and requires the agreement to include an appropriate shared cost structure negotiated by the collaborating LEAs. Therefore, under these agreements, pupils will not enroll in or transfer to the other district for which they are taking a specified course and classwork, rather participate in the individual course and classwork.

### According to the Author

"California is experiencing a record shortage of teachers during particularly difficult circumstances. The COVID-19 pandemic arrived at a time when California was already combatting declining numbers of teachers, especially in math, science, and bilingual education. Some impacted local educational agencies are canceling important dual-language immersion classes due to a shortage of qualified credentialed teachers. The shortage of credentialed STEM teachers is also impacting the learning environment of many pupils. Teacher shortages are particularly pronounced in rural areas, communities of color, and low socioeconomic areas, where the consequences of substandard learning outcomes are likely to reverberate through future educational attainment and economic prospects. Allowing inter-district collaborations between LEAs will broaden their reach to enable more students to receive the educational resources they are entitled to."

### **Arguments in Support**

The Association of California School Administrators writes, "The United States is facing a teacher shortage that has only been exacerbated by the COVID-19 pandemic. California, in particular, has one of the most severe teacher shortages in the country. Since the start of the pandemic, teachers have been leaving the profession at an even faster rate. This includes a 26% increase in retirements during the first year of the pandemic. These shortages have a large impact on student outcomes and well-being during a time that has already proved difficult for public school students. The scarcity of teachers disproportionately affects underserved students, many of whom continue to lack access to quality education."

This program could be especially beneficial to small and rural districts with limited resources. Many educators in small and rural districts have a difficult time with recruitment and retention, and educators are often required to play multiple roles — from superintendent to bus driver. Students ultimately suffer when staff is spread so thin in order to cover vital functions in a school district, and in many cases, there are no educators available to teach these core classes. Despite these staffing challenges, this bill would provide students from all regions of the state the opportunity to access an equitable education, a core value of ACSA's mission."

### **Arguments in Opposition**

None

## **FISCAL COMMENTS**

According to the Assembly Appropriations Committee, one-time General Fund costs of about \$185,000 for CDE to develop a reporting system for participating LEAs and to evaluate the program. Cost neutral as funding will be negotiated at the local level.

## **VOTES**

### **SENATE FLOOR: 39-0-1**

**YES:** Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener

**ABS, ABST OR NV:** Wilk

### **ASM EDUCATION: 7-0-0**

**YES:** O'Donnell, Megan Dahle, Bennett, Chen, Lee, McCarty, Quirk-Silva

### **ASM APPROPRIATIONS: 16-0-0**

**YES:** Holden, Bigelow, Bryan, Calderon, Arambula, Megan Dahle, Davies, Mike Fong, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, McCarty

## **UPDATED**

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