

(Without Reference to File)**CONCURRENCE IN SENATE AMENDMENTS**

AB 181 (Alvarez and Patel)

As Amended June 26, 2026

Majority vote.

SUMMARY

Establishes the position of Education Commissioner to be appointed by the Governor, and to be confirmed by the Senate. Requires the Education Commissioner, rather than the Superintendent of Public Instruction (SPI) to assume management of the California Department of Education (CDE). Establishes the Office of the SPI. Removes or changes the various roles and responsibilities of the SPI. Adds two members to the State Board of Education (SBE) to be appointed by the President pro Tempore of the Senate and the Speaker of the Assembly. Requires the SPI to become a voting member of the SBE and the Board of Governors of the California Community Colleges.

Senate Amendments

- 1) Expands the composition of the SBE to be 13 members by replacing one of the nonstudent positions that expires on January 15, 2027, with the SPI, adding one member to be appointed by the President pro Tempore of the Senate, and adding one member to be appointed by the Speaker of the Assembly.
- 2) Establishes the position of the Education Commissioner to be appointed by the Governor and to be confirmed by the Senate.
- 3) Requires the Education Commissioner, rather than the SPI, to assume management of the CDE.
- 4) Establishes the Office of the SPI.
- 5) Provides for the transfer, as specified, of certain employees of the SBE to the CDE, and the CDE to the Office of the SPI.
- 6) Makes numerous conforming changes providing that the Education Commissioner or the CDE, as specified, succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdictions currently vested in the SPI by those provisions.
- 7) Requires the Education Commissioner to develop findings and recommendations for a second phase of education governance consolidation and streamlining, as specified, and to submit an interim report by June 30, 2027, with a detailed description of the process used to gather required input for the development of those findings and recommendations, and then, by October 1, 2027, a final report containing its findings and recommendations, to the Governor and the appropriate policy and fiscal committees of the Legislature.
- 8) Requires the SPI to become a voting member of the SBE and the Board of Governors of the California Community Colleges.
- 9) Declares that the provisions of the bill are severable.

COMMENTS

Governor Newsom's governance proposal. In January, the Governor's Budget included a proposal to "amend the Education Code (EC) to move oversight authority of the management of the CDE and support of local educational agencies (LEAs) under the SBE...to strengthen governance of California's education system to provide coherence and meaningful accountability to address the needs of students, parents, teachers, school staff, and administrators." The Governor's proposal was provided in trailer bill language, with some supplementary language added in the K-12 trailer bill provided by the Department of Finance (DOF) and the May Revision. Key provisions of the Governor's proposal include the establishment of an Education Commissioner position, appointed by the Governor, responsible for the day-to-day management of the CDE and the SBE beginning January 1, 2027. The proposal states that the SPI would retain a small office and become a voting member of the SBE and the Board of Governors of the California Community Colleges. The Governor's proposal also makes numerous changes to the EC and other relevant codes in order to replace duties currently assigned to SPI with the Education Commissioner, such as superintending the schools of this state, and the authorization to enter into an agreement with the government of the United States.

This bill modifies the Governor's governance proposal. This bill includes two significant changes from the most recent version of the Governor's governance proposal provided through the May Revision.

- 1) *Expands the size of the SBE and adds Legislative appointees:* Commencing January 15, 2027, adds two SBE appointments (one each by the President pro Tempore of the Senate and the Speaker of the Assembly) as legislative appointees to ensure balance of power and address concerns about erosion of legislative oversight. Consistent with prior versions of this proposal, this bill also makes the SPI a voting member of the SBE.
- 2) *Adds Legislative confirmation of the Governor-appointed Education Commissioner:* Provides strong legislative oversight critical to ensuring the Governor exercises authority responsibly and effectively. Legislative confirmation of the department head is common practice in other state government departments in order to provide legislative oversight.

Legislative activity related to K-12 governance in 2026. The issue of K-12 governance reform was regularly discussed and debated by the Legislature throughout the year. The Assembly Education Committee held an informational hearing on March 25th, *State Level K-12 Education Governance*, and the Senate Education Committee and Senate Budget Subcommittee #1 on Education held a joint informational hearing on May 6th, *Education Governance*, both to discuss K-12 state-level governance and the Governor's governance proposal. AB 2117 (Alvarez) of the 2025-26 Session was introduced by the author for the Legislature to have an opportunity for a policy discussion regarding the Governor's governance proposal outside of the budget process. The March 18th amendments were taken from the Governor's budget trailer bill. Additional amendments were made in the Assembly Education Committee to add Legislative appointees to the SBE, add Legislative confirmation of the Education Commissioner, define the responsibilities of the Office of the SPI and ensure adequate staffing, and add a fiscal trigger for SPI-led independent evaluations. Further, establish a transition date of July 1, 2027, and require a public transition plan established by the Education Commissioner from January 1 to June 30, 2027, to include includes: fiscal and logistics planning, identification and evaluation of all early education and TK through grade 12 public education support entities and programs operating

outside of the CDE, including county office of education (COE) contracts, the California Collaborative for Educational Excellence (CCEE), and regional leads; and the identification of actions and activities necessary for a second phase of education governance consulting and streamlining, following the SPI governance shift, such as the Office of Civil Rights and early childhood education programs.

The Legislative Analyst's Office (LAO) reports the Governor's governance proposal would promote more coherent policy making but also recommends changes to the proposal in order to improve oversight. The LAO examined the Governor's proposal to restructure state governance in the 2026 report, *The 2026-27 Budget: Re-Envisioning State Education Governance*. The LAO notes that the proposal would promote more coherent policy making by consolidating administrative authority under the Governor, reduce disputes among state governance entities, provide clearer guidance to school districts, and hold the Governor accountable for educational outcomes.

The LAO suggested that strong legislative oversight is critical to ensuring the Governor exercises authority responsibly and effectively. They note that a key oversight tool in other departments is legislative confirmation of the department head, but in this proposal the Governor does not include a requirement for the confirmation for the education commissioner. The LAO also notes the proposal does not include the fiscal changes necessary for implementation, "Costs overall could be neutral, but the Legislature will need more detail on the proposed funding levels for the CDE, the SBE, and the Office of the SPI."

LAO recommendations include improving oversight by making the Education Commissioner subject to Senate confirmation and directing the administration to submit a fiscal plan to make the shift cost-neutral and to identify efficiencies. Regarding the SPI, the LAO's recommendations include authorizing the position to undertake three main activities to leverage the SPI's independence from the Governor to promote oversight: 1) representing the interests of the public, 2) reporting on the condition of education and recommending improvements, and 3) evaluating laws and programs.

According to the Author

According to the author, "California's students thrive when their education system is coherent, stable, and built with intention. AB 181 restructures our state's education governance to improve coordination and accountability, but a shift of this scale demands careful, deliberate implementation to ensure nothing falls through the cracks. Our goal is to thoughtfully align every aspect of this transition, we can safeguard student learning, protect classroom stability, and build a system that truly delivers on the promise of a quality education for every child."

Arguments in Support

Children Now writes, "California has made historic investments in public education, from expanding Transitional Kindergarten and community schools to improving literacy, increasing learning time, and ensuring students have access to nutritious meals every day. To fully realize the promise of these investments, the state must ensure that policies can be implemented effectively, quickly, and consistently. The current governance structure complicates delivering on this vision. Today, responsibility for state education outcomes is split among multiple leaders with overlapping authority. This fragmentation can slow decision-making, blur accountability, and weaken follow through, especially during moments that demand urgency and coordination. When accountability is unclear, students and families bear the cost. The Governor's proposal

addresses this challenge by aligning the Department of Education under a single executive authority while preserving the State Board of Education's role in setting standards and statewide policy. This structure brings policy and implementation into closer alignment, creating a clearer line of responsibility for results and a stronger foundation for supporting local educational agencies."

Arguments in Opposition

The California Teachers Association writes, "The proposal would divert attention away from the real needs of students and schools by introducing a significant governance change that is both unnecessary and counterproductive. This proposal does nothing to improve student outcomes or strengthen public education. California students cannot afford delay or distraction; the clear priority must be to invest in schools, support educators, and meet student needs now. The proposal jumps over the heads of California voters who have repeatedly voted through various ballot measures against replacing the SPI with an appointee. Democracy gives people a voice in decisions that shape their communities. Removing voters' ability to elect a Superintendent accountable to the public who is running the Department of Education undermines this principle. Education is one of the state's most critical issues, and its leadership should reflect the will of the voters, not a single appointee. An independent, elected SPI will always be more responsive to the needs of voters, educators, and students than even the most well-meaning appointed official."

FISCAL COMMENTS

According to the Assembly Appropriations Committee *related to AB 2117 [Alvarez] of the current legislative session, a similar but not identical proposal*:

Ongoing General Fund costs of an unknown amount, but likely in the hundreds of thousands to low millions of dollars, to establish the position of Education Commissioner and for the CDE to create a transition plan. The bill authorizes the Governor to appoint a total of 16 deputies to the Education Commissioner but prohibits these positions from resulting in a net increase in the expenditures of the department.

To the extent the CDE transition plan recommends additional staffing for the office of the SPI the bill could create additional General Fund cost pressures, likely in the hundreds of thousands to low millions of dollars, for the Legislature to provide additional funding for this purpose. The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.

VOTES:

ASSEMBLY FLOOR: 53-17-10

YES: Addis, Aguiar-Curry, Arambula, Ávila Farías, Bains, Bennett, Berman, Boerner, Bonta, Bryan, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Jackson, Kalra, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

NO: Alanis, Castillo, Chen, Davies, DeMaio, Dixon, Ellis, Flora, Gallagher, Jeff Gonzalez, Hadwick, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa

ABS, ABST OR NV: Ahrens, Alvarez, Bauer-Kahan, Calderon, Essayli, Hoover, Irwin, Krell, Papan, Wallis

UPDATED

VERSION: June 26, 2026

CONSULTANT: Marguerite Ries / ED. / (916) 319-2087

FN: 0003219