

ASSEMBLY THIRD READING  
AB 2117 (Alvarez and Patel)  
As Amended April 28, 2026  
Majority vote

## SUMMARY

Establishes the position of Education Commissioner appointed by the Governor, confirmed by the Senate, and requires the Education Commissioner, rather than the Superintendent of Public Instruction (SPI) to assume management of the California Department of Education (CDE) beginning on July 1, 2027. Removes or changes the various roles and responsibilities of the SPI. Requires the SPI to become a voting member of the State Board of Education (SBE) and the Board of Governors of the California Community Colleges.

### Major Provisions

- 1) Requires the CDE to be administered through the SBE and the Education Commissioner, rather than the SPI.
- 2) Adds Legislative appointees to the SBE. Requires, commencing January 15, 2027, the replacement of four SBE appointments with legislative appointees. Requires the phase-in of legislative appointees by staggering these with gubernatorial appointments.
- 3) Adds the SPI as a voting member of the SBE. Specifies that the SBE membership term for the SPI is not limited to four years as with all other members except the student board member, which serves for a term of one year.
- 4) Requires a transition date of July 1, 2027, and a public transition plan established by the Education Commissioner from January 1 to June 30, 2027. Requires the transition plan to include fiscal and logistics planning, identification of all early education and transitional kindergarten (TK) through grade 12 public education support entities and programs operating outside of the CDE; and the identification of actions and activities necessary for a second phase of education governance consulting and streamlining, following the SPI governance shift.
- 5) Requires that there be an Office of the SPI, and specifies the SPI's duties as follows: tracking statewide student outcomes for preschool through higher education; conducting independent evaluations of state investments in public education; overseeing P-20 alignment, including TK implementation; and representing the interests of the public.
- 6) Requires an automatic independent evaluation for any new education initiatives exceeding an ongoing annual appropriation exceeding \$500 million, or a one-time appropriation exceeding \$1 billion, and other education initiatives at the discretion of the SPI, ensuring data-driven decision-making and risk management. Authorizes the SPI to select, and thereafter contract with, one or more research organizations with relevant experience to conduct the independent evaluations.

## 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 proposed in trailer bill language, with some supplementary language added in the K-12 trailer bill provided by the Department of Finance (DOF). 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 proposal also makes numerous changes to the Education Code 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.* The bill language in the March 18, 2026, amended version of AB 2117 (Alvarez) of the 2025-26 Session, was taken directly from the Governor's budget trailer bill posted on the DOF's website. The March 18<sup>th</sup> amendments were provided by the author, without endorsement, for the Legislature to have the opportunity for a policy discussion regarding the Governor's governance proposal outside of the budget process. On March 25, 2026, the Assembly Education Committee held an informational hearing on State Level K-12 Education Governance. The agenda included panels related to the California context and national perspectives, K-12 education governance in California, and local perspectives on governance with speakers from statewide organization with support, neutral and opposition positions on the Governor's governance proposal. The April 28<sup>th</sup> author and Committee amendments include:

- 1) *Adding Legislative appointees to the SBE:* Commencing January 15, 2027, replace four SBE appointments with legislative appointees to ensure balance of power and address concerns about erosion of legislative oversight. Phase in legislative appointees by staggering with gubernatorial appointments. Retain the size of the SBE membership.
- 2) *Adding Legislative confirmation of the Governor-appointed Education Commissioner:* Strong legislative oversight is critical to ensuring the Governor exercises authority responsibly and effectively. A key oversight tool in other departments is legislative confirmation of the department head. Committee amendments also strongly encourage the Governor to appoint an Education Commissioner with demonstrated experience running a large public or private organization and one who has experience in public education leadership or its equivalent.
- 3) *Codifying transition plan and implementation timeline:* 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 prevent confusion and operational disruption, addressing the LAO's concerns about "limping governance." The transition plan 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.

- 4) *Ensure the Office of the SPI includes adequate staffing:* State the Legislature's intent to supply the Office of the SPI with the appropriate number of staff necessary to fulfill the SPI's duties.
- 5) *Specify the SPI's role as an independent evaluator and cross-sector coordinator for public education, preschool through higher education:* Clarify the SPI's duties as follows: tracking statewide student outcomes for preschool through higher education; conducting independent evaluations of state investments in public education; overseeing P-20 alignment, including TK implementation; and representing the interests of the public.
- 6) *Add a fiscal trigger for independent evaluation:* Require an automatic independent evaluation for any new education initiatives exceeding an ongoing annual appropriation exceeding \$500 million, or a one-time appropriation exceeding \$1 billion, and other education initiatives at the discretion of the SPI, ensuring data-driven decision-making and risk management. Authorize the SPI to select, and thereafter contract with, one or more research organizations with relevant experience to conduct the independent evaluations.
- 7) *Specify responsiveness to audits:* Require the new CDE structure to respond to education program State audit findings with a corrective action plan, ensuring accountability and follow-through.
- 8) *Add additional conflict of interest safeguards.* Specify that the SPI and Education Commissioner may not hold positions of outside employment while in office. Require the CDE Foundation to be dissolved one year after implementation of governance reforms.
- 9) *Require the CDE to respond to Legislative requests in a timely manner:* Require the CDE to respond to Legislative requests for information, data, and technical assistance within 10 days, as is currently required of the CDE Data Science Office, to ensure Legislative access to the CDE that is somewhat equivalent to access today.
- 10) *Require the SBE and the CDE to submit Budget Change Proposals (BCPs) to the Legislature for proposed budget changes related to the Governor's Budget:* The Legislature currently receives no BCPs from the SBE for billions of dollars in proposed spending. In a time of tremendous changes to the K-12 governance structure, this will ensure Legislative oversight.

*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 2117 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. By taking the time 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 Federation of Teachers writes, "By transferring the responsibility and oversight of the CDE to an appointed position, this proposal effectively strips power away from the people of California. California voters deserve the ability, and have grown accustomed to electing leaders who are directly accountable to them and who have a proven history of advocating for public education. Today, voters believe they are electing a leader of our public education system who has the ability to drive the vision of the SBE as the administrator-in-chief. The proposed change would diminish the voice of the electorate in shaping the future of education in our state. While this proposal is intended to unify the system, an elected SPI with no authority over the CDE would lead to a more fragmented system where voters may not fully understand who is accountable for the success of public education in California."

**FISCAL COMMENTS**

According to the Assembly Appropriations Committee:

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****ASM EDUCATION: 9-0-0**

**YES:** Patel, Hoover, Alvarez, Bonta, Castillo, Garcia, Lowenthal, Pellerin, Zbur

**ASM APPROPRIATIONS: 14-0-1**

**YES:** Wicks, Hoover, Aguiar-Curry, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

**ABS, ABST OR NV:** Arambula

**UPDATED**

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