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## SENATE COMMITTEE ON LOCAL GOVERNMENT

Senator María Elena Durazo, Chair

2025 - 2026 Regular

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**Bill No:** SB 1086

**Author:** Dahle

**Version:** 4/7/26

**Hearing Date:** 4/15/26

**Fiscal:** Yes

**Consultant:** Peterson

***ZONING: ALLOWED USES: MICROSCHOOLS AND MICRO-EDUCATION ENTITIES***

*Requires the Office of Land Use and Climate Innovation to create a model ordinance for microschools.*

### **Background**

The California Constitution allows cities and counties to “make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws.” It is from this fundamental power (commonly called the police power) that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public—including land use authority.

***Planning and Zoning Law.*** State law provides additional powers and duties for cities and counties regarding land use. The Planning and Zoning Law requires every county and city to adopt a general plan that sets out planned uses for all of the area covered by the plan. A general plan must include specified mandatory “elements,” including a housing element that establishes the locations and densities of housing, and a land use element that describes the general categories of uses (such as multifamily residential, single family residential, retail commercial, and open space) that are allowed in specific portions of a jurisdiction. Cities’ and counties’ major land use decisions—including zoning ordinances and other aspects of development permitting—must be consistent with their general plans. General plans also include policies, standards, and mitigation measures that developments must comply with, to protect against flood hazards, fire hazards, and climate change, and to further environmental justice, among other state goals.

Local governments use their police power to enact zoning ordinances that establish the types of land uses that are allowed or authorized in an area. Zoning ordinances also contain provisions to physically shape development and impose other requirements, such as setting maximum heights and densities for housing units, minimum numbers of required parking spaces, setbacks, and lot coverage ratios. These ordinances can also include conditions on development to address aesthetics, community impacts, or other particular site-specific considerations.

***Microschools.*** According to *EdSource*, “Microschools, which typically serve small groups of students in personalized learning environments, have gained traction as families seek more flexible and tailored educational options. This flexibility is particularly appealing in an era when traditional education models are increasingly seen as one-size-fits-all, leaving many students

either unchallenged or overwhelmed.”<sup>1</sup> According to *Stateline*, “In a survey of 400 microschools across 41 states, more than 60% of founders reported they were not currently licensed educators. Eighty-four percent reported their schools were not accredited. Among prospective founders, 48% are licensed educators (though only 14% currently work in public schools), 32% come from non-education fields, and 23% are parents building schools for their own children.”<sup>2</sup> The same article highlighted how these new schools do not always fit neatly in existing regulatory frameworks, “In some states, microschools face a bind: If they operate as private schools, they’re required to meet facility, staffing and curricular standards that are often cost-prohibitive for schools their size. If they operate under homeschool laws, they face oversight, assessment mandates and reporting requirements that aren’t designed for multifamily or educator-led models.”<sup>3</sup> The previously cited survey found, “Most microschools (55%) operate under homeschool laws, while others function as private schools (37%), charters (6%) or fall into unique state categories (3%)...”<sup>4</sup> According to *EdSource*, “While California doesn’t specifically track homeschools or microschools, the number of private schools with fewer than five students has more than doubled to nearly 30,000 from pre-pandemic 2018-19 to 2023-24.”<sup>5</sup>

The author wants to create a model ordinance to help local agencies make land use decisions about microschools.

### **Proposed Law**

Senate Bill 1086 requires, by January 1, 2028, the Office of Land Use and Climate Innovation (LCI) to consult with the Department of Education, the Department of Housing and Community Development, and the Office of the State Fire Marshal to develop and publish one or more model ordinances implementing this measure. The model ordinance must at least address all of the following:

- Building and fire safety requirements;
- Parking and traffic management;
- Hours of operation;
- Signage; and
- Outdoor activity and noise.

The measure also defines its terms.

### **Comments**

1. Purpose of the bill. According to the author, “SB 1086 is about the future of education. We ask a lot of our public schools, but the reality is that many local districts lack the agility to pivot and meet the demands of the modern workforce. In recent years, we have seen a significant rise in parents, educators and community partners coming together to create microschools to support student learning. These small-scale, highly personalized learning environments provide project-

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<sup>1</sup> <https://edsource.org/2024/the-rise-of-microschools-a-wake-up-call-for-public-education/717798>

<sup>2</sup> <https://stateline.org/2025/08/08/microschools-are-growing-in-popularity-but-state-regulations-havent-caught-up/>

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> <https://edsource.org/2024/the-rise-of-microschools-a-wake-up-call-for-public-education/717798>

based, experiential, and sometimes trauma-informed education that many families desperately need. This bill directs the Office of Land Use and Climate Innovation, in consultation with the State Fire Marshal and other key departments, to develop model ordinances that would provide local agencies with a clear, standardized framework to address potential community impacts, including building and fire safety, parking and traffic management, hours of operation, signage, and noise.”

2. Taking a step forward. Microschools are a new and evolving concept. Local agencies may not have experience dealing with microschools when an application to site one comes before the planning department. SB 1086 requires LCI to come up with model ordinances to help educate local agencies understand how they should treat them at the local level. The bill does not change local land use policies: it will be up to local agencies to determine how to implement these model ordinances once LCI makes them available.

3. Coming and going. The Senate Rules Committee has ordered a double referral of SB 1086: first to the Committee on Local Government to hear issues of land use, and then to the Committee on Education.

### **Support and Opposition** (4/10/2026)

Support: California Policy Center (Sponsor)  
All Families, All Schools  
Libertas Network

Opposition: None Submitted

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