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# SENATE COMMITTEE ON EDUCATION

Senator Sasha Renée Pérez, Chair

2025 - 2026 Regular

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<b>Bill No:</b>	SB 1086	<b>Hearing Date:</b>	April 22, 2026
<b>Author:</b>	Dahle		
<b>Version:</b>	April 7, 2026		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Ian Johnson		

**Subject:** Microschools and micro-education entities.

## SUMMARY

This bill requires the state to develop model local ordinances governing the siting and operation of small private schools, defined as “microschools” and “micro-education entities,” including those operating in residential settings and those serving up to 100 students.

## BACKGROUND

Existing law:

- 1) Requires any person or entity offering private school instruction at the elementary or high school level to annually file an affidavit with the Superintendent of Public Instruction containing specified information regarding the school’s operations, including enrollment, courses of study, and instructional staff, pursuant to California Private School Affidavit.
- 2) Specifies that filing a private school affidavit shall not be interpreted as state evaluation, recognition, approval, or endorsement of the school.
- 3) Permits a student to be exempt from compulsory public school attendance if the student is enrolled in a private full-time day school, including a private school established through the affidavit process.
- 4) Requires private schools to obtain criminal background clearances for employees who will have contact with pupils
- 5) Authorizes cities and counties to adopt and enforce local ordinances to protect the public health, safety, and welfare, including regulating land use.
- 6) Requires each city and county to adopt a comprehensive, long-term general plan that guides physical development within its jurisdiction, including land use designations and development standards.
- 7) Requires that zoning ordinances and development approvals be consistent with a jurisdiction’s adopted general plan, including applicable land use, housing, and safety elements.

- 8) Authorizes cities and counties to adopt zoning ordinances that regulate permitted land uses and impose development standards, including building intensity, parking requirements, setbacks, and other conditions to address community impacts.

## ANALYSIS

This bill:

- 1) Defines a “micro-education entity” as a private school that:
  - a) Is organized as a business or nonprofit entity;
  - b) Provides Kindergarten (K)–12 instruction;
  - c) Serves more than 16 and fewer than 101 students at one time; and
  - d) Has filed a private school affidavit pursuant to the California Private School Affidavit.
- 2) Defines a “microschool” as a private school that:
  - a) Is organized as a business or nonprofit entity;
  - b) Provides K–12 instruction;
  - c) Serves 16 or fewer students at one time;
  - d) Operates from a residential dwelling, accessory dwelling unit, or residential property; and
  - e) Has filed a private school affidavit pursuant to the California Private School Affidavit.
- 3) Clarifies that microschools and micro-education entities are private schools and are not operated by a school district, county office of education, charter school, or state special school.
- 4) Defines “local agency” to include cities, counties, and charter jurisdictions.
- 5) Requires the Office of Land Use and Climate Innovation, in consultation with the California 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 governing microschools and micro-education entities by January 1, 2028.
- 6) Requires that the model ordinances include, at a minimum:
  - a) Building and fire safety requirements;

- b) Parking and traffic management standards;
- c) Hours of operation;
- d) Signage; and
- e) Outdoor activity and noise considerations.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Parents know their children best, which is why parents must have the freedom to educate their education in the way that best meets their unique needs. This bill reflects our commitment to empowering families and trusting them to do what is best for their children.

“This legislation is also about the future of education. It embraces the kind of innovation our students desperately need, like project/place-based and experiential learning. We ask so much of our public schools, but the reality is that many districts are lacking the agility to pivot and meet the demands of the modern workforce.

“In the wake of the pandemic, parents, educators, and community partners didn't wait for the system to catch up; they found new ways to support student growth. Microschools are leading this charge, fostering meaningful partnerships, and designing student-centered, and even trauma-informed environments.

“While conventional schools work to innovate, we must champion the models that are already doing it. We should not create unnecessary hurdles for legitimate, forward-thinking educational models.

“This bill ensures that local regulations don't stand in the way of microschools, giving parents and students the opportunity to take true ownership of their growth and learning.”

- 2) ***From land use preemption to model ordinance guidance.*** As introduced, this bill proposed a comprehensive statewide framework governing the siting and operation of microschools and micro-education entities. The bill would have required local agencies to treat these entities as permitted uses across multiple zoning categories, prohibited discretionary review, limited the application of local development standards, and required ministerial approval of permits. The bill also included provisions restricting the ability of local agencies to regulate various aspects of these entities and required local ordinances to conform to a state-developed model ordinance.

Amendments taken in the Senate Local Government Committee removed these provisions. As currently drafted, the bill no longer preempts local zoning authority, mandates ministerial approval, or requires local agencies to adopt ordinances consistent with a state model. Instead, the bill is limited to defining “microschools” and “micro-education entities” in statute and requiring the Office

of Land Use and Climate Innovation to develop model ordinances addressing their siting and operation.

While these amendments significantly narrow the bill's scope, they also shift its effect. The bill now primarily serves to establish new statutory categories of schools and to direct the state to develop guidance to facilitate their accommodation through local land use policies.

- 3) ***Limited information on microschoools and micro-education entities.*** The materials provided by the author and sponsor describe microschoools and micro-education entities in broad and flexible terms, often emphasizing that these models are evolving and may take a variety of forms. However, these materials do not provide the Committee with basic information regarding the scope and operation of these entities in California.

For example, the Committee has not been provided with information regarding the number of such entities currently operating in the state, the number of students served, the staffing structures employed (including whether instructors are credentialed), the instructional models utilized, or any available data regarding student outcomes.

In addition, the materials provided describe these entities in ways that are not always consistent with the bill's definitions. For instance, one summary characterizes "micro-education entities" as including activities such as coding classes and tutoring centers, which do not appear to fall within the bill's definition requiring operation as a private school that has filed a private school affidavit. This variation in how the concept is described makes it difficult to determine the intended scope of the bill and the types of entities that would ultimately be affected.

Given that this bill would create new statutory definitions and direct the development of model ordinances to guide their accommodation, the absence of clear, consistent, and data-informed information makes it difficult for the Committee to fully assess the scope of the proposal and its potential implications.

- 4) ***Statutory recognition of microschoools and micro-education entities.*** This bill establishes statutory definitions for "microschoools" and "micro-education entities," both of which are defined as forms of private schools operating under the private school affidavit framework. Under existing law, private schools operate with limited state oversight, and the filing of an affidavit does not constitute state evaluation, approval, or endorsement of a school.

By contrast, this bill would explicitly define a subset of these schools in statute and direct the state to develop model ordinances addressing their siting and operation. While the bill does not alter the underlying education law framework, the act of defining these entities in statute and directing state-level guidance may be viewed as a form of recognition and facilitation.

The Committee may wish to consider whether additional information regarding the nature, scope, and operation of these entities would be helpful prior to

establishing such definitions in statute and directing the development of statewide guidance.

- 5) ***State role in facilitating locally regulated land uses.*** Existing law provides cities and counties with broad authority to regulate land use through their police powers, including the adoption of zoning ordinances and development standards tailored to local conditions. As noted in the Senate Local Government Committee's analysis, local agencies are responsible for determining allowable land uses and associated standards through their general plans and zoning ordinances.

Consistent with that committee's jurisdiction, amendments taken in the Senate Local Government Committee removed provisions that would have required local agencies to permit these entities as a matter of right or limited their ability to apply discretionary review. As currently drafted, the bill no longer compels local governments to take specific actions, but instead directs a state agency to develop model ordinances addressing the siting and operation of microschoools and micro-education entities.

With local control concerns addressed, the central question for this Committee is not whether local governments should be required to accommodate these uses, but whether the state should define these entities in statute and direct the development of model ordinances to facilitate their accommodation. In this context, the Committee may wish to consider whether sufficient information has been provided regarding the nature, scope, and operation of these entities to support that policy choice.

- 6) ***Legislative approach to defining emerging education models.*** This bill would establish new statutory definitions for "microschools" and "micro-education entities," concepts that the author and sponsor describe as evolving and without a rigid definition. The Committee has, in other contexts, taken a measured approach to defining emerging or nontraditional educational models, recognizing that statutory definitions can have significant implications for oversight, funding, and future policy development.

For example, the Committee continues to grapple with distinctions among various instructional models, including independent study and nonclassroom-based charter schools, and has only recently established statutory clarity in areas such as charter management organizations. In these instances, definitions have often followed extended deliberation and the development of a clearer understanding of how such models operate in practice.

The Committee may wish to consider whether a similar level of clarity and understanding exists with respect to microschoools and micro-education entities before establishing new definitions in statute and directing the development of statewide guidance related to their operation.

**SUPPORT**

California Policy Center (sponsor)  
All Families, All Schools  
California Microschool Collective  
Libertas Network  
Seven Individuals

**OPPOSITION**

None received

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