

Date of Hearing: August 5, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 685 (Cortese) – As Amended July 2, 2026

Policy Committee:	Higher Education	Vote:	8 - 0
	Education		8 - 0

Urgency: No State Mandated Local Program: Yes Reimbursable: Yes

SUMMARY:

This bill authorizes a religiously affiliated (sectarian) school to apply for certification with the California Department of Education (CDE) to operate as a nonpublic school (NPS) and provide placement for special education students. The bill prohibits the use of public funds by an NPS for religious education and updates certification requirements to include provision of state-adopted curriculum, including any mandated instruction.

Specifically, the bill requires that any school seeking certification as an NPS certify, under penalty of perjury, that all educational services provided under a master contract with an LEA are secular, neutral, and respectful regarding religion and religious views. The bill also adds several requirements regarding certificated and non-certificated employees of an NPS regarding credentialing and background checks.

FISCAL EFFECT:

- 1) One-time General Fund costs of \$450,000 and \$444,000 ongoing annually for the Commission on Teacher Credentialing (CTC) to hire three additional staff responsible for increased application and background check processing, providing technical assistance to NPSs, coordination with the CDE, and addressing potential litigation.
- 2) No costs to CDE.

COMMENTS:

- 1) **Purpose.** According to the author:

Students with disabilities deserve access to high-quality educational services that meet their individual needs. SB 685 updates California's framework for certified Nonpublic Schools in response to the Ninth Circuit's decision in *Loffman v. California Department of Education*. The bill establishes clear and consistent requirements related to student safety, educator qualifications, background checks, nondiscrimination protections, and curriculum requirements, helping ensure that students with disabilities receive the services identified in their Individualized Education Programs.

- 2) **Background.** Current law defines an NPS as a private, nonsectarian school that enrolls special education students pursuant to an individualized education plan (IEP) and is certified

by CDE. Similarly, a nonpublic agency (NPA) is a private, nonsectarian establishment providing related services for special education students to provide educational benefit within the student's educational program prescribed as part of their IEP. Historically, as nonsectarian entities, both NPSs and NPAs have been prohibited from being religiously affiliated. However, in 2025, the case of Loffman v. CDE settled and resulted in the CDE being prohibited from applying or enforcing the nonsectarian requirement under current law. Therefore, according to the State Superintendent of Public Instruction, Tony Thurmond, writing in support of this bill:

California has an opportunity to update its statutes to reflect current constitutional standards while continuing to prioritize student safety, accountability, and educational quality. SB 685 modernizes California's nonpublic school certification framework in a manner consistent with these standards and strengthens the protections that ensure students with disabilities receive safe, appropriate, and high-quality services.

SB 685 prohibits nonpublic schools from using public funds that support publicly placed pupils for religious instruction and requires applicants for nonpublic school certification that all contracted educational services are secular, neutral, and respectful regarding religion and religious views. It also ensures nondiscrimination in the performance of the contracted services. The bill further strengthens student safety by extending fingerprint-based state and national background checks to both employees and contractors. Finally, it enhances oversight by phasing in full Commission on Teacher Credentialing requirements for both in-state and out-of-state nonpublic school instructional staff by January 1, 2028, this broadens incident-reporting triggers, and establishes a closed-loop process to ensure credentialholders subject to suspension or revocation are removed from contact with California pupils.

Opponents of the bill, however, contend the bill has the opposite effect claimed by its supporters and will result in continued restricted access for sectarian schools. The California Family Council, regarding the bill's requirement for a school to certify to the provision of only secular educational services under a contract with an LEA, writes the following:

This is a thinly veiled attempt to restrict aid to schools which allow sectarian content. No school that opens in prayer, teaches children they are made in the image of God, or integrates Scripture into its curriculum can honestly sign that statement. The bill does not expand access for religious schools. It offers participation on the condition that those schools stop being religious, a condition no institution of faith can accept with integrity.