
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

SB 959 (Grayson) - Average daily attendance: emergencies: major safety hazard

Version: March 9, 2026

Urgency: Yes

Hearing Date: April 13, 2026

Policy Vote: ED. 7 - 0

Mandate: No

Consultant: Lenin Del Castillo

Bill Summary: This bill, an urgency measure, authorizes a local fire agency to determine the imminence of a major safety hazard for purposes of holding a local educational agency's (LEA's) average daily attendance (ADA) harmless for state funding purposes.

Fiscal Impact: This bill could result in additional, unknown Proposition 98 General Fund costs in ADA credits each year. The bill's exact costs will depend on several factors that are difficult to quantify, most notably the frequency of LEAs that face major safety hazards and the amount of ADA involved. However, given the increasing frequency of wildfires across the state and the number of schools located in or near Fire Hazard Severity Zones, the bill's costs could be significant.

Background: Existing law specifies qualifying emergencies for ADA credit, including fire, flood, epidemic, earthquake, impassable roads, and other extraordinary conditions, including civil or military orders. The law defines a "material decrease" as a drop of at least 10 percent in attendance due to qualifying emergencies. LEAs may submit a Form J-13A to the California Department of Education (CDE) to request ADA and instructional time credit during an emergency or material attendance loss.

Existing law requires LEAs to offer independent study during emergency closures or attendance disruptions to retain ADA credit and includes audit requirements for substantiating compliance. The law also requires future inclusion of instructional continuity plans in school safety plans, effective July 1, 2026.

Proposed Law: This bill, an urgency measure, authorizes a local fire agency to determine the imminence of a major safety hazard for purposes of holding an LEA's ADA harmless for state funding purposes.

Staff Comments: Current law allows schools to cancel classes without financial penalty when there is an "imminence of a major safety hazard" as determined by a local law enforcement agency. However, in situations involving wildfire risk, local fire agencies may be the entities to assess conditions on the ground and determine whether a campus faces imminent danger. School administrators, law enforcement officials, and fire authorities have indicated that the existing statute does not clearly authorize fire agencies to make this determination, which may create uncertainty for districts seeking to close schools proactively out of an abundance of caution.

According to the author, "in response to recent devastating wildfires, the Legislature has acted to both rebuild affected communities and bolster mitigation efforts to lower future

fire risk. However, more must be done to ensure that communities have every tool available to them to respond to fire danger appropriately. One area where there remains a gap in current law is in the Education Code section that governs the type of emergency situations that a school may cancel classes and not lose out on ADA funding.

This update to the law will assure that school districts will not lose ADA funding if they err on the side of student and community safety in the face of an imminent wildfire. Including fire agencies in this vital decision-making process has the potential to save the lives of students, teachers, and school personnel by keeping them out of harm's way when their campuses are threatened by potential wildfires.”

-- END --