

Date of Hearing: June 17, 2026

ASSEMBLY COMMITTEE ON EDUCATION

Darshana R. Patel, Chair

SB 959 (Grayson) – As Amended March 9, 2026

SENATE VOTE: 39-0

SUBJECT: Average daily attendance: emergencies: major safety hazard

SUMMARY: Authorizes, as an urgency measure, 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. Specifically, **this bill:**

- 1) 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.
- 2) States that this act is an urgency statute necessary due to the imminent danger of wildfires throughout the state and the need to address the safety of pupils on campuses in high wildfire danger areas.

EXISTING LAW:

- 1) Provides funding to LEAs on the basis of ADA. (Education Code (EC) 42238.05)
- 2) Allows school districts to claim the greater of current year, prior year, or three prior years' ADA for apportionment purposes as a buffer against declining enrollment. (EC 42238.05)
- 3) Requires the Superintendent of Public Instruction (SPI), for apportionment purposes, to credit to school district, county office of education (COE), or charter school a material loss of ADA due to the following reasons, provided the loss has been established to the satisfaction of the SPI by affidavits of the members of the governing board or body of the LEA:
 - a) Fire;
 - b) Flood;
 - c) Impassable roads;
 - d) Epidemic;
 - e) Earthquake;
 - f) The imminence of a major safety hazard as determined by the local law enforcement agency;
 - g) A strike involving transportation services to pupils provided by a non-school entity;
 - h) Specified civil or military order; and

- i) Snowstorm. (EC 46392; California Code of Regulations (CCR) Title 5 § 428)
- 4) Allows LEAs unable to maintain schools for at least 180 days (for a school district or COE) or 175 days (for a charter school) due to various reasons such as fire, flood, earthquake, epidemic, emergencies declared by military or civil officers, teacher shortages, or teacher illness to receive the same state funding amount as if they had operated for the full required days. This is contingent upon satisfying certain conditions, including providing affidavits from relevant governing bodies and superintendents to justify the circumstances preventing the maintenance of schools. (EC 46392)
- 5) Requires, in the event of a state of emergency declared by the Governor in a county, the SPI to determine the length of the period during which ADA has been reduced by the state of emergency and prohibits the SPI from extending the period into the next fiscal year except upon a showing by a LEA, to the satisfaction of the SPI, that extending the period into the next fiscal year is essential to alleviate continued reductions in ADA attributable to the state of emergency. (EC 46392)
- 6) Requires, for affidavits submitted to the SPI for events occurring after September 1, 2021, that resulted in a school closure or material decrease in attendance, a school district, COE, or charter school that provides an affidavit to the SPI, as specified, to certify that it has a plan for which independent study will be offered to pupils. Requires the plan to comply with all of the following:
 - a) Requires independent study to be offered to any pupil impacted by any of the specified conditions within 10 days of the first day of a school closure or material decrease in attendance. Requires pupils who are individuals with exceptional needs to receive the services identified in their individualized education programs and authorizes their participation in an independent study program;
 - b) Requires reopening for in-person instruction as soon as possible, unless prohibited under the direction of the local or state health officer; and
 - c) Requires plans to include information regarding establishing independent study master agreements in a reasonable amount of time. (EC 46393)
- 7) Requires a school district, COE, or charter school that is prevented from maintaining its schools during a fiscal year for at least 180 days for a school district or COE or 175 days for a charter school, or is required to operate sessions of shorter length than otherwise prescribed by law because of fire, flood, earthquake, or epidemic, or because of any order of any military officer of the United States or of the state to meet an emergency created by war, or of any civil officer of the United States, of the state, or of any county, city and county, or city authorized to issue that order to meet an emergency created by war, or because of other extraordinary conditions, or because of inability to secure or hold a teacher, or because of the illness of the teacher, established to the satisfaction of the SPI by the affidavits of the members of the governing board of the school district, the governing board of the COE, or the governing board or body of the charter school and of the county superintendent of schools, to receive the same apportionment from the State School Fund as it would have received had it not been so prevented from maintaining school for at least 180 full-length days for a school district or COE or 175 full-length days for a charter school. (EC 41422)

- 8) Requires LEAs to offer independent study during emergency closures or attendance disruptions to retain ADA credit, and includes audit requirements for substantiating compliance. (EC 42238.023, 51745, 51747, 51749.6)
- 9) Requires future inclusion of instructional continuity plans in school safety plans, effective July 1, 2026. (EC 32282)
- 10) Requires the California Department of Education (CDE) to electronically distribute disaster preparedness educational materials and lesson plans that are currently available to school districts and COEs. Requires the CDE to ensure that the disaster preparedness materials are available in at least the three most dominant primary languages spoken by English learners in California, according to the language census. Requires the CDE to coordinate with the Governor's Office of Emergency Services (CAL OES) to make sure that all materials are reviewed and updated annually. (EC 32282.5)
- 11) Requires a pupil's individualized education program (IEP) to include a description of the means by which the IEP will be provided under emergency conditions, as specified, in which instruction or services, or both, cannot be provided to the pupil either at the school or in person for more than 10 school days. (EC 56345)

FISCAL EFFECT:

According to the Senate Appropriations Committee: 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.

COMMENTS:

Need for the bill. According to the author, "California has experienced an unprecedented rise in the frequency and severity of wildfires as the state faces the new reality of a year-round fire season. Recent tragedies like the Eaton and Palisades Fires in Southern California along with the Dixie and LNU Lightning Complex Fires in Northern California have led to action on several fronts to apply lessons learned from these tragic events.

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.”

Key provisions of the bill. 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. This bill includes an urgency measure and would go into effect immediately.

Allowing local fire agencies to determine the imminence of a major safety hazard. 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 are often the entities best positioned 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.

Given the increasing frequency and severity of wildfires across California and the growing number of schools located in or near Fire Hazard Severity Zones, this bill seeks to align the statute with the practical realities of emergency response by allowing local fire agencies, who possess specialized expertise in wildfire behavior and risk assessment, to determine when an imminent safety hazard exists. Allowing these agencies to make such determinations may help ensure that schools can act quickly to protect students and staff without risking the loss of ADA funding.

Apportionment during emergencies. Current law authorizes the SPI to grant normal apportionment credit to LEAs in emergencies, or in instances when one or more schools must be closed because of “extraordinary conditions.” When the SPI authorizes credit for days that school was closed, LEAs receive instructional time credit for the day(s) and minutes lost to the emergency closure and approval to reduce the divisor used for calculating ADA. The instructional time credit satisfies state law with regard to both the instructional day and minute requirements.

LEAs are to be held harmless from revenue loss that might otherwise result from the loss of ADA or instructional time in emergencies. LEAs obtain credit for days and minutes lost to emergency closure and material decreases in attendance due to emergency events by submitting a Request for Allowance of Attendance Due to Emergency Conditions (Form J-13A). A Form J-13A approval, combined with other LEA's records, serves to document the LEA's compliance with instructional time laws, show why different divisors may be used in the computation of ADA, and document approval for ADA credit.

All LEAs must submit a certified plan for which independent study will be offered to students that accompanies all Form J-13A requests submitted for a school closure and/or a material decrease in attendance due to a qualifying event.

SB 153 (Committee on Budget), Chapter 38, Statutes of 2024, and AB 176 (Committee on Budget and Fiscal Review, Chapter 998, Statutes of 2024), made two significant changes to the Form J-13A submittal process:

- 1) The requirement to include the Certification Form for Independent Study and a certified independent study plan with Form J-13A submissions will end on June 30, 2026; and
- 2) In place of the independent study plan and certification process, starting July 1, 2026, LEAs will include an instructional continuity plan as part of their school safety plan. This plan must address how the LEA will continue to provide instruction to students affected by emergency events.

Recent school closure data. According to data provided by the CDE, there have been 2,040 school closure requests submitted by LEAs from 2014-15 to 2018-19. As shown in the table below, the total number of school closures reported increased dramatically beginning in 2016-17 due to wildfires. The vast majority of these school closures lasted less than three days.

Emergency	2014 -15	2015 -16	2016 -17	2017 -18	2018 -19	2019 -20	2020 -21	2021 -22	2022 -23	2023 -24	2024 -25	2025 -26
Weather	215	43	331	75	263	399	57	48	504	304	117	32
Other	22	27	70	57	17	6	7	64	97	37	46	16
Epidemic	5	2	7	8	14	10	3	61	31	2	8	0
Violence Threat	23	44	8	24	35	21	0	6	25	29	31	7
Wildfire	22	42	30	424	507	185	120	52	44	11	303	3
Power	32	46	26	28	42	20	44	63	90	30	43	15
TOTAL	319	204	472	616	878	641	231	294	791	413	548	73

Source: CDE

Independent study. Due to the growing number of public health emergencies and natural disasters that have impacted the state in recent years, there is an increased need for LEAs to provide continuity of academic instruction for students who are unable to attend in-person instruction during an emergency event. Current law requires LEAs to certify offering independent study within ten days of the first day of a school closure or material decrease in attendance. LEAs are encouraged to provide access to instruction and the opportunity to earn academic credit through independent study for students who are excluded from school (or absent), or when school is closed. However, independent study participation during these instances is for the purpose of academic credit only and would not generate attendance for apportionment. Providing independent study is crucial in mitigating the negative impact of lost learning time and supporting mental health. According to the CDE, LEAs can prepare for transitioning students to independent study during school closures through the following recommended best practices:

- Including independent study agreements in back-to-school paperwork provided for parents to sign ahead of time;

- Posting assignments and student academic resources online;
- Assigning laptops to all students;
- Developing emergency partnerships with neighboring LEAs; and
- Maintaining an online instructional platform.

These are best practices and would not preclude LEAs from providing other methods of instruction during closures where online options are limited (e.g. power outages).

Disaster preparedness in schools. Current law requires the CDE to electronically distribute disaster preparedness educational materials and lesson plans that are currently available to school districts and COEs. The CDE must 1) ensure that the disaster preparedness materials are available in at least the three most dominant primary languages spoken by English learners in California, and 2) coordinate with the Office of Emergency Services to make sure that all materials are reviewed and updated annually. Among the materials circulated to LEAs are information on teaching children proper use of 9-1-1, fire safety, emergency preparedness, and curriculum-based programs on the emotional, social, and economic effects of natural and human-caused disasters.

Further, each school district and COE is responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 through 12. Charter schools must include in their petitions the procedures that the charter school will follow to ensure the health and safety of pupils and staff.

Arguments in support. The California Teachers Association writes, “Local fire agencies are the most appropriate when fire danger leads to school closures as a safety measure. California has experienced immense and unprecedented devastation from wildfires, impacting families, communities, and schools. This expansion of the law should lead to the most accurate determinations regarding the possible danger, in these situations, that impacts on the safety of students and prevents the loss of average daily attendance.”

Related legislation. SB 1429 (Ochoa Bogh), Chapter 447, Statutes of 2024, adds snowstorms to the list of specified emergency situations for which a LEA may receive a waiver of instructional time requirements and have the ADA of the LEA used for state funding purposes held harmless.

SB 114 (Committee on Budget and Fiscal Review), Chapter 48, Statutes of 2023, made various changes to instructional time requirements and apportionment in response to the COVID-19 pandemic.

AB 167 (Committee on Budget), Chapter 252, Statutes of 2021, made various changes to instructional time requirements and apportionment in the 2021-22 school year in response to the COVID-19 pandemic.

AB 3120 (O'Donnell) of the 2019-20 Session would have required LEAs to be exempt from various instructional minute fiscal penalties if the LEA added instructional minutes to existing instructional days or if the LEA could demonstrate that it could not meet the instructional day

requirements due to specified circumstances. This bill was held in the Assembly Education Committee.

REGISTERED SUPPORT / OPPOSITION:**Support**

California Fire Chiefs Association
California School Boards Association
California Teachers Association
City of Dublin
City of Lafayette
City of Livermore
City of Oakland
City of Orinda
City of Pleasanton
City of San Ramon
Contra Costa County
Fire Districts Association of California
Lamorinda Legislative Coalition
League of California Cities
Legislative Action Committee - Santa Clara County School Boards Association
Small School Districts Association
Town of Danville
Town of Moraga

Opposition

None on file

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