

SENATE THIRD READING
SB 959 (Grayson)
As Amended August 17, 2026
2/3 vote. Urgency

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.

Major Provisions

- 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 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.

COMMENTS

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.

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."

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."

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) No General Fund administrative costs to the California Department of Education (CDE). According to the CDE, statute already empowers the Superintendent of Public Instruction (SPI) to consider threat of a major safety hazard as determined by a local fire agency when the SPI reviews a Form J-13A waiver request.
- 2) Minor and absorbable Proposition 98 General Fund costs to the extent more local educational agencies (LEAs) apply for a Form J-13A waiver as a result of making explicit in statute that the SPI may consider a major safety hazard determined by a local fire agency when reviewing such a waiver request. However, as noted above, existing law already authorizes the SPI to consider such an event when reviewing a waiver request.

VOTES

SENATE FLOOR: 39-0-1

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNeerney, Menjivar, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Niello

ASM EDUCATION: 8-0-1

YES: Patel, Hoover, Ahrens, Bonta, Castillo, Garcia, Lowenthal, Pellerin

ABS, ABST OR NV: Zbur

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Hoover, Arambula, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Solache, Ta

ABS, ABST OR NV: Calderon, Pellerin, Sharp-Collins, Tangipa

UPDATED

VERSION: August 17, 2026

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FN: 0003657