
UNFINISHED BUSINESS

Bill No: SB 959
Author: Grayson (D), et al.
Amended: 8/17/26
Vote: 27 - Urgency

SENATE EDUCATION COMMITTEE: 7-0, 3/25/26

AYES: Pérez, Ochoa Bogh, Cabaldon, Choi, Cortese, Gonzalez, Reyes

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/14/26

AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

SENATE FLOOR: 39-0, 5/19/26

AYES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener
NO VOTE RECORDED: Niello

ASSEMBLY FLOOR: Passed, 8/26/26

SUBJECT: Average daily attendance: emergencies: major safety hazard

SOURCE: Author

DIGEST: 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.

Assembly Amendments make technical and conforming changes to reflect amendments to the same section of law enacted through the 2026 education budget trailer bill.

ANALYSIS:

Existing Law:

- 1) Establishes that LEAs are funded based on ADA and defines “material decrease” as a drop of at least 10% in attendance due to qualifying emergencies. (Education Code (EC) § 46392; California Code of Regulations (CCR) Title 5 § 428)
- 2) Lists qualifying emergencies for ADA credit, including fire, flood, epidemic, earthquake, impassable roads, and other extraordinary conditions, including civil or military orders. (EC § 46392)
- 3) Allows LEAs to 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. (EC §§ 41422, 46200, 46391, 46392, 46393 and CCR, Title 5, § 428)
- 4) 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)
- 5) Requires future inclusion of instructional continuity plans in school safety plans, effective July 1, 2026. (SB 153, Senate Committee on Budget and Fiscal Review, Chapter 38, Statutes of 2024; AB 176 Assembly Committee on Budget, Chapter 998, Statutes of 2024)

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) Contains an urgency statute which would go into effect immediately.

Comments

- 1) *Need for this 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.”

- 2) *Education law protects districts from losses in ADA due to emergency situations.* Two sections of the EC empower the Superintendent of Public Instruction (SPI) to grant regular apportionment credit to districts during emergencies. Under EC Section 41422, districts can maintain apportionments when schools close due to “extraordinary conditions.” When the SPI approves credit for closed school days, districts receive ADA credit and instructional time credit for the time lost during the closure, satisfying state law requirements for both the minimum 175-day year and longer day and year standards.

EC Section 46392 allows for ADA credit whenever the ADA of educational institutions decreases significantly due to various emergencies, including fires, floods, and impassable roads. Despite differences in wording between the two sections, their purpose remains the same: to protect school districts and county offices from revenue loss resulting from reduced ADA or instructional time during emergencies.

- 3) *Disaster preparedness in schools.* Under existing law, CDE is required to electronically distribute disaster preparedness educational materials and lesson plans that are currently available to school districts and county offices of education. 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 about teaching

children proper use of 9-1-1, fire safety information, emergency preparedness, and curriculum-based programs on the emotional, social, and economic effects of natural and human-caused disasters.

Further, each school district and county office of education 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.

- 4) *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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

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.

SUPPORT: (Verified 8/26/26)

California Teachers Association

City of Lafayette

City of Oakland

City of Orinda

Contra Costa County

Lamorinda Legislative Coalition

League of California Cities

Legislative Action Committee - Santa Clara County School Boards Association

Orange County Fire Authority

Town of Moraga

OPPOSITION: (Verified 8/26/26)

None received

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**** **END** ****