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SB-941 Local educational agency instruction collaboration agreements: science, technology, engineering, and mathematics: dual language immersion programs. (2021-2022)

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Date Published: 09/29/2022 02:00 PM

Senate Bill No. 941

CHAPTER 711

An act to add and repeal Article 9.5 (commencing with Section 48345) of Chapter 2 of Part 27 of Division 4 of Title 2 of the Education Code, relating to pupil instruction.

[Approved by Governor September 28, 2022. Filed with Secretary of State September 28, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 941, Portantino. Local educational agency instruction collaboration agreements: science, technology, engineering, and mathematics: dual language immersion programs.

Existing law authorizes the governing boards of 2 or more school districts to enter into an agreement, for a term not to exceed 5 school years, for the interdistrict attendance of pupils who are residents of the school districts. Existing law also authorizes the governing board of a school district to accept pupils from other school districts by adopting a resolution to become a school district of choice, as defined, in accordance with specified procedural requirements and limitations.

This bill would authorize the governing board of a school district, a county board of education, or the governing body of a charter school to enter into an agreement with one or more local educational agencies to offer the same or similar corresponding individual courses and coursework to pupils from other local educational agencies who have been impacted by disruptions, cancellations, or teacher shortages in science, technology, engineering, or mathematics classes, or dual language immersion programs, as provided. The bill would require a local educational agency subject to the agreement to accept pupils through an unbiased process that prohibits an inquiry into, or evaluation or consideration of, specified pupil characteristics, as provided, to hold random drawings to determine approval for study when the number of pupils seeking a classroom opportunity exceeds the available number of seats in a classroom, as provided, and to publicly post certain information related to these opportunities. The bill would require the department, on or before January 1, 2028, to evaluate the success of these local educational agency collaborations, as provided.

This bill would make these provisions inoperative on July 1, 2029, and would repeal them as of January 1, 2030.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) California is experiencing a record shortage of teachers during very difficult times. The teacher shortage has been exacerbated by the impact of the COVID-19 pandemic. Some impacted local educational agencies are canceling important dual language immersion classes due to a shortage of qualified credentialed teachers, while the shortage of credentialed science,

technology, engineering, and mathematics (STEM) teachers is also impacting the learning environment of some pupils. To address this problem, local educational agencies may want to consider interdistrict collaborations as an alternative to canceling classes or seeking emergency credentials for teachers who have not benefited from a complete academic education background or student teaching experiences.

(b) One viable alternative for local educational agencies to explore is entering into collaboration agreements whereby a local educational agency with classroom space or excess capacity may offer to share facilities and opportunities with pupils from neighboring local educational agencies, whether in person or online.

SEC. 2. Article 9.5 (commencing with Section 48345) is added to Chapter 2 of Part 27 of Division 4 of Title 2 of the Education Code, to read:

Article 9.5. Local Educational Agency Instruction Collaboration Agreements

48345. (a) For purposes of this section, "local educational agency" means a school district, county office of education, or charter school.

(b) Notwithstanding any other law, the governing board or body of a local educational agency may enter into an agreement with one or more local educational agencies to offer the same or similar corresponding individual courses and coursework to a pupil from another local educational agency subject to the agreement who has been impacted by any of the following:

- (1) Disruptions or cancellations in science, technology, engineering, and mathematics (STEM) classes.
- (2) Disruptions or cancellations in dual language immersion programs.
- (3) Teacher shortages in STEM classes or dual language immersion programs.

(c) If the governing board or body of a local educational agency elects to accept pupils pursuant to subdivision (b), it shall determine the number of pupils it is willing to offer the same or similar corresponding individual courses or coursework to under this section and shall accept pupils who apply for the same or similar corresponding individual courses or coursework until the local educational agency is at maximum capacity.

(d) The local educational agency accepting pupils pursuant to subdivision (b) shall ensure that the pupils admitted are selected through an unbiased process that prohibits an inquiry into, or evaluation or consideration of, whether or not a pupil should be authorized to participate in the course or coursework based upon the pupil's academic or athletic performance, proficiency in English, physical condition, any of the individual characteristics set forth in Section 200, or family income.

(e) If the number of pupils seeking a classroom opportunity pursuant to subdivision (b) exceeds the number of seats available in a classroom of the local educational agency offering to serve pupils from another local educational agency, the approval for study shall be determined by a random drawing held in public at a regularly scheduled meeting of the governing board or body of the local educational agency offering to serve pupils from another local educational agency.

(f) Local educational agencies that enter into a collaborative agreement pursuant to subdivision (b) shall publicly post information to ensure that pupils and their families are aware of the opportunities to participate under the agreement. This publicly available information shall include, at a minimum, any applicable forms and the timelines for submissions pursuant to the agreement.

(g) Notwithstanding any other law, the average daily attendance attributable to a pupil authorized to participate in the course or coursework by a local educational agency pursuant to this section shall remain with the local educational agency that the pupil originated from for purposes of state apportionment. The agreement entered into pursuant to subdivision (b) shall include an appropriate shared cost structure negotiated by the collaborating local educational agencies.

(h) On or before January 1, 2028, the department shall evaluate the programs implemented pursuant to this section, including an analysis of whether pupils benefited from the programs and any obstacles to creating the programs.

48349. This article shall become inoperative on July 1, 2029, and, as of January 1, 2030, is repealed.