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SB-1429 Education finance: emergencies: snowstorms. (2023-2024)

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Senate Bill No. 1429

CHAPTER 477

An act to amend Sections 41422 and 46392 of the Education Code, relating to education finance.

[Approved by Governor September 22, 2024. Filed with Secretary of State September 22, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1429, Ochoa Bogh. Education finance: emergencies: snowstorms.

Existing law requires that a school district, county office of education, or charter school that was prevented, due to certain emergencies, including, but not limited to, prescribed natural disasters, from maintaining its schools during a fiscal year for at least 180 days for a school district or county office of education or at least 175 days for a charter school, to receive the same apportionments as if it had not been prevented from maintaining those required number of days, as provided.

For purposes of state apportionments based on average daily attendance, as provided, if the average daily attendance of a school district, county office of education, or charter school has been materially decreased during a fiscal year because of a specified emergency, existing law requires the Superintendent of Public Instruction to estimate the average daily attendance in a manner that credits to the school district, county office of education, or charter school approximately the total average daily attendance that would have been credited to the school district, county office of education, or charter school had the emergency not occurred.

This bill would add snowstorms to the list of emergencies for which the above-described provisions apply, as provided.

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

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

SECTION 1. Section 41422 of the Education Code is amended to read:

41422. (a) A school district, county office of education, or charter school that is prevented from maintaining its schools during a fiscal year for at least 180 days for a school district or county office of education 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, snowstorm, 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, which fact shall be shown to the satisfaction of the Superintendent by the affidavits of the members of the governing board of the school district, the governing board of the county office of education, or the governing board or body of the charter school and of the county superintendent of schools, shall 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 county office of education or 175 full-length days for a charter school.

(b) This section shall also apply to school districts, county offices of education, or charter schools that, in the absence of one or more of the conditions prescribed by this section, would have qualified for funds pursuant to Sections 46200 to 46208, inclusive, or Section 47612.5, as applicable.

(c) (1) Notwithstanding the inability to secure or hold a teacher, or because of the illness of the teacher pursuant to subdivision (a), from September 1, 2021, to June 30, 2022, inclusive, with the exception of a school closure for a schoolsite or class that only serves pupils who are individuals with exceptional needs, as defined in Section 56026, whose individualized education program developed pursuant to Article 3 (commencing with Section 56340) of Chapter 4 of Part 30 of Division 4 does not specifically provide for participation in independent study or pupils who are enrolled in community day schools pursuant to Article 3 (commencing with Section 48660) of Chapter 4 of Part 27 of Division 4, a school district, county office of education, or charter school shall not receive the same apportionment from the State School Fund pursuant to this section 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 county office of education or 175 full-length days for a charter school if the school closure was due to impacts from COVID-19.

(2) (A) Notwithstanding paragraph (1), a school district, county office of education, or charter school may still receive credit for instructional days and minutes that were scheduled for in-person instruction, as demonstrated by the governing board or body approved calendar in place before the event, on days in which the school district, county office of education, or charter school was prevented from maintaining school due to the conditions indicated in paragraph (1) provided that instruction was offered to all eligible pupils through independent study pursuant to Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 of Division 4 and implementing regulations adopted thereunder.

(B) The superintendent of a school district, the county superintendent of schools, or the administrator of a charter school shall certify to the Superintendent to offering all eligible pupils instruction through independent study pursuant subparagraph (A).

(3) Notwithstanding paragraph (1), from September 1, 2021, to June 30, 2022, inclusive, a school district, county office of education, or charter school may receive the same apportionment from the State School Fund pursuant to this section for school closures related to impacts from COVID-19 due to COVID-19 related staffing shortages if the following conditions are established to the satisfaction of the Superintendent by affidavits of the members of the governing board or body of the school district, county office of education, or charter school and the county superintendent of schools:

(A) The school district, county office of education, or charter school is unable to provide in-person instruction to pupils due to staffing shortages as a result of staff quarantine due to exposure to, or infection with, COVID-19 pursuant to local or state public health guidance.

(B) For certificated staff shortages, the school district, county office of education, or charter school has exhausted all options for obtaining staff coverage, including using all certificated staff and substitute teacher options, and has consulted with their county office of education and the Superintendent in determining that staffing needs cannot be met through any option.

(C) For classified staff shortages, the school district, county office of education, or charter school has exhausted all options for obtaining staff coverage, including using all staff options, and has consulted with their county office of education and the Superintendent in determining that staffing needs cannot be met through any option.

SEC. 2. Section 46392 of the Education Code is amended to read:

46392. (a) If the average daily attendance of a school district, county office of education, or charter school during a fiscal year has been materially decreased during a fiscal year because of any of the following, the fact shall be established to the satisfaction of the Superintendent by affidavits of the members of the governing board or body of the school district, county office of education, or charter school and the county superintendent of schools:

(1) Fire.

(2) Flood.

(3) Impassable roads.

(4) Epidemic.

(5) Earthquake.

(6) The imminence of a major safety hazard as determined by the local law enforcement agency.

(7) A strike involving transportation services to pupils provided by a nonschool entity.

(8) An order provided for in Section 41422.

(9) Snowstorm.

(b) (1) In the event a state of emergency is declared by the Governor in a county, a decrease in average daily attendance in the county below the approximate total average daily attendance that would have been credited to a school district, county office of education, or charter school had the state of emergency not occurred shall be deemed material. The Superintendent shall determine the length of the period during which average daily attendance has been reduced by the state of emergency.

(2) The period determined by the Superintendent shall not extend into the next fiscal year following the declaration of the state of emergency by the Governor, except upon a showing by a school district, county office of education, or charter school, to the satisfaction of the Superintendent, that extending the period into the next fiscal year is essential to alleviate continued reductions in average daily attendance attributable to the state of emergency.

(3) Notwithstanding any other law, the Superintendent shall extend through the 2018–19 fiscal year the period during which it is essential to alleviate continued reductions in average daily attendance attributable to a state of emergency declared by the Governor in October 2017, for a school district where no less than 5 percent of the residences within the school district or school district facilities were destroyed by the qualifying emergency.

(c) (1) The average daily attendance of the school district, county office of education, or charter school for the fiscal year shall be estimated by the Superintendent in a manner that credits to the school district, county office of education, or charter school for determining the apportionments to be made to the school district, county office of education, or charter school from the State School Fund approximately the total average daily attendance that would have been credited to the school district, county office of education, or charter school had the emergency not occurred or had the order not been issued.

(2) (A) From September 1, 2021, to June 30, 2022, inclusive, with the exception of a material loss of attendance for pupils who are individuals with exceptional needs, as that term is defined in Section 56026, whose individualized education program developed pursuant to Article 3 (commencing with Section 56340) of Chapter 4 of Part 30 does not specifically provide for participation in independent study or pupils who are enrolled in community day schools pursuant to Article 3 (commencing with Section 48660) of Chapter 4 of Part 27, a school district, county office of education, or charter school shall not receive average daily attendance credit pursuant to this section for pupils that have been quarantined and are unable to attend in-person instruction due to exposure to, or infection with, COVID-19 pursuant to local or state public health guidance.

(B) Notwithstanding subparagraph (A), from September 1, 2021, to June 30, 2022, inclusive, a school district, county office of education, or charter school may receive average daily attendance credit pursuant to this section for school closures related to impacts from COVID-19 or material loss of attendance due to COVID-19 related staffing shortages if the following conditions are established to the satisfaction of the Superintendent by affidavits of the members of the governing board or body of the school district, county office of education, or charter school and the county superintendent of schools:

(i) The school district, county office of education, or charter school is unable to provide in person instruction to pupils due to staffing shortages as a result of staff quarantine due to exposure to, or infection with, COVID-19 pursuant to local or state public health guidance.

(ii) For certificated staff shortages, the school district, county office of education, or charter school has exhausted all options for obtaining staff coverage, including using all certificated staff and substitute teacher options, and has consulted with their county office of education and the Superintendent in determining that staffing needs cannot be met through any option.

(iii) For classified staff shortages, the school district, county office of education, or charter school has exhausted all options for obtaining staff coverage, including using all staff options, and has consulted with their county office of education and the Superintendent in determining that staffing needs cannot be met through any option.

(d) Notwithstanding any other law, for a school district or charter school physically located within a school district, where no less than 5 percent of the residences within the school district, or the school district's facilities, were destroyed as a result of a state of emergency that was declared by the Governor in November 2018, all of the following shall apply:

(1) (A) In the 2020–21 fiscal year, for school districts, the Superintendent shall calculate the difference between the school district's certified second principal apportionment local control funding formula entitlement pursuant to Section 42238.02 in the 2020–21 fiscal year and the 2019–20 fiscal year and, if there is a difference, allocate the amount of that difference to the school district.

(B) In the 2021–22 fiscal year, for school districts, the Superintendent shall allocate an amount equal to 25 percent of the difference calculated in subparagraph (A) to the school district.

(C) In the 2022–23 fiscal year, for school districts, the Superintendent shall allocate an amount equal to 12.5 percent of the difference calculated in subparagraph (A) to the school district.

(2) (A) In the 2019–20 and 2020–21 fiscal years, for charter schools, the Superintendent shall calculate the difference between the charter school's certified second principal apportionment local control funding formula entitlement pursuant to 42238.02 in the current year and each respective prior year and, if there is a difference, allocate the amount of that difference to the charter school.

(B) In the 2021–22 fiscal year, for charter schools that operate a minimum of 175 school days and report at least 75 percent of the total second period average daily attendance for the 2019–20 fiscal year, as described in Section 41601, the Superintendent shall allocate 25 percent of the difference calculated in subparagraph (A) to the charter school.

(3) For a county office of education funded pursuant to paragraph (1) of subdivision (g) of Section 2575 that has within the boundaries of the county school districts or charter schools affected pursuant to this subdivision and that has in the schools operated by the county office of education at least a 10-percent decrease in average daily attendance in the current fiscal year, in the 2019–20 and 2020–21 fiscal years, the Superintendent shall calculate the difference between the county office of education's alternative education grant entitlement certified at the annual principal apportionment pursuant to Section 2574 in the current fiscal year and each respective prior fiscal year and, if there is a difference, allocate the amount of that difference to the county office of education.

(4) A school district may transfer funds received pursuant to paragraph (1) to the county office of education for the portion of the funds that represents pupils served by the county office of education who are funded through the school district's local control funding formula apportionment pursuant to Section 2576.

(5) In each fiscal year, the allocations pursuant to this subdivision shall be made to school districts and charter schools by the Superintendent as soon as practicable after the second principal apportionment and to county offices of education as soon as practicable after the annual principal apportionment. The allocations made shall be final. The Superintendent may provide a preliminary allocation of up to 50 percent no sooner than the first principal apportionment.

(6) (A) The amounts described in this subdivision shall be continuously appropriated from the General Fund to the Superintendent for these purposes.

(B) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by this subdivision shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the fiscal year in which they are appropriated, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202.

(e) Notwithstanding any other law, for a school district or charter school physically located within a school district, where no less than 5 percent of the residences within the school district, or the school district's facilities, were destroyed as a result of a state of emergency that was declared by the Governor in September 2020, all of the following shall apply:

(1) For the 2021–22 fiscal year, for school districts, the Superintendent shall calculate the difference between the school district's certified annual principal apportionment local control funding formula revenues pursuant to Section 42238.02 in the 2021–22 fiscal year and the 2019–20 fiscal year, including local revenue, pursuant to subdivision (j) of Section 42238.02, and any additional funds received pursuant to subdivision (e) of Section 42238.03 in excess of the entitlement calculated pursuant to Section 42238.02 and 42238.03 and, if there is a difference, allocate the amount of that difference to the school district.

(2) For the 2021–22 fiscal year, for charter schools that operate a minimum of 175 school days and report at least 75 percent of the total second period average daily attendance for the 2019–20 fiscal year, as described in Section 41601, the Superintendent shall calculate the difference between the charter school's certified second principal apportionment local control funding formula revenues pursuant to Section 42238.02 in the 2021–22 fiscal year and the 2019–20 fiscal year, and, if there is a difference, allocate the amount of that difference to the charter school.

(3) School districts and charter schools shall notify the Superintendent of their eligibility pursuant to this subdivision by November 1, 2021, in the manner prescribed by the Superintendent.

(4) Preliminary allocations made pursuant to paragraph (1) shall be made to school districts by the Superintendent through the principal apportionment beginning with the 2021–22 fiscal year first principal apportionment certification and shall be made final as of the annual principal apportionment.

(5) Allocations pursuant to paragraph (2) shall be made to charter schools by the Superintendent as soon as practicable after the second principal apportionment and shall be made final as of the annual principal apportionment. The Superintendent may provide a preliminary allocation of up to 50 percent no sooner than the first principal apportionment.

(f) Notwithstanding any other law, for a school district where a school eligible for funding pursuant to Article 4 (commencing with Section 42280) of Chapter 7 of Part 24 of Division 3 was destroyed as a result of a state of emergency that was declared by the Governor in August 2021, the following shall apply:

(1) The school district may continue to report the amount of attendance generated by pupils enrolled in another school of the school district that would have otherwise attended the destroyed school, and the number of full-time teachers employed by the school district that would have otherwise provided instructional services at the school, as if the school were operational in the 2021–22, 2022–23, and 2023–24 fiscal years.

(2) The school shall be considered a necessary small school for the purpose of Section 42282 in the 2022–23 and 2023–24 fiscal years.

(g) This section applies to any average daily attendance that occurs during any part of a school year.