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SB-1440 School operations: 4-day school week. (2023-2024)

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Senate Bill No. 1440

CHAPTER 478

An act to amend Section 37711 of, and to add and repeal Section 37712 of, the Education Code, relating to school operations.

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1440, Laird. School operations: 4-day school week.

Existing law, for purposes of attendance counting, defines a school month as 20 days or 4 weeks of 5 days each. Existing law authorizes specified school districts, including, among others, certain school districts in the County of San Diego, to operate one or more schools in their respective school districts on a 4-day school week if the school district complies with specified requirements, including, among other requirements, instructional time requirements and a plan, submitted to the State Department of Education for review and approval, for how the school district will meet those instructional time requirements.

This bill would, commencing with the 2025–26 school year, additionally authorize the Stony Creek Joint Unified School District to operate one or more schools in the district on a 4-day school week in accordance with those requirements, except that the Stony Creek Joint Unified School District would also be required to (1) include in its plan an annual school calendar with at least 5 additional days of instruction than is otherwise needed to meet the minimum instructional minute requirements in the event that one or more of the schools in the school district is prevented from operating for specified reasons and (2) make a nutritionally adequate breakfast, and a nutritionally adequate lunch, available 5 days per week to any pupil who requests a meal, free of charge, and without consideration of the pupil's eligibility for federally funded free or reduced-price meals.

If the Stony Creek Joint Unified School District operates a 4-day school week pursuant to these provisions but subsequently experiences, in a single year, a decline in status in 50% or more of the state indicators used to measure performance that are included in the evaluation rubrics adopted by the State Board of Education, this bill would, commencing with the following school year, prohibit the school district from operating a 4-day school week. The bill also would update a cross reference relating to the applicable minimum instructional minute requirements for the school districts in the County of San Diego operating a 4-day school week.

This bill would make these provisions relating to the Stony Creek Joint Unified School District inoperative on July 1, 2029, and would repeal them as of January 1, 2030.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Stony Creek Joint Unified School District.

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

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

SECTION 1. Section 37711 of the Education Code is amended to read:

37711. Beginning in the 2004–05 fiscal year, the following school districts in San Diego County may operate one or more schools in their respective districts on a four-day school week if the districts comply with the instructional time requirements specified in Section 46207 and the other requirements of this chapter:

- (a) Borrego Springs Unified School District.
- (b) Julian Union Elementary School District.
- (c) Julian Union High School District.
- (d) Warner Unified School District.

SEC. 2. Section 37712 is added to the Education Code, immediately following Section 37711, to read:

37712. (a) Notwithstanding any other law, commencing with the 2025–26 school year, the Stony Creek Joint Unified School District may operate one or more schools on a four-day school week if it complies with the instructional time requirements specified in Section 46207, the other requirements of this chapter, and all of the following requirements:

(1) (A) The school district shall annually, by no later than June 1, submit to the department for review and approval, a plan for how the school district will ensure that the minimum instructional minutes required pursuant to Section 46207 will be met in the following school year. The plan shall include, but not be limited to, an annual school calendar with at least five additional days of instruction than is otherwise needed to meet the minimum instructional minute requirements pursuant to Section 46207 in the event that one or more of the schools in the school district is prevented from operating for any of the reasons described in Section 41422 or 46392. If the school district does not need some or all of the five additional days of instruction in order to meet the minimum instructional minute requirements in that school year, the school district shall only offer the extra instructional days to pupils as necessary to meet those requirements.

(B) If the school district offered less than the minimum instructional minutes required pursuant to Section 46207, the school district shall be subject to the penalties described in subdivision (b) of Section 46207 and subdivision (c) of Section 46208. Nothing in this section shall be construed to subject the school district, if it has met the minimum instructional minutes required pursuant to Section 46207, to those penalties.

(2) (A) The school district makes a nutritionally adequate breakfast, and a nutritionally adequate lunch, available five days per week to any pupil who requests a meal, free of charge, and without consideration of the pupil's eligibility for federally funded free or reduced-price meals.

(B) For purposes of subparagraph (A), the following definitions apply:

(i) "Nutritionally adequate breakfast" is one that qualifies for reimbursement under the most current meal pattern for the federal School Breakfast Program, as defined in Section 220.8 of Title 7 of the Code of Federal Regulations.

(ii) "Nutritionally adequate lunch" is one that qualifies for reimbursement under the most current meal pattern for the federal National School Lunch Program, as defined in Section 210.10 of Title 7 of the Code of Federal Regulations.

(b) If the Stony Creek Joint Unified School District has an exclusive bargaining representative, it may operate a school on a four-day school week pursuant to this section only if the school district and the representative of each bargaining unit of school district employees mutually agree to that operation in a memorandum of understanding.

(c) Notwithstanding subdivision (a), if the Stony Creek Joint Unified School District operates a four-day school week pursuant to this section but subsequently experiences, in a single year, a decline in status in 50 percent or more of the state indicators used to measure performance that are included in the evaluation rubrics adopted pursuant to Section 52064.5, the school district, commencing with the following school year, shall not operate a four-day school week.

(d) This section shall become inoperative on July 1, 2029, and, as of January 1, 2030, is repealed.

SEC. 3. For purposes of Section 2 of this act, which adds Section 37712 to the Education Code, the Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique needs of the Stony Creek Joint Unified School District.