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## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

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**Bill No:** SB 884 **Hearing Date:** May 12, 2020  
**Author:** Dodd & Stern  
**Version:** March 16, 2020  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Ian Johnson

**Subject:** Education finance: emergencies: public safety power shutoffs.

### SUMMARY

This bill would add public safety power shutoffs to the list of emergencies that a local educational agency's (LEA) average daily attendance (ADA) is held harmless for. Further, the bill would establish the Disaster Relief Instructional Recovery Program to allocate funding to LEAs to make up instructional days lost due to emergency or other extraordinary conditions.

### BACKGROUND

Existing law:

- 1) Provides funding to LEAs on the basis of ADA.
- 2) Allows school districts to claim the greater of current year ADA for apportionment purposes to provide a one-year buffer against declining enrollment.
- 3) Requires the Superintendent of Public Instruction (SPI), for apportionment purposes, to credit to a LEA a material loss of ADA due to the following reasons, provided the loss has been established to the satisfaction of the SPI by affidavits of the members of the governing board or body of the LEA:
  - a) Fire
  - b) Flood
  - c) Impassable roads
  - d) Epidemic
  - e) Earthquake
  - f) The imminence of a major safety hazard as determined by the local law enforcement agency.
  - g) A strike involving transportation services to pupils provided by a non-school entity.

- 4) In the event of a state of emergency declared by the Governor in a county, requires the SPI to determine the length of the period during which ADA has been reduced by the state of emergency, and prohibits the SPI from extending the period into the next fiscal year except upon a showing by a LEA, to the satisfaction of the SPI, that extending the period into the next fiscal year is essential to alleviate continued reductions in ADA attributable to the state of emergency.
- 5) Requires the SPI to extend through the 2018-19 fiscal year the period during which it is essential to alleviate continued reductions in ADA 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.
- 6) Requires the SPI to make specified ADA calculations for a school district or charter school physically located where no less than five 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.

## ANALYSIS

This bill:

- 1) Adds "public safety power shutoff" to the list of emergencies that LEAs are not penalized for if the emergency causes the LEA's ADA to decline.
- 2) Establishes the Disaster Relief Instructional Recovery Program, to be administered by the SPI, for the purpose of allocating funding to eligible LEAs to make up instructional days lost due to emergency or other extraordinary conditions.
- 3) Specifies that LEAs must demonstrate both of the following to be eligible for participation in the program:
  - a) That the LEA has either:
    - i) Experienced a material decrease in ADA during a fiscal year as a result of an emergency, as specified.
    - ii) Failed to maintain its schools for at least 175 days during a fiscal year as a result of an emergency, as specified.
  - b) That an emergency, as specified, resulted in the loss of at least five instructional days in a single school year or the cumulative loss of at least 10 instructional days in two out of three consecutive school years.
- 4) Requires LEAs seeking program participation to apply to the SPI, and the SPI must respond within 30 days and may request additional information as needed.

- 5) Specifies that a certificated employee or pupil of a participating LEA shall not be required to attend instructional days offered pursuant to the program.
- 6) Specifies that a participating LEA may offer instructional days pursuant to the program during a summer school session or any other supplemental instructional program, in an amount equal to or less than the instructional time the LEA lost due to an emergency, subject to all of the following:
  - a) Pupil participation is optional.
  - b) Certificated and classified employee participation is optional.
  - c) Certificated and classified employees may choose to accept a supplemental contract for those instructional days, subject to a collective bargaining agreement.
- 7) Requires the SPI to reimburse a participating LEA for instruction provided pursuant to the program at a rate of seven dollars per pupil per hour, except for the following adjustments:
  - a) The rate shall be increased annually for inflation, as specified.
  - b) If the amount appropriated for the program is insufficient to reimburse each participating LEA seven dollars per pupil hour, adjusted for inflation, the SPI shall prorate the reimbursement rate equally for all participating LEAs.
- 8) Specifies that the total amount of funding allocated to a participating LEA shall not exceed the amount of funding that is attributable to the instructional time lost due to an emergency, as specified.
- 9) Specifies that the program shall become operative only if any appropriation is made in the annual Budget Act or other statute for its purpose.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “The last five years have taken a toll on schools across California. Last school year, wildfires, related outages, and smoke pollution kept more than 1.1 million of the state’s 6 million public school students out of school, setting an unprecedented record for student absences. During 2017, 40 Sonoma County school districts lost approximately 340 instructional days. In the fall of 2019, Sonoma County schools lost 258 instructional days. As a result, students are missing valuable instructional time, affecting their academic performance.

Public safety power shut-offs and lost school time are especially detrimental to low-income students, depriving them not only of instruction but also, in many cases, of critical health services, nutrition and child care. With power shut-offs expected to continue in the years ahead, we can expect additional loss of instructional days each year. Moreover, counties in high fire severity zones are

likely to be disproportionately impacted by these shutoffs. While schools build emergency makeup days into their calendars, these days are not adequate to cover the high number of forced closures experienced lately.”

2) ***LEAs do not lose state revenue if schools close due to emergency.***

According to data provided by the California Department of Education (CDE), there have been 2,040 school closure requests submitted by LEAs from 2014-15 to 2018-19. As shown in the table below, the total number of school closures reported increased dramatically beginning in 2016-17 due to the wildfires. The vast majority of these school closures lasted less than three days.

<b>Emergency</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
Weather	144	38	312	58	239
Other	36	56	61	57	62
Epidemic	1	1	3	8	4
Violence Threat	7	28	8	24	7
Wildfire	18	29	25	352	443
Power Shutoff	0	0	0	0	19
<b>TOTAL</b>	<b>206</b>	<b>152</b>	<b>409</b>	<b>499</b>	<b>774</b>

Because ensuring student safety is most important, existing law does not penalize school districts for losses in ADA during and immediately following an emergency. Two sections of law allow the SPI to grant normal apportionment credit to districts in emergencies—one section (Education Code Section (ECS) 41422) authorizes maintenance of apportionments in instances when schools must be closed because of "extraordinary conditions" while another section (ECS 46392) provides for the crediting of ADA whenever the average daily attendance of an LEA has been materially decreased because of fire, flood, impassable road, and other specified circumstances. Although the wording of these two code sections differ in detail, the effect is the same. All LEAs are held harmless from revenue loss that might otherwise result from the loss of ADA or instructional time in 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) **Summer Learning Initiative.** The CDE’s Summer Matters initiative, last updated on October 31, 2018, states that by 2020, students across California will have access to high quality summer learning opportunities that blend academic support with enrichment and recreation and are an integral part of their year-round educational experience. According to the initiative, “...many children—particularly those from low-income families—return to school having lost months of learning. Many also come back less physically fit and with unhealthy weight gain.

A growing body of research indicates that high quality summer learning programs make a difference. Key findings from a 2012 evaluation found that programs in Fresno, Los Angeles, and Sacramento achieved the following results:

- a) Participants increased their Instructional grade level by over 1/3 of a grade on the San Diego Quick vocabulary assessment, ending the summer with vocabulary skills much closer to their grade level.
  - b) Similarly, English Learners across communities demonstrated statistically significant increases in their grade-level vocabulary skills, a gateway to English language fluency.
  - c) Parents report programs help youth prepare for the challenge of transitioning from elementary to middle school, a period when many youth begin to disengage from school.
  - d) Summer program participants demonstrated high and sustained school day attendance rates, which is critical for youth to succeed in school.
- 5) **Summer school program funding.** Prior to the Local Control Funding Formula (LCFF) being adopted in 2013, summer school remediation programs were funded via a state categorical program. Those earmarked funds and the accompanying requirements were made flexible upon adoption of the LCFF, which spurred the creation of summer learning programs—with an emphasis on student engagement and enrichment activities aligned with LEAs’ goals. LEAs must now be creative about how they pay for summer programs. For programs targeted for low-income, English-learner, and foster youth students, supplemental and concentration grant LCFF funds are a viable source. Many LEAs also combine funding from after school programs, federal programs, and external sources to cover summer school costs.

A survey conducted by the Partnership for Children and Youth in 2015 asked 10 organizations with high-quality summer school programs about their costs. Key findings from the survey include:

- a) On average, the cost per student was \$37.15 per day or \$185.77 per week. This was for a program operating eight hours per day, five days per

week. It is substantially lower than the average amount parents report paying in fees for summer programs.

- b) After adjusting for variations such as costly fundraising strategies or year-round programming, the hourly cost per child ranged from \$2.23 to \$7.14. The most significant driver of cost was the number of students served.
  - c) Program staff wages were reported as the largest portion of spending among all programs surveyed.
- 6) **Research on effective summer learning programs.** A 2011 RAND Corporation report titled “Making Summer Count: How Summer Programs Can Boost Children’s Learning” examined whether summer learning programs are effective in improving student achievement and what elements are most effective. The report included the following key findings:
- a) **Summer learning loss contributes substantially to the achievement gap.** Most students lose skills over the summer, particularly in mathematics. However, not all students experience the same losses, and summer learning loss disproportionately affects low-income students. Low-income students lose substantial ground in reading during the summer, while their higher-income peers often gain. Most disturbing is that it appears that summer learning loss is cumulative and that, over time, these periods of differential learning rates between low-income and higher-income students contribute substantially to the achievement gap in reading. It may be that efforts to close the achievement gap during the school year alone will be unsuccessful.
  - b) **Only high-quality summer learning programs result in positive outcomes for enrollees.** Programs need to be high-quality, and students need to enroll and attend regularly. Research points to several practices that are associated with program quality, including individualized instruction, parental involvement, and small class sizes. For voluntary summer learning programs, providers need to adopt targeted strategies to build enrollment and maximize attendance among enrollees.
  - c) **Cost is the main barrier to implementing summer learning programs.** Although preliminary evidence suggests that the cost of summer school programs can be less than two-thirds of what providers spend on programs during the academic year (on a per-slot, per-week basis), summer programs nonetheless represent an additional cost to districts, especially relative to other interventions that simply update or reform practices used during the school year.
- 7) **Providing funding for high-quality summer learning programs focused on closing the achievement gap would be a better approach.** The program created by this bill would entitle LEAs that have experienced a material decrease in ADA due to an emergency to additional funding for instruction during a summer school session or any other supplemental instructional program. The bill would entitle LEAs to a set funding rate per student per hour of instruction, but

there are no requirements for what constitutes an hour of instruction. *Would silent study hall or showing a movie qualify an LEA for funding?*

As stated above, LEAs do not lose state revenue if schools close due to emergency. Given the research on academic loss that occurs over summer—particularly for low-income students—and that lack of funding is the largest barrier to implementing summer learning programs, *the Committee should consider whether the Disaster Relief Instructional Recovery Program created by this bill appropriately targets additional summer school funding to the LEAs that need it most.* While temporary school closures certainly disrupt student learning, some LEAs may be in a better financial position to offer summer school instruction than others. *Would an alternative approach, such as one that targets summer school funding for low-income districts or those with particularly poor student outcomes, be a more effective way of allocating limited state resources?*

## **SUPPORT**

Sonoma County Office of Education (Sponsor)  
California Association of School Business Officials  
California Federation of Teachers  
Contra Costa County Office of Education  
County of Napa  
Humboldt County Office of Education  
Napa County Office of Education  
San Diego County Office of Education  
Solano County Office of Education

## **OPPOSITION**

None received

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