

AMENDED IN SENATE MARCH 9, 2026

**SENATE BILL**

**No. 959**

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**Introduced by Senator Grayson**

**(Coauthors: Senators *Allen, Archuleta, Arreguín, Ashby, Blakespear, Cabaldon, Caballero, Cortese, Gonzalez, McNerney, Menjivar, Reyes, Wahab, and Weber Pierson*)**

**(Coauthor: Assembly Member *Wicks*)**

**(Coauthors: Assembly Members *Schultz and Wicks*)**

February 3, 2026

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An act to amend Section 46392 of the Education Code, relating to education finance, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 959, as amended, Grayson. Average daily attendance: emergencies: major safety hazard.

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, including, among others, the imminence of a major safety hazard as determined by a local law enforcement agency, 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, for the above-described purposes, would additionally allow a local fire agency to make a determination of the imminence of a major safety hazard.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 46392 of the Education Code is amended  
2 to read:  
3 46392. (a) If the average daily attendance of a school district,  
4 county office of education, or charter school during a fiscal year  
5 has been materially decreased during a fiscal year because of any  
6 of the following, the fact shall be established to the satisfaction of  
7 the Superintendent by affidavits of the members of the governing  
8 board or body of the school district, county office of education, or  
9 charter school and the county superintendent of schools:  
10 (1) Fire.  
11 (2) Flood.  
12 (3) Impassable roads.  
13 (4) Epidemic.  
14 (5) Earthquake.  
15 (6) The imminence of a major safety hazard as determined by  
16 the local law enforcement or fire agency.  
17 (7) A strike involving transportation services to pupils provided  
18 by a nonschool entity.  
19 (8) An order provided for in Section 41422.  
20 (9) Snowstorm.  
21 (b) (1) In the event a state of emergency is declared by the  
22 Governor in a county, a decrease in average daily attendance in  
23 the county below the approximate total average daily attendance  
24 that would have been credited to a school district, county office  
25 of education, or charter school had the state of emergency not  
26 occurred shall be deemed material. The Superintendent shall  
27 determine the length of the period during which average daily  
28 attendance has been reduced by the state of emergency.  
29 (2) The period determined by the Superintendent shall not extend  
30 into the next fiscal year following the declaration of the state of

1 emergency by the Governor, except upon a showing by a school  
2 district, county office of education, or charter school, to the  
3 satisfaction of the Superintendent, that extending the period into  
4 the next fiscal year is essential to alleviate continued reductions  
5 in average daily attendance attributable to the state of emergency.

6 (3) Notwithstanding any other law, the Superintendent shall  
7 extend through the 2018–19 fiscal year the period during which it  
8 is essential to alleviate continued reductions in average daily  
9 attendance attributable to a state of emergency declared by the  
10 Governor in October 2017, for a school district where no less than  
11 5 percent of the residences within the school district or school  
12 district facilities were destroyed by the qualifying emergency.

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

23 (2) (A) From September 1, 2021, to June 30, 2022, inclusive,  
24 with the exception of a material loss of attendance for pupils who  
25 are individuals with exceptional needs, as that term is defined in  
26 Section 56026, whose individualized education program developed  
27 pursuant to Article 3 (commencing with Section 56340) of Chapter  
28 4 of Part 30 does not specifically provide for participation in  
29 independent study or pupils who are enrolled in community day  
30 schools pursuant to Article 3 (commencing with Section 48660)  
31 of Chapter 4 of Part 27, a school district, county office of  
32 education, or charter school shall not receive average daily  
33 attendance credit pursuant to this section for pupils that have been  
34 quarantined and are unable to attend in-person instruction due to  
35 exposure to, or infection with, COVID-19 pursuant to local or state  
36 public health guidance.

37 (B) Notwithstanding subparagraph (A), from September 1, 2021,  
38 to June 30, 2022, inclusive, a school district, county office of  
39 education, or charter school may receive average daily attendance  
40 credit pursuant to this section for school closures related to impacts

1 from COVID-19 or material loss of attendance due to COVID-19  
2 related staffing shortages if the following conditions are established  
3 to the satisfaction of the Superintendent by affidavits of the  
4 members of the governing board or body of the school district,  
5 county office of education, or charter school and the county  
6 superintendent of schools:

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

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

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

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

30 (1) (A) In the 2020–21 fiscal year, for school districts, the  
31 Superintendent shall calculate the difference between the school  
32 district’s certified second principal apportionment local control  
33 funding formula entitlement pursuant to Section 42238.02 in the  
34 2020–21 fiscal year and the 2019–20 fiscal year and, if there is a  
35 difference, allocate the amount of that difference to the school  
36 district.

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

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

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

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

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

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

35 (5) In each fiscal year, the allocations *made* pursuant to this  
36 subdivision shall be made to school districts and charter schools  
37 by the Superintendent as soon as practicable after the second  
38 principal apportionment and to county offices of education as soon  
39 as practicable after the annual principal apportionment. The  
40 allocations made shall be final. The Superintendent may provide

1 a preliminary allocation of up to 50 percent no sooner than the  
2 first principal apportionment.

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

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

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

21 (1) For the 2021–22 fiscal year, for school districts, the  
22 Superintendent shall calculate the difference between the school  
23 district’s certified annual principal apportionment local control  
24 funding formula revenues pursuant to Section 42238.02 in the  
25 2021–22 fiscal year and the 2019–20 fiscal year, including local  
26 revenue, pursuant to subdivision (j) of Section 42238.02, and any  
27 additional funds received pursuant to subdivision (e) of Section  
28 42238.03 in excess of the entitlement calculated pursuant to Section  
29 42238.02 and 42238.03 and, if there is a difference, allocate the  
30 amount of that difference to the school district.

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

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

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

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

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

20 (1) The school district may continue to report the amount of  
21 attendance generated by pupils enrolled in another school of the  
22 school district that would have otherwise attended the destroyed  
23 school, and the number of full-time teachers employed by the  
24 school district that would have otherwise provided instructional  
25 services at the school, as if the school were operational in the  
26 2021–22, 2022–23, and 2023–24 fiscal years.

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

30 (g) (1) Notwithstanding any other law, paragraphs (2) and (3)  
31 shall apply for the following charter schools identified in  
32 subparagraph (A), (B), or (C) that were damaged, destroyed, or  
33 directly impacted, as a result of a state of emergency that was  
34 declared by the Governor in January 2025:

35 (A) Marquez Charter, Palisades Charter Elementary, and  
36 Palisades Charter High within the Los Angeles Unified School  
37 District.

38 (B) Aveson Global Leadership Academy, Aveson School of  
39 Leaders, Odyssey Charter, OCS - South, and Pasadena Rosebud  
40 Academy in the Pasadena Unified School District.

1 (C) Alma Fuerte Public in the City of Pasadena.

2 (2) For the 2025–26 fiscal year, for charter schools identified  
3 in paragraph (1) that operate a minimum of 175 school days, as  
4 described in Section 41601, the Superintendent shall calculate the  
5 difference between the charter school’s certified local control  
6 funding formula entitlement pursuant to Section 42238.02 as of  
7 the annual principal apportionment in the 2025–26 fiscal year and  
8 the first principal apportionment in the 2024–25 fiscal year, and,  
9 if there is a difference, allocate the amount of that difference to  
10 the charter school.

11 (3) Allocations *made* pursuant to paragraph (2) shall be made  
12 final as of the annual principal apportionment. The Superintendent  
13 may provide a preliminary allocation no sooner than the first  
14 principal apportionment.

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

17 SEC. 2. This act is an urgency statute necessary for the  
18 immediate preservation of the public peace, health, or safety within  
19 the meaning of Article IV of the California Constitution and shall  
20 go into immediate effect. The facts constituting the necessity are:

21 Due to the eminent danger of wildfires throughout the state and  
22 the need to address the safety of pupils on campuses in high  
23 wildfire danger areas, it is necessary for this act to take effect  
24 immediately.