

AMENDED IN SENATE JULY 10, 2025

AMENDED IN ASSEMBLY MAY 5, 2025

AMENDED IN ASSEMBLY MARCH 11, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1348

Introduced by Assembly Member Bains

February 21, 2025

An act to amend, ~~add, and repeal~~ *repeal, and add* Section 46392 of the Education Code, relating to school finance.

LEGISLATIVE COUNSEL’S DIGEST

AB 1348, as amended, Bains. Average daily attendance: emergencies: immigration enforcement activity.

Existing law establishes a public school financing system that requires state funding for county superintendents of schools, school districts, and charter schools to be calculated pursuant to a local control funding formula, as specified. Existing law requires the local control funding formula, in part, to be based on average daily attendance, as defined.

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 type of 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 the total average daily attendance that would have been credited had the emergency not occurred, as provided.

This bill would, until July 1, 2029, require the Superintendent, 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 immigration enforcement activities, as defined, to estimate the average daily attendance in the same manner described above if certain conditions are met, including, among others, the submission of a form certifying compliance with requirements related to the availability of independent study, as provided. The bill would exempt any documentation submitted to the Superintendent by a school district, charter school, ~~or county office of education~~ *education, or county superintendent of schools* for purposes of these provisions from the California Public Records Act.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. 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 agency.~~

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

3 ~~(8) An order provided for in Section 41422.~~

4 ~~(9) Snowstorm.~~

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

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

20 ~~(3) Notwithstanding any other law, the Superintendent shall~~
21 ~~extend through the 2018–19 fiscal year the period during which it~~
22 ~~is essential to alleviate continued reductions in average daily~~
23 ~~attendance attributable to a state of emergency declared by the~~
24 ~~Governor in October 2017, for a school district where no less than~~
25 ~~5 percent of the residences within the school district or school~~
26 ~~district facilities were destroyed by the qualifying emergency.~~

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

37 ~~(2) (A) From September 1, 2021, to June 30, 2022, inclusive,~~
38 ~~with the exception of a material loss of attendance for pupils who~~
39 ~~are individuals with exceptional needs, as that term is defined in~~
40 ~~Section 56026, whose individualized education program developed~~

1 pursuant to Article 3 (commencing with Section 56340) of Chapter
2 4 of Part 30 does not specifically provide for participation in
3 independent study or pupils who are enrolled in community day
4 schools pursuant to Article 3 (commencing with Section 48660)
5 of Chapter 4 of Part 27, a school district, county office of
6 education, or charter school shall not receive average daily
7 attendance credit pursuant to this section for pupils that have been
8 quarantined and are unable to attend in-person instruction due to
9 exposure to, or infection with, COVID-19 pursuant to local or state
10 public health guidance.

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

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

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

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

38 (d) Notwithstanding any other law, for a school district or charter
39 school physically located within a school district, where no less
40 than 5 percent of the residences within the school district, or the

1 school district's facilities, were destroyed as a result of a state of
2 emergency that was declared by the Governor in November 2018;
3 all of the following shall apply:

4 (1) (A) In the 2020-21 fiscal year, for school districts, the
5 Superintendent shall calculate the difference between the school
6 district's certified second principal apportionment local control
7 funding formula entitlement pursuant to Section 42238.02 in the
8 2020-21 fiscal year and the 2019-20 fiscal year and, if there is a
9 difference, allocate the amount of that difference to the school
10 district.

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

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

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

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

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

1 difference, allocate the amount of that difference to the county
2 office of education.

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

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

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

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

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

34 (1) For the 2021-22 fiscal year, for school districts, the
35 Superintendent shall calculate the difference between the school
36 district's certified annual principal apportionment local control
37 funding formula revenues pursuant to Section 42238.02 in the
38 2021-22 fiscal year and the 2019-20 fiscal year, including local
39 revenue, pursuant to subdivision (j) of Section 42238.02, and any
40 additional funds received pursuant to subdivision (e) of Section

~~42238.03 in excess of the entitlement calculated pursuant to Sections 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) (1) 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 an immigration enforcement activity, 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 immigration enforcement activity not occurred.~~

~~(2) 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 shall establish that the average daily attendance of the school district, county office of education, or charter school has been materially decreased during a fiscal year because of an immigration enforcement activity, to the satisfaction of the Superintendent, by affidavit, and the school district, county office of education, or charter school shall submit a form, provided by the department, certifying compliance with both of the following:~~

~~(A) The school district, county office of education, or charter school offered an independent study program to all pupils consistent with the requirements of Section 51745 for the school year and provided the same notifications to parents and guardians of all enrolled pupils that was required for the 2021–22 school year by paragraph (1) of subdivision (h) of Section 51747 and subparagraph (A) of paragraph (8) of subdivision (b) of Section 51749.6.~~

~~(B) The school district, county office of education, or charter school offered adopted written policies for providing instruction to pupils through independent study and has verifiable documentation substantiating the provision of opportunities for live interaction and synchronous instruction pursuant to Section 51745.5, if applicable, or the provision of activities or pupil work~~

1 product of a pupil while out on independent study that is equivalent
2 to in-person instruction pursuant to Sections 51747 and 51749.5.

3 ~~(3) The department shall, on or before May 1, 2026, make the~~
4 ~~form required by paragraph (2) available to school districts, county~~
5 ~~offices of education, and charter schools.~~

6 ~~(4) Commencing with the 2026–27 fiscal year Guide for Annual~~
7 ~~Audits of K–12 Local Education Agencies and State Compliance~~
8 ~~Reporting, the Controller shall incorporate verification of~~
9 ~~compliance with the requirements specified in subparagraphs (A)~~
10 ~~and (B) of paragraph (2), which may include reviewing the school~~
11 ~~district’s, charter school’s, or county office of education’s annual~~
12 ~~audit to determine compliance with those requirements.~~

13 ~~(5) Any documentation submitted to the Superintendent by a~~
14 ~~school district, charter school, or county office of education for~~
15 ~~purposes of this subdivision is exempt from the California Public~~
16 ~~Records Act (Division 10 (commencing with Section 7920.000)~~
17 ~~of Title 1 of the Government Code).~~

18 ~~(6) For purposes of this subdivision, “immigration enforcement~~
19 ~~activity” includes any and all efforts to investigate, enforce, or~~
20 ~~assist in the investigation or enforcement of any federal civil~~
21 ~~immigration law, and also includes any and all efforts to~~
22 ~~investigate, enforce, or assist in the investigation or enforcement~~
23 ~~of any federal criminal immigration law that penalizes a person’s~~
24 ~~presence in, entry, or reentry to, or employment in, the United~~
25 ~~States.~~

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

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

30 *SECTION 1. Section 46392 of the Education Code is amended*
31 *to read:*

32 46392. (a) If the average daily attendance of a school district,
33 county office of education, or charter school during a fiscal year
34 has been materially decreased during a fiscal year because of any
35 of the following, the fact shall be established to the satisfaction of
36 the Superintendent by affidavits of the members of the governing
37 board or body of the school district, county office of education, or
38 charter school and the county superintendent of schools:

39 (1) Fire.

40 (2) Flood.

1 (3) Impassable roads.

2 (4) Epidemic.

3 (5) Earthquake.

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

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

8 (8) An order provided for in Section 41422.

9 (9) Snowstorm.

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

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

25 (3) Notwithstanding any other law, the Superintendent shall
26 extend through the 2018–19 fiscal year the period during which it
27 is essential to alleviate continued reductions in average daily
28 attendance attributable to a state of emergency declared by the
29 Governor in October 2017, for a school district where no less than
30 5 percent of the residences within the school district or school
31 district facilities were destroyed by the qualifying emergency.

32 (c) (1) The average daily attendance of the school district,
33 county office of education, or charter school for the fiscal year
34 shall be estimated by the Superintendent in a manner that credits
35 to the school district, county office of education, or charter school
36 for determining the apportionments to be made to the school
37 district, county office of education, or charter school from the State
38 School Fund approximately the total average daily attendance that
39 would have been credited to the school district, county office of

1 education, or charter school had the emergency not occurred or
2 had the order not been issued.

3 (2) (A) From September 1, 2021, to June 30, 2022, inclusive,
4 with the exception of a material loss of attendance for pupils who
5 are individuals with exceptional needs, as that term is defined in
6 Section 56026, whose individualized education program developed
7 pursuant to Article 3 (commencing with Section 56340) of Chapter
8 4 of Part 30 does not specifically provide for participation in
9 independent study or pupils who are enrolled in community day
10 schools pursuant to Article 3 (commencing with Section 48660)
11 of Chapter 4 of Part 27, a school district, county office of
12 education, or charter school shall not receive average daily
13 attendance credit pursuant to this section for pupils that have been
14 quarantined and are unable to attend in-person instruction due to
15 exposure to, or infection with, COVID-19 pursuant to local or state
16 public health guidance.

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

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

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

38 (iii) For classified staff shortages, the school district, county
39 office of education, or charter school has exhausted all options for
40 obtaining staff coverage, including using all staff options, and has

1 consulted with their county office of education and the
2 Superintendent in determining that staffing needs cannot be met
3 through any option.

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

10 (1) (A) In the 2020–21 fiscal year, for school districts, the
11 Superintendent shall calculate the difference between the school
12 district's certified second principal apportionment local control
13 funding formula entitlement pursuant to Section 42238.02 in the
14 2020–21 fiscal year and the 2019–20 fiscal year and, if there is a
15 difference, allocate the amount of that difference to the school
16 district.

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

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

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

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

36 (3) For a county office of education funded pursuant to
37 paragraph (1) of subdivision (g) of Section 2575 that has within
38 the boundaries of the county school districts or charter schools
39 affected pursuant to this subdivision and that has in the schools
40 operated by the county office of education at least a 10-percent

1 decrease in average daily attendance in the current fiscal year, in
2 the 2019–20 and 2020–21 fiscal years, the Superintendent shall
3 calculate the difference between the county office of education’s
4 alternative education grant entitlement certified at the annual
5 principal apportionment pursuant to Section 2574 in the current
6 fiscal year and each respective prior fiscal year and, if there is a
7 difference, allocate the amount of that difference to the county
8 office of education.

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

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

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

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

34 (e) Notwithstanding any other law, for a school district or charter
35 school physically located within a school district, where no less
36 than 5 percent of the residences within the school district, or the
37 school district’s facilities, were destroyed as a result of a state of
38 emergency that was declared by the Governor in September 2020,
39 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~~ Sections 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

1 school district that would have otherwise attended the destroyed
2 school, and the number of full-time teachers employed by the
3 school district that would have otherwise provided instructional
4 services at the school, as if the school were operational in the
5 2021–22, 2022–23, and 2023–24 fiscal years.

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

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

14 (A) Marquez Charter, Palisades Charter Elementary, and
15 Palisades Charter High within the Los Angeles Unified School
16 District.

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

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

21 (2) For the 2025–26 fiscal year, for charter schools identified
22 in paragraph (1) that operate a minimum of 175 school days, as
23 described in Section 41601, the Superintendent shall calculate the
24 difference between the charter school's certified local control
25 funding formula entitlement pursuant to Section 42238.02 as of
26 the annual principal apportionment in the 2025–26 fiscal year and
27 the first principal apportionment in the 2024–25 fiscal year, and,
28 if there is a difference, allocate the amount of that difference to
29 the charter school.

30 (3) Allocations pursuant to paragraph (2) shall be made final as
31 of the annual principal apportionment. The Superintendent may
32 provide a preliminary allocation no sooner than the first principal
33 apportionment.

34 (h) (1) *If the average daily attendance of a school district,*
35 *county office of education, or charter school during a fiscal year*
36 *has been materially decreased during a fiscal year because of an*
37 *immigration enforcement activity, the average daily attendance*
38 *of the school district, county office of education, or charter school*
39 *for the fiscal year shall be estimated by the Superintendent in a*
40 *manner that credits to the school district, county office of*

1 education, or charter school for determining the apportionments
2 to be made to the school district, county office of education, or
3 charter school from the State School Fund approximately the total
4 average daily attendance that would have been credited to the
5 school district, county office of education, or charter school had
6 the immigration enforcement activity not occurred.

7 (2) The members of the governing board or body of the school
8 district, county office of education, or charter school and the county
9 superintendent of schools electing to seek a credit of average daily
10 attendance described in paragraph (1) shall establish that the
11 average daily attendance of the school district, county office of
12 education, or charter school has been materially decreased during
13 a fiscal year because of an immigration enforcement activity, to
14 the satisfaction of the Superintendent, by affidavit, and the school
15 district, county office of education, or charter school shall submit
16 a form, provided by the department, certifying compliance with
17 both of the following:

18 (A) The school district, county office of education, or charter
19 school offered an independent study program to all pupils
20 consistent with the requirements of Section 51745 for the school
21 year and provided the same notifications to parents and guardians
22 of all enrolled pupils that was required for the 2021–22 school
23 year by paragraph (1) of subdivision (h) of Section 51747 and
24 subparagraph (A) of paragraph (8) of subdivision (b) of Section
25 51749.6.

26 (B) The school district, county office of education, or charter
27 school offered adopted written policies for providing instruction
28 to pupils through independent study and has verifiable
29 documentation substantiating the provision of opportunities for
30 live interaction and synchronous instruction pursuant to Section
31 51745.5, if applicable, or the provision of activities or pupil work
32 product of a pupil while out on independent study that is equivalent
33 to in-person instruction pursuant to Sections 51747 and 51749.5.

34 (3) The department shall, on or before May 1, 2026, make the
35 form required by paragraph (2) available to school districts, county
36 offices of education, and charter schools.

37 (4) Commencing with the 2026–27 fiscal year Guide for Annual
38 Audits of K–12 Local Education Agencies and State Compliance
39 Reporting, the Controller shall incorporate verification of
40 compliance with the requirements specified in subparagraphs (A)

1 *and (B) of paragraph (2), which may include reviewing the school*
2 *district's, charter school's, or county office of education's annual*
3 *audit to determine compliance with those requirements.*

4 *(5) Any documentation submitted to the Superintendent by a*
5 *school district, charter school, county office of education, or county*
6 *superintendent of schools for purposes of this subdivision is exempt*
7 *from the California Public Records Act (Division 10 (commencing*
8 *with Section 7920.000) of Title 1 of the Government Code).*

9 *(6) For purposes of this subdivision, "immigration enforcement*
10 *activity" includes any and all efforts to investigate, enforce, or*
11 *assist in the investigation or enforcement of any federal civil*
12 *immigration law, and also includes any and all efforts to*
13 *investigate, enforce, or assist in the investigation or enforcement*
14 *of any federal criminal immigration law that penalizes a person's*
15 *presence in, entry, or reentry to, or employment in, the United*
16 *States.*

17 ~~(h)~~

18 *(i) This section applies to any average daily attendance that*
19 *occurs during any part of a school year.*

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

22 SEC. 2. Section 46392 is added to the Education Code, to read:

23 46392. (a) If the average daily attendance of a school district,
24 county office of education, or charter school during a fiscal year
25 has been materially decreased during a fiscal year because of any
26 of the following, the fact shall be established to the satisfaction of
27 the Superintendent by affidavits of the members of the governing
28 board or body of the school district, county office of education, or
29 charter school and the county superintendent of schools:

30 (1) Fire.

31 (2) Flood.

32 (3) Impassable roads.

33 (4) Epidemic.

34 (5) Earthquake.

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

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

39 (8) An order provided for in Section 41422.

40 (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)

1 of Chapter 4 of Part 27, a school district, county office of
2 education, or charter school shall not receive average daily
3 attendance credit pursuant to this section for pupils that have been
4 quarantined and are unable to attend in-person instruction due to
5 exposure to, or infection with, COVID-19 pursuant to local or state
6 public health guidance.

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

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

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

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

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

1 (1) (A) In the 2020–21 fiscal year, for school districts, the
2 Superintendent shall calculate the difference between the school
3 district’s certified second principal apportionment local control
4 funding formula entitlement pursuant to Section 42238.02 in the
5 2020–21 fiscal year and the 2019–20 fiscal year and, if there is a
6 difference, allocate the amount of that difference to the school
7 district.

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

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

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

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

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

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

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

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

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

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

32 (1) For the 2021–22 fiscal year, for school districts, the
33 Superintendent shall calculate the difference between the school
34 district's certified annual principal apportionment local control
35 funding formula revenues pursuant to Section 42238.02 in the
36 2021–22 fiscal year and the 2019–20 fiscal year, including local
37 revenue, pursuant to subdivision (j) of Section 42238.02, and any
38 additional funds received pursuant to subdivision (e) of Section
39 42238.03 in excess of the entitlement calculated pursuant to

1 Sections 42238.02 and 42238.03 and, if there is a difference,
2 allocate the amount of that difference to the school district.

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

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

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

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

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

31 (1) The school district may continue to report the amount of
32 attendance generated by pupils enrolled in another school of the
33 school district that would have otherwise attended the destroyed
34 school, and the number of full-time teachers employed by the
35 school district that would have otherwise provided instructional
36 services at the school, as if the school were operational in the
37 2021–22, 2022–23, and 2023–24 fiscal years.

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

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

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

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

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

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

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

~~(g)~~

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

~~(h)~~

(i) This section shall become operative on July 1, 2029.

SEC. 3. The Legislature finds and declares that Section 1 of this act, which amends Section 46392 of the Education Code, imposes a limitation on the public’s right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

- 1 In order to protect the privacy and safety of California residents,
- 2 it is necessary that records of pupils who miss school due to
- 3 immigration actions are not made public.

O