

Date of Hearing: April 20, 2022

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
AB 2364 (Megan Dahle) – As Amended March 17, 2022

**SUBJECT:** Rural Education Advisory Council

**SUMMARY:** Establishes the Rural Education Advisory Council (council), and requires the council to provide assistance and advice to the State Board of Education (SBE) on the needs of very rural schools that serve pupils in kindergarten and grades 1 to 12, inclusive. Specifically, **this bill:**

- 1) Defines the following terms for the purposes of the council:
  - a) “Council” means the Rural Education Advisory Council, as specified; and
  - b) “Local educational agency (LEA)” means a school district, county office of education (COE), or charter school.
- 2) Establishes the council in state government.
- 3) Requires the council to include members from all of the following categories:
  - a) Representatives from LEAs as a majority of its members;
  - b) Administrators;
  - c) Principals and other school leaders;
  - d) Parents;
  - e) Members of governing boards of school districts;
  - f) Representatives of private school children;
  - g) Specialized instructional support personnel and paraprofessionals;
  - h) Representatives of authorizers of charter schools; and
  - i) Charter school leaders.
- 4) Requires each member of the council to be selected to ensure that the council is representative of very rural areas in the state.
- 5) Requires the council to provide assistance and advice to the SBE on the needs and challenges of very rural schools that serve pupils in kindergarten and grades 1 to 12, inclusive, including, but not limited to, transportation costs, facilities, special education, and qualified staffing.

**EXISTING LAW:**

- 1) Requires the SBE to determine all questions of policy within its powers. (Education Code (EC) 33030)
- 2) Requires the SBE to adopt rules and regulations not inconsistent with the laws of this state for its own government, for the government of its appointees and employees, for the government of the day and evening elementary schools, the day and evening secondary schools, and the technical and vocational schools of the state, and for the government of other schools, excepting the University of California, the California State University, and the California Community Colleges, as may receive in whole or in part financial support from the state. (EC 33031)
- 3) Defines a “necessary small school: as an elementary school with an average daily attendance (ADA) of less than 97 pupils, excluding pupils in grades seven and eight, in a school district to which any of the following applies:
  - a) If as many as five pupils in grades kindergarten to eight, excluding pupils attending a junior high school, in the elementary school with an ADA of less than 97 pupils would be required to travel more than 10 miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school;
  - b) If as many as 15 pupils in grades kindergarten to eight, excluding pupils attending a junior high school, in the elementary school with an ADA of less than 97 pupils would be required to travel more than five miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school;
  - c) If as many as 15 pupils residing in a school district with more than 2,500 and fewer than 5,001 ADA and attending kindergarten and grades 1 to 8, inclusive, excluding pupils attending the 7<sup>th</sup> and 8<sup>th</sup> grades of a junior high school, in the elementary school with an ADA of less than 97 pupils would be required to travel more than 30 miles one way from a point on a well-traveled road nearest their home to the nearest public elementary school; and
  - d) If topographical or other conditions exist in a school district that would impose unusual hardships if the number of miles specified above were required to be traveled, or if during the fiscal year the roads that would be traveled have been impassable for more than an average of two weeks per year for the preceding five years, the governing board of the school district may, on or before April 1, request the Superintendent of Public Instruction (SPI), in writing, for an exemption from these requirements or for a reduction in the miles required. The request must be accompanied by a statement of the conditions upon which the request is based, providing the information in a form required by the SPI. Requires the SPI to cause an investigation to be made, and shall either grant the request to the extent he or she deems necessary, or deny the request. (EC 42283)
- 4) Requires the SPI to compute the amount of funding for each qualifying school in the school district that is greater or equal to either of the following:

- a) The sum of necessary small elementary school allowances determined for the prior year ADA and the number of full-time teachers, and necessary small high school allowances for the prior year ADA and the number of certified employees.
  - b) The sum of necessary small elementary school allowances determined for the current year ADA and the number of full-time teachers, and necessary small high school allowances for the prior year ADA and the number of certified employees. (EC 42280)
- 5) Establishes a funding allowance for school districts with fewer than 2,501 units of ADA for each necessary small school. The funding allowance is based on a combination of ADA and the number of full-time teachers for the elementary schools and is in lieu of the per-pupil base grant amount that the school would otherwise generate from the Local Control Funding Formula (LCFF). (EC 42284)
- 6) Establishes the federal Rural Education Achievement Program (REAP) initiatives designed to help rural districts that may lack the personnel and resources to compete effectively for federal competitive grants and that often receive grant allocations in amounts that are too small to be effective in meeting their intended purposes. (Part B of Title VI of the Elementary and Secondary Education Act)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

**Key provisions of the bill.** This bill would establish the Rural Education Advisory Council and would require the council to provide assistance and advice to the SBE on the needs of very rural schools that serve pupils in kindergarten and grades 1 to 12, inclusive. **The Committee may wish to consider** that the proposed council does not provide specificity related to how it would advise the SBE, nor does the proposed council satisfy any federal requirements, as do most existing SBE committees and commissions.

**Need for the bill.** According to the author, “Creating the Rural Education Task Force would provide a critical voice and expertise to California’s smallest rural school districts which have unique needs. California is the most diverse state in the union. One size does not fit all. There is a vast difference between large, urban school districts and small rural school districts. It is important to ensure educational needs are met for all students in our state. The Rural Education Task Force would be a step in the right direction for ensuring rural school districts’ needs are considered when making policies which impact transportation costs, facilities, special education, and qualified staffing. This is in keeping with the Department of Education’s Belief & Purpose Statement which says, ‘California will provide a world-class education for all students, from early childhood to adulthood. The Department of Education serves our state by innovating and collaborating with educators, schools, parents, and community partners. Together, as a team, we prepare students to live, work, and thrive in a multicultural, multilingual, and highly connected world.’”

**California small and rural schools and school districts.** California's nearly 1,000 school districts vary greatly in size, and the state has an exceptionally high number of small districts. According to a 2018 Education Resources Information Center (ERIC) report, *Small Districts, Big Challenges: Barriers to Planning and Funding School Facilities in California’s Rural and Small Public School Districts*, California has 363 school districts which include 1,426 schools enrolling

337,251 students which are categorized as rural by the National Center for Education Statistics. The overwhelming majority (91%) of California's rural school districts enroll below 2,500 students. Nearly a quarter (24%) are "very small," enrolling fewer than 100 students. The counties of Tulare (27), Kern (23), Humboldt (19), Siskiyou (19), Fresno (17), and Shasta (17) have the most rural school districts in California (Vincent, 2018). In 2017, the CDE announced the "Small School District Assistance Initiative," aimed at providing targeted assistance to small and rural school districts in the state. A prime focus of the initiative is assisting small and rural school districts with improving their facilities.

***Students in rural schools experience advantages and disadvantages compared with peers in other schools.*** According to a 2021 American Educational Research Association (AERA) Open journal article, *The Forgotten 20%: Achievement and Growth in Rural Schools Across the Nation*, approximately one in five students in the United States attend schools in a rural locale. More than half of all school districts and about one third of all public schools are in rural areas, which means that a large proportion of the country's educational infrastructure serves rural students. The needs of rural schools and students are often overlooked by education policy because rural students are geographically dispersed across their state and the nation, making it difficult to target and effectively change their learning circumstances, and aspects of this unique context almost certainly affect academic skills among students attending rural schools, likely in both positive and negative ways.

Relative to other locales, rural students, schools, and communities have unique challenges that may impact academic achievement and growth. For example, students in rural locations often travel considerable distances to get to school, contributing to fatigue and reduced learning time. Furthermore, the costs of operating those transportation systems can affect school/district budgets, oftentimes draining resources. The remoteness of many schools can also create difficulties for recruitment and retention of teachers, which could suggest that teacher quality is lower among rural schools. There is evidence that advanced coursework is much less abundant in rural schools, including reduced access to algebra in middle school to advanced math courses in high school, and offerings are also hampered by a lack of resources. In general, rural schools often lack the facilities, infrastructure for operation and maintenance, course materials, and educational programs that typically exist in larger districts.

The AERA Open journal article also found certain advantages from which rural students, schools, and communities likely benefit that could positively affect achievement. For example, research indicates that smaller, rural communities are often tight-knit, which could mean that educators have closer relationships with students and their families, leading to a better understanding of individual learning needs. Given that school bears institutional and economic importance to the community, school programs and activities have high visibility within the community and generate multigenerational involvement. Researchers have found that effective schools tend to have a strong collective identity and that rural schools often have a consistent and clearly defined identity conducive to effective teaching and learning. In terms of environmental factors that affect learning, evidence from NCES indicates that schools in rural locales are often safer and less affected by violence than schools in urban centers.

***SBE.*** The SBE was established first by statute in 1852, then by amendment to the California Constitution in 1884. Both the Constitution and statutes set forth the SBE's duties. Constitutional duties of the SBE include the appointment of one deputy and three associate superintendents upon nomination of the SPI and the adoption of textbooks for use in grades one

through eight. By statute, the SBE is the governing and policy-making body of the State. The Constitution and statute also assign the SBE a variety of other responsibilities: regulations, standards, waivers, assessment, district reorganization, charter schools, the ESSA, funding allocations, and study and planning.

***Committees and Commissions of the SBE.*** In addition to the regular work of the SBE, the board maintains five committees and commissions. All five committees and commissions advise the SBE, and fulfill a specific statutory role or task. All were created in order to satisfy a federal requirement for state advisory committees or commissions, with the exception of the Advisory Commission on Charter Schools, and the Instructional Quality Commission, which were created solely in the state statute.

- *Advisory Commission on Charter Schools (ACCS).* The SBE established the ACCS in 2001 in order to recommend criteria for the funding determinations for nonclassroom based charter schools, and for advising the SBE. Membership includes, but is not limited to, representatives from school district superintendents, charter schools, teachers, parents, members of the governing boards of school districts, county superintendents of schools, and the SPI.
- *Advisory Commission on Special Education (ACSE).* The ACSE is an advisory body required by the Individuals with Disabilities Education Act (IDEA). Each state is required to establish and maintain an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities. California's ACSE provides recommendations and advice to the SBE, the SPI, the Legislature, and the Governor in new or continuing areas of research, program development and evaluation in California special education. The ACSE consists of appointed members from the Speaker of the Assembly, Senate Committee on Rules, Governor, and the SBE. The membership consists of parents, persons with disabilities, persons knowledgeable about the administration of special education, teachers, and legislative representatives from the Assembly and Senate.
- *California Practitioners Advisory Group (CPAG).* CPAG provides input regarding local, state, and federal accountability and serves as the Title I Committee of Practitioners. The purpose of CPAG is to provide input to the SBE on practical implications of decisions before the SBE, which includes providing input on the design of the LCFF evaluation rubrics and other decisions related to implementing the LCFF. The CPAG also reviews any State rules and regulations relating to Title I of the Elementary and Secondary Education Act, as amended by the ESSA, in order to advise the State in carrying out its Title I responsibilities.
- *California Workforce Pathways Joint Advisory Committee (CWPJAC).* The CWPJAC addresses systems alignment policies specific to career pathways within the context of recent and future state and federal investments. The CWPJAC advises the SBE and the SPI related to the development of the state plan for the federal Strengthening Career and Technical Education for the 21st Century Act (Perkins V). Membership includes representatives from the SBE, the Community Colleges Chancellor's Office Board of Governors Representatives, and ex-officio members.

- *Instructional Quality Commission (IQC)*. The IQC was established in 1927 in the Education Code. The IQC is responsible for advising the SBE on matters related to curriculum and instruction: 1) develops and recommends curriculum frameworks; 2) develops and recommends criteria for evaluating instructional materials submitted for adoption; 3) evaluates instructional materials that have been submitted by publishers and makes recommendations to adopt or reject each submission; 4) recommends policies and activities to the SBE, CDE, and LEAs regarding curriculum and instruction; 5) advises and makes recommendations to the SBE on implementing the state's academic content standards; and 6) advises the SBE on professional development, pupil assessments, and academic accountability systems alignments to the standards. Membership includes members appointed by the SBE, Governor, Speaker of the Assembly, and Senate Rules Committee. At least seven of the 13 public members appointed by the SBE are required to all be recognized authorities in specific subject matter fields, and at least seven of the 13 public members appointed by the SBE are required to be current K–12 classroom teachers, mentor teachers, or both.

***California School District Necessary Small Schools.*** School District Necessary Small Schools (NSS) provides funding for eligible school districts that have fewer than 5,001 units of ADA with qualifying schools that serve a small population of students and are geographically isolated. NSS funding is provided in lieu of the LCFE base grant funding. The NSS allowance is based on the combination of ADA, and the number of full-time teachers for elementary schools or the number of full-time equivalent certificated employees for high schools, whichever provides the lesser amount.

***Recommended Committee Amendments.*** *Staff recommends the bill be amended* as follows:

- Establish this group as a Task Force of the SPI, rather than a Council of the SBE. The needs of rural and small schools and school districts are unique, and rural school districts compose approximately one-third of all school districts in California. However, to establish an advisory council to the SBE through legislation, without a specific task of the council or corresponding federal requirement, would mark a departure from current practice. The Committee recommends the proposed council instead be established as a task force of the SPI, in order for the council members to inform the work of CDE to support small and rural schools.
- Related to the membership of the council: remove private school representative, add a representative from a COE. The SBE does not have direct authority over private schools, therefore this member should be removed. Further, the membership of the council should be expanded to include a representative from a COE. In many rural counties the COE serves as a hub to provide assistance and support for the school districts within the county.

***Related legislation.*** AB 2337 (Megan Dahle) of the 2021-22 Session would define a “frontier school district” to mean a school district that meets either of the following requirements: the total number of pupils in average daily attendance at all of the schools served by the school district is fewer than 600, or each county in which a school operated by the school district is located has a total population density fewer than 10 persons per square mile.

AB 1022 (Megan Dahle) of the 2021-22 Session is identical to AB 2337 (Megan Dahle) of the 2021-22 Session. AB 1022 was held in the Assembly Education Committee.

SB 908 (Pan) of the 2021-22 Session would establish the Student Board Member Advisory Commission as a stand-alone state-level body to provide assistance and advice to the student member of the SBE, the SBE, the SPI, the Legislature, and the Governor in education policy.

AB 2034 (Megan Dahle) of the 2019-20 Session was identical to AB 2337 (Megan Dahle) of the 2021-22 Session. This bill was held in the Assembly Education Committee.

SB 1321 (Monning), Chapter 664, Statutes of 2018, expands eligibility for the necessary small schools funding allowance to include specified schools in districts with ADA of up to 5,000.

SB 1221 (Hancock), Chapter 370, Statutes of 2014, modifies various requirements for participation in the 21st Century Community Learning Centers (21st CCLC) program and the Afterschool Education and Safety (ASES) program, including providing funding for transportation if a program is operated at a schoolsite located in an area that has a population density of less than 11 persons per square mile.

**REGISTERED SUPPORT / OPPOSITION:****Support**

None on file

**Opposition**

None on file

**Analysis Prepared by:** Marguerite Ries / ED. / (916) 319-2087