

Date of Hearing: June 28, 2023

ASSEMBLY COMMITTEE ON EDUCATION

Al Muratsuchi, Chair

SB 648 (Dahle) – As Amended June 19, 2023

**SENATE VOTE:** 40-0

**SUBJECT:** Education finance: average daily attendance: Mountain Valley Special Education Joint Powers Authority

**SUMMARY:** Deems an employee of the Mountain Valley Special Education Joint Powers Authority (JPA) who possessed a valid certification document an employee of a school district in Shasta County or an employee of the Shasta County Office of Education (COE) to satisfy the supervision requirements for computing average daily attendance (ADA). Specifically, **this bill:**

- 1) Deems an employee of the Mountain Valley Special Education JPA who possessed a valid certification document an employee of a school district in Shasta County or an employee of the Shasta COE to satisfy the supervision requirements for computing ADA.
- 2) States that the Legislature finds and declares that a special statute is necessary for this purpose because of the unique educational needs of the County of Shasta.

**EXISTING LAW:**

- 1) Requires that the computation of the ADA of a school district or COE include attendance of students while engaged in educational activities required of those students and under the immediate supervision and control of an employee of the district or COE who possessed a valid certification document, registered as required by law. (Education Code (EC) 46300)
- 2) Provides that the minimum schoolday for a student concurrently enrolled in regular secondary school classes and classes operating pursuant to a JPA that became effective before January 1, 2008, is 180 minutes. (EC 46144.5)
- 3) Requires that for students concurrently enrolled in regular secondary school classes and classes operating pursuant to a JPA that became effective before January 1, 2008, the ADA be included as school district ADA computed for purposes of the Local Control Funding Formula (LCFF). (EC 46144.5)
- 4) Specifies that, for purposes of computing ADA for concurrently enrolled in regular secondary school classes and classes operating pursuant to a JPA that became effective before January 1, 2008, immediate supervision and control of students while attending classes pursuant to a JPA is deemed satisfied regardless of the school district employing the certificated employee providing the supervision and control, provided that the school district is a party to the JPA. (EC 46144.5)

**FISCAL EFFECT:** According to the Senate Appropriations Committee, by enabling the Mountain Valley Special Education JPA to satisfy the supervision requirements and ensure that its students generate ADA for their school districts of residence, this bill would result in

Proposition 98 General Fund costs in the low to mid hundreds of thousands of dollars each year. A precise amount will depend on the number of students receiving instruction at the JPA and the amount of LCFF entitlement funds that each student generates.

#### COMMENTS:

***Need for the bill.*** According to the author, “One of the many unique challenges in rural communities is the number, or lack thereof, of students who require special education. That, in turn, necessitates creative solutions like forming a coalition that provides services to families with students who have disabilities. I applaud the members of the Mountain Valley JPA for their resourceful solution to this challenge, and hope this inspires other districts to use innovation approaches in educating those who need special consideration.”

***Mountain Valley Special Education JPA.*** Shasta County currently has 26 school districts, many of them small and rural. According to the Senate Education Committee, in 2018, the Shasta County Special Education Local Plan Area (SELPA) arranged for a fiscal and programmatic review of special education programs. Overall, the continuum of services in Shasta County were found to be lacking and a regionalized service model was recommended.

In 2020, 12 school districts and one charter school formed the Mountain Valley Special Education JPA. The JPA began offering services in August, 2020, during the COVID-19 pandemic. The JPA currently serves about 43 students in 6 special day classes (2 preschools and 1 primary, middle, medically fragile, and behavioral class) located on the sites of member school districts.

***Member districts are unable to claim funding for their special education students.*** According to the author’s office, the Mountain Valley Special Education JPA member districts were only able to collect ADA in recent years due to the state’s hold harmless provisions. Specifically, the 2020-21 Budget Act included a hold-harmless clause for calculating LCFF funding for the 2020-21 year by allowing 2020-21 funding to be based on 2019-20 ADA rather than 2020-21 ADA. Subsequent legislation amended the Budget Act to provide 2020-21 growth funding for LEAs that anticipated enrollment or ADA growth. Without the ADA hold harmless provisions of recent years, the JPA member districts would have been unable to collect ADA.

More recently, the 2022-23 Budget Act amended the LCFF calculation to consider the greater of a school district’s current year, prior year, or the average of three prior years’ ADA. As a result, the Mountain Valley Special Education JPA member districts have been unable to claim ADA apportionment because their students are under the supervision of JPA employees (rather than district employees). This bill would ensure that students served by the JPA would once again generate ADA for their districts of residence.

***Recommended Committee amendments.*** In order to ensure that apportionments can be issued for the 2023-24 fiscal year to the constituent members of the JPA, ***staff recommends that the bill be amended*** to add an urgency clause.

***Arguments in support.*** The French-Gulch-Whiskeytown School District writes, “The Mountain Valley JPA offers us security in that if and when we need a placement for a student with more severe disabilities, the MVJPA has options for us that we would otherwise not have. It is concerning that school districts who place students in a class that has employed a MVJPA

teacher cannot collect funds for the average daily attendance. For a small school district, that is a significant amount of funding that would impact our small district budget, and in turn, affect the quality of services we can provide students. A change in legislation would allow our school district to receive the funding for our special needs students while still having our district needs met through the MVJPA.”

**Related legislation.** AB 760 (Arambula), Chapter 47, Statutes of 2017, repealed the July 1, 2017 sunset date related to the calculation of ADA by the Center for Advanced Research and Technology (CART).

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Columbia School District  
French Gulch-Whiskeytown School District  
Small School Districts Association

**Opposition**

None on file

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