

Date of Hearing: June 28, 2023

ASSEMBLY COMMITTEE ON EDUCATION

Al Muratsuchi, Chair

SB 872 (Min) – As Amended June 19, 2023

SENATE VOTE: 40-0

SUBJECT: Pupil attendance: class size: report

SUMMARY: Requires local educational agencies (LEAs) and charter schools to report specified class size information for each elementary, middle, and high school to the California Department of Education (CDE), and requires the CDE to annually post this data on its website. Specifically, **this bill:**

- 1) Requires the CDE to publish annually and make publicly available on its website a report of student attendance information, to be known as the “California raw class size data report,” in order for the public to easily determine the following data:
 - a) The average number of students in each self-contained and departmentalized class for each schoolsite in every local educational agency (LEA) and charter school from transitional kindergarten (TK) through all elementary school grades;
 - b) The average number of students in each self-contained and departmentalized class for each schoolsite in every LEA and charter school for each middle school grade; and
 - c) The average number of students in each self-contained and departmentalized class for each schoolsite in every LEA and charter school for each high school grade.
- 2) Requires each LEA to report this data to the CDE, using the data reported in the school accountability report card (SARC).
- 3) Defines “local educational agency,” for purposes of this measure, to mean a school district, county office of education (COE), or charter school.

EXISTING LAW:

Education Code

- 1) Establishes the SARC, to provide data by which a parent can make meaningful comparisons between public schools that will enable him or her to make informed decisions on the school in which to enroll his or her children. Requires the SARC to include assessment of progress toward reducing class sizes and teaching loads, including the distribution of class sizes at the schoolsite by grade level and the average class size, using the California Basic Educational Data System or a successor data system information, for the most recent three-year period. (Education Code (EC) 33126)
- 2) Requires the Superintendent of Public Instruction (SPI), in computing apportionments and allowances from the State School Fund for the second principal apportionment, to determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes and having average daily attendance (ADA) of 101 or more:

- a) For grades 1 to 3, inclusive, the number of classes, the number of students enrolled in each class, the total enrollment in all such classes, the average number of students enrolled per class, and the total of the numbers of students which are in excess of 30 in each class; and
 - b) For grades 4 to 8, inclusive, the total number of students enrolled, the number of full-time equivalent classroom teachers, and the average number of students per each full-time equivalent classroom teacher.
- 3) Defines the number of students enrolled in each class to mean the average of the active enrollment in that class on the last teaching day of each school month that ends before April 15 of each school year.
 - 4) Requires the governing board of each school district maintaining elementary schools to report for the fiscal year 1964–65 and each year thereafter the information required for the determination to be made by the SPI, together with, and at the same time as, the reports required to be filed for the second principal apportionment of the State School Fund. (EC 41376)
 - 5) Requires the SPI to compute the product obtained by multiplying the excess number of students calculated by 0.97 and decreasing the ADA reported by the resulting product. (EC 41378)
 - 6) Establishes the Local Control Funding Formula (LCFF), which, for school districts and charter schools, is comprised of the following components:
 - a) A base grant of the following amounts per ADA in 2022-23:
 - i) \$10,119 for grades K-3, which includes a 10.4% grade span adjustment (GSA) for class size reduction;
 - ii) \$9,304 for grades 4-6;
 - iii) \$9,580 for grades 7-8; and
 - iv) \$11,391 for grades 9-12, which includes a 2.6% GSA for college and career readiness.
 - b) Requires, upon full implementation of the LCFF, as a condition of receiving funds, school districts to maintain an average class enrollment for each schoolsite for kindergarten and grades 1 to 3, inclusive, of not more than 24 students, unless a collectively bargained alternative ratio is agreed to by the district. (EC 42238.02)

California Code of Regulations (CCR):

- 7) For purposes of EC sections 41376 and 41378, establishes the following definitions:
 - a) Defines “class” to mean a group of students scheduled to report regularly at a particular time to a specific teacher instead of a grade, a broader segment of the school organization.

- b) Where the type of teaching in kindergarten and grades 1 through 3 is other than in self-contained classes, defines "class" as the basic homeroom where all of the following applies for a child:
- i) Attendance is recorded and investigation of absences is instigated;
 - ii) The child has his desk, locker, or drawer;
 - iii) The teacher handles the administrative routines such as keeping cumulative records, collecting basic data about the child, distributing items to go home, collecting lunch money, and distributing and collecting report cards;
 - iv) The teacher is the usual contact with the child's parents; and
 - v) Some planned instruction is given.
- c) Defines "average number of students enrolled per class" in kindergarten and grades 1, 2, and 3 to be the number obtained by dividing the sum of the quotients derived from the "number of students enrolled" for all classes in those grades by the number of those quotients.
- d) Defines "number of students enrolled" to mean a class for kindergarten, and Grades 1, 2, or 3 means the sum of the numbers determined by all the active enrollment counts made for the class, divided by the number of such counts made for the class.
- e) Defines "full-time equivalent classroom teacher" to mean the period of time the duties of a classroom teacher are assigned to a classroom teacher equal to the total number of hours designated by a governing board as a regular school day.
- f) Defines "classroom teacher" to mean an employee of the district in a position requiring certification qualifications whose duties require him to teach in regular day classes in any grade of Grades 4 to 8, inclusive, during the regular school year.
- 8) Requires that, for kindergarten and grades 1 through 3, a count be made on the last teaching day of each school month that ends prior to April 15 of the school year, and for grades 4 to 8, inclusive, at the end of the sixth school month. Requires that a count of full-time equivalent classroom teachers also be made at the end of the sixth school month. (Title V California Code of Regulations (CCR) 15103)

FISCAL EFFECT: According to the Senate Appropriations Committee:

- While some of the data that the bill requires may already be collected as part of existing processes (e.g. computing apportionments and Ed Data), it may not be collected in the same manner or methodology. For example, the bill defines "average number of students" as the number of students reflected on attendance records in each classroom for four days a month, randomly selected, for each month during the school year, divided by the number of days chosen. Typically, the data that is currently collected utilizes census figures, not randomly selected days for each month.

- To the extent CDE is unable to merely take existing data and report it differently to comply with the bill’s requirements, it could result in additional, ongoing General Fund costs for the department. A precise estimate is unknown because it would largely depend on the scope of work, but it could be in the hundreds of thousands of dollars each year.

COMMENTS:

Need for the bill. According to the author, “California’s class sizes are larger than the national average and are negatively impacting our teachers’ ability to meet the needs of every student. Currently, the student-to-teacher ratio is used as a proxy for the ‘class size,’ but most class sizes are larger than what the student-to-teacher ratios may show. Current data collection practices include every certificated staff, which deflates the real student-to-teacher ratio. As a result, California class sizes may be larger than we know. To obtain the granular data, parents, policymakers, and accountability models require you to seek out data from every school individually--an arduous task. To make better-informed decisions, the data collection practices must be reworked. SB 872 will ensure that we capture California’s true class sizes by ensuring that the real number of students per teacher in each classroom is reported. Only then will we be able to start addressing our class sizes and developing models to lower them.”

Effect of this bill. This bill makes the following changes to existing reporting on class size:

- Requires LEAs to report class size data as they report it for purposes of the SARC;
- Requires the CDE to post class size data. This data is currently posted as student-to-teacher ratio data on the Dataquest and Education Data Partnership websites, as discussed below.
- Requires that TK class size be reported separately from Kindergarten data.

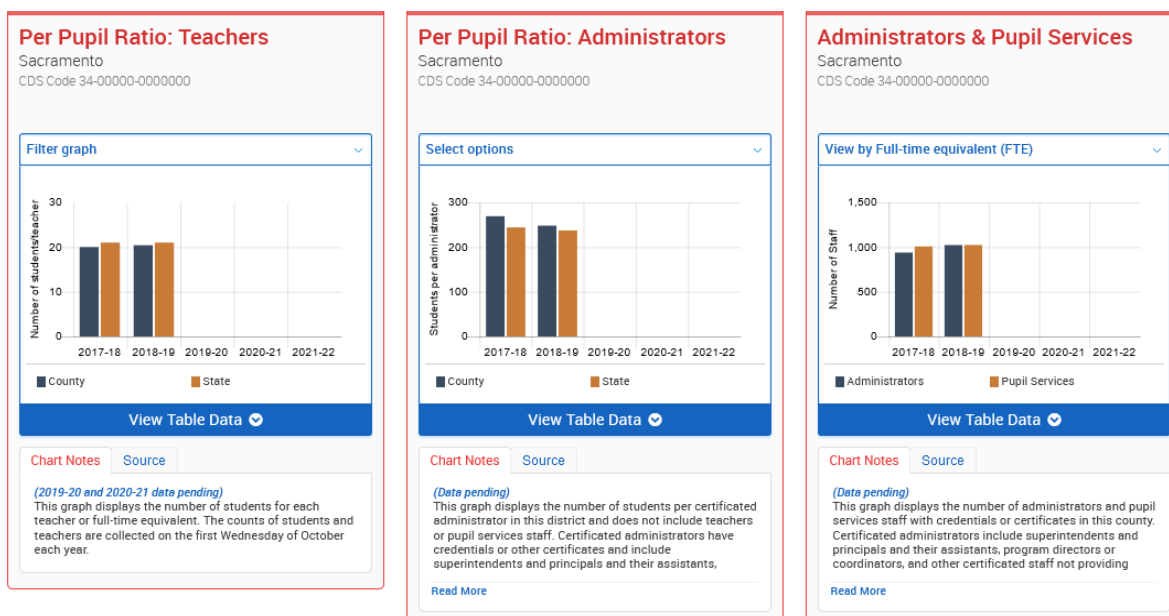
Class size data currently posted on the CDE’s Dataquest website as “average class size” and the Education Data Partnership’s website as “per student ratio.” Current law requires LEAs and charter schools to collect and report data on class size to the CDE, for inclusion in the California Longitudinal Student Achievement Data System (CALPADS) data system.

This data is made publicly available through CDE’s website as “average class size,” which is defined as “total course enrollment” divided by the “number of classes.” A “filtered average class size” number also excludes classes that have an enrollment of 0 or more than 50 students,

Self-Contained Classrooms								
Course Name	Course Code	Number of Schools	Number of Classes	Filtered Number of Classes	Total Class Enrollment	Filtered Class Enrollment	Average Class Size	Filtered Average Class Size
Kindergarten	1000	1	5	5	108	108	21.60	21.60
Grade 1	1000	1	3	3	75	75	25.00	25.00
Grade 2	1000	1	2	2	47	47	23.50	23.50
Grade 3	1000	1	3	3	76	76	25.33	25.33
Grade 4	1000	1	5	5	119	119	23.80	23.80
Grade 5	1000	1	5	5	108	108	21.60	21.60
Grade 6	1000	1	2	2	60	60	30.00	30.00
Combination class, K-6 Other	1000	1	2	1	62	6	31.00	6.00

and classes that are independent study, special education, other instruction-related assignment, and department chair codes.

This data is also posted on the Ed-Data.org website. This website is administered by the Education Data Partnership, a partnership of the CDE, EdSource, and the Fiscal Crisis and Management Assistance Team (FCMAT) and is designed to offer the public access to data about K-12 education in California. Student-to-teacher ratio data for the 2017-18 and 2018-19 school years are shown below.



Student-to-teacher ratio vs. class size. Researchers have noted that while student-to-teacher ratio is a measure similar to, but distinct from, class size, they are often conflated. Class size is the number of students attending a class or the average number of students in a classroom. Student-to-teacher ratio is the average number of student a teacher instructs in a school, and may include other certificated staff, such as instructional specialists, librarians, counselors, and others. Average class size may also not represent the number of students taught by an individual teacher if the teacher teaches multiple classes. A school with a low student-to-teacher ratio may not always have smaller class sizes, and vice versa. (Graue, 2009; Koc, 2015)

The author notes that the Dataquest and Ed-data.org websites reflect student-to-teacher ratios, which is distinct from average class size.

Existing data outdated. The Dataquest and the Education Data Partnership websites provide class size data from the 2017-18 and 2018-19 school years. Data from the three most recent completed school years, 2019-20, 2020-21, and 2021-22, have not yet been published by the CDE.

K-3 grade span adjustment in the Local Control Funding Formula. The LCFF was established in the 2013-14 fiscal year to provide a more equitable distribution of funding among school districts, charter schools, and COEs. The three main components of the LCFF for school districts and charter schools are the base, supplemental, and concentration grants. The amount of the base grant is different for four different grade spans and receives a statutory annual cost-of-

living-adjustment (COLA). The base grant for each school district and charter school, including the GSA, is multiplied by units of ADA.

The LCFF provides a 10.4% adjustment to the K-3 base grant for school districts that maintain an average class enrollment of not more than 24 students for each schoolsite in kindergarten and grades 1 to 3, inclusive, unless a collectively bargained alternative annual average class enrollment for each schoolsite in those grades is agreed to. Charter schools also receive this adjustment, however they are not required to comply with the class size requirement.

K-3 Class Size Reduction (CSR) program. The K-3 CSR Program was established in 1996 by SB 1777 (Chapter 163, Statutes of 1996) to improve education, especially in reading and mathematics, in kindergarten and grades one through three. The K-3 CSR Program provided funds to school districts and charter schools that reduced one or more classes to 20 students or fewer per certificated teacher. Classes were reduced based on the following grade-level priority: first grade, second grade, then third grade or kindergarten or both. Class sizes were computed based on the average daily enrollment in each class, and with the exception of small school districts and classes claimed for reduced funding, could not exceed 20.44 students.

In 2004, the K-3 CSR program was modified to allow a class to increase up to 21.9 students and still receive a small portion of the per student funding rate. As part of the February 2009 budget, the program structure was significantly relaxed to allow schools to continue receiving funding for K-3 classes even in excess of 25 students. (For example, for classes of 23, a school now received 80% of the per student rate for the first 20 students. For classes of 25 or more students, a school received 70% of the per student funding rate for the first 20 students.)

The K-3 CSR program funding was one of 41 categorical programs that became unrestricted (or, “flexible categorical programs”) following the 2008-09 fiscal year. At that time, LEAs were authorized to use the funds to provide services under the pre-flexed programs or for other education purposes or programs.

Was CSR effective? According to a 2002 report from the Public Policy Institute of California (PPIC), *Class Size Reduction, Teacher Quality, and Academic Achievement in California Public Elementary Schools*, CSR had the following effects on K-3 instruction in California public schools: 1) CSR led to a dramatic increase in the percentages of inexperienced and uncertified teachers, and 2) evaluating the effect of CSR on student achievement is challenging because there were no statewide test scores for the years preceding the implementation of the program, and not all schools were able to participate in the program immediately because of shortages of space and qualified teachers. However, the academic achievement of students already enrolled in struggling schools before CSR was typically lower after the implementation of the program. The report noted:

The inability of CSR to raise achievement for some of the state’s neediest students suggests that the statewide implementation of CSR was far from ideal. It is not surprising that the schools that had difficulty hiring before CSR had even more difficulty hiring after CSR created thousands of openings at schools with fewer needy students. If, instead, these struggling schools had been allowed to reduce class size first, they might have had an easier time attracting and retaining teachers because of their smaller class sizes (compared with other schools). Furthermore, our finding that schools with few low-income students

received few benefits from smaller classes implies that delaying CSR in these schools would not have hurt these students.

The CDE partnered in 2002 with several research institutions to establish a consortium to evaluate the effects of CSR on achievement, on the quality of the state's teaching corps, on special needs students, and on other practices. The consortium's findings included:

- Implementation of CSR occurred rapidly, although it lagged in schools serving minority and low-income students;
- The relationship of CSR to student achievement was inconclusive;
- CSR was associated with declines in teacher qualifications and a more inequitable distribution of credentialed teachers;
- CSR had only a modest effect on teacher mobility;
- CSR implementation did not affect special education identification or placement;
- Students in reduced size third-grade classes received more individual attention, but similar instruction and curriculum;
- Parents liked reduced class sizes; and
- Classroom space and dollars were taken away from other programs to support CSR.

Universal transitional kindergarten (UTK) currently being phased in, with smaller class sizes required. As part of the 2021-22 Budget, the state adopted a five-year phase in of UTK for all four-year olds. As part of that phase in, the state adopted unique class size and student-to-teacher ratio requirements along with additional funding to support this work. The five-year phase in includes the following year-by-year requirements. By the 2023-24 school year, TK classrooms must be staffed with a student to adult ratio of 10:1 (contingent on available funding). All TK teachers must possess a teaching credential plus additional training or experience in early childhood education.

Arguments in support. The California Federation of Teachers writes, "Currently, class size ratios have been reported on the Ed-Data.org website, and the California Department of Education DataQuest website. Unfortunately, numbers reported for student-teacher ratios on Ed-Data reflect a formula that incorporates all certificated staff located on campus. This means that librarians, counselors, and administrative staff such as Principals are included in the denominator of the formula and present a skewed number that is lower than reality.

Having increased numbers of students in every classroom places immense strain on the capacity of educators in our system to create the required lesson plans, direct instruction, review homework assignments and testing, and provide beneficial one-on-one instruction to assist struggling students. High class sizes lead to less time in their schedules for planning, collaboration, and professional development, as well as limited ability to provide tailored high-

quality instruction to each student. In short, high class sizes lead to educator burnout, and lower student achievement.

Without access to real class size data that is up to date, California will be unable to properly address the problem presented by large class sizes.”

Related legislation. SB 1431 (Susan Rubio) of the 2021-22 Session would have provided, contingent upon an appropriation, a Local Control Funding Formula (LCFF) base grant increase of 32.5% for school districts and charter schools that have an average class size at each schoolsite for kindergarten and grades 1 to 3, inclusive, of not more than 20 students. This bill was held in the Assembly Education Committee.

AB 2924 (O'Donnell) of the 2021-22 Session would have required, commencing with the 2022–23 fiscal year, the LCFF GSA of 10.4% to be applied to the kindergarten and grades 1 to 3, inclusive, base grant, the grades 4 to 6, inclusive, base grant, and the grades 7 and 8 base grant for a school district or charter school that maintains an average class enrollment of not more than 24 students for each schoolsite, unless a collectively bargained alternative ratio is agreed to by the school district or charter school. This bill was held in the Assembly Education Committee.

SB 1777 (O'Connell), Chapter 163, Statutes of 1996, established the K–3 CSR Program which provided funds to school districts and charter schools that reduced one or more classes to 20 students or fewer per certificated teacher.

REGISTERED SUPPORT / OPPOSITION:

Support

California Federation of Teachers
California Teachers Association
Los Angeles County Office of Education

Opposition

None on file

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