



April 2, 2021

The Honorable Connie Leyva
Chair, Senate Education Committee
State Capitol, Room 4061
Sacramento, CA 95814

RE: Senate Bill 328 (Portantino) Local Educational Agencies: Education Programs
(As amended March 25, 2021)

POSITION: Oppose Unless Amended

Dear Senator Leyva:

We are writing on behalf of the local educational agencies and statewide education organizations represented on this letter to express our opposition to Senate Bill 328 (Portantino), unless it is amended to delay the implementation date of Education Code Section 46148 until July 1, 2024 and expand the definition of “rural school district.” As amended on March 25, SB 328 (2021) seeks to address two issues that were widely discussed before this bill’s predecessor advanced to Governor Newsom: the flexibility of funding for after school programs, and the definition of “rural” school districts and charter schools that would be exempt from the aforementioned Code Section.

The worldwide health crisis precipitated by the COVID-19 pandemic spared few institutions, including public K-12 schools in California. Due to the successful distribution of vaccines in our state, there is more hope today than at any previous time in the past year. Case rates have continued to decline, which has allowed many schools that had been unable to do so for public health reasons to provide an educational program that includes in-person instruction.

The return of schools to in-person instruction is just the first step to returning students, families, teachers and staff to a sense of normalcy. This has been recognized by the Legislature, the

Newsom Administration, and the federal government in state legislation such as Assembly Bill 86 and federal legislation such as the American Rescue Act. We are grateful for the resources provided in those efforts, and we accept the responsibility of ensuring that schools are safe for students, teachers and staff. Just as importantly, we accept the responsibility for developing programs and strategies that provide the educational resources that are necessary for students to continue their progress, while at the same time resolving learning gaps that have developed during the time that schools have been unable to provide in-person instruction.

Notwithstanding the progress made in curtailing the pandemic, the 2021-22 school year will not fully represent a return to “business as usual.” Consistent with the requirements of state and federal law, schools will be focused on extended instructional learning time, accelerated learning strategies, summer school, tutoring or other forms of one-on-one student support, professional development for teachers and staff, and social-emotional wellbeing supports.

It has been stated by numerous educational leaders, including State Board of Education President Linda Darling-Hammond, that the months and years to come could become transformational for public schools in California, and that if we return to the same educational model and practices that existed prior to the COVID-19 pandemic, it will represent a failure of an historic magnitude. It is within this context of recovery and transformation that school districts would be forced to hold discussions about implementing an inflexible mandate on school start times that will result in added inconvenience, stress and child care costs for many working families and increased transportation costs to local educational agencies.

Equally important to delaying the implementation date is to provide rural school districts and charter schools clarity on whether or not this law will apply to them. We thank the author for working with advocates representing those districts and schools on an adequate and appropriate definition of “rural.” The conditions that were included in the March 25 amendments are a good starting point, but must be expanded to reflect the myriad characteristics that would make the start time law difficult or impossible to implement. Among other changes, we are asking that the county population threshold be increased, that county superintendents have authorization to exempt districts under their jurisdiction that lack sufficient transportation resources, and that the exemptions based on state and federal grant eligibility be expanded. We look forward to continuing our collective work with stakeholders and the author’s office on this crucial piece of the bill.

In conclusion, we acknowledge Senator Portantino’s sincere efforts to improve learning, mental health supports and social conditions for students. It is not our desire to “re-litigate” the debates that took place on the previous version of SB 328. However, we would ask you and the committee to consider the historic magnitude of what has transpired since Governor Newsom signed SB 328 (2019) in October 2019, the opportunity that now exists for a reinvention of California’s educational approach, and where (and whether) mandated school start times for middle and high schools fit into these overall efforts.

For the reasons outlined above, we believe there is merit in delaying the implementation of Education Code Section 46148, and in expanding the definition of “rural” that is in the current version of the bill. We respectfully request that SB 328 be amended to address these two issues.

As always, thank you for your consideration of our views.

Sincerely,



Ivan Carrillo
Legislative Advocate, ACSA



Seth Bramble
Legislative Advocate, CTA



Elizabeth Esquivel
Senior Director, Policy and Governance, CASBO



Christina Marcellus
Legislative Advocate, Small School Districts Association



Derick Lennox
Senior Director, Govt. Relations and Legal Affairs
CCSESA



Jeffrey Frost
Legislative Advocate, CalSSD and CVEC



Michael Hulsizer, Chief Deputy for Govt. Affairs
Kern County Superintendent of Schools



Dr. Charles D. Hinman, Superintendent
West Covina Unified School District



Chris Evans, Superintendent
Natomas Unified School District



Michelle McKay Underwood, Legislative Advocate
Torrance Unified School District



Jeffrey A. Vaca, Chief Govt. Relations Officer
Riverside County Superintendent of Schools

cc: Senator Anthony Portantino
Members, Senate Education Committee
Brandon Darnell, Principal Consultant, Senate Education Committee
Roger Mackensen, Consultant, Senate Republican Caucus