

AMENDED IN SENATE MAY 8, 2019
AMENDED IN SENATE MARCH 25, 2019

SENATE BILL

No. 328

Introduced by Senator Portantino

(Principal coauthors: Assembly Members Calderon and Gloria)

(Coauthors: Senators Pan and Wiener)

~~(Coauthor: Assembly Member Boerner Horvath)~~

(Coauthors: Assembly Members Boerner Horvath and Gonzalez)

February 15, 2019

An act to add Section 46148 to the Education Code, relating to pupil attendance.

LEGISLATIVE COUNSEL'S DIGEST

SB 328, as amended, Portantino. Pupil attendance: school start time.

Existing law requires the governing board of each school district to fix the length of the schoolday for the several grades and classes of the schools maintained by the school district in accordance with specified provisions of law.

This bill would require the schoolday for middle schools and high schools, including those operated as charter schools, to begin no earlier than 8:00 a.m. and 8:30 a.m., respectively, by July 1, 2022, or the date on which a school district's or charter school's respective collective bargaining agreement that is operative on January 1, 2020, expires, whichever is later, except for rural school districts. To the extent the bill imposes new duties on school districts and charter schools, the bill would impose a state-mandated local program. The bill would encourage the State Department of Education to post specified information on its internet website, including research on the impact of sleep deprivation

on adolescents and the benefits of a later school start time, and to advise school districts and charter schools of this posting.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 46148 is added to the Education Code,
2 to read:
3 46148. (a) *(1) The schoolday for ~~middle schools and~~ high*
4 *schools, including ~~middle schools and~~ high schools operated as*
5 *charter schools, shall begin no earlier than 8:30 a.m.*
6 *(2) The schoolday for middle schools, including middle schools*
7 *operated as charter schools, shall begin no earlier than 8:00 a.m.*
8 (b) For purposes of this section, “schoolday” ~~does not include~~
9 ~~a “zero period,” or an extra period offered before the start of the~~
10 ~~regular schoolday.~~ *has the same meaning as defined by the school*
11 *district or charter school for purposes of calculating average daily*
12 *attendance in order to compute any apportionments of state*
13 *funding. This section does not prohibit a school district or charter*
14 *school from offering classes or activities to a limited number of*
15 *pupils before the start of the schoolday that do not generate*
16 *average daily attendance for purposes of computing any*
17 *apportionments of state funding.*
18 (c) This section shall be implemented by middle schools and
19 high schools no later than July 1, 2022, or the date on which a
20 school district’s or charter school’s respective collective bargaining
21 agreement that is operative on January 1, 2020, expires, whichever
22 is later.
23 (d) This section shall not apply to rural school districts.
24 (e) The department is encouraged to post on its internet website
25 available research on the impact of sleep deprivation on adolescents
26 and the benefits of a later school start time and examples of

1 successful strategies for managing the change to a later school
2 start time, and to advise school districts and charter schools of this
3 posting.

4 (f) The Legislature encourages school districts, charter schools,
5 and community organizations to inform their communities,
6 including parents, teenagers, educators, athletic coaches, and other
7 stakeholders, about the health, safety, and academic impact of
8 sleep deprivation on middle and high school pupils and the benefits
9 of a later school start time, and to discuss local strategies to
10 successfully implement the later school start time.

11 SEC. 2. If the Commission on State Mandates determines that
12 this act contains costs mandated by the state, reimbursement to
13 local agencies and school districts for those costs shall be made
14 pursuant to Part 7 (commencing with Section 17500) of Division
15 4 of Title 2 of the Government Code.

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18 **REVISIONS:**

19 **Heading—Line 4.**
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