

Date of Hearing: March 20, 2024

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 2377 (Luz Rivas) – As Introduced February 12, 2024

This bill was doubled referred to the Assembly Judiciary Committee and will be heard by that Committee as it relates to issues under its jurisdiction.]

SUBJECT: Pupil instruction: physical education: religious exemption: fasting

SUMMARY: Excuses pupils from physical education (PE) instructional time requirements during a period of religious fasting with written notification from the pupil's parent or guardian. Specifically, **this bill:**

- 1) Requires a pupil in kindergarten or any of grades 1 to 12, inclusive, to be excused from engaging in any physical activity components of a PE course during a period of religious fasting upon the submission to the school principal of written notification from the pupil's parent or guardian, if the pupil is less than 18 years of age, or from the pupil, if the pupil is 18 years of age or older, that the pupil is participating in religious fasting.
- 2) Requires for purposes of calculating compliance with the PE instructional time requirements of a pupil to be credited with instructional time for any time for which the pupil was excused from engaging in physical activity components.

EXISTING LAW:

- 1) Requires the adopted course of study for grades 1 to 6, inclusive, to include instruction, beginning in grade 1 and continuing through grade 6, in PE, with emphasis upon the physical activities for the pupils that may be conducive to health and vigor of body and mind, for a total period of time of not less than 200 minutes each 10 schooldays, excluding recesses and the lunch period. (Education Code (EC) 51210)
- 2) Requires all pupils, except pupils excused or exempted, to be required to attend courses of PE for a total period of time of not less than 400 minutes each 10 schooldays. Requires that any pupil may be excused from PE classes during one of grades 10, 11, or 12 for not to exceed 24 clock hours in order to participate in automobile driver training. States that a pupil who is excused from PE classes to enroll in driver training to attend a minimum of 7,000 minutes of PE instruction during such school year. (EC 51222)
- 3) Requires instruction in PE in an elementary school maintaining any of grades 1 to 8, inclusive, to be for a total period of time of not less than 200 minutes each 10 schooldays, exclusive of recesses and the lunch period. (EC 51223)
- 4) Authorizes pupils, with the written consent of their parents or guardians, to be excused from school in order to participate in religious exercises or to receive moral and religious instruction at their respective places of worship or at other suitable place or places away from school property designated by the religious group, church, or denomination, which is in addition and supplementary to the instruction in manners and morals required. States that

such absences shall not be deemed absent in computing average daily attendance (ADA), if all of the following conditions are complied with:

- a) The governing board of the district of attendance, in its discretion, first adopts a resolution permitting pupils to be absent from school for such exercises or instruction;
 - b) The governing board adopts regulations governing the attendance of pupils at such exercises or instruction and the reporting thereof;
 - c) Each pupil so excused attends school at least the minimum school day for his grade for elementary schools, and as provided by the relevant provisions of the rules and regulations of the State Board of Education (SBE) for secondary schools; and
 - d) No pupil is excused from school for such purpose on more than four days per school month. (EC 46014)
- 5) Requires that if any part of a school's instruction in health conflicts with the religious training and beliefs of a parent or guardian of a pupil, the pupil, upon written request of the parent or guardian, be excused from the part of the instruction that conflicts with the religious training and beliefs. States that "religious training and beliefs" include personal moral convictions. (EC 51240)
- 6) Establishes numerous reasons for excused absences from school including for justifiable personal reasons, including, but not limited to, an attendance or appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the pupil's religion, attendance at a religious retreat, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization, when the pupil's absence is requested in writing by the parent or guardian and approved by the principal. States that attendance at religious retreats shall not exceed one schoolday per semester. (EC 48205)

FISCAL EFFECT: Unknown

COMMENTS:

What does this bill do? This bill excuses students from PE during periods of religious fasting, with a note from their parent or guardian. Further, the bill requires students be granted credit for the excused instructional PE minutes.

Need for the bill. According to the author, "Students observing religious fasting often find themselves struggling to meet a PE (PE) requirement, which is more pronounced during harsh weather conditions. Fasting can affect both the mind and body, so it is crucial we support our students as they focus on their studies. AB 2377 will bring ease during the hardships of fasting by providing proper accommodations for PE to ensure students are performing to their best in other aspects of their education."

Research on PE during Ramadan. According to a 2019 article, *Teaching Physical Education During Ramadan Observance: Practical Recommendations:*

In non-athletic boys fasting for the first time, Fenneni et al. examined the effects of Ramadan observance on both short-term (i.e., 20-minute and 30-minute sprints, vertical and horizontal jump tests, medicine ball throw) and long-duration sub-maximal test (i.e., 6-minute walking distance measured during the 6-minute walk test). The results showed impaired sub-maximal aerobic capacity without changes in short-term maximal performance.

Examining the effects of Ramadan observance, in young soccer players, on short- and long-duration exercise performances, Chtourou et al. reported ~ 1.6% -1.9% and 2.4% - 2.9% decreases in peak and mean power recorded by the 30-second Wingate test during the second and the fourth weeks of Ramadan in comparison with before Ramadan. Likewise, 3.8% decreases in the total work during a repeated sprint exercise (i.e., 5 _ 6 seconds repeated sprint test (with 24 seconds of recovery in-between) were reported. Total distance covered during the Yo-Yo intermittent recovery test and estimated maximal aerobic velocity were both reduced by 3.7% and 11.9% during in comparison with before Ramadan. In the other hand, the results of this study reported increases of 11% and 12.6% in the rating of perceived exertion scores and 12 and 22.8% in the fatigue estimated by the profile of mood state during the second and the fourth weeks of Ramadan in comparison with before Ramadan.

What are other states doing? In 2021, Illinois passed a law requiring that a pupil be excused from engaging in a PE course during a period of religious fasting if the pupil's parent or guardian notifies the school principal in writing that the pupil is participating in religious fasting. It is unclear if other states have similar exemptions.

Arguments in support. The Council on American-Islamic Relations California Chapter states, "Students who observe religious fasting often find themselves struggling to exercise during their physical education (PE) courses. The lack of liquids and no food can lead to illness during exercise. Fasting affects the mind and body, especially if PE courses are later in the school day. It is crucial that we support our students and their well-being. Fasting is at its most difficult during the long summer days. The duration of the fast, coupled with the sweltering heat, creates a challenging situation for students. Additionally, fasting can cause dizziness, fatigue, headaches, and dehydration, which may lead to weakness or fainting, especially during exercise."

Recommended Committee Amendments. *Staff recommends that the bill be amended* to grant credit for PE instructional minutes, upon completion of alternative assignments or activities by the student.

REGISTERED SUPPORT / OPPOSITION:

Support

Council on American-Islamic Relations, California

Opposition

None on file

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