

Date of Hearing: June 12, 2024

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
SB 1138 (Newman) – As Amended March 18, 2024

[Note: This bill is double referred to the Assembly Military and Veterans Affairs Committee and will be heard by that Committee as it relates to issues under its jurisdiction.]

SENATE VOTE: 37-0

SUBJECT: Pupil attendance: excused absences: military entrance processing

SUMMARY: Authorizes a student's excused absence due to participation in military entrance processing. Specifically, **this bill:**

- 1) Authorizes a student's excused absence due to participation in military entrance processing.
- 2) Technical and conforming changes.

EXISTING LAW:

- 1) Requires a student between the ages of 6 through 18 to attend school full-time, in the school district where either parent or legal guardian resides, except as specified. (Education Code (EC) 48200)
- 2) Specifies that excused absences are deemed to be absences in computing average daily attendance (ADA) and do not generate state apportionment payments. (EC 48205)
- 3) Requires that a student be excused from school when the absence is:
 - a) Due to the student's illness, including an absence for the benefit of the student's mental or behavioral health;
 - b) Spending time with a member of the student's immediate family who is an active duty member of the uniformed services, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position;
 - c) Due to quarantine under the direction of a county or city health officer;
 - d) Having a medical, dental, optometrical, or chiropractic appointment;
 - e) Attending the funeral services or grieving the death of either a member of the pupil's immediate family or of a person that is determined by the student's parent or guardian to be in such close association with the student as to be considered immediate family, so long as the absence is not more than five days per incident;
 - f) Serving on jury duty;

- g) Due to the illness or medical appointment during school hours of a child of whom the student is the custodial parent;
 - h) For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the student's religion, attendance at religious retreats (limited to one day per semester), attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization, when the absence is requested in writing by the parent or guardian and approved by the principal or designee, based upon standards established by the governing board of the school district;
 - i) Serving as a member of a precinct board for an election;
 - j) Attending the student's naturalization ceremony to become a United States citizen;
 - k) Participating in a cultural ceremony or event; and
 - l) A middle or high school student engaging in a civic or political event for no more than one schoolday per year, provided that the student notifies the school ahead of the absence. (EC 48205)
- 4) Provides that a valid excuse includes, but is not limited to, the reasons specified in the "excused absences" sections of the law, and may include other reasons that are within the discretion of school administrators and based on the facts of the pupil's circumstances. (EC 48260)

FISCAL EFFECT: According to the Senate Appropriations Committee:

- To the extent that students who would have otherwise attended school do not attend as a result of this measure, this bill could result in unknown Proposition 98 General Fund savings to the state. However, each time a student is absent, that absence negatively impacts the local educational agency's average daily attendance (ADA), ultimately reducing its overall funding.
- While each individual absence may be insignificant, in the aggregate, absences have an impact on overall funding provided to local school districts. Under current law, all absences, whether excused or unexcused, result in a reduction of overall ADA.

COMMENTS:

Need for the bill. According to the author, "Providing for excused absences will afford California high school students the opportunity to participate in mandatory military entrance processing without potentially experiencing adverse consequences for having an unexcused absence on their records. Adding military entrance processing to the existing list of excused absences, which include attending career or employment conferences, is eminently fair and equitable. Students planning to pursue service in the United States military after completion of high school should not face undue administrative obstacles that might interfere with that very admirable path."

Excused absences. California's compulsory education law requires every child between the ages of 6 through 18 to attend school full-time, and their parents and legal guardians to be responsible for ensuring that they attend school. A student who is absent from school without a valid excuse on any day or is tardy for more than 30 minutes, or any combination thereof, for three days in a school year is considered a truant.

Current law establishes excused absences for a number of reasons, including illness, quarantine, medical appointments, attending a funeral, jury duty, illness of the student's child, a court appearance, observation of a religious holiday or ceremony, attendance at an educational conference, serving on a precinct board, spending time with an immediate family member who is an active duty member of the military deployed in a combat zone, as well as for other reasons deemed to constitute a valid excuse by a school administrator based upon an individual student's circumstances. This bill would add participation in military entrance processing to the list of excused absences.

Military entrance processing (MEP). The MEP is a process in which the military assesses applicants for their qualifications to enter a branch of the U.S. armed forces. The Department of Defense operates MEP facilities with the help of military and civilian personnel who specialize in determining an applicant's physical, mental, and moral readiness to enter the military. Completing a MEP screening typically takes two full days of tests and screenings. The MEP process includes medical screening, aptitude tests, and enlistment in the appropriate military branch.

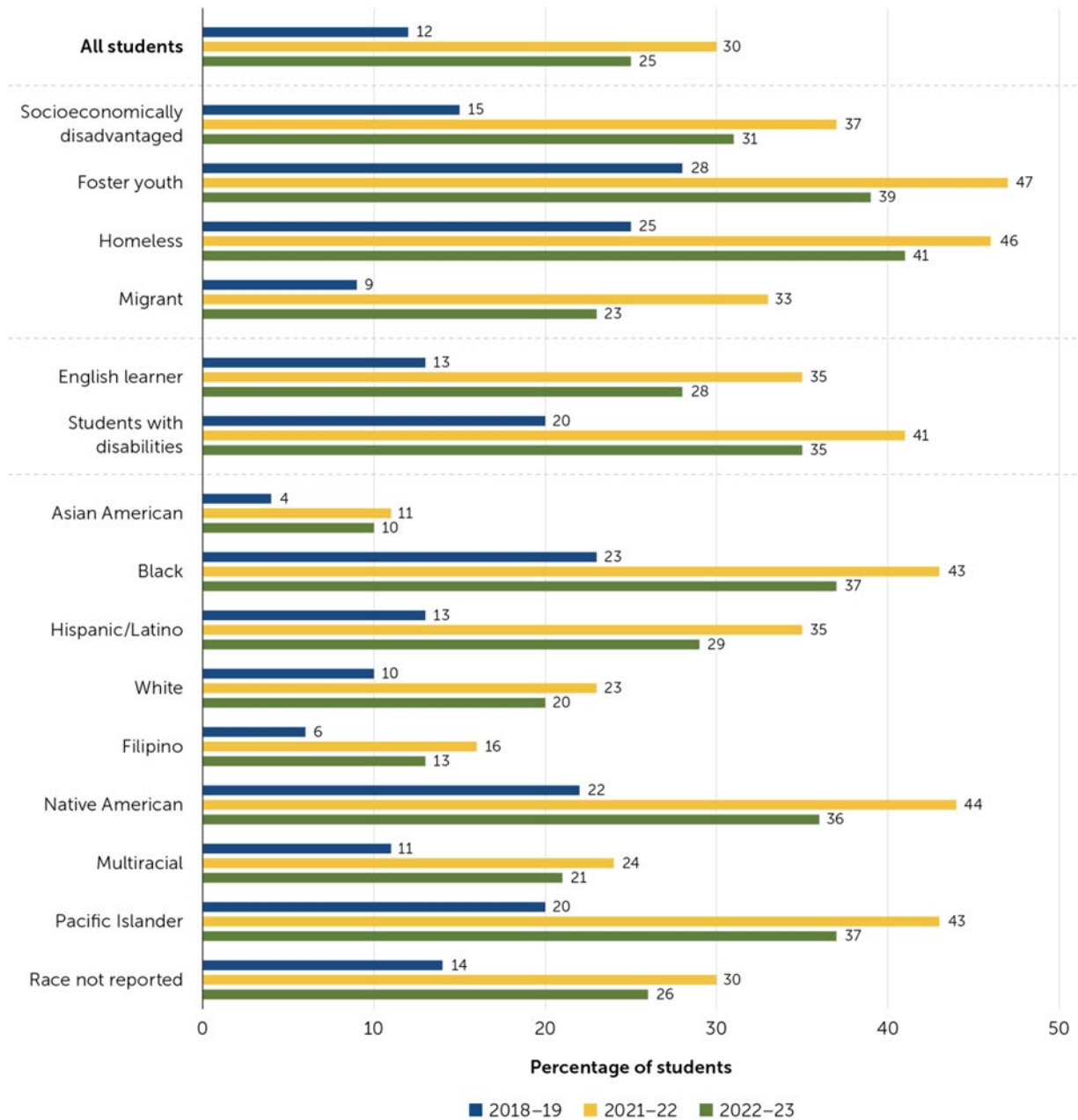
Absences impact school funding. California schools are funded on the basis of the ADA of enrolled students. Absences, whether excused or unexcused, do not generate ADA, thereby negatively impacting a local educational agency's (LEA) overall funding.

Chronic absenteeism has risen significantly in recent years. Chronic absence refers to missing so much school for any reason that a student is academically at risk. Chronic absence is defined as missing 10% or more of school for any reason, including excused absences, unexcused absences or truancy, and suspensions. Statewide chronic absence rates increased from 12% to a high of 30% in 2021-22 during the COVID-19 pandemic. In 2022-23, the overall chronic absence rate fell to 25%. Although this represents a decrease from the prior year, the rate is still more than double that of the rate prior to the pandemic.

Chronic absenteeism varies significantly by grade level. Kindergarten chronic absence increased from the pre-pandemic level of 16% to 40% in 2021-22 and remained at 36% in 2022-23, the highest level among all grade levels. High school chronic absenteeism increased from the pre-pandemic level of 16% to 30% at the height of the pandemic and dropped to 26% in 2022-23. (Chang, 2024)

Chronic absences have a disproportionate impact on different subgroups of students. Only 2% of the most affluent schools have extreme levels of chronic absence, compared to 60% of schools in which 75% or more of the students are socioeconomically disadvantaged. Students who are involved in the foster care system, are experiencing homelessness, and/or have been identified as having a disability have extraordinarily high levels of chronic absenteeism. In addition, Native American, Black, and Pacific Islander students also have especially high rates of chronic absences. (Chang, 2024) See Figure 1.

Figure 1. Chronic Absenteeism Rates by Student Group and Year



Source: *Unpacking California’s Chronic Absence Crisis Through 2022-23* (Chang, January 2024)

Potential to increase chronic absenteeism by expanding excused absences. Legislation in recent years has added to the list of excused absences for the purposes of a student’s mental health, participating in a cultural ceremony or event, attending a funeral or accessing grief support services, and engaging in a civic or political event. Although each of these is important in themselves, the overall impact on student attendance must be considered. A student’s absence from school for any reason may have negative impacts on their academic achievement over time.

The Committee may wish to consider whether adding yet another excused absence for participation in military processing is a worthwhile change given the tremendous increases in chronic absenteeism and the associated potential negative impact on a student's overall performance.

Related legislation. AB 1884 (Ward) of the 2023-24 Session would authorize a student's excused absence for purposes of spending time with a member of their immediate family who is an active duty member of the military and has been called to duty for, is on leave from, or has immediately returned from deployment, without requiring that the deployment be to a combat zone or combat support position.

AB 2771 (Mainschein) of the 2023-24 Session would require the CDE to post information on its website about methods of reducing chronic absenteeism by the beginning of the 2026-27 school year.

SB 350 (Ashby), Chapter 601, Statutes of 2023, adds to the list of excused absences from school that a pupil can be excused from school for, the ability to miss school to receive victim services, grief support services, or attend safety planning, to attend a funeral or grieve for no longer than five days, as specified.

AB 1503 (Lee), Chapter 846, Statutes of 2023, extends the time permitted for an excused absence for attending a religious retreat from four hours to one schoolday per year.

SB 955 (Leyva), Chapter 921, Statutes of 2022, authorizes one excused absence per year for a middle or high school student to participate in a civic or political event, provided that the student notifies the school ahead of the absence.

SB 14 (Portantino), Chapter 672, Statutes of 2021, includes, specifically, "for the benefit of the behavioral health of the student" within the "illness" category for excused absences for purposes of school attendance; and requires the CDE to identify an evidence-based and evidence-informed training program for LEAs to address youth behavioral health, including staff and student training.

AB 516 (Megan Dahle), Chapter 281, Statutes of 2021, adds participation in a cultural ceremony or event to the list of reasons that a student must be excused from school.

AB 1593 (Oberholte) Chapter 92, Statutes of 2016, adds a student's attendance at his or her naturalization ceremony to become a United States citizen to the list of excused absences.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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