

Date of Hearing: March 29, 2023

ASSEMBLY COMMITTEE ON EDUCATION  
Al Muratsuchi, Chair  
AB 1503 (Lee) – As Introduced February 17, 2023

**SUBJECT:** Student attendance: excused absences: religious retreats

**SUMMARY:** Extends the time permitted for an excused absence for attending a religious retreat from four hours to one schoolday. Specifically, **this bill:**

- 1) Extends the time permitted for an excused absence for attending a religious retreat from four hours to one schoolday per semester.

**EXISTING LAW:**

- 1) Requires a student between the ages of 6 through 18 to attend school 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) Defines the reasons that a student will be excused from school:
  - a) Due to the student's illness, including an absence for the benefit of the student's mental or behavioral health;
  - b) Due to quarantine under the direction of a county or city health officer;
  - c) Having medical, dental, optometrical, or chiropractic services rendered;
  - d) For the purpose of attending the funeral services of a member of the student's immediate family;
  - e) For the purpose of jury duty;
  - f) Due to the illness or medical appointment during school hours of a child of whom the student is the custodial parent;
  - g) 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, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization;
  - h) For the purpose of serving as a member of a precinct board for an election;
  - i) For the purpose of 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;
- j) For the purpose of attending the student's naturalization ceremony to become a United States citizen;
  - k) For the purpose of participating in a cultural ceremony or event;
  - l) For the purpose of a middle or high school student engaging in a civic or political event, as defined, provided that the student notifies the school ahead of the absence; and
  - m) Authorized at the discretion of a school administrator. (EC 48205)
- 4) Specifies that an excused absence for attendance at a religious retreat must not exceed four hours per semester. (EC 48205)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

***Need for the bill.*** According to the author, "California is home to the most diverse population in the nation and became the first to become a "minority-majority" state in 2000. It is often understood we institute a two-week winter break in our schools to allow families to gather during Christmas, which is a holiday of the Christian faith.

However, there are many different faiths that have been overlooked, and AB 1503 is an attempt to recognize the State's rich diversity by providing students a full-day excused absence for any religious reason. Every student, regardless of their background, should be able to spend quality time with their families, and celebrate long-lasting traditions."

***California's diversity extends to religion.*** A religious landscape study conducted by the Pew Research Center in 2014 identified the following regarding the religious affiliation of adults in California:

- Christian 63%
- Jewish 2%
- Muslim 1%
- Buddhist 2%
- Other faiths 1%
- Unaffiliated 27%

According to the U.S. Census bureau, California's population in 2014 (the year this study of religion was conducted) was 38.59 million. Thus, the population at the time included over 2.3 million adults affiliated with religions other than Christianity.

***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 children 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 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, as well as for other reasons deemed to constitute a valid excuse by a school administrator.

Current law specifies that an excused absence to attend a religious retreat cannot exceed four hours per semester. This bill would extend that provision to one schoolday. The length of a school day varies by grade level. State law specifies the total number of instructional minutes by grade level and requires a minimum of 180 days per school year for school districts. The minimum number of hours per school day, based upon a 180 day school year are:

- Kindergarten: 36,000 minutes for a 3.3 hour day;
- Grades 1-3: 50,400 minutes for a 4.6 hour day;
- Grades 4-8: 54,000 minutes for a 5 hour day; and
- Grades 9-12: 64,800 minutes for a 6-hour day.

***Absences impact school funding.*** California schools are funded on the basis of the ADA of enrolled students. The level of absenteeism, whether excused or unexcused, negatively impacts an LEA's overall funding.

***Arguments in support.*** The Council on American-Islamic Relations states "California has the largest Muslim population of any state in the country with over 1,000,000 Muslims. 56% of California Muslim students reported feeling unsafe in schools according to the CAIR-CA Bullying Report. This is the highest reported level since CAIR-CA began conducting its biennial surveys in 2013. Muslim students experience discrimination by both their peers and teachers, administrators, or other adults at the school. A bill ensuring a student's ability to celebrate religious holidays without penalty confronts Islamophobia and the "other-izing" of not only Muslim students, but all students who are religious minorities. There are a number of religious holidays that may not be recognized by a school district as an excused holiday, such as: Eid al-Fitr, Diwali, Rosh Hashanah, Ash Wednesday, and many others. These holidays hold significant meaning within different religious groups and the communities that engage in these celebrations, and a half day is often not enough time to celebrate. By allowing students to receive an excused absence of one full school day in K-12 schools to attend religious holidays and gatherings, this bill reinforces California's commitment to diversity, inclusion, and fostering cultural competency."

***Related legislation.*** SB 350 (Ashby) of the 2023-24 session would authorize a student's excused absence for the purpose of attending the funeral services or grieving the death of either a member of the student'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 the student's immediate family, so long as the absence is not more than 5 days.

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.

SB 1457 (Morrell) of the 2015-16 Session would have expanded the authority of school districts to authorize a student to be excused from school to receive moral and religious instruction by authorizing a local governing board to adopt a policy, as specified, to allow students to earn up to two elective credits towards high school graduation requirements for the completion of “released time instruction,” excluding any cap on the number of excused absences for this purpose, and would have authorized a school district to generate average daily attendance for these absences. This bill was held on the Senate Floor.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Association of Private School Organizations  
California Catholic Conference  
Council on American-islamic Relations, California  
GenUp  
One individual

### **Opposition**

None on file

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