

Date of Hearing: March 24, 2021

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
AB 516 (Megan Dahle) – As Introduced February 10, 2021

**SUBJECT:** Pupil attendance: excused absences: cultural ceremonies or events

**SUMMARY:** Adds participation in a cultural ceremony or event to the list of reasons that a pupil must be excused from school. Specifically, **this bill:**

- 1) Adds participation in a cultural ceremony or event to the list of reasons that a pupil must be excused from school.

**EXISTING LAW:**

- 1) Requires a pupil 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 pupil will be excused from school:
  - a) Due to the pupil's illness;
  - b) Due to quarantine under the direction of a county or city health officer;
  - c) For the purpose of having medical, dental, optometrical, or chiropractic services rendered;
  - d) For the purpose of attending the funeral services of a member of the pupil'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 pupil 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 pupil'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 pupil'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 pupil's naturalization ceremony to become a United States citizen; and

k) Authorized at the discretion of a school administrator. (EC 48205)

4) Defines a "truant" as any pupil subject to compulsory full-time education or to compulsory continuation education 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. (EC 48260)

5) Provides that a valid excuse includes, but is not limited to, the reasons specified in the "excused absences" sections of 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:** Unknown.

**COMMENTS:**

***Need for the bill.*** According to the author, "AB 516 will allow K-12 students to be excused from school when their absences are for participation in a cultural ceremony or event, which will get us one step closer to our goal as a state for equality for all students."

***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 pupil'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 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.

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

***Rate of chronic absenteeism varies by ethnicity.*** Chronic absenteeism is defined as the number of students who were absent for 10 percent or more of the total instructional school days. For example, most schools have 180 instructional days; if a student is absent 18 or more of those days, the student would be considered chronically absent. This includes both excused and unexcused absences.

For the 2018-19 school year, the rate of chronic absenteeism statewide was 12.1%, while it was 21.8% for American Indian/Alaska Native pupils, 22.5% for African American pupils, and 20.2% for Pacific Islander pupils.

***Root causes of absenteeism among Native American pupils.*** In Shasta County, where 4% of the student population is Native American, some school districts marked as much as 30% of their Native student population chronically absent in recent years, according to Shasta County Office of Education (SCOE) Superintendent of Schools, Judy Flores. The SCOE created the American Indian Advisory Board (AIAB), partnering with school administrators, community organizers and representatives from each of the four tribes in Shasta County: Okwanuchu, Pit River, Yana and Wintu, to support Native students.

Before the pandemic began, one of the first things the AIAB did was survey Native families throughout Shasta County to find out how students are doing in school, why kids are missing class and what can be done about it. The results found two of the leading causes of absences among the student demographic are sacred ceremonies, which happen at different times throughout the year depending on the tribe, and because of a death in the family.

***The Committee may wish to consider*** how schools will define “cultural ceremonies or events” for purposes of implementing this bill.

***Arguments in support.*** The Shasta County Office of Education writes, “Native American families often feel penalized when they have their children participate in cultural ceremonies or events as the days are not excused according to Education Code 48205 unless a school district were to falsely categorize the cultural event or ceremony as “religious”. In surveying our Native families, this was one of the reasons our Native students in Shasta County feel disconnected from school as what is meaningful to them is not recognized as meaningful by the school. AB 516 will correct the current oversight in California Education Code by including as another type of required excused absence, an absence that is for the purpose of participating in a cultural ceremony or event.”

***Related legislation.*** SB 14 (Portantino) of this Session adds “for the benefit of the behavioral health of the pupil” to the list of categories of excused absences for purposes of school attendance. This bill is pending in the Senate Appropriations Committee.

AB 3292 (Dahle) of the 2019-20 Session was substantially similar to this bill. It was held in the Assembly Education Committee.

AB 1849 (Low) of the 2019-20 Session would have required that a pupil be excused from school for the benefit of the mental or behavioral health of the pupil. This bill was held in Assembly Education.

AB 1838 (Chu) of the 2019-20 Session would have included an absence that is due to the behavioral health of the pupil as another type of excused absence. This bill was held in the Assembly Education Committee.

AB 233 (Gloria) of the 2017-18 Session, would have specified that a pupil has the right to wear religious, ceremonial, or cultural adornments at school graduation ceremonies. This bill was vetoed by Governor Brown with the following message:

Students in California have a well-established right to express their views through symbolic acts under the state Education Code and the Free Speech Clause of the First Amendment. See *Tinker v. Des Moines Independent Community School Dist.* (1969) 393 U.S. 503, 506. Under these precedents, student expression is clearly protected. To the extent that there is a dispute about what a student can wear at school graduation ceremonies, I believe those closest to the problem -- principals and democratically elected school boards -- are in the best position to make wise judgments.

AB 1593 (Oberholte) Chapter 92, Statutes of 2016, adds a pupil'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 pupils 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. The bill was deemed inactive on the Senate Floor.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Big Valley Joint Unified School District  
Burney Elementary School  
Butte Valley Unified School District  
Fall River Elementary  
Lassen County Office of Education  
Modoc County Office of Education  
Nevada County Superintendent of Schools  
Redding Rancheria  
Resources for Indian Student Education, INC.  
Shasta County Office of Education  
Siskiyou County Office of Education  
Small School Districts Association  
Susanville School District  
Weed Union Elementary School District

### **Opposition**

None on file

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