

Date of Hearing: June 28, 2023

ASSEMBLY COMMITTEE ON EDUCATION

Al Muratsuchi, Chair

SB 350 (Ashby) – As Amended May 18, 2023

SENATE VOTE: 40-0 on consent

SUBJECT: Pupil attendance: excused absences

SUMMARY: Extends the time permitted for an excused absence for attending a funeral from up to three days to five days, expands the authorization from a funeral of an immediate family member to include a person determined by the student’s parent to be considered immediate family, and includes accessing grief support or victim services due to the death of an immediate family member or close associate as an additional excused absence. Specifically, **this bill:**

- 1) Authorizes a student’s excused absence for up to five days for the purpose of attending the funeral service, or grieving the death, of a member of the student’s immediate family or of a person determined by the student’s parent to be in such close association with the student to be considered immediate family.
- 2) Authorizes a student’s excused absence, in the case of the death of an immediate family member or close associate, for the purpose of accessing services from a victim services organization or agency, including grief support services, or to participate in safety planning or to take other actions to increase the safety of the student or their family, including temporary or permanent relocation.
- 3) Defines “victim services organization or agency” as an agency or organization that has a documented record of providing services to victims.

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) Due to quarantine under the direction of a county or city health officer;
 - c) Having a medical, dental, optometrical, or chiropractic appointment;

- d) For the purpose of attending the funeral services of a member of the student's immediate family, for not more than one day if the service is conducted in California, and not more than three days if the services is conducted outside of California;
 - 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 (limited to for hours 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;
 - 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 for no more than one schoolday per year, provided that the student notifies the school ahead of the absence; and
 - m) Authorized at the discretion of a school administrator. (EC 48205)
- 4) Defines "immediate family" for purposes of excused absences as the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil. (EC 48205)
- 5) 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)
- 6) 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)

- 7) Prohibits an employer, as specified, to refuse to grant a request by an employee to take up to 5 days of bereavement leave upon the death of a family member. (Government Code (GOV) 12945.7)

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 LEA's 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, "Too many young people are asked to return to school after the loss of a loved one or a traumatic event prior to having time to process and address their grief and mental health. While no amount of time can replace the hole created by the loss of a family member, SB 350 gives students a full school week of excused absences, as opposed to a single day, before asking them to return to a classroom."

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, 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 extend the current limit of one day for a funeral conducted in California and three days for a funeral outside of California to five days regardless of the location of the funeral. The bill also expands this authorization from attendance at a service for an immediate family member to include an individual that the family considers to be in such close association with the student to be considered their immediate family.

The bill would also authorize an excused absence for a student who has lost an immediate family member or someone deemed by the student's parent or guardian to be considered immediate family, to access services from a victim services organization, to access grief support services, or to participate in safety planning.

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.

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. According to Attendance Works:

In the 2020-21 school year, at least 10.1 million students nationwide were chronically absent. We estimate chronic absence has more than doubled from the more than 8 million students, pre-Covid-19, who were missing so many days of school that they were academically at risk. Chronic absence can translate into students having difficulty learning to read by the third-grade, achieving in middle school, and graduating from high school.

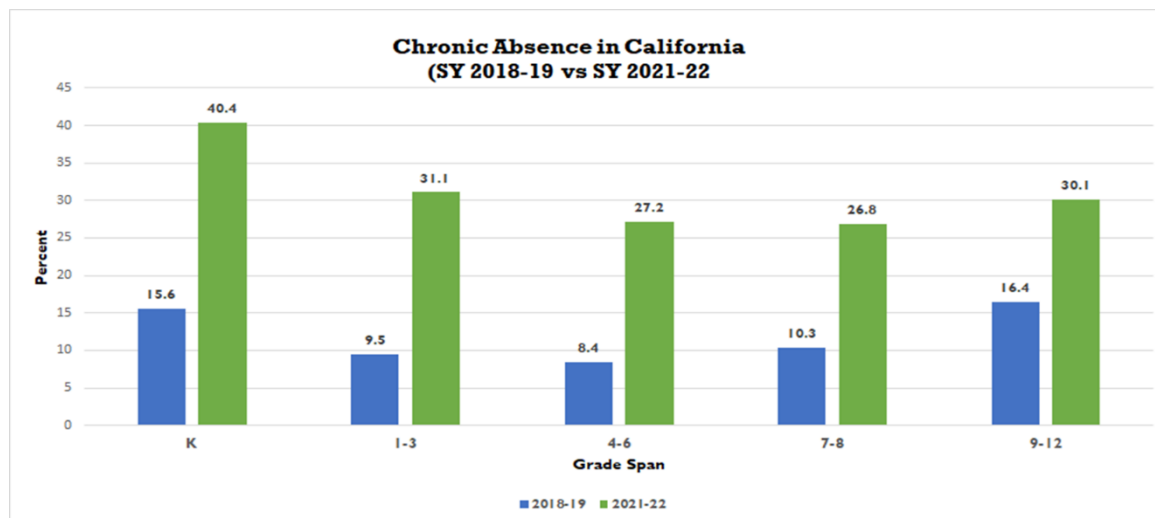
Children living in poverty are two to three times more likely to be chronically absent—and face the most harm because their community lacks the resources to make up for the lost learning in school. Students from communities of color as well as those with disabilities are disproportionately affected.

This isn't simply a matter of truancy or skipping school. In fact, many of these absences, especially among our youngest students, are excused. Often absences are tied to health problems, such as asthma, diabetes, and oral and mental health issues. Other barriers including lack of a nearby school bus, a safe route to school, or food insecurity make it difficult to go to school every day.

California's accountability system tracks chronic absenteeism as one indicator of academic engagement on the California School Dashboard. In 2022, 30% of students in kindergarten through 8th grade were chronically absent, considered a very high level. When broken down by subgroups, the following were chronically absent at a disproportionate rate compared to the statewide average:

- 42.9% of African American students;
- 42.9% of American Indian students;
- 33.6% of English learners;
- 42.1% of foster youth;
- 35.8% of Hispanic students;
- 45.1% of homeless students;
- 37.4% of socioeconomically disadvantaged students; and
- 39.6% of students with disabilities.

The rate of chronic absenteeism in California across all grade levels has grown significantly since pre-COVID-19, particularly for students in kindergarten and high school, as show below:



Source: Attendance Works

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, and engaging in a civic or political event. Although each of these is worthwhile in themselves, the overall impact on student attendance must be considered. As noted above, a student’s absence from school for any reason may have negative impacts on their academic achievement over time.

Recommended Committee Amendments. Staff recommends that the bill be amended as follows:

- 1) Limit the excused absence for attending a funeral or grieving the death of family or close associate of the family to no more than three days if the service is conducted in California and no more than five days if the service is conducted outside of California, with any additional time subject to the approval of the school administrator.
- 2) Limit the excused absences for seeking grief support, victim services, and safety planning for up to three days, with any additional time based upon the discretion of the school administrator.
- 3) Remove reference to a person having been killed due to an act of force as a condition of accessing grief support or victim services.

Related legislation. AB 1503 (Lee) of the 2023-24 Session would extend the time permitted for an excused absence for attending a religious retreat from four hours to one schoolday.

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 1949 (Low) Chapter 767, Statutes of 2022, requires private employers with five or more employees and public sector employers to provide employees with at least 30 days of service up to five unpaid days of bereavement leave upon the death of a family member.

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

Anti-recidivism Coalition
California Catholic Conference
California for Safety and Justice
California Partnership to End Domestic Violence
California State Association of Psychiatrists
Catron Academy Learning Institute
Communities United for Restorative Youth Justice
Crime Survivors for Safety and Justice
Generation Up
John Burton Advocates for Youth
National Association of Social Workers, California Chapter

Opposition

None on file

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