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# SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair  
2015 - 2016 Regular

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**Bill No:** AB 1593  
**Author:** Obernolte  
**Version:** March 29, 2016  
**Urgency:** No  
**Consultant:** Lenin DelCastillo  
**Hearing Date:** June 8, 2016  
**Fiscal:** Yes

**Subject:** Pupil attendance: excused absences: naturalization ceremony

## SUMMARY

This bill allows a pupil's attendance at his or her naturalization ceremony to become a United States citizen to be deemed an excused absence for purposes of computing average daily attendance (ADA).

## BACKGROUND

Existing law:

- 1) Specifies that excused absences are deemed to be absences in computing ADA and shall not generate state apportionment payments. (Education Code § 48205)
- 2) Provides that the absence of a student is to be excused when the absence is:
  - a) Due to his or her illness, or quarantine under the direction of a county or city health officer.
  - b) For the purpose of having medical, dental, optometric, or chiropractic services rendered.
  - c) For the purpose of attending the funeral services, as specified.
  - d) For the purpose of attending jury duty.
  - e) Due to the illness or medical appointment of a child of whom the student is the custodial parent.
  - f) For justifiable personal reasons, including an appearance in court, observation of a religious holiday or ceremony, or attendance at an employment or educational conference, as specified.
  - g) For the purpose of serving as a member of a precinct board for an election pursuant to Elections Code Section 12302.
  - h) For the purpose of spending time with an immediate family member who is an active duty member of the military, as specified. (EC § 48205)

- 3) Provides that 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 shall be classified as “truant.”
- 4) Provides that a valid excuse may include other reasons that are within the discretion of school administrators and based on the facts of the pupil’s circumstances. (Education Code § 48260)

## ANALYSIS

This bill adds a pupil’s attendance at his or her naturalization ceremony to become a United States citizen to the list of excused absences in current law.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author’s office, “under existing law a school district is not required to excuse the absence of a student who is attending his or her own naturalization ceremony to become a U.S. citizen. If a student is not granted an excused absence, the pupil may be subject to potential consequences including a truancy sanction and the inability to make up missed homework, tests, quizzes or participation in extracurricular activities.”
- 2) ***Compulsory education.*** The state’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. Specifically, 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 to be “truant.” However, existing law provides discretion for school administrators to designate an excuse as “valid” based on the facts of the pupil’s circumstances.

The author’s office indicates that this bill will ensure that students will not be punished for missing school for something as important as becoming a citizen of this country.

- 3) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would have no significant state fiscal impact. “School districts lose funding if a student is absent, regardless of whether or not the absence is excused or unexcused. School districts can recover a day of lost attendance if the student chooses to attend Saturday school. It is likely that students would need to be absent from school to attend their naturalization ceremony, regardless of the proposed change to categorize the absence as “excused”. To the extent this bill changes behavior and leads to more students choosing to miss school that otherwise would not, this bill could further decrease funding to school districts.”

4) ***Related and prior legislation.***

SB 946 (Leyva) deems a student who is serving as a member of a precinct board for an election to be participating in independent study for purposes of calculating average daily attendance (ADA), and thus allows the school district to generate state apportionment payments for the student's absence. This bill was held on the Senate Appropriations Committee's suspense file.

SB 1014 (Liu) authorizes a school to grant parental leave to a student who is a parent, and provides that such absences generate ADA if the school district files an expectant and parenting student policy to the California Department of Education. This bill is currently pending in the Assembly.

AB 2684 (Stone, 2014) was similar to SB 946 (Leyva) and deemed a student who is serving as a member of a precinct board for an election to be participating in independent study for purposes of calculating average daily attendance. AB 2684 was held on the Senate Appropriations Committee's suspense file.

AB 387 (Bonilla, Chapter 610, Statutes of 2011) added spending time with an active duty family member who is on military deployment, as specified, to the list of reasons that justify a pupil's excused absence from school.

AB 466 (Hancock, 2007) was nearly identical to SB 946 (Leyva) and AB 2684 (Stone, 2014), and was vetoed by Governor Schwarzenegger. The veto message read:

***I vetoed substantively similar bills in prior years. This bill would allow schools to receive funding for times when students are volunteering as elections precinct board members through independent study programs. While civic and other volunteer activities can offer many educational opportunities to students, these activities should be in addition to, and not in place of, valuable classroom learning time with a teacher. Independent study programs are intended to help schools address the needs of students who are unable to attend school in a traditional classroom setting for an extended period of time – not to be used as means to circumvent the fulfillment of criteria for instruction required in order to receive school funding.***

**SUPPORT**

Asians Americans Advancing Justice  
California Federation of Teachers  
California Teachers Association  
Los Angeles County Office of Education  
Mexican American Legal Defense and Education  
Secretary of State Alex Padilla

**OPPOSITION**

None received.

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