

Date of Hearing: June 15, 2022

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
SB 955 (Leyva) – As Introduced February 9, 2022

SENATE VOTE: 27-10

SUBJECT: Pupil attendance: excused absences: civic or political events

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

- 1) Adds engagement in a civic or political event by a middle or high school pupil to the list of excused absences.
- 2) Limits the excused absences for these purposes to one schoolday-long absence per school year.
- 3) Authorizes a school administrator to permit additional excused absences for these purposes at their discretion.
- 4) Defines a “civic or political event” to include, but not be limited to, voting, poll working, permitted protesting, strikes, public commenting, candidate speeches, political or civic forums, and town halls.

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, including an absence for the benefit of the pupil’s mental or behavioral health;
 - 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;
 - k) For the purpose of participating in a cultural ceremony or event; and
 - l) As 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)
- 6) Establishes a State Seal of Civic Engagement, to be affixed to the diploma of qualifying high school graduates, based on a demonstration of excellence in civics education and participation. (EC 51470)
- 7) Requires the Superintendent of Public Instruction (SPI), on or before January 1, 2020, to recommend to the State Board of Education (SBE) criteria for awarding a State Seal of Civic Engagement to pupils who have demonstrated excellence in civics education and participation and have demonstrated an understanding of the United States Constitution, the California Constitution, and the democratic system of government. Requires the SBE, on or before January 31, 2021, to adopt, reject, or modify the criteria recommended by the SPI. (EC 51471)
- 8) Requires the SPI, in developing these criteria, to incorporate the Six Proven Practices for Effective Civic Learning, developed by the Education Commission of the States, and any and

all other best practices for civic learning and engagement; and requires the SPI to consult with specified stakeholders. (EC 51471)

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 that local educational agency’s (LEAs) 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, “SB 955 seeks to encourage middle and high school-aged children to participate in civic opportunities by requiring LEAs to allow students to have one approved absence each school year for civic engagement. This bill emphasizes the importance of getting students more involved in government and their community by prioritizing student opportunities for civic learning and engagement both within and outside their education.”

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 for 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 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.

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.

Access to civic education. A literature review of over 600 studies of civic education conducted from 2009 to 2019 notes that “Despite overall increases in youth civic engagement in the United States, structural inequities and corresponding barriers and gaps in opportunity can lead youth of marginalized backgrounds to participate less in civic life than their more privileged peers – a phenomenon often called the civic engagement gap.” (Fitzgerald, 2021)

The review further notes that 39 states require at least one American government or civics course, but usually only one semester of each, and these rarely involve direct action. At the school level, schools that serve mostly marginalized youth are less likely to mandate and/or support civic learning opportunities like service learning. Diverse civic engagement experiences fundamentally impact youth’s positive development, particularly for marginalized youth. This research notes that action civics which takes a student-centered, project-based, experiential approach to civics education increases civic and academic engagement, and that youth who

participate in nonprofit grassroots organizing groups go on to report high levels of civic participation through young adulthood.

Six Proven Practices for Effective Civic Learning. The Education Commission of the States (ECS) has identified Six Proven Practices for Effective Civic Learning.

- 1) Provide instruction in government, history, law, and democracy;
- 2) Incorporate discussion of current local, national, and international issues and events in the classroom, particularly those that young people view as important to their lives;
- 3) Design and implement programs that provide students with opportunities to apply what they learn through performing community service that is linked to the formal curriculum and classroom instruction;
- 4) Offer extracurricular activities that provide opportunities for young people to get involved in their schools or communities;
- 5) Encourage student participation in school governance; and
- 6) Encourage students' participation in simulations of democratic processes and procedures.

Civic education in the History-Social Science Curriculum Framework. California's History – Social Science Framework, adopted by the State Board of Education (SBE) in July, 2016, addresses civic engagement throughout the document. According to the California Department of Education (CDE), there are many places in the framework's course descriptions where there are suggestions for activities that engage students in civic learning. For example, the 12th grade curriculum in the 12th grade "Principles of American Democracy" section includes a focus on the questions, "What does it mean to be a citizen?" and "How can citizens improve democracy?" The course description states: "Students learn that democracies depend upon an actively engaged citizenry – individuals who fully participate in the responsibilities of citizenship (such as voting, serving in the military, or regular public service) – for their long-term survival."

This 12th grade course description also suggests the use of structured group discussion techniques, simulations, classroom debates, and civics-based serving learning activities, designed to provide students with concrete answers to the question. Other suggested activities include participating in classroom mock trials, visiting court rooms, serving as poll workers, participating in voter registration, simulating or visit city council meetings, conducting projects to identify, analyze and address a community problem, competing in civic-writing activities, and participate in service-learning.

Voting as a sign of civic participation. According to The Center for Information and Research on Civic Learning and Engagement at Tufts University, 37% of California voters aged 18-29 voted in the 2016 Presidential election and 54% did so in the 2020 election. Nationally, 39% of voters in this age group voted in 2016 and 50% in 2020. Additional national data on the 2020 election shows:

- White youth voted at a higher rate (61%) than young people of other races/ethnicities;

- Young white people have historically had higher turnout than Asian and Latino youth, Asian youth especially appear to be closing the gap; and
- Young women (55%) voted at a higher rate than young men (44%), and that was true for every racial/ethnic group.

Recommended Committee amendments. *Committee staff recommend that the bill be amended* to clarify that the student's absence for these purposes be excused only when the student has notified the school ahead of time.

Arguments in support. The California Student Board Member Association, co-sponsors of the measure, notes: "As an organization comprised of student leaders, CSBMA understands the importance of civic education through civic participation. Although early public school systems were created with the explicit goal of preparing students for democratic participation, modern schools rarely remind us of that founding vision. Educational priorities in K-12 schools often severely limit the time for civics instruction. When civics is taught, high-quality learning practices associated with ongoing civic engagement are distributed inequitably. Research shows that youth in AP classes, in predominantly white districts, and in families with parents who have a college education are more likely to receive the best civic education, leading to high voter rates as adults within these groups and inequity in general citizen participation. To address these disparities, California needs to return to our founding vision for education, and reemphasize the importance and need of student civic engagement."

SB 955 (Leyva) will allow students a necessary channel to engage in the systems of power around them and learn about the governmental operations that affect their day-to-day lives. By allowing students to be excused for the purposes of civic engagement, California provides and reprioritizes student opportunities for civic learning and engagement both within and outside their education."

Arguments in opposition. The Capitol Resource Institute states, "We believe that the education system should not use their resources to indoctrinate students or push them to support a certain political candidate or movement. We firmly oppose the politicization of the public school system and urge state and local government to push back against this dangerous movement to indoctrinate students. Students should not be coerced by school administrators to support or oppose political ideologies. To prevent the further indoctrination of students in public school classrooms, Capitol Resource Institute opposes SB 955."

This bill will allow school administrators to determine which civic and political events a student may be excused from school to attend. This language opens the door for school administrators to discriminate against students based on which political events they attend. If this bill is passed, a school principal may use their discretion to permit students to engage in a pro-abortion protest, then use that same discretion to prohibit students from attending a pro-life rally. Students who hold conservative political views on economics, gender, marriage, and government are already ridiculed and discriminated against by teachers and students. This bill will further proliferate anti-free speech actions of school administrators and teachers who disagree with students on political issues."

Related legislation. AB 2116 (McCarty) of the 2021-22 Session would, contingent upon an appropriation, establish the California Serves Pilot Program to promote access to effective

service learning for pupils in grade 12, and requires the CDE to administer a grant program to provide funding to eligible LEAs.

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

SB 14 (Portantino) Chapter 672, Statutes of 2021, adds “for the benefit of the behavioral health of the pupil” to the list of categories of excused absences for purposes of school attendance.

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 the Assembly Education Committee.

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 24 (Eggman) Chapter 604, Statutes of 2017, establishes a State Seal of Civic Engagement, to be affixed to the diploma of qualifying high school graduates, based on a demonstration of excellence in civics education and participation.

AB 1593 (Obernolte) 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 ADA for these absences. The bill was held on the Senate Floor.

REGISTERED SUPPORT / OPPOSITION:

Support

AFSCME
California Labor Federation
California Student Board Member Association
Generation UP
Improve Your Tomorrow

Opposition

Capitol Resource Institute

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