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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair  
2025 - 2026 Regular Session

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### **AB 1348 (Bains) - Average daily attendance: emergencies: immigration enforcement activity**

**Version:** July 10, 2025

**Urgency:** No

**Hearing Date:** August 18, 2025

**Policy Vote:** ED. 5 - 2, JUD. 12 - 0

**Mandate:** No

**Consultant:** Lenin Del Castillo

**Bill Summary:** This bill adds immigration enforcement activity to the list of emergencies that may justify a waiver of average daily attendance (ADA) losses for school funding purposes.

**Fiscal Impact:** This bill could result in Proposition 98 General Fund costs ranging in the hundreds of thousands to potentially tens of millions of dollars in ADA credits each year. While some school districts have reported significant student attendance decreases as a result of immigration enforcement activities, the bill's exact costs will depend on several factors that are difficult to quantify. These factors include the number of form J-13A waiver requests that are approved, the amount of ADA involved, and the amount of funding associated with the waiver requests. The bill does not place a cap on the ADA credit for which an LEA may qualify and would sunset on June 30, 2029.

**Background:** Existing law specifies qualifying emergencies for ADA credit, including fire, flood, epidemic, earthquake, impassable roads, and other extraordinary conditions, including civil or military orders. The law allows LEAs to submit a Form J-13A to the California Department of Education (CDE) to request ADA and instructional time credit during an emergency or material attendance loss.

Existing law requires LEAs to offer independent study during emergency closures or attendance disruptions to retain ADA credit, and includes audit requirements for substantiating compliance. The law also requires future inclusion of instructional continuity plans in school safety plans, effective July 1, 2026.

**Proposed Law:** This bill adds "immigration enforcement activity" to the list of emergencies that may justify approval of attendance credit from the Superintendent of Public Instruction (SPI) when a school remains open but experiences a material decrease in ADA. The bill defines "immigration enforcement activity" to include all efforts to investigate, enforce, or assist in enforcement of federal civil or criminal immigration law.

This bill requires an LEA seeking a waiver due to immigration enforcement to:

1. Submit an affidavit establishing a material ADA loss due to such activity.
2. Offer independent study to all pupils during the relevant school year.

3. Provide specific notifications to parents/guardians consistent with prior statutory requirements.
4. Adopt written independent study policies and maintain documentation of live interaction and synchronous instruction or equivalent pupil work.

This bill requires the CDE to make available a standardized certification form by May 1, 2026, and incorporates compliance verification into the 2026–27 Guide for Annual Audits of K–12 LEAs and State Compliance Reporting. The bill also exempts documentation submitted in connection with an immigration enforcement-related J-13A from disclosure under the California Public Records Act.

This bill sunsets the authority to apply for ADA credit due to immigration enforcement activity on June 30, 2029.

**Staff Comments:** This bill would expand the existing list of emergencies for which an LEA may submit a Form J-13A waiver request to the SPI and qualify for ADA credit under current law. Specifically, this bill “adds immigration enforcement activity” that may qualify when a material decrease in attendance occurs, but schools remain open. The bill includes a requirement to verify that the decrease in attendance was both material (generally defined in regulation as a 10% drop on a given day) and attributable to immigration enforcement activity, as established through affidavit and documentation. In addition, the LEA must certify that it offered independent study and met specified engagement and instructional standards. The bill’s costs could be significant but will depend on the number of J-13A waiver requests that are submitted and approved, the amount of ADA, and the total amount of funding associated with those requests. Staff notes that the bill does not place a cap on the ADA credit for which an LEA may qualify.

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