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THIRD READING

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Bill No: AB 1348  
Author: Bains (D)  
Amended: 8/29/25 in Senate  
Vote: 21

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SENATE EDUCATION COMMITTEE: 5-2, 6/25/25  
AYES: Pérez, Cabaldon, Cortese, Gonzalez, Laird  
NOES: Ochoa Bogh, Choi

SENATE JUDICIARY COMMITTEE: 12-0, 7/8/25  
AYES: Umberg, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern,  
Valladares, Wahab, Weber Pierson, Wiener  
NO VOTE RECORDED: Niello

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/29/25  
AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab  
NOES: Seyarto, Dahle

ASSEMBLY FLOOR: 62-13, 6/2/25 - See last page for vote

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**SUBJECT:** Average daily attendance: emergencies: immigration enforcement  
activity: independent study plans

**SOURCE:** Author

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**DIGEST:** This bill adds immigration enforcement activity to the list of emergencies that may justify a waiver of average daily attendance (ADA) losses for local educational agencies (LEAs) funding purposes through June 30, 2029.

**ANALYSIS:**

Existing Law:

- 1) Establishes that LEAs are funded based on ADA and defines “material decrease” as a drop of at least 10% in attendance due to qualifying emergencies.

(Education Code (EC) § 46392; California Code of Regulations (CCR) Title 5 § 428)

- 2) Lists qualifying emergencies for ADA credit, including fire, flood, epidemic, earthquake, impassable roads, and other extraordinary conditions, including civil or military orders. (EC § 46392)
- 3) 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.
- 4) Requires LEAs to offer independent study during emergency closures or attendance disruptions to retain ADA credit, and includes audit requirements for substantiating compliance. (EC §§ 42238.023, 51745, 51747, 51749.6)
- 5) Requires future inclusion of instructional continuity plans in school safety plans, effective July 1, 2026. (SB 153 Committee on Budget and Fiscal Review, Chapter 38, Statutes of 2024; AB 176 Committee on Budget, Chapter 998, Statutes of 2024)

This bill:

- 1) Adds “immigration enforcement activity” to the list of emergency conditions that may justify approval of ADA credit from the Superintendent of Public Instruction (SPI) when a school remains open but experiences a material decrease in attendance.
- 2) Defines “immigration enforcement activity” to include any efforts to investigate, enforce, or assist in the investigation or enforcement of federal civil or criminal immigration law.
- 3) Limits the amount of ADA that may be credited for an individual pupil due to an immigration enforcement activity to no more than 10 days.
- 4) Requires that for affidavits submitted for immigration enforcement activity occurring on or after January 1, 2025, but on or before June 30, 2026, the independent study plan must do one of the following:
  - a) Require the offering of live interaction or synchronous instruction to pupils, as provided in Education Code.
  - b) Or, if live or synchronous instruction is not offered, include a description of the extenuating circumstances preventing it and explain what pupil

engagement, services, and instruction will be provided during or immediately after the period of closure or material ADA loss.

- 5) Exempts from the California Public Records Act any documentation related to an immigration enforcement activity that is submitted to the SPI by a school district, charter school, county office of education, or county superintendent of schools.

## Comments

- 1) *Need for this bill.* According to the author, “Allowing federal immigration activities to defund our schools is unacceptable. We must ensure that our schools remain safe and fully funded to serve students from all backgrounds. As we continue to grapple with the elimination of the sensitive places policy, AB 1361 is a reasonable step to hold our schools harmless.”
- 2) *Attendance disruption due to immigration enforcement activity.* This bill adds immigration enforcement activity to the list of events that may qualify a LEA for ADA credit under Education Code Section 46392 when a material decrease in attendance occurs, but schools remain open. This expands the existing list of emergencies—such as fire, flood, and epidemic—under which an LEA may submit a Form J-13A waiver request to the SPI.

The bill includes requirements 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.

- 3) *Procedural safeguards and implementation timing.* This bill’s provisions apply through June 30, 2029, and require the CDE to make a standardized certification form available by May 1, 2026. LEAs must maintain verifiable documentation of independent study offerings, which will be subject to audit beginning in the 2026–27 fiscal year. The bill does not permit retroactive application before that time.
- 4) *Recent developments and local impact.* In June 2025, Los Angeles Unified School District (LAUSD) issued a public notice regarding the stress, disruption, and fear caused by recent immigration enforcement activity in its communities. The notice confirmed that the district was experiencing emotional and logistical impacts among students, families, and staff and reported localized civil unrest and possible walkouts. Although June 10 marked the end of LAUSD’s school

year, these events illustrate the kinds of real-world conditions under which LEAs might seek ADA credit under the provisions of this bill. LAUSD's communication encouraged families to assess safety conditions when deciding whether to attend school and emphasized the availability of mental health and support services.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee, 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's provisions would sunset on June 30, 2029.

**SUPPORT:** (Verified 8/29/25)

California Asian Pacific American Bar Association  
California Association for Bilingual Education  
California Charter Schools Association  
California Community Foundation  
California School Employees Association  
CFT- A Union of Educators & Classified Professionals, AFT, AFL-CIO  
City of Alameda  
Delta Kappa Gamma International - Chi State  
Edtrust - West  
Kipp SoCal Public Schools  
Los Angeles County Office of Education  
Loyola Marymount University - the Center for Equity for English Learners  
Oakland Unified School District  
Opportunity Youth Schools Coalition  
Partnership for Los Angeles Schools  
San Francisco Unified School District  
Small School Districts Association  
Sobrato Early Academic Language  
United Administrators of Southern California

**OPPOSITION:** (Verified 8/29/25)

None received

ASSEMBLY FLOOR: 62-13, 6/2/25

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Davies, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Castillo, DeMaio, Dixon, Ellis, Gallagher, Hadwick, Hoover, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa

NO VOTE RECORDED: Alanis, Chen, Flora, Jeff Gonzalez

Prepared by: Ian Johnson / ED. / (916) 651-4105

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\*\*\*\* **END** \*\*\*\*