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# SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair  
2015 - 2016 Regular

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**Bill No:** SB 946  
**Author:** Leyva  
**Version:** February 3, 2016  
**Urgency:** No  
**Consultant:** Lynn Lorber  
**Hearing Date:** March 16, 2016  
**Fiscal:** Yes

**Subject:** Pupil attendance: service on precinct board

## SUMMARY

This bill 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, and thus allows the school district to generate state apportionment payments for the student's absence.

## BACKGROUND

State aid to school districts for general purposes (revenue limit funding) is driven by the average daily attendance (ADA) of the school district. Average daily attendance is generated by students actually attending classes "under the immediate supervision" of a properly credentialed teacher. (Education Code § 46300, et seq.)

Existing law:

- 1) Provides that excused absences shall not generate state apportionment payment, but does allow the student to make up any missed classroom assignments or tests during the absence. (EC § 48205)
- 2) Establishes 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) Requires that the attendance of students participating in independent study be included in the calculation of average daily attendance (ADA) only if those students participate for five or more consecutive schooldays. (EC § 46300)
- 4) Authorizes an elections official to appoint up to five students per precinct, subject to the approval of the governing board of the local educational agency in which the student is enrolled if the student meets the following qualifications:
- a) Is at least 16 years of age at the time of the election.
  - b) Is a United States citizen, will be a citizen at the time of the election, or is lawfully admitted for permanent residence.
  - c) Is in good standing attending a public or private secondary educational institution.
  - d) Has a grade point average of at least 2.5. (Elections Code § 12302)

## ANALYSIS

This bill 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, and thus allows the school district to generate state apportionment payments for the student's absence. Specifically, this bill:

- 1) Prohibits a student serving as a member of a precinct board for an election through independent study from being required to participate in that activity for five or more consecutive schooldays if the student is required to do both of the following:
- a) Complete all assignments and tests missed during the absence.
  - b) Complete a report or written assignment on the subject of the activities engaged in by the student while serving as a member of a precinct board for an election.

- 2) Requires the teacher of any class from which a student is absent to ensure that the assignments and tests are reasonable equivalent, but not necessarily identical, to the assignments and tests that the student missed during the absence.
- 3) Requires the teacher of any class from which a student is absent to ensure that the report or written assignment is submitted within a reasonable time after the activities are completed.
- 4) Provides that an absence due to a student serving on a precinct board, who meets the requirements of this bill, shall be computed as average daily attendance (ADA), thereby generating state apportionment payments.
- 5) Deletes reference to an obsolete section of the Education Code relative to computing attendance.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “According to the California Civic Engagement Project, only 52% of the eligible Californians aged 18-24 are registered to vote, and just 8.2% actually cast a ballot in the last statewide election. The Center for Information and Research on Civic Learning and Engagement found that there is a clear relationship between a student’s high school civic education experience and their political participation. Currently, an excused absence for serving as a student poll worker does not allow school districts to receive average daily attendance payments. This omission suggests that schools are not incentivized to promote student participation in polling places during elections.”
- 2) ***California Task Force on K-12 Civic Learning.*** This task force was established in 2013 by California Chief Justice Cantil-Sakauye and the Superintendent of Public Instruction to explore and elevate the status of civic learning and engagement in California. The task force produced a report, *Revitalizing K-12 Civic Learning in California*, that made several recommendations to improve civic learning in all schools. The Power of Democracy Steering Committee, led by California Chief Justice Cantil-Sakauye, will work to implement the recommendations contained in this report.  
<http://www.powerofdemocracy.org/wp-content/uploads/2014/02/CLTF-Final-Report.pdf>

According to the Power of Democracy website, the following core activities (the Six Proven Practices) are shown to improve the quality and effectiveness of civic learning both in and out of the classroom and ultimately build a stronger and more engaged society:

- a) Classroom instruction in government, history, law and democracy combining formal instruction of fact and documents with illustration and discussion demonstrating their relevance and application in today’s society.

- b) Discussion of current events and controversial issues, including their relevance to young people's lives.
  - c) Service learning experiences that are directly linked to curriculum and instruction and provide students a chance to apply what they are learning.
  - d) Extracurricular activities that give students opportunities to get involved in their schools and communities and work together toward a common goal.
  - e) Student participation in school governance to cultivate a sense of responsibility and give students an opportunity to participate in the management of their own classrooms and schools.
  - f) Simulations of democratic processes that allow students to participate in simulated voting, trials, legislative deliberation, and diplomacy.
- 3) **Average daily attendance.** Existing law provides that the computation of average daily attendance (ADA) is to include the attendance of students participating in independent study for five or more consecutive days. This bill allows students to participate in independent study to serve on a precinct board for fewer than five days, and provide that this participation is to be included in the computation of ADA.
- 4) **Missed assignments and tests.** This bill requires the teacher of any class from which a student is absent for the purpose of serving on a precinct board to ensure that the assignments and tests are reasonable equivalent, but not necessarily identical, to the assignments and tests that the student missed during the absence. This provision is consistent with existing law regarding excused absences.
- 5) **Fiscal impact.** According to the Senate Appropriations Committee analysis of nearly identical prior legislation, this bill would impose "unknown, but potentially significant, increase in ADA to the extent that students who volunteer at polls during an election decide to complete assignments as required by this bill in order to have their absence from school treated as "independent study" instead of simply an excused absence. For each of those instances, a school would receive ADA for that student.
- "This bill's costs will not simply be driven by the number of students that volunteer at polls on Election Day, but rather the number that participate in a school's independent study assignments in order to generate ADA. The number of students that volunteer at polls during an election is unknown, and it is unclear how many of them will let schools know ahead of time that they will be absent and will enter into independent study agreements."
- 6) **Related legislation.** 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. SB 1014 is scheduled to be heard by this Committee on March 16, 2016.

AB 1593 (Obernolte) authorizes an absence by a student for the purpose of attending the student's naturalization ceremony to become a United States citizen to be deemed an excused absence. AB 1593 does not provide that such as absence generate average daily attendance (ADA). AB 1593 is pending in the Assembly Education Committee.

- 7) **Prior legislation.** AB 2684 (Stone, 2014) was nearly identical to this bill. AB 2684 was held on the Senate Appropriations Committee's suspense file.

AB 466 (Hancock, 2007) was nearly identical to this bill 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.***

AB 1320 (Carter, 2007) deemed a student serving as a member of a precinct board for an election or engaging in other leadership or civic engagement activities to be participating in independent studies for the purpose of calculating a school district's average daily attendance. AB 1320 was held on the Assembly Appropriations Committee's suspense file.

SB 1193 (Bowen, 2006) was nearly identical to this measure and was vetoed by Governor Schwarzenegger. The veto message was identical to the veto message for AB 466 (Hancock, 2007).

AB 1944 (Hancock, 2004) provided that the computation of average daily attendance is to include a student serving as a member of a precinct board for an election. AB 1944 was vetoed by Governor Schwarzenegger, whose veto message read:

***This bill would allow schools to receive funding for time when students are volunteering as an elections precinct board member. 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.***

**SUPPORT**

American Civil Liberties Union  
Asian Americans Advancing Justice – Los Angeles  
California School Employees Association  
California Secretary of State, Alex Padilla  
League of Women Voters of California  
Los Angeles County Office of Education  
Mexican American Legal Defense and Educational Fund  
Rock the Vote  
Shasta County, County Clerk/Registrar of Voters

**OPPOSITION**

None received.

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