

AMENDED IN SENATE MAY 27, 2016

AMENDED IN SENATE MAY 4, 2016

AMENDED IN SENATE APRIL 18, 2016

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1457

Introduced by Senator Morrell

(Principal coauthor: Assembly Member Brown)

(Coauthors: Senators Beall, Fuller, Huff, Mendoza, and Vidak)

(Coauthors: Assembly Members Dahle, Jones, and Waldron)

February 19, 2016

An act to ~~add Chapter 20 (commencing with Section 53330) to Part 28 of Division 4 of Title 2~~ *amend Section 46014* of the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

SB 1457, as amended, Morrell. Pupil instruction: ~~high school graduation requirements: credit for released time~~ *excused absences: religious or moral* instruction.

Existing law allows pupils, with the written consent of their parents or guardians, to be excused from school in order to participate in religious exercises or to receive moral and religious instruction, as specified. Under existing law, these absences will not be deemed absences in computing average daily attendance if (1) the governing board of a school district, in its discretion, first adopts a resolution permitting pupils to be absent from school for the exercises or instruction, (2) the governing board adopts regulations governing the attendance of pupils at the exercises or instruction and the reporting

thereof, (3) the pupil attends at least the minimum schoolday, and (4) no pupil is excused for more than 4 days per school month.

~~This bill would authorize the governing board of a school district to adopt a policy to allow a pupil in high school to participate in released time instruction, as defined. The bill would require that a policy include certain conditions, and would authorize a policy to allow a pupil to receive up to 2 elective credits towards that pupil's high school graduation requirements. The bill would require the policy to include secular criteria for determining whether to authorize a pupil to earn credit that are substantially the same criteria used to evaluate a similar nonpublic high school course for the purpose of determining whether to award credit for that course to a pupil transferring from a nonpublic high school to a public high school, and would specify certain secular criteria that are required to be included. The bill would require a decision to award credit for released time instruction to be neutral to, and not involve any test for, religious content or denominational affiliation, and would prohibit school district staff and faculty from encouraging or discouraging participation by pupils in released time instruction. The bill would require that an absence for released time instruction not be deemed an absence in computing average daily attendance.~~

This bill would delete the condition that a pupil be excused for no more than 4 days per school month, and would instead require as conditions that a pupil in kindergarten or in grade 1 to 8, inclusive, attend the exercises or instruction for no more than 2 hours per school week and that a pupil in grade 9 to 12, inclusive, attend the exercises or instruction for no more than the number of hours required to complete one course at that pupil's school.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 46014 of the Education Code is amended
2 to read:
3 46014. Pupils, (a) A pupil, with the written consent of their
4 ~~parents or guardians,~~ his or her parent or guardian, may be
5 excused from school in order to participate in religious exercises
6 or to receive moral and religious instruction at their respective
7 places of worship or at other suitable place or places away from
8 school property designated by the religious group, church, or

1 denomination, which shall be in addition and supplementary to
2 the instruction in manners and morals required elsewhere in this
3 code. ~~Such~~ *An absence for these purposes* shall not be deemed
4 absence in computing average daily attendance, if all of the
5 following conditions are complied with:

6 (a)
7 (1) The governing board of the *school* district of attendance, in
8 its discretion, ~~shall first adopt~~ *first adopts* a resolution permitting
9 ~~pupils a pupil~~ to be absent from school for ~~such~~ *the* exercises or
10 instruction.

11 (b)
12 (2) The governing board ~~shall adopt~~ *of the school district adopts*
13 regulations governing the attendance of pupils at ~~such~~ *the* exercises
14 or instruction and the reporting thereof.

15 (c)
16 (3) ~~Each~~ *The* pupil ~~so excused~~ *shall attend* ~~shall attend~~ *attends* school at
17 least the minimum ~~school day~~ *school day* for his grade for
18 elementary schools, and as provided by the relevant provisions of
19 the rules and regulations of the ~~State Board of Education~~ *state*
20 *board* for secondary schools.

21 (d) ~~No pupil shall be excused from school for such purpose on~~
22 ~~more than four days per school month.~~

23 (4) *The pupil, if in kindergarten or in grade 1 to 8, inclusive,*
24 *attends the exercises or instruction for no more than two hours*
25 *per school week.*

26 (5) *The pupil, if in grade 9 to 12, inclusive, attends the exercises*
27 *or instruction for no more than the number of hours required to*
28 *complete one course at that pupil's school.*

29 (b) It is hereby declared to be the intent of the Legislature that
30 this section shall be permissive only.

31 ~~SECTION 1. Chapter 20 (commencing with Section 53330)~~
32 ~~is added to Part 28 of Division 4 of Title 2 of the Education Code,~~
33 ~~to read:~~

34
35 ~~CHAPTER 20. THE PARENTAL CHOICE FOR RELEASED TIME~~
36 ~~CREDIT ACT~~
37

38 ~~53330. The Legislature finds and declares all of the following:~~

39 (a) ~~Private religious education is a legitimate and complementary~~
40 ~~part of the American school system.~~

1 ~~(b) Parents have a recognized constitutional right to provide~~
2 ~~their children with a private religious education.~~

3 ~~(c) The United States Constitution and state law allow local~~
4 ~~school districts to offer religious released time instruction for the~~
5 ~~benefit of public school pupils.~~

6 ~~(d) School districts have local autonomy and are governed by~~
7 ~~locally elected school boards.~~

8 ~~(e) In order to accommodate the independent choices of parents~~
9 ~~and pupils to pursue religious instruction, school districts should~~
10 ~~be unrestricted in their ability to award credit for that instruction~~
11 ~~under conditions that preserve the neutrality and impartiality of~~
12 ~~the public school system.~~

13 ~~(f) Permitting pupils to earn credit for released time instruction~~
14 ~~enables those pupils to remain in public school while also~~
15 ~~accommodating their right to receive private religious instruction.~~

16 ~~53331. For purposes of this chapter, the following definitions~~
17 ~~apply:~~

18 ~~(a) (1) “Released time instruction” means the instruction~~
19 ~~received by a pupil for the purposes and under the conditions of~~
20 ~~Section 46014, not including subdivision (d) of Section 46014.~~

21 ~~(2) For purposes of this chapter, Section 46014 shall be~~
22 ~~construed to additionally permit a pupil to be excused from school~~
23 ~~to participate in instruction in nonsectarian morals and systems of~~
24 ~~belief by a nonsectarian entity.~~

25 ~~(b) “Sponsoring entity” means the entity that provides released~~
26 ~~time instruction to a pupil pursuant to this chapter.~~

27 ~~53332. (a) The governing board of a school district may adopt~~
28 ~~a policy authorizing a pupil in high school to participate in released~~
29 ~~time instruction. A policy adopted pursuant to this subdivision~~
30 ~~shall include the following conditions:~~

31 ~~(1) The pupil’s parent or guardian makes a written request.~~

32 ~~(2) The released time instruction is conducted off school district~~
33 ~~property.~~

34 ~~(3) No public funds are expended and no public school personnel~~
35 ~~are involved in providing the instruction.~~

36 ~~(4) The sponsoring entity maintains attendance records and~~
37 ~~makes those records available to the school district the pupil~~
38 ~~attends.~~

39 ~~(5) Transportation to and from the place of released time~~
40 ~~instruction, including transportation for pupils with disabilities, is~~

1 ~~the complete responsibility of the sponsoring entity, parent,~~
2 ~~guardian, or pupil.~~

3 ~~(6) The sponsoring entity makes provisions for and assumes~~
4 ~~liability for the pupil.~~

5 ~~(7) The pupil assumes responsibility for any missed schoolwork.~~

6 ~~(8) The pupil does not miss any core curriculum subject courses~~
7 ~~to attend released time instruction.~~

8 ~~(9) The pupil attends school for no less than the minimum~~
9 ~~school day applicable to that pupil on each day of released time~~
10 ~~instruction.~~

11 ~~(b) A policy adopted pursuant to subdivision (a) may allow a~~
12 ~~pupil in high school to receive up to two elective credits toward~~
13 ~~that pupil's high school graduation requirements for the completion~~
14 ~~of released time instruction.~~

15 ~~(e) (1) A policy adopted pursuant to subdivision (a) shall~~
16 ~~include secular criteria for determining whether to authorize a~~
17 ~~pupil to earn credit for the completion of released time instruction.~~
18 ~~The criteria shall be substantially the same criteria used to evaluate~~
19 ~~a similar nonpublic high school course for the purpose of~~
20 ~~determining whether to award credit for that course to a pupil~~
21 ~~transferring from a nonpublic high school to a public high school.~~

22 ~~(2) The secular criteria shall include, but are not limited to, the~~
23 ~~following:~~

24 ~~(A) The number of hours of classroom instruction time.~~

25 ~~(B) A review of the course syllabus that reflects course~~
26 ~~requirements, materials used, and a clear learning objective.~~

27 ~~(C) The methods of assessment used in the course.~~

28 ~~(D) The course is taught by a certificated teacher.~~

29 ~~(3) There shall be no criteria requiring that released time~~
30 ~~instruction be completed only at a nonpublic school.~~

31 ~~53333. A decision to award credit for released time instruction~~
32 ~~shall be neutral to, and shall not involve any test for, religious~~
33 ~~content or denominational affiliation.~~

34 ~~53334. School district staff and faculty shall not encourage or~~
35 ~~discourage participation by pupils in released time instruction.~~

36 ~~53335. An absence for released time instruction pursuant to~~
37 ~~this chapter shall not be deemed an absence in computing average~~
38 ~~daily attendance.~~

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