

REGULATION 5113: ABSENCES AND EXCUSES

Comparison Matrix

Section: Students

SUMMARY OF UPDATE

***Summary of Update:** Regulation updated to reflect **NEW LAW (SB 350, 2023)** which requires that (1) a student's absence be excused for up to five days when the absence is for the purpose of attending funeral services or grieving the death of a student's immediate family, or of a person who is determined by the student's parent/guardian to be in such close association with the student as to be considered the student's immediate family, and (2) a student's absence be excused for up to three days when the absence is for the purpose of accessing victim or grief support services or for participating in safety planning as it relates to the death of a student's immediate family member, or of a person who is determined by the student's parent/guardian to be in such close association with the student as to be considered the student's immediate family. Additionally, regulation updated to reflect **NEW LAW (AB 1503, 2023)** which provides that attendance at a religious retreat may be excused for no more than one school day each semester. In addition, regulation updated to generalize the means of communication from parents/guardians to verify a student absence to keep the language more timeless. Policy also updated for closer alignment with law, clarity, and gender neutrality.*

CURRENT VERSION			REVISED VERSION	CSBA MODIFICATIONS and/or NOTES	
PARA	Section	Sub-Section	June 20, 2023		June 2024
			<u>Excused Absences</u>	No change	
1			Subject to any applicable limitation, condition, or other requirement specified in law, a student's absence shall be excused for any of the following reasons:	No change	CSBA NOTE: Items #1-17 below reflect absences that are authorized by law to be considered as excused absences for purposes of enforcing the compulsory state attendance laws. Pursuant to Education Code 48205, absences specified in Items #1-13, although excused for purposes of enforcing compulsory state attendance laws, are considered absences in computing average daily attendance and do not generate state apportionment payments.
	1		Personal illness, including absence for the benefit of the student's mental or behavioral health.	No change	
	2		Quarantine under the direction of a county or city health officer.	No change	

	3	Medical, dental, optometrical, or chiropractic service or appointment.	No change	
	4	Attendance at funeral services for a member of the student's immediate family.	Attendance at funeral services for <i>or grieving the death of</i> a member of the student's immediate family <i>or, as determined by the student's parent/guardian, a person so closely associated with the student as to be considered the student's immediate family</i>	CSBA NOTE: Pursuant to Education Code 48205, as amended by SB 350 (Ch. 601, Statutes of 2023), the district is required to excuse a student's absence for up to five days when the absence is for the purpose of attending funeral services or grieving the death of the student's immediate family or of another person in close association with the student, as specified in Item #4.
	4 (2)	Such absence shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state.	<i>A student may be excused for this reason for up to five days for each incident.</i>	
	5	Jury duty in the manner provided by law.	Jury duty in the manner provided <i>for</i> by law	
	6	Illness or medical appointment of a child to whom the student is the custodial parent.	No change	CSBA NOTE: Pursuant to Education Code 48205, absence due to the illness or medical appointment of a student's child is counted as an excused absence, and the district is prohibited from requiring a physician's note for such absences. See the section "Method of Verification" below.
	7	Upon advance written request by the parent/guardian and the approval of the principal or designee, justifiable personal reasons including, but not limited to:	No change	
		a. Appearance in court	<i>Attendance or</i> appearance in court	
		b. Attendance at a funeral service	Attendance at a funeral service	
		c. Observation of a religious holiday or ceremony	<i>Observance</i> of a religious holiday or ceremony	
		d. Attendance at religious retreats for no more than four hours per semester	Attendance at religious retreats for no more than <i>one school day each</i> semester	CSBA NOTE: Pursuant to Education Code 48205, as amended by AB 1503 (Ch. 846, Statutes of 2023), student attendance at a religious retreat may be excused for no more than one school day each semester.

	e.	Attendance at an employment conference	No change	
	f.	Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization	No change	
8		Service as a member of a precinct board for an election pursuant to Elections Code 12302.	No change	
9		To spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code 49701, and has been called to duty for deployment to a combat zone or a combat support position or is on leave from or has immediately returned from such deployment.	No change	
9 (2)		Such absence shall be granted for a period of time to be determined at the discretion of the Superintendent or designee.	No change	
10		Attendance at the student's naturalization ceremony to become a United States citizen.	No change	
11		Participation in a cultural ceremony or event which relates to the habits, practices, beliefs, and traditions of a certain group of people.	No change	
12		For a middle school or high school student, engagement in a civic or political event, provided that the student notifies the school ahead of the absence.	No change	
12 (2)		Unless otherwise permitted by the Superintendent or designee, students shall be limited to one such school day-long absence per school year.	No change	
			<i>13. When a student's immediate family member or, as determined by the student's parent/guardian, a person so closely associated with the student as to be considered the student's immediate family has died:</i>	CSBA NOTE: Pursuant to Education Code 48205, as amended by SB 350, a student's absence is required to be excused for up to three days when the absence is for the purpose of accessing victim or grief support services or for participating in safety planning as it relates to the death of a student's

					immediate family member, or of another person in close association with the student, as specified in Item #13.
				<i>a. To access services from a victim services organization or agency</i>	
				<i>b. To access grief support services</i>	
				<i>c. To participate in safety planning or take other actions, including, but not limited to, temporary or permanent relocation, to increase the safety of the student, an immediate family member of the student, or a person determined by the student's parent/guardian to be in such close association with the student as to be considered immediate family.</i>	
				<i>c. (2) Such absence shall be excused for not more than three days for each incident.</i>	
	13		Participation in religious exercises or to receive moral and religious instruction at the student's place of worship or other suitable place away from school property as designated by the religious group, church, or denomination.	14. No change except numbering	<p>CSBA NOTE: Pursuant to Education Code 46014, with the written consent of the student's parent/guardian, districts may excuse a student from school in order to participate in religious exercises or instruction.</p> <p>In order for the district to receive average daily attendance funding for such absences, the Governing Board must first adopt a resolution permitting an excused absence for this purpose and regulations governing students' attendance at religious exercises or instruction and the reporting of such absences. These regulations should include all of Item #14 below and may be expanded to reflect district practice.</p> <p>The student must also attend school for at least the minimum school day and not be absent for this purpose on more than four</p>

				days per school month. Pursuant to Education Code 46112, 46113, 46117, and 46141, unless otherwise provided by law, the minimum school day is generally 180 minutes for kindergarten, 230 minutes for grades 1-3, and 240 minutes for grades 4-12. For further information, see AR 6112 - School Day.
	13 (2)	Absence for student participation in religious exercises or instruction shall not be considered an absence for the purpose of computing average daily attendance if the student attends at least the minimum school day as specified in AR 6112 - School Day, and is not excused from school for this purpose on more than four days per school month.	14. (2) No change except numbering	
	14	Work in the entertainment or allied industry.	15. <i>For a student who holds a work permit authorizing work in the entertainment or allied industries for a period of not more than five consecutive days, work in such industry</i>	
	14 (2)	Work for a student who holds a work permit authorizing work in the entertainment or allied industries for a period of not more than five consecutive days. For this purpose, student absence shall be excused for a maximum of up to five absences per school year.	15. (2) <i>For this purpose, student absence shall be excused for a maximum of up to five absences each school year.</i>	
	15	Participation with a nonprofit performing arts organization in a performance for a public school audience.	16. <i>For this purpose, student absence shall be excused for a maximum of up to five absences each school year.</i>	
	15 (2)	A student may be excused for up to five such absences per school year provided that the student's parent/guardian provides a written explanation of such absence to the school.	16.(2) No change except numbering	
	16	Other reasons authorized at the discretion of the principal or designee based on the student's specific circumstances.	17. No change except numbering	

2		For the purpose of the absences described above, immediate family means the student's parent/guardian, brother or sister , grandparent, or any other relative living in the student's household.	For the purpose of the absences described above, immediate family means the student's parent/guardian, <i>sibling</i> , grandparent, or any other relative living in the student's household.	
		Method of Verification	No change	
1		Student absence to care for a child for whom the student is the custodial parent shall not require a physician's note.	No change	CSBA NOTE: Education Code 48205 prohibits the district from requiring a physician's note for absences due to the illness or medical appointment of the student's child. However, the district is authorized to require verification of other absences. The following section should be revised to reflect district-adopted methods of verification and to specify employee(s) assigned to verify absences. 5 CCR 420-421 provide guidelines for verifying absences due to illness; quarantine; medical, dental, or eye appointments; or attendance at a funeral service of a member of a student's immediate family. 5 CCR 421 authorizes a student's absence to be verified by a school or public health nurse, attendance supervisor, physician, principal, teacher, or any other qualified district employee assigned to make such verification.
2		For other absences, the student shall, upon returning to school following the absence, present a satisfactory explanation, either in person or by written note, verifying the reason for the absence. Absences shall be verified by the student's parent/guardian, other person having charge or control of the student, or the student if age 18 or older.	No change	
3		When an absence is planned, the principal or designee shall be notified prior to the date of the absence when possible.	No change	

4		The following methods may be used to verify student absences:	No change	
	1	Written note, fax, email, or voice mail from parent/guardian or parent representative.	Written, <i>digital, or audio message</i> from parent/guardian or parent representative	
	2	Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative.	No change	
	2 (2)	The employee shall subsequently record the following:	No change	
		a. Name of student	No change	
		b. Name of parent/guardian or parent representative	No change	
		c. Name of verifying employee	No change	
		d. Date(s) of absence	No change	
		e. Reason for absence	No change	
	3	Visit to the student's home by the verifying employee, or any other reasonable method which establishes the fact that the student was absent for the reasons stated.	No change	
	3 (2)	The employee shall document the verification and include the information specified in item #2 above.	No change	
	4	Physician's verification	No change	
		a. When excusing students for confidential medical services or verifying such appointments, district staff shall not ask the purpose of such appointments but may request a note from the medical office to confirm the time of the appointment.	No change	CSBA NOTE: The following optional paragraph provides a means of verifying an excuse for confidential medical services without inquiring into the nature of the medical services.
		b. If a student shows a pattern of chronic absenteeism due to illness, district staff may require physician verification of any further student absences.	No change	CSBA NOTE: The following optional paragraph provides that, after absences for illness on multiple occasions, the student may be required to bring a note from a physician to

					verify the illness. If a student does not have access to medical services in order to obtain such verification, the district may assist the student in obtaining the medical consultation if it is required.
			Parental Notifications	No change	
1			At the beginning of each school year, the Superintendent or designee shall:	No change	
	1		Notify parents/guardians of the right to excuse a student from school in order to participate in religious exercises or to receive moral and religious instruction at their places of worship, or at other suitable places away from school property designated by a religious group, church, or denomination.	No change	CSBA NOTE: The requirement in Item #1 below is for use by any district whose board has adopted a resolution permitting an excused absence for religious instruction or exercises. See the accompanying Board policy and Item #14 in the section "Excused Absences" above.
	2		Notify students in grades 7-12 and the parents/guardians of all students enrolled in the district that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian.	No change	CSBA NOTE: The requirement in Item #2 applies to all districts. Districts that maintain only elementary grades should delete the reference to students in grades 7-12.
	3		Notify parents/guardians that a student shall not have a grade reduced or lose academic credit for any excused absence if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time.	No change	
			Such notice shall include the full text of Education Code 48205.	No change	

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