



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 4.1

Meeting Date: May 3, 2021

Subject: Public Hearing: Adopt Revision of Board Policy 5113, Absences and Excuses

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: _____)
- Conference/Action
- Action
- Public Hearing

Division: Legal Services

Recommendation: Approve revision to Board Policy 5113.

Background/Rationale: Education Code 48205 establishes the conditions under which students may be lawfully absent from school, including personal illness or injury. District students face mental health challenges throughout their education. In order to recognize the mental health issues of students and help reduce stigmatizing attitudes of prejudice and exclusion, revisions to the policies concerning absences and excuses are necessary and specifically, the definition of “health reasons” in the context of excused absences. No prior updates to BP 5113 have occurred since its adoption in 2002. Such updates and enactment include language in the CSBA Gamut model policies. The District plans to adopt AR 6173, which includes language in the CSBA Gamut model regulations.

Documents Attached:

1. BP 5113 (Redlines)
2. AR 5113

<p>Estimated Time of Presentation: 5 Minutes Submitted by: Raoul Bozio, In House Counsel Approved by: Jorge A. Aguilar, Superintendent</p>

Board of Education Executive Summary

Legal Department

Revision to Board Policy (BP) 5113 and Adoption of Administrative Regulation (AR) 5113: Absences and Excuses
May 3, 2021



I. Overview/History of Department or Program

California Education Code 48205 establishes the conditions under which students may be lawfully absent from school, including personal illness or injury.

The U.S. Department of Health and Human Services' Office of Disease Prevention and Health Promotion closely links mental health and physical health. The 2008 federal Mental Health Parity and Addiction Equity Act (MHPAEA) put care and treatment of mental health and substance use disorders on equal footing – or “parity” – with physical health care.

The recent California Healthy Kids Survey of District students indicated that on average one in five students has considered suicide in the past 12 months. Striving for Zero, California's Strategic Plan for Suicide Prevention urges all Californians to play a role in suicide prevention and promoting health and wellness.

The current version of Board Policy 5113 was adopted in 2002 and has not yet since been revised. The proposed revisions to Board Policy 5113 are based on the updates provided by the California School Boards Association (CSBA). Further, the revised board policy now recognizes the mental health issues of students and helps to reduce stigmatizing attitudes of prejudice and exclusion by including mental health reasons in the context of excused absences under Education Code 48205.

The District plans upon the revision of Board Policy 5113 to adopt the enclosed administrative regulation concerning absences and excuses. AR 5113 is based on the updates provided by the CSBA and follows the Education Code. AR 5113 furthermore addresses excusing absences for illness or medical appointments (physical and/or mental health).

II. Driving Governance:

Pursuant to Education Code 48205(a):

- (a) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:
 - (1) Due to the pupil's illness.
 - (2) Due to quarantine under the direction of a county or city health officer.
 - (3) For the purpose of having medical, dental, optometrical, or chiropractic services rendered.
 - (4) For the purpose of attending the funeral services of a member of the pupil's immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.

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- (5) For the purpose of jury duty in the manner provided for by law.
- (6) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent, including absences to care for a sick child for which the school shall not require a note from a doctor.
- (7) For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the pupil's religion, attendance at religious retreats, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.
- (8) For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.
- (9) For the purpose of spending time with a member of the pupil's immediate family who is an active duty member of the uniformed services, as defined in Section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.
- (10) For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.
- (11) Authorized at the discretion of a school administrator, as described in subdivision (c) of Section 48260.

Board Resolution 3174, passed on December 10, 2020, provides "that the Superintendent review all relevant Board policies and SCUSD regulations and explore the possibilities and impact of explicitly permitting excused mental health days[.]"

III. Budget:

The proposed policy is intended to create practices that permit the excusal of mental health days.

IV. Goals, Objectives and Measures:

Pursuant to the District's core beliefs under Board Policy 0100, the District believes "that all people excel in an environment that is SAFE, and offers everyone UNLIMITED OPPORTUNITIES for continuous growth and PERSONAL SUCCESS." As such, the goal is for the District to establish sound policy that recognizes the mental health issues of students and help reduce stigmatizing attitudes of prejudice and exclusion.

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V. Major Initiatives:

This absences and excuses policy is critical to promote students' health and wellness.

VI. Results:

Approval of revision to Board Policy 5113 and adopt Administrative Regulation 5113. Ensure compliance with Education Code.

VII. Lessons Learned/Next Steps:

Next Steps following adoption of revised Board Policy 5113 concerning absences include adopting Administrative Regulation 5113. Information and correspondences concerning this matter have previously been shared with the District. Further updates will be provided as necessary.

Sacramento City USD
Board Policy
BP 5113
Students

Absences And Excuses

The Governing Board believes that regular attendance plays an important role in student achievement. The Board shall work with parents/guardians and students to ensure their compliance with all state attendance laws and may use appropriate legal means to correct problems of chronic absence or truancy.

(cf. 5112.1 - Exemptions from Attendance)
(cf. 5112.2 - Exclusions from Attendance)
(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6154 - Homework/Makeup Work)

Absence from school shall be excused only for physical and/or mental health reasons, family emergencies, and justifiable personal reasons, as permitted by law, Board policy, and administrative regulation. (Education Code 48205)

Board Resolution 3174 passed on Dec. 10, 2020 resolved that the Sacramento City Unified School District Board of Education understands the definition of "health reasons" in the context of excused absences under California Education Code 48205 as including mental health reasons.

Student absence for religious instruction or participation in religious exercises away from school property may be considered excused subject to law and administrative regulation. (Education Code 46014)

Inasmuch as school attendance and class participation are integral to students' learning experiences, parents/guardians and students shall be encouraged to schedule mental and physical medical and other appointments during non-school hours if reasonably possible.

Site level attendance teams will take note of students with a pattern of absences. Students who are absent for mental and physical health related reasons will receive outreach and supportive interventions.

The U.S. Department of Health and Human Services' Office of Disease Prevention and Health Promotion closely links mental health and physical health; and the 2008 federal Mental Health Parity and Addiction Equity Act (MHPAEA) put care and treatment of mental health and substance use disorders on equal footing – or “parity” – with physical health care

Students shall not be absent from school without their parents/guardians' knowledge or consent, except in cases of medical emergency or, as authorized pursuant to Education Code 46010.1, for a confidential medical appointment.

The Board shall, by resolution entered into its minutes, approve reasonable methods that may be used to verify student absences due to illness or quarantine. (5 CCR 421)

Legal Reference:

EDUCATION CODE

1740 Employment of personnel to supervise attendance (county superintendent)

37201 School month

37223 Weekend classes

41601 Reports of average daily attendance

42238-42250.1 Apportionments

46000 Records (attendance)

46010-46014 Absences

46100-46119 Attendance in kindergarten and elementary schools

46140-46147 Attendance in junior high and high schools

48200-48208 Children ages 6-18 (compulsory full-time attendance)

48210-48216 Exclusions from attendance

48225.5 Work permit; excused absence; entertainment or allied industries

48240-48246 Supervisors of attendance

48260-48273 Truants

48292 Filing complaint against parent

48320-48324 School attendance review boards

48340-48341 Improvement of student attendance

48980 Parental notifications

49067 Unexcused absences as cause of failing grade

49701 Provisions of the interstate compact on educational opportunities for military children

ELECTIONS CODE

12302 Student participation on precinct boards

FAMILY CODE

6920-6929 Consent by minor for medical treatment

VEHICLE CODE

13202.7 Driving privileges; minors; suspension or delay for habitual truancy

WELFARE AND INSTITUTIONS CODE

601-601.4 Habitually truant minors

11253.5 Compulsory school attendance

CODE OF REGULATIONS, TITLE 5

306 Explanation of absence

420-421 Record of verification of absence due to illness and other causes

ATTORNEY GENERAL OPINIONS

87 Ops.Cal.Atty.Gen. 168 (2004)

66 Ops.Cal.Atty.Gen. 244 (1983)

COURT DECISIONS

American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307

Management Resources:

CSBA PUBLICATIONS

Improving Student Achievement by Addressing Chronic Absence, Policy Brief, December 2010

WEB SITES

CSBA: <http://www.csba.org>

(11/99 11/11) 3/17

Sacramento City USD
Administrative Regulation
AR 5113
Students

Absences And Excuses
Excused Absences

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:

1. Personal illness (Education Code 48205)
2. Quarantine under the direction of a county or city health officer (Education Code 48205)

(cf. 5112.2 - Exclusions from Attendance)

3. Medical, dental, optometrical, or chiropractic appointment (Education Code 48205)
4. Attendance at funeral services for a member of the student's immediate family (Education Code 48205)

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. (Education Code 48205)

5. Jury duty in the manner provided by law (Education Code 48205)
6. Illness or medical(including physical and/or mental health) appointment of a child to whom the student is the custodial parent (Education Code 48205)

(cf. 5146 - Married/Pregnant/Parenting Students)

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: (Education Code 48205)
 - a. Appearance in court
 - b. Attendance at a funeral service

- c. Observance of a religious holiday or ceremony
- d. Attendance at religious retreats for no more than four hours per semester
- e. Attendance at an employment conference
- f. Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization

8. Service as a member of a precinct board for an election pursuant to Elections Code 12302 (Education Code 48205)

(cf. 6142.3 - Civic Education)

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 (Education Code 48205)

Such absence shall be granted for a period of time to be determined at the discretion of the Superintendent or designee. (Education Code 48205)

(cf. 6173.2 - Education of Children of Military Families)

10. Attendance at a naturalization ceremony to become a United States citizen (Education Code 48205)

11. 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 (Education Code 46014)

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

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. (Education Code 46014)

(cf. 6112 - School Day)

12. Work in the entertainment or allied industry (Education Code 48225.5)

Such absence shall be excused provided that the student holds a work permit authorizing such work and is absent for a period of not more than five consecutive days and up to five absences per school year. (Education Code 48225.5)

13. Participation with a nonprofit performing arts organization in a performance for a public school audience (Education Code 48225.5)

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. (Education Code 48225.5)

14. Other reasons authorized at the discretion of the principal or designee based on the student's specific circumstances (Education Code 48205, 48260)

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. (Education Code 48205)

Method of Verification

Student absence to care for a child for whom the student is the custodial parent shall not require a physician's note. (Education Code 48205)

For other absences, the student shall, upon returning to school following the absence, present a satisfactory explanation 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. (Education Code 46012; 5 CCR 306)

When an absence is planned, the principal or designee shall be notified prior to the date of the absence when possible.

The following methods may be used to verify student absences:

1. Written note, fax, email, text, or voice mail 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. The employee shall subsequently record the following:

- a. Name of student
- b. Name of parent/guardian or parent representative
- c. Name of verifying employee
- d. Date(s) of absence
- e. Reason for absence

(cf. 5113.11 - Attendance Supervision)

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. The employee shall document the verification and include the information specified in item #2 above.

4. Physician's verification.

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.

b. If a student shows a pattern of chronic absenteeism due to illness, district staff may require physician verification of any further student absences.

(cf. 5113.1 - Chronic Absence and Truancy)

Parental Notifications

At the beginning of each school year, the Superintendent or designee shall:

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 (Education Code 46014, 48980)

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 (Education Code 46010.1)

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. Such notice shall include the full text of Education Code 48205. (Education Code 48980)

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 5145.6 - Parental Notifications)

(cf. 6154 - Homework/Makeup Work)

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