

# CVUSD

## Board Policy

BP 5113

### Students

#### Absences and Excuses

The Governing Board believes that regular attendance plays an important role in student achievement. The Board recognizes its responsibility under the law to ensure that students attend school regularly. Parents/guardians of children aged 6 to 18 are obligated to send their children to school unless otherwise provided by law. The Board shall abide by all state attendance laws and may use appropriate legal means to correct the problems of excessive absence or truancy.

(cf. 5112.1 - Exemptions from Attendance)

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5113.1 - Truancy)

#### Excused Absences

\*\*\*Note: Pursuant to Education Code 42238.8, the determination of an absence as excused or unexcused is irrelevant for accounting purposes. However, verification of excused absences is still relevant for purposes of enforcement of compulsory education laws and for the determination of whether a student is truant. Pursuant to Education Code 48260, students with a valid excused absence are not truant. In addition, this classification is important since California's welfare system (CalWORKS), Welfare and Institutions Code 11253.5, sets family grant eligibility requirements based upon whether a child is "regularly attending school." See BP/AR 5113.1 - Truancy. \*\*\*

Absence from school shall be excused only for health reasons, family emergencies and justifiable personal reasons, as permitted by law, Board policy and administration regulations. (Education Code 46010, 48216, 48205)

Inasmuch as class participation is an integral part of students' learning experiences, parents/guardians and students shall be encouraged to schedule medical appointments during nonschool hours.

At the beginning of each academic year, notifications shall be sent to the parents/guardians of all students, and to all students in grades 7 through 12, informing them 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)

(cf. 5145.6 - Parental Notifications)

\*\*\*Note: The California Supreme Court (American Academy of Pediatrics et al v. Lungren et al) has clarified that students do not need parent/guardian consent before receiving confidential

medical services. Districts that notify parents/guardians when their children are released for confidential medical services may be violating the students' privacy rights. Option 1 below is for use by districts that do not notify parents/guardians when excusing students for confidential medical appointments. Option 2 is for use by districts that choose to require parental consent for K-6 students, where students' age and maturity may allow more opportunity for the district to require parental consent before releasing students for all medical appointments. Districts should consult legal counsel before selecting this option. Districts that require parental consent before releasing students for confidential medical appointments may wish to attach a statement to this effect to the notification required by Education Code 46010.1. \*\*\*

*Students shall not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency or confidential medical appointment.*

\*\*\*Note: Pursuant to Education Code 46014, the Board may allow students to be absent for religious exercises or instruction. If the Board allows such absences, it must first adopt a resolution permitting an excused absence for this purpose. The Board is also mandated to adopt regulations governing students' attendance at such exercises or instruction and the reporting of these absences; see AR 5113. \*\*\*

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

(cf. 5121 - Grades/Evaluation of Student Achievement)  
(cf. 6154 - Homework/Makeup Work)

Legal Reference:

EDUCATION CODE

1740 Employment of personnel to supervise attendance (county superintendent)

2550-2558.6 Computation of revenue limits

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

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  
49067 Unexcused absences as cause of failing grade  
ELECTIONS CODE  
12302 Student participation on precinct boards  
FAMILY CODE  
6920-6929 Consent by minor  
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  
66 Ops.Cal.Atty.Gen. 245, 249 (1983)  
COURT DECISIONS  
American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307

Management Resources:

CDE MANAGEMENT ADVISORIES

0114.98 School Attendance and CalWORKS, Management Bulletin 98-01

CSBA ADVISORIES

0520.97 Welfare Reform and Requirements for School Attendance

WEB SITES

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

CSBA: (2/95 2/98) 11/99

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