

**Bakersfield City School District
The Advisory Bulletin**

To: All Principals, School Secretaries, and School Clerks	Date: August 18, 2011	No. 120054
Subject: Student Absence Related to a Religious Purpose, Form for Justifiable Personal Reasons, and Required Written Finding		
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STUDENT ABSENCE RELATED TO A RELIGIOUS PURPOSE

Executive Summary

Law and policy permit an absence for religious reasons to be excused when: (1) the parent submits a written request indicating a recognized religious purpose; and (2) the principal or designee approves the request. Without a factual finding sent to the parent in a letter pre-approved by the supervisor of student services, requests for an excused absence developed consistent with the law will be approved. A form is attached to facilitate proper parent requests.

Background

California has a compulsory school attendance law requiring each person between the ages of 6 and 18 years to attend school for the full time designated by the governing board unless otherwise provided for in law (Education Code Section 48200). Every pupil is required to attend school punctually and regularly (Title 5 California Code of Regulations Section 300).

Although the governing board can impose reasonable regulations for school attendance, both the courts and the legislature have taken steps to help ensure schools accommodate the religious needs of students. As this applies to school attendance, the California Education Code establishes a procedure by which an absence from school for a religious reason may become excused (Education Code Section 48205 and 46014).

An absence for religious reasons may become excused if: (1) the parent submits a written request indicating a recognized religious purpose; and (2) the principal or designee approves the request. The religious purposes listed in the statutes include a religious: (1) holiday; (2) ceremony; (3) retreat; (4) instruction; and (5) exercise.

Procedure

Upon the parent/guardian's written request, developed consistent with law and policy, an absence is approved by the principal/designee as excused (see attached form). Several religious purposes may serve as the reason the absence is excused. The chart below lists the necessary conditions, limits, and the purposes for excusing a student absence related to religious reasons.

Absences Related to Religious Purposes					
	EC 48205			EC 46014	
Purpose →	Observance of Religious Holiday	Observance of Religious Ceremony	Attendance at Religious Retreat	Participate in moral/religious instruction	Participate in religious exercise
Necessary Conditions/Limits ↓					
Written Request by Parent/Guardian	X	X	X	X	X
No hour/day limitation	X	X			
Limited to 4 hours per semester			X		
Requires minimum day attendance <u>and</u> limited to 4 days per school month				X	X
Principal/Designee Approval	X	X	X	X	X

Request Approved Unless Written Fact-Based Finding

Implementing applicable law and policy requires acceptance of all reasonable and conforming requests for an excused absence. A parent/legal guardian completing the *Prior Approval Excused Absence Request* form or making a written request in a substantially similar format, will have that request approved unless the principal/designee notifies the parent in writing of their fact-based determination for the disapproval (i.e., send pre-approved letter containing facts for denied request). A “finding of fact” is a determination of a fact supported by the evidence in the record. **“Pre-approved” means the supervisor of student services has approved the denial letter before it is sent by the school to the parent/guardian.**

To illustrate, let us say the school receives a written request for a student’s absence to be excused for a school day because the student was attending a religious retreat. Application of the law and policy to this request shows attendance at a religious retreat is limited to 4 hours per semester. The parent has requested a school day. The written factual finding could read as follows.

<Letterhead>

Dear <name of parent>:

In response to your notice of <date> which we received on the <date> requesting your student’s absence for a school day for a religious retreat, the District must treat all but four (4) hours of your child's absences on <date> as unexcused. Under state law, the District can excuse up to four (4) hours per semester for attendance at a religious retreat. Please see California Education Code Section 48205 (a)(7) and (c).

To further illustrate, consider a request where the parent asks for an excused absence because the student will be showing animals at the fair (e.g., writes it on a note or enters it on the form).

<Letterhead>

Dear <name of parent>:

I am writing in response to your notice of <date> which we received on the <date,> requesting your student’s absence from school be excused because he will be showing animals at the fair. We must treat an absence for showing animals at the fair as unexcused. Please see California Education Code Section 48205 (a)(7). We regret the necessity for this response, but we see this as complying with law and policy.

In conclusion, absent a factual finding sent to the parent in a letter, requests for an excused absence will be approved.

Completion of School Work

When a student’s absence from school is excused, the student shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit (California Education Code Section 48205).

Questions

Please direct your questions and comments to Mike Skiba at 14633. Please fax parent requests for excused absence for justifiable personal reasons and draft letters to the attention of Mike Skiba at 861-0801.

PRIOR APPROVAL EXCUSED ABSENCE REQUEST

Bakersfield City School District/1300 Baker Street/Bakersfield, CA 93305
(Form for use by Parent/Guardian - Return to school office before absence)

Regular attendance plays an important role in student achievement. Parents/guardians should take all reasonable steps to promote attendance every day, all day. When this form is completed and given to the school office in advance of a student's absence, it becomes a written request that a student's absence be marked excused. This form is used only for the personal reasons listed below (e.g., not used for personal illness, funeral services of an immediate family member).

Reasons for the Student's Absence (Check One)

- ☐ **Appearance in court**
- ☐ **Attendance at a funeral service** (for other than a member of the student's immediate family)
- ☐ **Observing a holiday or ceremony of the student's religion**
- ☐ **Religious retreat** (Limited to four hours per semester)
- ☐ **Participation in moral or religious instruction or exercises** (On the day of the absence, requires the student to attend at least the minimum school day before release and is limited to four [4] days per school month)
- ☐ **Attendance at an employment conference**
- ☐ **Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization**

Family trips and vacations are not reasons for an excused absence under law and policy and will be recorded as unexcused unless advance arrangements are made for independent study. Parents/guardians are encouraged to plan family trips and vacations outside of the instructional schedule.

Student Name: _____ Grade: _____ School: _____

Day/Date of Absence: _____, 201____

Approval by parent/guardian: I verify the absence qualifies for the reason checked above.

I understand my student is responsible for making up any assignments, which can be made up, during the absence.

Parent/Guardian Signature: _____ Date: _____

Note: You will receive a response if this request is not approved. Should you require confirmation of receipt or acceptance, please contact the school office.

Office Use Only

Approval by principal/designee. This prearranged absence request has been reviewed by me and qualifies as (check one): ☐ Excused ☐ Unexcused (Date letter approved _____ Date letter sent _____)

Principal/designee Signature: _____ Date: _____