
New Excused Absences Added to the Education Code; and Designation of September 11th as ‘Remembrance Day’

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Governor Newsom has signed two bills—Assembly Bill (AB) 516 and Senate Bill (SB) 14—that will modify the Education Code to extend its existing list of excused school absences by adding cultural ceremonies or events and expanding illnesses to include mental or behavioral health. The Governor also signed SB 254, designating September 11 as “September 11th Remembrance Day.”

Assembly Bill 516

AB 516 adds participation in a cultural ceremony or event as a codified excused absence under Education Code Section 48205.

AB 516 defines “cultural” as “relating to the habits, practices, beliefs, and traditions of a certain group of people.” In complying with AB 516, schools will need to make justifiable interpretations of what qualifies as a “cultural ceremony or event.” As with any other excused absence, this new excused absence will affect computation of average daily attendance, the primary factor in calculating state apportionment payments for LCFF districts.

Senate Bill 14

SB 14 also amends Section 48205 by expanding the existing excused absence due to illness, to add “including an absence for the benefit of the pupil’s mental or behavioral health.”

In addition to amending Section 48205, SB 14 also adds Section 49428.15 to the Education Code, which provides guidance to local schools on identifying and managing absences based on mental or behavioral health illnesses.

Schools can expect communication from the California Department of Education (CDE) by January 1, 2023, with recommended best practices, and evidence-based and evidence-information training programs to address youth behavioral health, including, but not necessarily limited to staff and pupil training.

Subdivision (c) of Section 49428.15 details the CDE’s responsibility for developing and releasing a training program that contains instructions for a local educational agency (LEA) in:

- Recognizing the signs and symptoms of youth behavioral health disorders, including common psychiatric conditions and substance abuse disorders such as opioids and alcohol use.
- Supporting school staff to best provide referrals to youth behavioral health services or other support to individuals in the early stages of developing a youth behavioral health disorder.
- Maintaining student privacy and confidentiality in a manner consistent with federal and state privacy laws.
- Engaging in safe de-escalation of crisis situations involving individuals with a youth behavioral health disorder.

Section 49428.15 further requires that the training be administered by a nationally recognized training authority in youth behavioral health disorders or by an LEA. Trainings may take place in-person or virtually and must be conducted by certified instructors who carry a specific certification in youth behavioral health.

The CDE training program required by SB 14 appears to dovetail with the model mental health referral protocols the CDE will be required to develop pursuant to AB 309. See 2021 [Client News Brief Number 35](#).

Senate Bill 254

Existing law allows particular days of special significance to be observed at public schools and educational institutions. SB 254 designates September 11 as “September 11th Remembrance Day” and schools, although not mandated, are encouraged to observe and conduct suitable commemorative exercises, such as a moment of silence, if September 11 falls on a school day.

Takeaways

AB 516 excuses students from absences for attending “cultural ceremonies or events,” while SB 14 excuses students from absences for mental and behavioral health illnesses. Schools can expect to receive guidance on youth behavioral health disorder training from the CDE by January 1, 2023.

Under SB 254, schools are encouraged to observe September 11th Remembrance Day with a commemorative exercise, such as a moment of silence, should September 11 fall on a school day.

If you have any questions about AB 516, SB 14, or SB 254, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcasts](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#).

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