The Superintendent of Public Instruction has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined; text proposed to be deleted is displayed in ~~strikeout~~.

#  Title 5. EDUCATIONDivision 1. California Department of Education

## Chapter 18.5. California Department of Education

### Subchapter 10. General Fiscal Requirements

#### Article 5. Accounting and Reporting Requirements

**§ 17819. Verification of Excused Absences~~;~~** **and Unexcused Absences; Policies.**

(a) Excused absences include the following:

(1) Child illness, including medical, dental, and mental health appointments.

(2) Parent illness, including medical, dental, and mental health appointments.

(3) Government or self-imposed quarantine of the child or parent due to potential or actual exposure of a contagious disease.

(4) Spending time with parent or other relative due to court-ordered custody or visitation.

(5) Family emergencies, pursuant to subsection (d) below.

(6) Absences that are in the best interest of the child, pursuant to subsection (e) below.

(7) Observance of a religious holiday or absence due to a ceremony of the student’s religion.

(8) Any absence to accommodate the needs of a child with a disability, including services received as part of the individualized education program (IEP) or individualized family service plan (IFSP).

(9) Any days for which a contractor is required by law to hold a child’s space in the program in order to comply with due process requirements, including compliance with Education Code section 8489.1 and the requirements of subchapter 9 of this Chapter.

~~(a)~~(b) For ~~If~~ the absence to be deemed ~~is claimed by the contractor as~~ an excused absence ~~as defined in Education Code section 8205~~, the attendance accounting records shall contain verification that includes:

(1) The name of the child;

 (2) The date(s) of absence;

 (3) The specific reason for the absence; and

 (4) The signature of the parent or the contractor's authorized representative if verification is made by telephone or through other electronic methods.

 (c~~b~~) If an excused absence is based on time spent with a parent or other relative as required by a court of law, the family data file shall contain a copy of the Court Order.

 ~~(c) Contractors shall adopt reasonable policies delineating circumstances that would constitute an excused absence for “family emergency” and “in the best interest of the child.”~~

 (d) The following circumstances shall be considered a “family emergency”:

 (1) Lack or disruption of transportation that directly impacts the child’s participation in the program.

 (2) Court date or court-ordered appointment for the parent or child

 (3) In the process of moving to another home

(4) Illness, quarantine, or hospitalization of a sibling

 (5) Severe illness, death, or funeral of a relative

 (6) Utility emergency impacting the household

 (7) Severe weather conditions directly impacting the household such as weather alerts, disasters, or fire

(8) Extreme family crisis including, but not limited to, loss of housing, domestic violence, being a witness or victim of a crime, or community concerns that make it unsafe for the child to participate in the program.

 ~~(d) Contractors shall not disenroll any family due to excessive absences, except in circumstances described in section 17819.5.~~

 (e) The following circumstances shall be considered “in the best interest of the child”:

(1) Parent/Family vacation or day off work

(2) Child is tired/unable to participate in classroom activities/program

(3) Sibling field trips

(4) Visiting with a family member

(5) Family bonding

(6) Any other reason the parent deems to be in the child's best interest.

 ~~(e) Contractors shall inform parents of these policies.~~

 (f) Excused absences “in the best interest of the child” shall be counted per each child in the family and shall be limited to the following ~~10 days during the contract period~~:

(1) 10 days during the contract period for programs that operate fewer than 220 days.

(2) 20 days during the contract period for programs that operate 220 days or more.

 (g) Notwithstanding (g) above, ~~Ee~~xcused absences “in the best interest of the child” for children who are experiencing homelessness or who are recipients of protective services or at risk of abuse or neglect, are not limited during the contract period.

(h) Absences that are not deemed to be excused shall be limited to 10 per program year for each child. Any absence that is not an excused absence, as described above, shall be considered unexcused. Contractors shall adopt a policy to terminate any child from participation in their program in the event the child has more than 10 unexcused absences in a program year. The contractor must follow the process set forth in subchapter 9 of this Chapter.

(i) When a child is included in more than one family, all attendance policies shall apply per family.

(j) Contractors shall inform parents of these, and any other policies related to attendance, no later than upon enrollment.

NOTE: Authority cited: Sections 8207 and 8231, Education Code. Reference: Sections 8205, 8207 and 8231, Education Code.

**~~§ 17819.5. Abandonment of Care.~~**

~~(a) For purposes of this section, “provider” includes an individual, family child care home, or center-based entity that provides subsidized preschool services directly to children.~~

~~(b) When the family has not been in communication with the provider for seven consecutive calendar days and has not notified the provider of the reason the family is not using services, the provider, if not the contractor, shall promptly notify the contractor.~~

~~(c) Using the contact information on file, the contractor shall attempt to contact the parent through a variety of communication methods. At least one communication attempt shall be in writing, which may be through electronic methods. The contractor shall keep documentation of all communication attempts, including a copy of all written communication, in the family data file. The contractor shall inform the parent in these communications that failure to communicate with the contractor or provider may result in termination of preschool services.~~

~~(d) The contractor shall issue a notice of action to disenroll the family on the basis of abandonment of care when there has been no communication with the provider or the contractor for a total of 30 consecutive calendar days.~~

~~Note: Authority cited: Sections 8207 and 8231, Education Code. Reference: Sections 8207 and 8231, Education Code.~~

**§ 17819.5. Unexcused Absence Procedures**

(a) Contractors shall attempt to contact the parent through a variety of communication methods as unexcused absences are accrued and shall share individualized strategies that the program and family can use to improve individual attendance.

(b) The contractor shall keep documentation of all communication attempts made with the family, including documentation of any verbal communications attempted or made, and shall retain copies of all such communication in the family data file.

(c) When a child has accumulated a total of 3 unexcused absences in a contract period, the contractor shall inform the parent or guardian in writing, within one business day, of the number of unexcused absences that have been accrued by the child and further shall warn the parent or guardian that continuing to accrue unexcused absences may result in termination of preschool services. The contractor shall repeat this process when the child has additional unexcused absences at intervals of no less than 6 and then 9 unexcused absences.

(d) The written communication sent to the parent or guardian in subsection (c) may be made through electronic means.

(e) A child’s partial-day absence from the program shall not be classified as either excused or unexcused. Absences will only be counted if the child misses the entire certified schedule for the day.

Note: Authority cited: Sections 8207 and 8231, Education Code. Reference: Sections 8207 and 8231, Education Code.

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