



## Students & Special Education LAW UPDATE

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### NEW LAWS AFFECTING STUDENT ATTENDANCE, INTER-DISTRICT TRANSFER APPEALS, AND INTERSESSION PROGRAMS

The close of 2023 brought four new bills to Governor Gavin Newsom's desk which were all signed into law and went into effect on January 1, 2024: Assembly Bill 1503, Senate Bill 350, Senate Bill 413, and Assembly Bill 373.

#### Assembly Bill ("AB") 1503

Education Code section 48205 requires a student to be excused from school for certain types of absences for justifiable personal reasons. Attendance at a religious retreat is among these justifiable personal reasons, though the cap per semester for attending a religious retreat used to be four hours. Under AB 1503, which amended Education Code section 48205, attendance at a religious retreat cannot exceed one school day per semester. This bill expands a student's allowed excused absences to attend religious retreats. The student's parent or guardian must make a written request for an excused absence so the student may attend a religious retreat, and the request must be approved by the principal or designated representative.<sup>1</sup>

#### Senate Bill ("SB") 350

Prior law under Education Code section 48205 allowed a student to be excused from school for the purpose of attending the funeral services of a member of their immediate family, so long as it did not exceed one day if the service was in California, and three days if the service was out of state. SB 350 amended section 48205 of the Education Code. A student may now be excused for no more than five days for the purpose of attending the funeral service or grieving the death of an immediate family member, regardless of the location of the service.<sup>2</sup>

SB 350 also allows up to three days of excused absences for a student to access victim or grief support services. These changes are to provide much needed additional time for students to grieve following the death of a loved one.

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<sup>1</sup> AB 1503; [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB1503](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1503)

<sup>2</sup> SB 350; <https://legiscan.com/CA/text/SB350/id/2832297>

## Senate Bill 413

Section 46601 of the Education Code requires a county board of education to decide interdistrict appeals within 30 calendar days, or up to 45 or 60 days under specific instances. A sunset date of July 1, 2023 existed, after which all county boards of education would have only had 30 days to make a decision on an appeal. SB 413 applies to amended section 46601 of the Education Code to remove this sunset date, and permanently extended the time period to make a determination on an appeal of an interdistrict transfer denial to 60 calendar days if one of the following circumstances apply:

1. A delay in response by the parent, guardian, educational rights holder, or school district;
2. A delay due to incompatible availability for the factfinding hearing of the parent, guardian, educational rights holder, or district;
3. A request to delay a factfinding hearing or board hearing by the parent, guardian, or educational rights holder, or an inability of the parent, guardian, or educational rights holder to attending a factfinding or board hearing; or
4. A school district had closed their annual application window and was no longer accepting permit applications for the remainder of the current or future school year.<sup>3</sup>

**This extension only applies to class 1 and 2 counties**, which are defined under Education Code section 48919.5. Kern County is a class 2 county, so all Kern County school districts will enjoy this permanently extended time period.

## Assembly Bill 373

Intersession programs are defined as expanded learning programs which are offered on non-school days with the intention of providing academic remediation, enrichment, and engaging activities. AB 373 amended Education Code section 48850 to require school districts, county offices of education, and charter schools to grant priority access to foster children and homeless youth to attend intersession programs, assuming the local educational agency operates an intersession program.<sup>4</sup>

If the student moves during an intersession period, the student's parent, guardian, educational rights holder, or Indian custodian shall determine the school the student attends for the intersession period. If no parent, guardian, educational rights holder, or Indian custodian exists, then the unaccompanied homeless youth shall make this determination.

Intersession programs specifically do not apply to extended school year ("ESY") programs for individuals with exceptional needs. This bill therefore does not affect ESYs.

Should you have any questions about the foregoing information, please contact our office.

- Megan E. Keavney

*Education Law Updates are intended to alert Schools Legal Service clients to developments in legislation, opinions of courts and administrative bodies and related matters. They are not intended as legal advice in any specific situation. Consult legal counsel as to how the issue presented may affect your particular circumstances.*

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<sup>3</sup> SB 413; [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240SB413](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB413)

<sup>4</sup> AB 373; <https://legiscan.com/CA/text/AB373/id/2844392>