

SUBJECT: CHRONIC ABSENCE/TRUANCY

ORIGINATING OFFICE: ASSISTANT SUPERINTENDENT, PERSONNEL SERVICES

EFFECTIVE: DECEMBER 13, 2011

Definitions

Excused Absences – A student's absence may be excused for the following reasons:

1. Illness of student.
2. Quarantine under the direction of a county or city health officer.
3. Medical, dental or chiropractic appointments.
4. Attendance at funeral services.
5. Jury duty in the manner provided by law.
6. Due to the illness or medical appointment during school hours of a child for whom the student is a custodial parent.
7. For justifiable reasons including, but not limited to, an appearance in court, attendance at religious retreats, observance of a holiday or ceremony of his/her religion, or attendance at an employment conference when the student's absence has been requested in advance, in writing, by the parent/guardian and approved by the principal.
8. For the purpose of participating in religious exercises or to receive moral and religious instruction. (Education Code §46014)
9. A student may be absent for a maximum of five days per school year for the purpose of participating in a not-for-profit performing arts organization in a performance for a public school student audience, provided the student's parent/guardian provides a written note to the school authorities explaining the student's absence. (Education Code §48225.5)

Chronic absentee is a student who is absent on 10 percent or more of the school days in the school year, when the total number of days a student is absent is divided by the total number of days the student is enrolled and school was actually taught in the regular day schools of the district, exclusive of Saturdays and Sundays. (Education Code §60901)

Truant is a student who is absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof. (Education Code §48260)

Habitual truant is a student who has been reported as a truant three or more times within the same school year, provided the District has made a conscientious effort to hold at least one conference with the student and his/her parent/guardian. (Education Code §§48262, 48264.5)

Chronic truant is a student who has been absent from school without a valid excuse for 10 percent or more of the school days in one school year, from the date of enrollment to the current date, provided the District has met the requirements of Education Code §§48260-48263 and 48291. (Education Code §48263.6)

Attendance Supervisor(s)

The Superintendent or designee shall appoint a supervisor of attendance and assistant supervisors as necessary to supervise the attendance of district students. Such supervisors shall perform duties related to compulsory full-time education, truancy, compulsory continuation education, and any additional duties prescribed by the Superintendent. (Education Code §48240)

Chronic Absence

When a student is identified as a chronic absentee, the Superintendent or designee shall communicate with the student and his/her parent/guardian to determine the reason(s) for the excessive absences, ensure the student and parent/guardian are aware of the adverse consequences of poor attendance, and jointly develop a plan for improving the student's school attendance.

The student may be referred to a student study team or school-site attendance review team to assist in evaluating the student's needs and identifying strategies and programs that may assist the student.

A student who is struggling academically may be offered tutoring or other supplemental instruction, extended learning opportunities, and/or alternative educational options as appropriate.

Whenever chronic absenteeism is linked to a non-school condition, such as poor health, lack of reliable transportation, unstable housing or mobility, community violence, or other barrier to attendance, the Superintendent or designee may provide referrals to community resources and/or collaborate with community agencies and organizations to address the needs of the student and his/her family.

Truancy

An attendance supervisor or designee, peace officer, or school administrator or designee may arrest or assume temporary custody, during school hours, of any minor student found away from his/her home who is absent from school without a valid excuse. Any person arresting or assuming temporary custody of a minor student shall deliver the student and make reports in accordance with Education Code §§48265 and 48266. (Education Code §§48264, 48265, 48266)

Under California law all children between the ages of six and eighteen are required to be enrolled and in regular attendance at school unless exempt by other provisions of the

Education Code or unless excluded, expelled, suspended or graduated. (Education Code §48200)

Upon receiving a complaint from any person that a parent/guardian has violated the state compulsory education laws contained in Education Code §§48200-48341, the Superintendent or designee shall make a full and impartial investigation of all charges. (Education Code §48290)

Any pupil subject to full-time education who is absent from school without a valid excuse more than three days or who is tardy in excess of 30 minutes on each of more than three days in one school year is a truant and shall be reported to the attendance supervisor of the Superintendent of the school district. (Education Code §48260)

Absences must be verified by the District or County Superintendent of Schools in such a manner as the State Superintendent of Public Instruction shall require. (Education Code §46011).

Any of the following employees of the school district shall be authorized to make verification of illness or quarantine absence:

- a. The Superintendent
- b. A school or public health nurse
- c. A guidance-attendance coordinator or attendance supervisor
- d. A physician
- e. A principal
- f. A teacher
- g. A school employee assigned by the Superintendent or principal to make verification

The verification shall be made in accordance with any reasonable method which establishes the fact that the pupil was actually ill or under quarantine if the method has been approved.

The District allows parents/guardians the courtesy to excuse up to a combination of nine days of absences or truant conduct for the same school period(s).

After nine days of absences and/or truant conduct for the same school period(s), day 10 of absence and/or truant conduct for the same school period(s) will only be allowed with written verification from a school or medical professional.

When a student has reached nine full or partial days of the same period missed during any school year, a letter will be sent home to the parent/guardian notifying the parent/guardian that he/she will no longer be able to excuse an absence without a note from a school or medical professional. Absences without a note from a school or medical professional will be reported as unexcused absences/truancies and may result in disciplinary and legal action.

Once a student has been identified as a truant, as defined above, the following steps shall be implemented based on the number of trancies he/she has committed:

1. Initial Truancy - The First Notification of excessive absences and/or trancies requires a letter to parent/guardian issued on school district letterhead.
 - a. Any pupil subject to full-time education who is absent from school without valid excuse more than three days or tardy in excess of 30 minutes on each of more than three days in one school year is a truant and shall be reported to the attendance supervisor of the Superintendent of the school district. (Education Code §48260)
 - b. The student's parent/guardian shall be notified by the most cost-effective method possible, which may include email or a telephone call, that: (Education Code §48260.5)
 - (1) The student is truant.
 - (2) The parent/guardian is obligated to compel the student to attend school.
 - (3) If the parent/guardian fails to meet this obligation, he/she may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code §§48290-48296.
 - (4) Alternative educational programs are available in the District.
 - (5) The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy.
 - (6) The student may be subject to arrest by a probation officer, a peace officer, a school administrator, an attendance supervisor, or designee under Education Code §48264 if found away from home and absent from school without a valid excuse.
 - (7) The student may be subject to suspension, restriction, or delay of his/her driving privilege pursuant to Vehicle Code §13202.7.
 - (8) It is recommended that the parent/guardian accompany the student to school and attend classes with the student for one day.
 - c. The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code §37223. (Education Code §48264.5)
 - d. The student may be given a written warning by a peace officer. A record of this warning may be kept at school for not less than two years or until the

student graduates or transfers from the school. If the student transfers, the record may be forwarded to the new school. (Education Code §48264.5)

- e. The Superintendent or designee may notify the district attorney and/or probation officer of the name of each student who has been classified as a truant and the name and address of the student's parents/guardians. (Education Code §48260.6)
2. Second Truancy - The Second Notification of excessive absences and/or trancies requires a letter to parent/guardian on school district letterhead. This second notification is to inform the parent/guardian that his/her child continues to have an attendance problem. Education Code §48261, "Subsequent Report Truancy," states, "Any pupil who has been reported as a truant and who is again absent from school without a valid excuse one or more days, or tardy for more than 30 minutes on each of more than three days, in one school year shall again be reported as a truant to the attendance supervisor or the Superintendent. (Education Code §48261)
- a. Any student who has once been reported as a truant shall again be reported to the Superintendent or designee as a truant if he/she is absent from school without valid excuse one or more days or is tardy on one or more days. (Education Code §48261)
 - b. The student may be required to attend make up classes on one day of a weekend pursuant to Education Code §37223. (Education Code §48264.5)
 - c. The student may be assigned to an after-school or weekend study program within the county. If the student fails to successfully complete this study program, he/she shall be subject to item #3 below. (Education Code §48264.5)
 - d. In addition, an appropriate district staff member shall make a conscientious effort to hold at least one conference with the student and parent/guardian by communicating with the parent/guardian at least once using the most cost-effective method possible, which may include email or a telephone call. (Education Code §48262)
 - e. The Superintendent or designee may notify the district attorney and/or probation officer whether the student continues to be classified as a truant after the parents/guardians have been notified in accordance with item #1b above. (Education Code §48260.6)
3. Third Truancy (Habitual Truancy) - The Third Notification of excessive absences and/or trancies requires a letter to the parent/guardian issued on school district letterhead. This third notification is to inform the parent/guardian that his/her child continues to have an attendance problem. Any pupil is deemed a habitual truant who has been reported as a truant three or more times per school year, provided

that no pupil shall be deemed a habitual truant unless an appropriate district officer or employee has made a conscientious effort to hold at least one conference with a parent or guardian of the pupil and the pupil himself, after the filing of either of the reports required by Section 48260 or Section 48261. For purposes of this section, a conscientious effort means attempting to communicate with the parents of the pupil at least once using the most cost-effective method possible, which may include electronic mail or a telephone call. (Education Code §48262) With the third notification of excessive absences or truancy, the parent/guardian will be informed that CalWORKS benefits may be sanctioned if the child continues to have attendance problems.

4. Fourth Truancy - Requires the student and parent/guardian to appear before a School Attendance Mediation Board (SAM). The School Resource Officer or the School Safety Officer issues a Notice-To-Appear which is signed by the student and mailed to the parent/guardian. Education Code §48262, "Habitual Truant," states, "Any pupil is deemed a habitual truant who has been reported as a truant three or more times per school year, provided that no pupil shall be deemed a habitual truant unless an appropriate district officer or employee has made a conscientious effort to hold at least one conference with a parent/guardian of the pupil and the pupil himself after filing of either of the reports required of Education Code 48260 or 48261."

The three letter notifications along with the Notice-to-Appear are an indication that the school has attempted to work with the student and parent/guardian to solve the student's attendance problems and that these attempts have been unsuccessful at which point it is mandatory for the student and parent/guardian to appear before a School Attendance Mediation (SAM) Board.

- a. A student who is habitually truant, irregular in school attendance, or habitually insubordinate or disorderly during attendance at school may be referred to, and required to attend, a school attendance mediation (SAM) program, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the district's attendance supervisor. (Education Code §48263, §48264.5)
- b. Upon making a referral to the SAM or the probation department, the Superintendent or designee shall provide the student and parent/guardian, in writing, the name and address of the SAM or probation department and the reason for the referral. This notice shall indicate that the student and parent/guardian shall be required, along with the district staff person making the referral, to meet with the SAM or a probation officer to consider a proper disposition of the referral. (Education Code §48263)
- c. If the student does not successfully complete the truancy mediation program or other similar program, he/she shall be subject to item #d below. (Education Code §48264.5)

- d. If the Superintendent or designee determines that available community services cannot resolve the problem of the truant or insubordinate student or if the student and/or student's parents/guardians have failed to respond to the directives of the district or to services provided, the Superintendent or designee may so notify the county district attorney and/or the probation officer. (Education Code §48263)
- e. Upon his/her fourth truancy within the same school year, the student shall be within the jurisdiction of the juvenile court. (Education Code §48264.5; Welfare and Institutions Code 601(b))
- f. If a student has been judged by the county juvenile court to be a habitual truant, the Superintendent or designee shall inform the juvenile court and the student's probation or parole officer whenever the student is truant or tardy on one or more days without a valid excuse in the same or succeeding school year, or is habitually insubordinate or disorderly at school. The juvenile court and probation or parole officer shall be notified within 10 days of the violation. (Education Code §48267)
- g. After meeting with the family, the SAM Board may refer parents to the Placer County DA for a complaint alleging non-compliance with compulsory education. (Education Code §§48200, 48293)

Records

The Superintendent or designee shall maintain accurate attendance records that show students identified as habitual or chronic truants. The Superintendent or designee also shall document all contacts with a student and his/her parent/guardian regarding the student's attendance, including a summary of all conversations and a record of all intervention efforts.

The Superintendent or designee shall gather and transmit to the County Superintendent of Schools the number and types of referrals made to the SAM and of requests for petitions made to the juvenile court. (Education Code §48273)

The Superintendent or designee also shall report to the County Superintendent the number and percentage of students who are chronically absent.

CalWORKS or probation referrals may result in Juvenile Court action. CalWORKS benefits may be sanctioned if the student continues to have attendance problems. A parent who fails to meet his/her obligation may be guilty of an infraction and subject to prosecution. Complaints filed with the District Attorney may go to court and result in fines and court-ordered parent education/counseling programs. (Education Code §§48290, 48293)

Reporting requirements are summarized in California Code of Regulations, Title 5, Section 401(c) which states, "In all high schools (including junior high schools) except

continuation or adult schools and classes, and regional occupational centers and programs.....each teacher shall be required to submit to the principal, at least once each school day, a report of attendance for each period of the day in which he/she conducts classes, listing the names of all pupils absent in any period.”

Attendance is a priority of the Superintendent, the principal, and the entire district staff, as it undermines the expectations of both the District and the law that every effort be made to ensure the welfare and the education of each student. Students chronically absent or habitually truant, whether excused for illness or unexcused and truant, are entitled to a systematic and coordinated effort to correct the underlying problems and thus allow learning to go forward.