NEW

**Students** **BP 5113.1 (a)**

## CHRONIC ABSENCE AND TRUANCY

The Governing Board believes that excessive student absenteeism and tardiness, whether caused by excused or unexcused absences, may be an early warning sign of poor academic achievement and may put students at risk of dropping out of school. The Board desires to ensure that all students attend school in accordance with the state's compulsory education law and take full advantage of educational opportunities provided by the District.

*(cf. 5113 - Absences and Excuses)*

The Superintendent or designee shall establish a system to accurately track and monitor student attendance, including methods to identify students classified as chronic absentees and truants, as defined in law and administrative regulation.

To encourage school attendance, the Superintendent or designee shall develop strategies that focus on prevention and early intervention of attendance problems. Preventive strategies may include efforts to provide a safe and positive school environment, relevant and engaging learning experiences, and school activities that help develop students' feelings of connectedness with the schools. The Superintendent or designee also may provide incentives and rewards to recognize students who achieve excellent attendance or demonstrate significant improvement in attendance.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*
*(cf. 0450 - Comprehensive Safety Plan)*
*(cf. 5131 - Conduct)*
*(cf. 5145.3 - Nondiscrimination/Harassment)*

The Superintendent or designee shall work with students and parents/legal guardians to identify factors contributing to chronic absence and truancy. Based on this needs assessment, he/she shall collaborate with community agencies, including, but not limited to, child welfare services, law enforcement, courts, and/or public health care agencies, to ensure that alternative educational programs and nutrition, health care, and other support services are available for students and families and to intervene as necessary when students have serious attendance problems.

*(cf. 1020 - Youth Services)*
*(cf. 3550 - Food Service/Child Nutrition Program)*
*(cf. 5030 - Student Wellness)*
*(cf. 5146 - Married/Pregnant/Parenting Students)*
*(cf. 6158 - Independent Study)*

## CHRONIC ABSENCE AND TRUANCY

*(cf. 6164.5 - Student Study Teams)*
*(cf. 6173 - Education for Homeless Children)*
*(cf. 6173.1 - Education for Foster Youth)*
*(cf. 6184 - Continuation Education)*

As required by law, habitually truant students shall be referred to a school attendance review board (SARB), a truancy mediation program operated by the county's district attorney or probation officer, and/or a juvenile court.

The Superintendent or designee shall regularly analyze data on student absences to identify patterns of absence districtwide and by school, grade level, and student population. Such data shall be used to identify common barriers to attendance, prioritize resources for intervention, and monitor progress over time. The Superintendent or designee shall periodically report this information to the Board for purposes of evaluating the effectiveness of strategies implemented to reduce chronic absence and truancy and making changes as needed. As appropriate, the Superintendent or designee also shall provide this information to key school staff and community agency partners to engage them in program evaluation and improvement.

### School Attendance Review Board

The Board shall appoint members of the District's SARB, who may include, but need not be limited to, a parent/legal guardian as well as representatives of the District, county probation department, county welfare department, county office of education, law enforcement agencies, community-based youth service centers, school guidance personnel, child welfare and attendance personnel, and school or county health care personnel. (Education Code 48321)

The District's SARB shall operate in accordance with Education Code 48320-48325 and procedures established by the Superintendent or designee.

*Legal Reference: (see next page)*

## CHRONIC ABSENCE AND TRUANCY

*Legal Reference:*
*EDUCATION CODE*
*1740 Employment of personnel to supervise attendance (county superintendent)*
*37223 Weekend classes*
*41601 Reports of average daily attendance*
*46000 Records (attendance)*
*46010-46014 Absences*
*46110-46119 Attendance in kindergarten and elementary schools*
*46140-46147 Attendance in junior high and high schools*
*48200-48208 Children ages 6-18 (compulsory full-time attendance)*
*48240-48246 Supervisors of attendance*
*48260-48273 Truants*
*48290-48296 Failure to comply; complaints against parents*
*48320-48325 School attendance review boards*
*48340-48341 Improvement of student attendance*
*48400-48403 Compulsory continuation education*
*49067 Unexcused absences as cause of failing grade*
*60901 Chronic absence*
*GOVERNMENT CODE*
*54950-54963 The Ralph M. Brown Act*
*PENAL CODE*
*270.1 Chronic truancy; parent/guardian misdemeanor*
*272 Parent/guardian duty to supervise and control minor child; criminal liability for truancy*
*830.1 Peace officers*
*VEHICLE CODE*
*13202.7 Driving privileges; minors; suspension or delay for habitual truancy*
*WELFARE AND INSTITUTIONS CODE*
*601-601.4 Habitually truant minors*
*11253.5 Compulsory school attendance*
*CODE OF REGULATIONS, TITLE 5*
*306 Explanation of absence*
*420-421 Record of verification of absence due to illness and other causes*
*Management Resources:*
*CSBA PUBLICATIONS*
*Improving Student Achievement by Addressing Chronic Absence, Policy Brief, December 2010*
*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*
*School Attendance Review Board Handbook, 2009*
*School Attendance Improvement Handbook, 2000*
*WEB SITES*
*CSBA: http://www.csba.org*
*Attendance Counts: http://www.attendancecounts.org*
*California Association of Supervisors of Child Welfare and Attendance: http://www.cascwa.org*
*California Department of Education: http://www.cde.ca.gov*

**CHRONIC ABSENCE AND TRUANCY**

Chronic absentee means a student who is absent for any reason on 10 percent or more of the school days in the school year, when the total number of days the student is absent is divided by the total number of days the student is enrolled, exclusive of Saturdays and Sundays.

Truant means 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 means 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 means 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)

**Addressing Chronic Absence**

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

*(cf. 6020 - Parent Involvement)*

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 him/her.

*(cf. 5146 - Married/Pregnant/Parenting Students)*
*(cf. 6164.5 - Student Study Teams)*
*(cf. 6173 - Education for Homeless Children)*
*(cf. 6173.1 - Education for Foster Youth)*

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

*(cf. 6158 - Independent Study)*
*(cf. 6184 - Continuation Education)*

Whenever chronic absenteeism is linked to a nonschool condition, the Site/District Administrator or designee may recommend community resources and/or collaborate with community agencies and organizations to address the needs of the student and his/her family.

*(cf. 1020 - Youth Services)*
*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

### Addressing Truancy

A Site/District Administrator or designee, peace officer or probation officer 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)

The Site/District Administrator or designee shall investigate a complaint from any person that a parent/legal guardian has violated the state compulsory education laws contained in Education Code 48200-48341. (Education Code 48290)

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

1. Initial truancy

a. A student who is initially classified as truant shall be reported to the Site/District Administrator or designee. (Education Code 48260)

b. The student's parent/legal guardian shall be notified in writing and by the most cost-effective method possible, which may include email or a telephone call, that: (Education Code 48260.5)

**CHRONIC ABSENCE AND TRUANCY**

(1) The student is truant.

(2) The parent/legal guardian is obligated to compel the student to attend school. If the parent/legal 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.

(3) Alternative educational programs are available in the district.

(4) The parent/legal guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy.

(5) The student may be subject to arrest or held in temporary custody by a probation officer, a peace officer, a school administrator or his/her designee under Education Code 48264 if found away from home and absent from school without a valid excuse.

(6) The student may be subject to suspension, restriction, or delay of his/her driving privilege pursuant to Vehicle Code 13202.7.

(7) It is recommended that the parent/legal guardian accompany the student to school and attend classes with the student for one day.

*(cf. 5145.6 - Parental Notifications)*

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)

*(cf. 5125 - Student Records)*

e. The Site/District Administrator 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/legal guardians. (Education Code 48260.6)

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2. Second truancy

a. Any student who has once been reported as a truant shall again be reported to the Site/District Administrator 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 makeup 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. An appropriate district staff member shall make a conscientious effort to hold at least one conference with the student and parent/legal guardian by communicating with the parent/legal guardian at least once using the most cost-effective method possible, which may include email or a telephone call. (Education Code 48262)

e. The Site/District Administrator or designee may notify the district attorney and/or probation officer whether the student continues to be classified as a truant after the parents/legal guardians have been notified in accordance with item #1b above. (Education Code 48260.6)

3. Third truancy (habitual truancy)

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 review board (SARB) program, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the district's Site/District Administrator or designee. (Education Code 48263, 48264.5)

b. Upon making a referral to the SARB or the probation department, the Site/District Administrator or designee shall provide the student and parent/legal guardian, in writing, the name and address of the SARB or probation department and the reason for the referral. This notice shall indicate that the student and parent/legal guardian shall be required, along with the district staff person making the referral, to meet with the SARB 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 #4 below. (Education Code 48264.5)

d. If the Site/District determines that available community services cannot resolve the problem of the truant or insubordinate student or if the student and/or student's parents/legal guardians have failed to respond to the directives of the district or to services provided, the Site/District Administrator or designee may so notify the district attorney and/or the probation officer. (Education Code 48263)

4. Fourth truancy

a. 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. If a student has been adjudged by the county juvenile court to be a habitual truant, the Site/District Administrator or designee shall notify 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)

5. Absence for 10 percent of school days (chronic truancy)

a. The Site/District Administrator or designee shall ensure that the student's parents/legal guardians are offered language-accessible support services to address the student's truancy.

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b. If a chronically truant student is at least age 6 years and is in any of grades K-8, the Site/District Administrator or designee shall notify the parents/legal guardians that failure to reasonably supervise and encourage the student's school attendance may result in the parent/legal guardian being found guilty of a misdemeanor pursuant to Penal Code 270.1.

Records

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