

## CHRONIC ABSENCE AND TRUANCY

### Definitions

*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 and school was actually taught in the regular day schools of the district, 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.

*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.

*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)

For purposes of classifying a student as truant, *valid excuse* includes, but is not limited to, the reasons for which a student shall be excused from school pursuant to Education Code 48205 and 48225.5. A valid excuse also may include other reasons that are within the discretion of school administrators and, based on the facts of the student's circumstances, are deemed to constitute a valid excuse. (Education Code 48260)

### Addressing Chronic Absence

When a student is identified as a chronic absentee, the school administrator 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 success 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.

### Addressing Truancy

A school administrator or designee, peace officer, probation 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.

**CHRONIC ABSENCE AND TRUANCY** (continued)

The school administrator or designee shall investigate a complaint from any person that a parent/guardian has violated the state compulsory education laws contained in Education Code 48200-48341.

When 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
  - a. A student who is initially classified as truant shall be reported to the site administrator or designee.
  - 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:
    - (1) The student is truant.
    - (2) The parent/guardian is obligated to compel the student to attend school. 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.
    - (3) Alternative educational programs are available in the district.
    - (4) The parent/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 attendance supervisor 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/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

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- 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.
  - e. The site 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/guardians.
2. Second truancy
- a. Any student who has once been reported as a truant shall again be reported to the site 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.
  - 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.
  - d. 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.
  - e. The site 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/guardians have been notified in accordance with item #1b above.
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 Director of Pupil Services or designee.

**CHRONIC ABSENCE AND TRUANCY (continued)**

- b. Upon making a referral to the SARB or the probation department, the Director of Pupil Services or designee shall provide the student and parent/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/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.
        - 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.
        - d. If the Director of Pupil Services 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 Director of Pupil Services or designee may so notify the district attorney and/or the probation officer.
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.
  - b. If a student has been adjudged by the county juvenile court to be a habitual truant, the Director of Pupil Services 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.
5. Absence for 10 percent of school days (chronic truancy)
  - a. The Director of Pupil Services or designee shall ensure that the student's parents/guardians are offered language-accessible support services to address the student's truancy.
  - b. If a chronically truant student is at least age 6 years and is in any of grades K-8, the Director of Pupil Services or designee shall notify the parents/guardians that failure to reasonably supervise and encourage the student's school attendance may result in the parent/guardian being found guilty of a misdemeanor pursuant to Penal Code 270.1.

**CHRONIC ABSENCE AND TRUANCY** (continued)**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/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 SARB and of requests for petitions made to the juvenile court.

*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*

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**EVERGREEN SCHOOL DISTRICT**  
 San Jose, California