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## CLASSROOM-BASED ATTENDANCE POLICY

It is the intent of the Board of Directors (“Board”) of BIRMINGHAM COMMUNITY CHARTER HIGH SCHOOL (“BCCHS” or the “Charter School”) to ensure that students attend school every day on time. Consistent school attendance is critical to school success. Being present for classroom instructional time is essential for students to reach their goals and achieve their dreams. Chronic absenteeism has been linked to an increased likelihood of poor academic performance, disengagement from school, and behavior problems.

### **Definitions**

- “*Tardy*”: Birmingham Community Charter High School starts at 8:30 A.M. Students shall be classified as tardy if the student arrives after that time or after the start of any instructional period.
- “*Unexcused Absence*”: A student shall have an unexcused absence if the student is absent or is tardy for more than thirty (30) minutes without a valid excuse.
- “*Truant*”: A student shall be classified as a truant if the student is absent from school without a valid excuse three (3) full days in one school year, or if the student is tardy or absent for more than any 30-minute period during the school day without a valid excuse on three (3) occasions in one school year, or any combination thereof. Any student who has once been reported as a truant and who is again absent from school without valid excuse one or more days, or tardy on one or more days, shall again be deemed a truant. Such students shall be reported to the CEO/Principal or designee.
- “*Habitual Truant*”: A student shall be classified as a habitual truant if the student is reported for truancy three (3) or more times within the same school year. This generally occurs when the student is absent from school without a valid excuse for five (5) full days in one school year or if the student is tardy or absent for more than any 30-minute period during the school day without a valid excuse on five (5) occasions in one school year, or any combination thereof.
- “*Chronic Truant*”: A student shall be classified as a chronic truant if the student is absent from school without a valid excuse for ten (10) percent or more of the school days in one school year, from the date of enrollment to the current date.
- “*School Attendance Review Team (“SART”)*”: The SART panel will be composed of one Administrative Director, the Attendance Counselor, one Academic Counselor, one Psychological Social Worker, and the school nurse. The SART panel will discuss the absence problem with the student’s parent/guardian to work on solutions, develop strategies, discuss appropriate support services for the student and student’s family, and establish a plan to resolve the attendance issue.
  1. The SART panel shall direct the parent/guardian that no further unexcused absences or tardies can be tolerated.

2. The parent/guardian shall be required to sign a contract formalizing the agreement by the parent/guardian to improve the child's attendance or face additional administrative action. The contract will identify the corrective actions required in the future, and indicate that the SART panel shall have the authority to order one or more of the following consequences for non-compliance with the terms of the contract:

- a. Parent/guardian to attend school with the child for one day
- b. After-school detention program
- c. School counseling
- d. Loss of field trip privileges
- e. Loss of school event privileges
- f. Required remediation plan as set by the SART
- g. Notification to the County District Attorney

3. Notice of action recommended by the SART will be provided in writing to the parent/guardian.

### **Excused Absences for Classroom Based Attendance**

Absence from school shall be excused only for health reasons, family emergencies, and justifiable personal reasons, as required by law or permitted under this Attendance Policy.

A student's absence shall be excused for the following reasons:

1. Personal illness, including an absence for the benefit of the pupil's mental or behavioral health.
2. Quarantine under the direction of a county or city health officer.
3. Medical, dental, optometric, or chiropractic appointments:
  - a. Students in grades 9-12, inclusive, may be excused from school for the purpose of obtaining confidential medical services without the consent of the student's parent or guardian.
4. For the purpose of attending the funeral services or grieving the death of either a member of the pupil's immediate family, or of a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, so long as the absence is not more than five (5) days per incident. "Immediate family" means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.
5. For any of the following reasons, if an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, has died:

- a. To access services from a victim services organization or agency.
- b. To access grief support services.
- c. To participate in safety planning or to take other actions to increase the safety of the pupil or an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, including, but not limited to, temporary or permanent relocation.

Absences under this section shall not be excused for more than three (3) days per incident, unless extended on a case-by-case basis at the discretion of the school administrator. "Immediate family" means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.

6. Participation in religious instruction or exercises as follows:
  - a. The student shall be excused for this purpose on no more than four (4) school days per month.
7. For the purposes of jury duty in the manner provided for by law.
8. Due to illness or medical appointment during school hours of a child of whom the student is the custodial parent, including absences to care for a sick child. (The school does not require a note from the doctor for this excusal).
9. To permit the student to spend time with an immediate family member who is an active-duty member of the uniformed services, as defined in Education Code section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of Birmingham Community Charter High School.
10. For the purpose of serving as a member of a precinct board for an election pursuant to Election Code section 12302.
11. Attendance at the student's naturalization ceremony to become a United States citizen.
12. Authorized parental leave for a pregnant or parenting student for up to eight (8) weeks, which may be extended if deemed medically necessary by the student's physician.
13. Authorized at the discretion of the CEO/Principal or designee, based on the facts of the student's circumstances, are deemed to constitute a valid excuse.
14. A student who holds a work permit to work for a period of not more than five (5) consecutive days in the entertainment or allied industries shall be excused from school during the

period that the student is working in the entertainment or allied industry for a maximum of up to five (5) absences per school year subject to the requirements of Education Code section 48225.5.

15. In order to participate with a not-for-profit performing arts organization in a performance for a public-school student audience for a maximum of up to five (5) days per school year provided the student's parent or guardian provides a written note to the school authorities explaining the reason for the student's absence.

16. For the purpose of participating in a cultural ceremony or event. "Cultural" for these purposes, means relating to the habits, practices, beliefs, and traditions of a certain group of people.

17. For the purpose of a middle or high school pupil engaging in a civic or political event as indicated below, provided that the pupil notifies the school ahead of the absence. A "civic or political event" includes, but is not limited to, voting, poll working, strikes, public commenting, candidate speeches, political or civic forums, and town halls.

a. A middle school or high school pupil who is absent pursuant to this provision is required to be excused for only one schoolday-long absence per school year.

b. A middle school or high school pupil who is absent pursuant to this provision may be permitted additional excused absences at the discretion of a school administrator.

18. For the following justifiable personal reasons for a maximum of five (5) school days per school year (unless otherwise indicated), upon advance written request by the student's parent or guardian and approval by the CEO/Principal or designee pursuant to uniform standards:

a. Appearance in court.

b. Observance of a holiday or ceremony of the pupil's religion.

c. Attendance at religious retreats (not to exceed one school day per semester).

d. Attendance at an employment conference.

e. Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization.

A student who is absent due to an excused absence will be allowed to complete all assignments and tests missed during the excused absence that can be reasonably provided and will receive full credit upon satisfactory completion within a reasonable period of time. The teacher of the class from which a student is absent shall determine which tests and assignments are reasonably equivalent to, but not necessarily identical to, the tests and assignments that the student missed during the excused absence.

### **Method of Verification**

When a student who has been absent returns to school, the student must present a satisfactory explanation verifying the reason for the absence. The following methods may be used to verify student absences:

1. A signed, written note from the student's parent/guardian or parent representative. The signed, written note must be submitted to the student's Grade Program Office Assistant in person inside the Counseling Center or via Parent Square.
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following in Aeries:
  - a. Name of student;
  - b. Name of parent/guardian or parent representative;
  - c. Name of verifying employee;
  - d. Date or dates of absence; and
  - e. Reason for absence.
3. Visit the student's home by the verifying employee, or any other reasonable method, which establishes the fact that the student was absent for the reasons stated. A written recording shall be made, including the information outlined above.
4. Healthcare provider verification:
  - a. When excusing students for confidential medical services or verifying such appointments, Charter School staff shall not ask the purpose of such appointments but may contact a medical office to confirm the time of the appointment.
  - b. A healthcare provider's note of illness will be accepted for any reported absence. When a student has had fourteen (14) absences in the school year for illness verified by methods listed in #1-#3 above without a healthcare provider's note, any further absences for illness must be verified by a healthcare provider.

Insofar as class participation is an integral part of students' learning experiences, parents/guardians and students shall be encouraged to schedule medical appointments during non-school hours.

Students should not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency.

### **Unexcused Absences/Truancy for Classroom-Based Attendance**

The CEO/Principal, or designee, shall implement positive steps to reduce truancy, including working with the family in an attempt to resolve the attendance problem. A student's progress and learning may be affected by excessive unexcused absences. In addition, Birmingham Community Charter High School is fiscally dependent on student attendance and is negatively impacted by excessive unexcused absences. If all attempts to resolve the student's attendance problem are unsuccessful, Birmingham Community Charter High School will implement the processes described below.

### **Process for Addressing Truancy**

1. Each of the first two (2) unexcused absences or unexcused tardies over 30 minutes will result in a call home to the parent/guardian by the CEO/Principal or designee. The student's classroom teacher may also call home.
2. Each of the third (3<sup>rd</sup>) and fourth (4<sup>th</sup>) unexcused absences or unexcused tardies over 30 minutes, the parent/guardian will receive an email and a Parent Square notification of the unexcused absence or unexcused tardy over 30 minutes.
3. Each of the fifth (5<sup>th</sup>) and sixth (6<sup>th</sup>) unexcused absences or unexcused tardies over 30 minutes will result in a call home to the parent/guardian by the CEO/Principal or designee. In addition, the student's classroom teacher may also call home and/or the Birmingham Community Charter High School may send the parent an e-mail notification. In addition, upon reaching the sixth (6) unexcused absences or unexcused tardies over 30 minutes in a school year, the parent/guardian will receive "**Truancy Letter #1 – Truancy Classification Notice**" from Birmingham Community Charter High School notifying the parent/guardian of the student's "Truant" status. This letter must be signed by the parent/guardian and returned to Birmingham Community Charter High School. This letter shall also be accompanied by a copy of this Attendance Policy. This letter, and all subsequent letter(s) sent home, shall be sent by Certified Mail, return receipt requested, or some other form of mail that can be tracked. This letter shall be re-sent after a seventh (7<sup>th</sup>) unexcused absence.
4. Upon reaching seven (7) unexcused absences or unexcused tardies over 30 minutes, the parent/guardian will receive "**Truancy Letter #2 – Habitual Truant Classification Notice and Conference Request**," notifying the parent/guardian of the student's "Habitual Truant" status and a parent/guardian conference will be scheduled to review the student's records and develop an intervention plan/contract. In addition, Birmingham Community Charter High School will consult with a school counselor regarding the appropriateness of a home visitation and/or case management.
5. Upon reaching eight (8) unexcused absences or unexcused tardies over 30 minutes, the parent/guardian will receive a "**Truancy Letter #3 – Referral to SART Meeting**" and the student will be referred to a Student Success Team (SST) and the SART.
6. If the conditions of the SART contract are not met, the student may incur additional administrative action up to and including disenrollment from Birmingham Community Charter High School, consistent with the Involuntary Removal Process described below.
7. If a student is absent ten (10) or more consecutive school days without valid excuse and the student's parent/guardian cannot be reached at the number or address provided in the registration packet and does not otherwise respond to Birmingham Community Charter High School's communication attempts, as set forth above, the student will be in violation of this Policy and the SART contract (if any) and may be subject to disenrollment in compliance with the Involuntary Removal Process described below. If the student is disenrolled after the Involuntary

Removal Process has been followed, notification will be sent within thirty (30) days to the student's last known school district of residence.

8. For all communications set forth in this process, BCCHS will use the contact information provided by the parent/guardian in the registration packet. It is the parent's or guardian's responsibility to update BCCHS with any new contact information.

### **Involuntary Removal Process**

No student shall be involuntarily removed by Birmingham Community Charter High School for any reason unless the parent or guardian of the student has been provided written notice of the Charter School's intent to remove the student ("Involuntary Removal Notice"). The Involuntary Removal Notice must be provided to the parent or guardian no less than five (5) schooldays before the effective date of the proposed disenrollment date.

The written notice shall be in the native language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder. The Involuntary Removal Notice shall include:

1. The charges against the student
2. An explanation of the student's basic rights including the right to request a hearing before the effective date of the action
3. The CDE Enrollment Complaint Notice and Form

The hearing shall be consistent with the BCCHS's expulsion procedures. If the student's parent, guardian, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be removed until BCCHS issues a final decision. As used herein, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions or expulsions pursuant to BCCHS's suspension and expulsion policy.

Upon a parent's or guardian's request for a hearing, the Birmingham Community Charter High School will provide notice of hearing consistent with its expulsion hearing process, through which the student has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the student has the right to bring legal counsel or an advocate. The notice of hearing shall be in the native language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder and shall include a copy of the Charter School's expulsion hearing process.

If the parent/guardian is nonresponsive to the Involuntary Removal Notice, the student will be disenrolled as of the effective date set forth in the Involuntary Removal Notice. If a parent/guardian requests a hearing and does not attend on the date scheduled for the hearing, the student will be disenrolled effective the date of the hearing.

If as a result of the hearing the student is disenrolled, notice will be sent to the student's last known school district of residence within thirty (30) calendar days.

A hearing decision not to disenroll the student does not prevent Birmingham Community Charter High School from making a similar recommendation in the future should student truancy continue or re-occur.

### **Referral to Appropriate Agencies or County District Attorney**

It is Birmingham Community Charter High School's intent to identify and remove all barriers to the student's success, and BCCHS will explore every possible option to address student attendance issues with the family. For any unexcused absence, the Charter School may refer the family to appropriate school-based and/or social service agencies.

If a student's attendance does not improve after a SART contract has been developed according to the procedures above, or if the parents/guardians fail to attend a required SART meeting, the Charter School shall notify the County District Attorney's office, which then may refer the matter for prosecution through the court system. Students twelve (12) years of age and older may be referred to the juvenile court for adjudication.

### **Non-Discrimination**

These policies will be enforced fairly, uniformly, and consistently without regard to the characteristics listed in Education Code section 220 (actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Penal Code section 422.55, including immigration status, pregnancy, or association with an individual who has any of the aforementioned characteristics).

### **Reports**

The CEO/Principal, or designee, shall gather and report annually to the Board the number of absences both excused and unexcused as well as students who are truant, and the steps taken to remedy the problem.