

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 so arresting or assuming temporary custody shall deliver the student and make reports in accordance with Education Code 48265 and 48266. (Education Code 48264)

(cf. 3515.3 - District Police/Security Department)
(cf. 5113 - Absences and Excuses)

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 Governing Board or district attendance supervisor shall make a full and impartial investigation of all charges. If it appears upon investigation that the parent/guardian has violated these laws, the Superintendent or designee shall refer such parent/guardian to the school attendance review board. (Education Code 48290, 48291, 48292)

The principal or designee shall report truants in writing to the parent/guardian and to the Director of Attendance and Due Process. A truant is defined in Education Code 48260, as any student who has been absent from school without valid excuse three full days in any one school year or tardy or absent for more than any 30 minute period during the full day without a valid excuse on three occasions in one school year, or any combination thereof. Any student is deemed a habitual truant who has been reported as a truant three or more times.

Director of Attendance and Due Process shall take the necessary action to enforce the compulsory attendance laws.

Students shall be classified as truant if absent from school without a valid excuse three full days in any one school year, each day being a truancy event or tardy, or absent for more than any 30 minute period during the full day without a valid excuse on three occasions in one school year, each absence or tardy being a truancy event or any combination thereof. Students with three truancy events in one school year shall be reported to the Superintendent or designee. (Education Code 48260)

Parent Notification of Truancy, Repeat Truancy, Habitual Truancy, and Irregular Attendance

1. First Notice - Truancy

Upon a student's initial classification as a truant, the school shall notify the student's parent/guardian by first class mail, of the following (notification to be sent at the time of the third event): (Education Code 48260.5)

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- a. The student is truant.
- b. The parent/guardian is obligated to compel the student to attend school.
- c. The parent/guardian who fails to meet this obligation may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code 48290-48296.
- d. Alternative educational programs are available in the district.

(cf. 6181 - Alternative Schools)

(cf. 6184 - Continuation Education)

- e. The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy.
- f. The student may be subject to arrest by a probation officer, a peace officer, a school administrator, an attendance supervisor or his/her designee under Education Code 48264 if found away from home and absent from school without a valid excuse.
- g. The student may be subject to suspension, restriction, or delay of his/her driving privilege pursuant to Vehicle Code 13202.7.
- h. It is recommended that the parent/guardian accompany the student to school and attend classes with the student for one day.

(cf. 5145.6 - Parental Notifications)

Upon his/her first truancy, a 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)

Beginning with a student's first truancy, the student may be required to attend makeup classes on one day of a weekend for each truancy event pursuant to Education Code 37223. (Education Code 48264.5)

2. Second Notice - Repeat Truancy

Upon a student's classification as a repeat truant, the school shall notify the student's parent/guardian of the repeat truancy classification, by first class mail (notification to be sent at the time of the fourth truant event.)

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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)

Upon his/her second truancy within the same school year, a student may be assigned to an after-school or weekend study program. If the student fails to successfully complete this study program, he/she shall be subject to classification as a habitual truant. (Education Code 48264.5)

(cf. 6176 - Weekend/Saturday Classes)

3. Third Notice - Habitual Truancy and Schedule of School Site Intervention Meeting

Upon his/her third truancy event within the same school year, a student may be classified as a habitual truant. (Education Code 48262, 48264.5)

In addition, an appropriate district staff member shall make every effort to hold at least one conference with the student and parent/guardian and may discuss resources available for achieving regular school attendance.

(cf. 1020 - Youth Services)

(cf. 1400 - Relations between Other Governmental Agencies and the Schools)

(cf. 6158 - Independent Study)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

(cf. 6178.1 - Work Experience Education)

4. Referral to Student Attendance Review Board

Upon a student's classification as a habitual truant, the school/district shall notify the student's parent/guardian of the habitual truancy classification, by first class mail (notification to be sent at the time of the fifth truant occasion.) The school/district shall schedule a school attendance review team to create a comprehensive action plan for family interventions.

Students who are habitual truants, 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, 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)

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Upon making a referral to a school attendance review board or the probation department, the Superintendent or designee shall provide the student and parent/guardian, in writing, the name and address of the school attendance review board 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 school attendance review board or probation officer to consider a proper disposition of the referral. (Education Code 48263)

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)

Pursuant to Education Code 48263, the SARB or probation officer may direct a student and/or the student's parents/guardians to make use of available community services and may require satisfactory evidence of participation. If the SARB or probation officer determines that available community resources cannot resolve the problem, or if the student and/or parents/guardians have failed to respond to the directives of the SARB or probation officer, the county's probation officer or district attorney participating in a truancy mediation program may be notified. If neither the probation officer nor district attorney participates in a truancy mediation program, the SARB or probation officer may request the County Superintendent of Schools to petition the county's juvenile court for proper disposition of the case.

5. After Violation of SARB Order

If the school and/or guardian violate the SARB order or truancy persists, the student shall be within the jurisdiction of the juvenile court. (Education Code 48264.5; Welfare and Institutions Code 601)

Pursuant to Education Code 48264.5 and Welfare and Institutions Code 601, a student coming within the jurisdiction of the juvenile court may be adjudged a ward of the court. The student may be required, under Education Code 48264.5, to perform community service, pay a fine, attend a truancy prevention program, and/or lose driving privileges.

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 that student is truant one or more days 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 so notified within 10 days of the violation. (Education Code 48267)

TRUANCY (continued)

Reports

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