

OFFICE OF THE SOLANO COUNTY SUPERINTENDENT OF SCHOOLS

Series 5000 – STUDENTS

Policy 5113.1

Truancy

To improve student attendance, the Solano County Office of Education (SCOE) shall implement positive steps to identify the reasons for a student's unexcused absences and to help resolve the problems caused by truancy. Such strategies shall focus on early intervention and may include, but not be limited to, communication with parents/guardians and the use of student study teams.

In addition, the County Superintendent or designee shall cooperate with other agencies within the community to meet the needs of students who have serious school attendance or behavior problems and to maintain a continuing inventory of community resources, including alternative programs.

Habitually truant students may be referred to a school attendance review board, a truancy mediation program operated by the county's district attorney or probation officer, and/or juvenile court in accordance with law.

For purposes of California's welfare system (CalWORKS), a student shall be determined to be regularly attending school unless s/he has been referred to the county district attorney or probation office pursuant to Education Code 48263.

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)

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 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 48290-48292)

Strategies for Addressing Truancy

The following steps shall be implemented based on the number of trancies committed by the student:

1. Students shall be classified as truant if 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. Such students shall be reported to the Superintendent or designee.

The parent/guardian of a student classified as a truant shall be notified of the following: (Education Code 48260.5)

- 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.
- e. The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy.

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- 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.

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)

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)

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

- 2. Any student who has once been reported as a truant shall again be reported to the Superintendent or designee as a truant if s/he 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 within the county. If the student fails to successfully complete this study program, s/he shall be subject to item #3 below. (Education Code 48264.5)

In addition, an appropriate SCOE 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.

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 have been notified in accordance with #1a-h above. (Education Code 48260.6)

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

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 SCOE's attendance supervisor. (Education Code 48263, 48264.5)

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 SCOE 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, s/he shall be subject to item #4 below. (Education Code 48264.5)

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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 SCOE or to services provided, the Superintendent or designee may so notify the county district attorney and/or the probation officer, if the district attorney or probation officer has elected to participate in a truancy mediation program. (Education Code 48263)

4. 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)

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)

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
- 48320-48324 School attendance review boards
- 48340-48341 Improvement of student attendance
- 49067 Unexcused absences as cause of failing grade

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

ATTORNEY GENERAL OPINIONS

- 66 Ops.Cal.Atty.Gen. 245, 249 (1983)

Policy Cross-Reference:

- 1020 Youth Services
- 1400 Relations Between Other Governmental Agencies and the Schools
- 3515.3 School Police/Security Department

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Policy Cross-Reference: (Continued)

- 5113 Absences and Excuses
- 5125 Student Records
- 5145.6 Parental Notifications
- 5147 Dropout Prevention
- 5149 At-Risk Students
- 6158 Independent Study
- 6164.2 Guidance/Counseling Services
- 6164.5 Student Success Teams
- 6176 Weekend/Saturday Classes
- 6178.1 Work Experience Education
- 6181 Alternative Schools
- 6184 Continuation Education