

ORANGE COUNTY DEPARTMENT OF EDUCATION  
Costa Mesa, California

SUPERINTENDENT'S POLICY PROCEDURE

100-16

**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 schools of the Orange County Department of Education, exclusive of Saturdays and Sundays.

Truant means a student who:

1. is absent from school without a valid excuse three full days in one school year; or
2. is 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
3. has a combination of tardies or unexcused absences on three occasions in one school year.

Habitual truant means a student who has been reported as a truant three or more times within the same school year, provided the Orange County Department of Education 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 Orange County Department of Education has met the requirements of Education Code 48260-48263 and 48291.

For purposes of classifying a student as a 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.

*Attendance Supervisor(s)*

The Superintendent or designee shall appoint or contract with a supervisor of attendance and

assistant supervisors as necessary to supervise the attendance of Orange County Department of Education students. Such supervisors shall perform duties related to compulsory full-time education, truancy, compulsory continuation education, work permits, and any additional duties prescribed by the Superintendent.

### *Addressing Chronic Absence*

When a student is identified as a chronic absentee, the attendance supervisor shall communicate with the student and his/her parents/guardians to determine the reason(s) for the excessive absences, ensure the student and parents/guardians 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 his/her needs and identifying strategies and programs to assist him/her.

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

Whenever chronic absenteeism is linked to a health issue or nonschool condition, the attendance supervisor may recommend school or community resources and/or collaborate with community agencies and organizations to address the needs of the student and his/her family.

### *Addressing Truancy*

An attendance supervisor or designee, peace officer, probation officer, or school administrator or designee may, as applicable, 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.

The attendance supervisor 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. The student shall be reported to the attendance supervisor.
  - 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 Orange County Department of Education.
  - 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.
  - d. The student and, as appropriate, his/her parent/guardian may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the student's attendance.
  - e. The attendance supervisor may notify the district attorney and/or probation officer of the student's name and the name and address of his/her parents/guardians.
2. Second truancy
    - a. Any student who has once been reported as a truant shall again be reported to the attendance supervisor as a truant if he/she is absent from school without a valid excuse one or more days or is tardy on one or more days during the school year.
    - b. The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223.

- 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 Orange County Department of Education staff member shall make a conscientious effort to hold at least one conference with the student and his/her 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 student may be given a written warning by a peace officer. A record of that warning may be kept at the 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.
  - f. The attendance supervisor may notify the district attorney and/or probation officer when 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 Orange County Department of Education's attendance supervisor.
  - b. Upon making a referral to the SARB or the probation department, the attendance supervisor 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 Orange County Department of Education 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 attendance supervisor determines that available community services cannot resolve the problem of the truant or insubordinate student or if the student and/or his/her parents/guardians have failed to respond to the directives of the Orange County Department of Education or to services provided, the attendance supervisor 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 may be referred to the jurisdiction of the juvenile court.
  - b. If a student has been adjudged by the county juvenile court to be a habitual truant, the attendance supervisor 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 attendance supervisor 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 attendance supervisor shall notify the student's 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.

#### *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 the number and types of referrals made to the SARB and of requests for petitions made to the juvenile court.