

# MODESTO CITY SCHOOLS

## Administrative Regulation

AR 5113.1

### STUDENTS

#### 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 district, exclusive of Saturdays and Sundays. (Education Code 60901)**

**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. (Education Code 48260)**

**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 after either of the two previous reports. (Education Code 48262, 48264.5)**

**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, 48260.5, 48261, 48262, 48263, and 48291. (Education Code 48263.6)**

→ **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 and AR 5113 Absences and Excuses. A valid excuse 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)**

*(cf. 5113 - Absences and Excuses) (N/A)*  
*(cf. 5113.2 - Work Permits)*

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**Addressing Chronic Absence**

→ When a student is identified as a chronic absentee, the Superintendent, attendance supervisor, or designee shall communicate with the student and **his/her** student's 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.

*(cf. 5113.11 - Attendance Supervision) (N/A)*  
*(cf. 6020 - Parent Involvement)*

→ 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** the student. When necessary, the student may be referred to 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 Superintendent or designee, in accordance with Education Code 48263 and item #3 in the section "Addressing Truancy" below.

*(cf. 5146 - Married/Pregnant/Parenting Students)*  
*(cf. 5147 - Dropout Prevention) (N/A)*  
*(cf. 6164.2 - Guidance/Counseling Services)*  
*(cf. 6164.5 - Student Success Teams) (N/A)*  
*(cf. 6173 - Education for Homeless Children)*  
*(cf. 6173.1 - Education for Foster Youth)*  
*(cf. 6173.2 - Education of Children of Military Families) (N/A)*  
*(cf. 6175 - Migrant Education Program)*

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

*(cf. 6158 - Independent Study)*  
*(cf. 6176 - Weekend/Saturday Classes) (N/A)*  
*(cf. 6178.1 - Work-Based Learning) (N/A)*  
*(cf. 6179 - Supplemental Instruction)*  
*(cf. 6181 - Alternative Schools/Programs of Choice) (N/A)*  
*(cf. 6183 - Home and Hospital Instruction)*  
*(cf. 6184 - Continuation Education)*

Students who are absent shall be given an opportunity to make up missed assignments or assessments and shall receive full credit for satisfactory completion of the work. Students with excessive absences shall be supported to the extent possible to limit the impact of absences on the student's grades.

*(cf. 5121 - Grades/Evaluation of Student Achievement)*  
*(cf. 6158 - Independent Study)*  
*(cf. 6176 - Weekend/Saturday Classes) (N/A)*  
*(cf. 6178.1 - Work-Based Learning) (N/A)*  
*(cf. 6179 - Supplemental Instruction)*  
*(cf. 6181 - Alternative Schools/Programs of Choice) (N/A)*  
*(cf. 6183 - Home and Hospital Instruction)*  
*(cf. 6184 - Continuation Education)*

Whenever chronic absenteeism is linked to a health issue or nonschool condition, the Superintendent or designee 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.

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*  
*(N/A)*  
*(cf. 5141.6 - School Health Services)*

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

*(cf. 3515.3 - District Police/Security Department) (N/A)*

*(cf. 5113 - Absences and Excuses) (N/A)*

**The Superintendent, attendance supervisor, or designee shall**

**investigate** ~~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/designee shall refer such parent/guardian to the school attendance review board.~~ (Education Code 48290, **48291, 48292**)

Strategies for Addressing Truancy

**When a student has been identified as a truant as defined above,** The following steps shall be implemented based on the number of truanancies ~~he/she~~ **the student has** committed ~~by the student~~:

**1. Initial truancy**

**a. 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 (The student)~~ shall be reported to the Superintendent **or** designee. (Education Code 48260)

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→ b. The **student's** parent/guardian ~~of a student classified as a truant~~ shall be notified **by the most cost-effective method possible, which may include email or a telephone call, that of the following**: (Education code 48260.5)

(1) ~~a.~~ The student is truant.

(2) ~~b.~~ The parent/guardian is obligated to compel the student to attend school. **If**

~~e.~~ The parent/guardian ~~who~~ 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) ~~d.~~ Alternative educational programs are available in the district.

→ ~~(cf. 6174 - Alternative Education Programs)~~

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

(5) ~~f.~~ The student may be subject to arrest **or held in temporary custody** by a probation officer, a peace officer, a school administrator **or designee, or, an** attendance supervisor or ~~his/her~~ designee **pursuant to under** Education Code 48264 if found away from home and absent from school without a valid excuse.

(6) ~~g.~~ **If the student is at least 13 years of age but under age 18**, the student may be subject to suspension, restriction, or delay of ~~his/her~~ driving privilege pursuant to Vehicle Code 13202.7.

(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)*

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→ ~~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; Confidentiality)*

→ ~~c. 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)

→ ~~d. The student and, as appropriate, his/her the student's 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. (Education Code 48264.5)~~

~~e. The Superintendent, attendance supervisor, or designee may notify the district attorney and/or probation officer of the student's name and the name and address of his/her parents/guardians. (Education Code 48260.6)~~

2. **Second truancy**

→ 2. ~~a.~~ Any student who has once been reported as a truant shall again be reported to the Superintendent, **attendance supervisor, or** /designee as a truant if ~~he/she~~ **the student** is absent from school without **a** valid excuse one or more days or is tardy on one or more days **during the school year.** (Education Code 48261)

**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~~ ~~Upon his/her second truancy within the same school year, a~~ 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, **the student** ~~he/she~~ shall be subject to item #3 below. (Education Code 48264.5)

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→ d. ~~In addition,~~ An appropriate district staff member shall make a **conscientious every** effort to hold at least one conference with the student and ~~his/her the student's~~ parent/guardian ~~and may discuss resources available for achieving regular school attendance and~~ **by communicating with the parent/guardian at least once using the most cost-effective method possible, which include email or a telephone call.** (Education Code 48262)

→ ~~(cf. 6158 - Independent Study Program)~~  
~~(cf. 6164.2 - Guidance/Counseling Services)~~

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. (Education Code 48264.5)

→ f. ~~The Superintendent or designee may notify the district attorney and/or probation office when the student continues to be classified as a truant after the parents/guardians have been notified in accordance with item #1b above.~~ (Education Code ~~48260.6, 48262, 48264.5~~)

3. **Third truancy (habitual truancy)**

→ ~~3. Upon his/her third truancy within the district the same school year, a student shall be classified as a habitual truant.~~

→ a. A student ~~Students~~ who **is habitually truant, a chronic absentee** ~~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 **(SARB) program**, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the **Superintendent or designee.** ~~district's attendance supervisor.~~ (Education Code 48263, 48264.5) **(cf. 5113.12 - District School Attendance Review Board)**

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**b.** Upon making a referral to the SARB or the probation department, the Superintendent, attendance supervisor, or other person designated to make the referral shall provide the student, the student's parent/guardian, and SARB or probation department with documentation of the interventions undertaken at the school. The attendance supervisor or designee shall also provide the student and the student's 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 the student's 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. (Education Code 48263)

→ **c.** If the student does not successfully complete the truancy mediation program or other similar program, ~~he/she~~ **the student** shall be subject to item #4 below. (Education Code 48264.5)

→ **d.** 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 ~~his/her~~ **student's** parents/guardians have failed to respond to the directives of the district 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. Fourth truancy**

→ **a4.** Upon his/her fourth truancy within the same school year, the student **may** ~~shall~~ be **referred to within** the jurisdiction of the juvenile court. (Education Code 48264.5; Welfare and Institutions Code 601)

→ **b.** If a student has been **adjudged** ~~judged~~ by the county juvenile court to be a habitual truant, the Superintendent ~~or~~ /designee shall **notify** ~~inform~~ the juvenile court and the student's probation or parole officer whenever **the** ~~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)

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AR 5113.1 (h)

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- 5. **Chronic truancy (unexcused absence for 10 percent of school days)**
  - a. **The Superintendent 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 six years and is in any of grades K-8, the Superintendent or designee 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, attendance supervisor, or designee shall maintain accurate attendance records for students identified as habitual or chronic truants. In addition, the attendance supervisor, designee, and/or the staff persons who have direct contact with the student or parent/guardian shall document all their contacts regarding the student's attendance, including a summary of all conversations and a record of all intervention efforts.**

*(cf. 5125 - Student Records)*

**The Superintendent, attendance supervisor, 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. (Education Code 48273)**

Reports

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

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