

Regulation 5113.3: Truancy

Status: ADOPTED

Original Adopted Date: 05/09/01

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 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 person to the school attendance review board. (Education Code 48290, 48291, 48292)

Strategies for Addressing Truancy

The following steps shall be implemented based on the number of truantries 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. (Education Code 48260)

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 in the district.

(cf. 6182—Opportunity School/Class/Program)

(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.~~

~~{cf. 5125 – Student Records}~~

~~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, the name and address of the student's parents/guardians, and whether the student continues to be classified as a truant after the parents have been notified in accordance with #a-h above. (Education Code 48260.6)~~

~~2. 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 within the county. If the student fails to successfully complete this study program, he/she shall be subject to item #4 below. (Education Code 48264.5)~~

~~3. Upon a student's first or second truancy within the same school year, 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, which may include but not be limited to: a. Program changes.~~

~~b. Referral of family to community agency.~~

~~{cf. 1020 – Youth Services}~~

~~{cf. 1400 – Relations Between Other Governmental Agencies and the Schools}~~

~~c. Referral to school psychologist or student study team.~~

~~{cf. 6164.2 – Guidance/Counseling~~

~~Services) {cf. 6164.5 – Student Study~~

~~Teams}~~

~~d. Modified day.~~

~~e. Independent study. {cf. 6158 – Independent Study}~~

~~f. Special school projects, special programs.~~

~~g. School furlough.~~

~~h. Work-experience education.~~

~~i. Alternative education.~~

~~j. Referral for health checkup, medical examination.~~

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

(Education Code 48262)

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, an 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)

Upon making a referral to a school attendance review board or to 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 will 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 #5 below. (Education Code 48264.5)

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

5. 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; Welfare and Institutions Code 601)

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)

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)

Date WILLIAM S. HART UNION HIGH SCHOOL DISTRICT

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