

## VENTURA COUNTY BOARD OF EDUCATION

**ADMINISTRATIVE REGULATION NO. 5113.1**

**ADOPTED: 08/28/23**

**CLASSIFICATION: Students**

**SUBJECT: Chronic Absence and Truancy**

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### 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 Ventura County Office of Education (VCOE), exclusive of Saturdays and Sundays.

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.

Habitual truant means a student who has been reported as a truant three or more times within the same school year, provided VCOE has made a conscientious effort to hold at least one conference with the student and the student's parent/guardian after either of the two previous reports.

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 VCOE has met the requirements of Education Code 48260, 48260.5, 48261, 48262, 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 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.

### ADDRESSING CHRONIC ABSENCE

When a student is identified as a chronic absentee, the County Superintendent, attendance supervisor, or designee shall communicate with the student and the 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.

The student may be referred to a student success team or school-site attendance review team to assist in evaluating the student's needs and identifying strategies and programs to assist 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 County Superintendent or designee, in accordance with Education Code 48263 and item #3 in the section "Addressing Truancy" below.

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

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.

Whenever chronic absenteeism is linked to a health, social-emotional, family, or other nonschool issue, the County 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 the student's 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 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 County Superintendent, attendance supervisor, or designee 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 the student has committed:

1. Initial truancy
  - a. The student shall be reported to the County Superintendent, attendance supervisor, or designee.
  - 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:
    - i. The student is truant.
    - ii. The parent/guardian is obligated to compel the student to attend school and, if the parent/guardian fails to meet this obligation, the parent/guardian may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code 48290-48296.

- iii. Alternative educational programs are available in the county.
  - iv. The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy.
  - v. 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 attendance supervisor or designee pursuant to Education Code 48264 if found away from home and absent from school without a valid excuse.
  - vi. 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, 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.
  - e. The County 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 the student's parents/guardians.

## 2. Second truancy

- a. Any student who has once been reported as a truant shall again be reported to the County Superintendent, attendance supervisor, or designee as a truant if 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.
- 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, the student shall be subject to item #3 below.
- d. An appropriate staff member shall make a conscientious effort to hold at least one conference with the student and the student's 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 County Superintendent or designee 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, a chronic absentee, or habitually insubordinate or disorderly during attendance at school may be referred to, and required to attend, a SARB program, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the County Superintendent or designee.
  - b. Upon making a referral to the SARB or the probation department, the County 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 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, the student shall be subject to item #4 below.
  - d. If the County Superintendent or designee determines that available community services cannot resolve the problem of the truant or insubordinate student or if the student and/or the student's parents/guardians have failed to respond to the directives or to services provided, the County Superintendent or designee may so notify the district attorney and/or the probation officer.
4. Fourth truancy
- a. Upon the 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 County Superintendent or designee 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. Chronic truancy (unexcused absence for 10 percent of school days)
  - a. The County 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 County 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 County 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.

The attendance supervisor or designee shall gather and transmit to the County Superintendent the number and types of referrals made to the SARB and of requests for petitions made to the juvenile court.

## Legal Reference:

### EDUCATION CODE

1740	Employment of personnel to supervise attendance
37223	Weekend classes
46000	Attendance records
46010-46015	Absences
46110-46120	Attendance in kindergarten and elementary schools
46140-46148	Attendance in junior high and high schools
48200-48208	Children ages 6-18; compulsory full-time attendance
48225.5	Work permits; entertainment and allied industries
48240-48246	Supervisors of attendance
48260-48273	Truants

48290-48297	Failure to comply; complaints against parents
48320-48325	School attendance review boards
48340-48341	Improvement of student attendance
48400-48403	Compulsory continuation education
48900	Grounds for suspension or exp
49067	Unexcused absences as cause of failing grade
52052	Accountability; numerically significant student subgroups
60901	Chronic absence

#### GOVERNMENT CODE

54950-54963	The Ralph M. Brown Act
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#### PENAL CODE

270.1	Chronic truancy; parent/guardian misdemeanor
272	Parent/guardian duty to supervise and control minor child; criminal liability for truancy
830.1	Peace officers

#### WELFARE & INSTITUTIONS CODE

256-258	Juvenile hearing officer
601-601.5	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

#### COURT DECISION

L.A. v. Superior Court of San Diego County, (2012) 209 Cal.App.4th 976