

**ADMINISTRATIVE PROCEDURE**

CATEGORY: **Students, Absences and Excuses**

SUBJECT: **Truancy and Habitual Truancy**

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**A. PURPOSE AND SCOPE**

1. To outline administrative procedures governing cases of truancy and habitual truancy.
2. **Related Procedures:**

Exemptions from compulsory full-time and continuation education .....	6185
Transfer and withdrawal, K-6 .....	6145
Attendance accounting, K-12 .....	6166

**B. LEGAL AND POLICY BASIS**

1. **Reference:** Board policy: H-3000, H-3500; Education Code Sections 48200, 48260-48273, 48290, 48400, 48402-48403, 49072; California Code of Regulations, Title 5, Section 401.

**C. GENERAL**

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Attendance Office, Integrated Technology Support Services Division.
2. **Mandatory Attendance**
  - a. **Under California law** (Education Code Section 48200) all children between the ages of six and eighteen are required to be enrolled and in regular attendance at school unless exempt by other provisions of the Education Code or unless excluded, expelled, suspended, or graduated.
  - b. **Persons not included in C.2.a., who are under eighteen years of age and have not graduated from high school,** must attend special continuation education classes for not less than four 60-minute hours per week for the regularly established school term unless exempt under one or more of the following conditions:
    - (1) They have an equal amount of education (equivalent to a high school education) in a private school, or by private tuition.
    - (2) They are disqualified because of physical or mental condition.

- (3) They must render personal services to dependents.
  - (4) They are attending satisfactory alternative programs offered by the district or the county.
  - (5) They are enrolled in a Regional Occupational Center or program.
  - (6) They have successfully demonstrated proficiency, through examination, equal to or greater than standards established by the California Department of Education and have verified approval from the parent/guardian.
  - (7) They are subject to the above, but not Education Code Section 48402 regarding unemployed minors, and are attending classes for adults for not less than four clock hours per calendar week.
3. **Work Permits.** Attendance on a part-time basis is compulsory in the case of work permits.
4. **Definitions**
- a. **Unexcused absence:** Absence by a student without a valid excuse, per attendance accounting provisions in Procedure 6166.
  - b. **Truant:** Any student who is absent from school without a valid excuse for three (3) full days in one school year, or tardy or absent without a valid excuse in excess of thirty (30) minutes on three occasions in one school year, or any combination thereof. (Education Code Section 48260).
  - c. **Tardiness** (for truancy purposes): Lateness to school by a student without a valid excuse for more than thirty (30) minutes on any one occasion.
  - d. **Habitual truant:** Any student recorded as truant four (4) times within the same school year. A student cannot be declared a habitual truant unless the parent or guardian/student conference requirement outlined in C.5.c. has been met (Education Code Section 48262).
5. **Reporting Requirements**
- a. California Code of Regulations, Title 5, Section 401(c) states:  

In all high schools [including junior high schools] except...

[continuation or adult schools and classes, and regional occupational centers and programs]...each teacher shall be required to submit to the principal, at least once each school day, a report of attendance for each period of the day in which he/she conducts classes, listing the names of all pupils absent in any period.

- b. A student shall be classified as and formally declared a truant when absent from school for three (3) full days without a valid excuse, or tardy or absent without a valid excuse in excess of thirty (30) minutes on each of three occasions in one school year, per attendance accounting provisions in Procedure 6166 and Education Code Section 48260. State law requires that a student's parent/guardian shall be notified upon the first classification as truant. (Notification of Truancy Classification (Attachment 2.))
  - c. Any student once reported as truant and again absent without a valid excuse for one or more days, or tardy one or more days, shall be reported as a habitual truant. A conscientious effort shall be made to hold at least one conference with the parent/guardian and the student to review the student's status, to plan remediation of the problems affecting attendance, and to document this effort.
6. Attendance is a priority of the principal, as it underpins the expectations of both the district and the law that every effort be made to ensure the welfare and the education of each student. Students chronically absent, whether excused for illness or unexcused and truant, are entitled to a systematic and coordinated effort to correct the underlying problems and thus allow learning to go forward.

#### **D. IMPLEMENTATION**

1. **Truancy (not deemed habitual).** It is district policy to the contact parent/guardian of any student absent without a valid excuse.
  - a. **Principal or designee**
    - (1) Identifies students absent from school without a valid excuse; refers student to school counselor.
    - (2) Initiates parent/guardian contact at the first sign of excessive absences, tardies and/or truancies (e.g., Connect-ED, phone call, home visit, Attendance Warning Letter [Attachment 1], or meeting) and ensures all contacts are documented.

- (3) Reviews memo from the Mandated Cost Unit identifying students with three or more unexcused absences that will receive Notification of Truancy (Attachment 3) The Mandated Cost Unit then sends a letter to those students in the primary language of the parent/guardian, stating that:
    - (a) Student is truant.
    - (b) Parent/guardian is obligated to compel attendance of student at school.
    - (c) Parents/guardians who fail to meet the above obligation may be guilty of an infraction and subject to prosecution (Education Code Section 48290).
    - (d) Alternative educational programs are available in the district.
    - (e) Parent/guardian has the right to meet with appropriate school personnel to discuss solutions to student's truancy.
    - (f) Student may be subject to prosecution under Education Code Section 48264.
    - (g) Student may be subject to suspension, restriction, or delay of student's driving privilege pursuant to California Vehicle Code Section 13202.7.
    - (h) It is recommended that parent/guardian accompany student to school and attend classes with student for one day.
  - (4) A peace officer may personally give student a written warning, a copy of which may be kept in school and enforcement agency's records for up to two years.
- b. School Counselor**
- (1) Studies case and collects pertinent information; makes every attempt to remedy problem prior to fourth instance of truancy (e.g., home visits, site conferences, and referrals).

- (2) May refer student to School Attendance Review Team (SART) or consultation team, with which parent/guardian is requested to confer. Such conference should directly address and resolve reasons behind truancy and document a plan for correcting truancy; a copy of this plan should be retained in student's school records and a copy given to parent/guardian. Consultation team may include student's counselor, school nurse, at least one teacher, and any other specialist actively involved with student. Any changes in placement or site programs must have signed approval of parent/guardian.
  - (3) May assign student, upon second truancy, to an after-school or weekend study program located at the school or within the district or county.
- c. **School nurse** provides health/medical follow-up, offering services and/or referrals when a pattern exists wherein repeated absences have been excused by parent/guardian as "illness" without a doctor's verification. If nurse has requested doctor verification in writing and absences continue without such validation, nurse may exercise professional judgment to interpret subsequent unvalidated absences as unexcused; they will be so recorded.

## 2. **Habitual Truancy**

- a. **Principal or designee** reviews Excessive Absence Report run by attendance personnel and refers students to school counselor on fourth instance of truancy for designation as habitual truant, per Education Code Section 48262 to continue interventions with student regarding attendance and truancy.
- b. **School counselor**
  - (1) Upon a student being recorded as absent without valid excuse six (6) times during one school year, makes a conscientious effort to hold at least one conference with parent/guardian and student to review attendance, and sends Second Notification of Truancy (Habitual) letter (Attachment 3).
  - (2) Utilizes and documents available school resources for dealing with truancy and contributing factors.
  - (3) Refers to appropriate youth-serving community agencies, obtaining signed approval of parent/guardian as outlined in Procedure 6525, if such referral has not previously been made.

(4) Upon one more absence without valid excuse, refers to School Attendance Review Board, notifies parent/guardian of SARB referral (Third Notification of Truancy and Referral to School Attendance Review Board (SARB), Attachment 4), and participates in scheduled hearing and joint follow-up.

c. **School Attendance Review Board (SARB)**, following receipt of referral, will schedule hearing, as defined in Education Code Section 48263. In compliance with Welfare and Institutions (WI) Code and Education Code, SARB shall inform juvenile court when student has, by continued truancy, come within court's jurisdiction pursuant to WI Code Section 601; parent/guardian referral to the court may also occur at this time.

**E. FORMS AND AUXILIARY REFERENCES**

1. Attendance Warning Letter, Attachment 1
2. Notification of Truancy Classification, Attachment 2
3. Second Notification of Truancy (Habitual), Attachment 3
4. Third Notification of Truancy and Referral to School Attendance Review Board, Attachment 4

**F. REPORTS AND RECORDS**

**G. APPROVED BY**

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General Counsel, Legal Services  
As to form and legality

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**H. ISSUED BY**



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Chief of Staff