

**Regulation 5113.1: Chronic Absence And Truancy**

Status: DRAFT

Original Adopted Date: 01/13/2009 | Last Revised Date: 10/19/2021 | Last Reviewed Date: 10/19/2021

**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 the student's 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, a 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 ARAdministrative Regulation 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)

**Addressing Chronic Absence**

When a student is identified as a chronic absentee, the 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 Superintendent or designee, in accordance with Education Code 48263 and ~~item~~**Item #3** in the section "Addressing Truancy" below.

A student who is struggling academically may be offered tutoring or other supplemental instruction, ~~extended~~**expanded** 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 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. (Education Code 48264, 48265, 48266)

The 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. (Education Code 48290)

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 Superintendent, attendance supervisor, or designee (Education Code 48260)
- 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: (Education Code 48260.5)
  - 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 district:
  - 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. **Mental health and supportive services may be available to the student and the family**
  - vi. If the student is at least 13 years of age but under age 18, the student may be subject to the suspension, restriction, or delay of driving privilege pursuant to Vehicle Code 13202.7. **School personnel are available to meet with the student and family to develop strategies to support the student's attendance at school**
  - vii. It is recommended that the parent/guardian accompany the student to school and attend classes with the student for one day. **Research shows that missing 10 percent of school for any reason can translate into students having difficulty learning to read by third grade, achieving in middle school, and graduating from high school**
- c. 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, 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 the student's parents/guardians (Education Code 48260.6)

2. Second truancy

- 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 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 student may be assigned to an after-school or weekend study program within the county. ~~If and, if~~ the student fails to successfully complete this study program, the student shall be subject to ~~item~~ **item #3** below (Education Code 48264.5)
- d. An appropriate district 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 (Education Code 48262)
- 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 officer when the student continues to be classified as a truant after the parents/guardians have been notified in accordance with ~~item~~**Item #1b** above (Education Code 48260.6)

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 Superintendent or designee (Education Code 48263, 48264.5)
- 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  
**Additionally, the** ~~The~~ attendance supervisor or designee shall 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, the student shall be subject to ~~item~~**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 the 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 district attorney and/or the probation officer (Education Code 48263)

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 (Education Code 48264.5; Welfare and Institutions Code 601)
- b. If a student has been adjudged by the county juvenile court to be a habitual truant, the 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. (Education Code 48267)

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 Attendance Recovery Program**

**Beginning July 1, 2025, the district may implement an attendance recovery program for students to make up a maximum of 10 days of attendance for lost instructional time and offset absences incurred during the school year. Any student participating in the program shall not be credited with more than five days of attendance per school week or more than one day of attendance for any calendar day of participation in the program. (Education Code 46211)**

**The district's program may be operated before or after school, on weekends, or during intersessional periods. The district shall offer access to an attendance recovery program throughout the school year, including, at least once**

during each term. (Education Code 46211)

**The program shall be provided only as a limited-term option for a classroom-based, regular educational program. Students otherwise enrolled in a nonclassroom-based program, such as independent study, shall not participate in an attendance recovery program. (Education Code 46211)**

**A student shall not be required to participate in the program. Students concurrently participating in both an attendance recovery program and an Expanded Learning Opportunities Program (ELO) pursuant to Education Code 46120, shall retain the ability to participate in the entirety of the ELO's offerings for the duration of the school year. (Education Code 46211)**

**The district's attendance recovery program shall be composed of students engaged in educational activities and content aligned to grade level standards that are substantially equivalent to the students' regular instructional program, which may include one-on-one or small group tutoring, and shall be under the immediate supervision and control of a certificated teacher who is also an employee of the district and who possesses a valid certification document. (Education Code 46211)**

**The district's attendance recovery program shall not exceed a student-to-certificated teacher ratio of 10 to 1 for TK and kindergarten or 20 to 1 for grades 1 to 12. The district shall maintain documentation demonstrating how the attendance recovery program met these applicable ratios. (Education Code 46211)**

## 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.

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)

**Additionally, in regard to the district's attendance recovery program, the Superintendent or designee shall maintain documentation demonstrating how the attendance recovery program met the student-to-teacher ratios specified in Education Code 46211.**

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**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

## State

5 CCR 306

## Description

[Explanation of absence](#)

5 CCR 420-424

[Record of verification of absence due to illness and other causes](#)

Ed. Code 1740

[Employment of personnel to supervise attendance](#)

Ed. Code 37223

[Weekend classes](#)

Ed. Code 44266

[Pupil Personnel Services credential](#)

Ed. Code 46000

[Attendance records](#)

Ed. Code 46010-46015

[Absences](#)

Ed. Code 46110-46120

[Attendance in kindergarten and elementary schools](#)

Ed. Code 46140-46148

[Attendance in junior high and high schools](#)

Ed. Code 46210-46211

Attendance recovery programs

Ed. Code 48200-48208

[Children ages 6-18; compulsory full-time attendance](#)

Ed. Code 48225.5

[Work permits; entertainment and allied industries](#)

Ed. Code 48240-48246

[Supervisors of attendance](#)

Ed. Code 48260-48273

[Truants](#)

**State**

Ed. Code 48290-48297	<a href="#">Failure to comply; complaints against parents</a>
Ed. Code 48320-48325	<a href="#">School attendance review boards</a>
Ed. Code 48326	Absence intervention teams
Ed. Code 48340-48341	<a href="#">Improvement of student attendance</a>
Ed. Code 48400-48403	<a href="#">Compulsory continuation education</a>
Ed. Code 48900	<a href="#">Grounds for suspension or expulsion</a>
Ed. Code 49067	<a href="#">Unexcused absences as cause of failing grade</a>
Ed. Code 52052	<a href="#">Accountability; numerically significant student subgroups</a>
Ed. Code 60901	<a href="#">Chronic absence</a>
Gov. Code 54950-54963	<a href="#">The Ralph M. Brown Act</a>
Pen. Code 270.1	<a href="#">Chronic truancy; parent/guardian misdemeanor</a>
Pen. Code 272	<a href="#">Parent/guardian duty to supervise and control minor child; criminal liability for truancy</a>
Pen. Code 830.1	<a href="#">Peace officers</a>
W&I Code 11253.5	<a href="#">Compulsory school attendance; eligibility for aid</a>
W&I Code 256-258	<a href="#">Juvenile hearing officer</a>
W&I Code 601-601.5	<a href="#">Habitually truant minors</a>

**Description****Management Resources**

Attendance Works Publication	<a href="#">District Attendance Tracking Tool</a>
Attendance Works Publication	<a href="#">The Power of Positive Connections: Reducing Chronic Absence Through PEOPLE: Priority Early Outreach for Positive Linkages and Engagement, 2014</a>
Attendance Works Publications	<a href="#">Bringing Attendance Home: Engaging Parents in Preventing Chronic Absence, 2015</a>
Attendance Works Publications	<a href="#">School Attendance Tracking Tool</a>
Attendance Works Publications	<a href="#">For School Board Members: Frequently Asked Questions About Chronic Absence</a>
California Department of Education Publication	<a href="#">School Attendance Improvement Strategies</a>
California Department of Education Publication	<a href="#">School Attendance Review Boards Handbook &amp; Forms</a>
Court Decision	L.A. v. Superior Court of San Diego County (2012) 209 Cal.App.4th 976
CSBA Publication	<a href="#">Research supported strategies to improve the accuracy and fairness of grades, July 2016</a>
CSBA Publication	<a href="#">Seize the Data: Using Chronic Absence Data to Drive Student Engagement, March 2024</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Healthy Kids Survey</a>
Website	<a href="#">California School Climate, Health, and Learning Survey System</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">Attendance Works</a>
Website	<a href="#">California Association of Supervisors of Child Welfare and Attendance</a>
Website	<a href="#">California Department of Education</a>

**Description**

**Cross References****Description**

0400	<a href="#">Comprehensive Plans</a>
0410	<a href="#">Nondiscrimination In District Programs And Activities</a>
0420	<a href="#">School Plans/Site Councils</a>
0420	<a href="#">School Plans/Site Councils</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0460	<a href="#">Local Control And Accountability Plan</a>
0460	<a href="#">Local Control And Accountability Plan</a>
0500	<a href="#">Accountability</a>
1400	<a href="#">Relations Between Other Governmental Agencies And The Schools</a>
4119.41	<a href="#">Employees With Infectious Disease</a>
4131	<a href="#">Staff Development</a>
4219.41	<a href="#">Employees With Infectious Disease</a>
4319.41	<a href="#">Employees With Infectious Disease</a>
5030	<a href="#">Student Wellness</a>
5112.1	<a href="#">Exemptions From Attendance</a>
5112.1	<a href="#">Exemptions From Attendance</a>
5112.5	<a href="#">Open/Closed Campus</a>
5113	<a href="#">Absences And Excuses</a>
5113	<a href="#">Absences And Excuses</a>
5113.11	<a href="#">Attendance Supervision</a>
5113.2	<a href="#">Work Permits</a>
5113.2	<a href="#">Work Permits</a>
5116.2	<a href="#">Involuntary Student Transfers</a>
5117	<a href="#">Interdistrict Attendance</a>
5117	<a href="#">Interdistrict Attendance</a>
5121	<a href="#">Grades/Evaluation Of Student Achievement</a>
5121	<a href="#">Grades/Evaluation Of Student Achievement</a>
5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>
5126	<a href="#">Awards For Achievement</a>
5126	<a href="#">Awards For Achievement</a>
5131	<a href="#">Conduct</a>
5131.2	<a href="#">Bullying</a>
5131.2	<a href="#">Bullying</a>
5131.4	<a href="#">Student Disturbances</a>
5131.4	<a href="#">Student Disturbances</a>
5141.21	<a href="#">Administering Medication And Monitoring Health Conditions</a>
5141.21	<a href="#">Administering Medication And Monitoring Health Conditions</a>
5141.22	<a href="#">Infectious Diseases</a>

**Cross References****Description**

5141.22	<a href="#">Infectious Diseases</a>
5141.33	<a href="#">Head Lice</a>
5141.6	<a href="#">School Health Services</a>
5141.6	<a href="#">School Health Services</a>
5144	<a href="#">Discipline</a>
5144	<a href="#">Discipline</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5145.3	<a href="#">Nondiscrimination/Harassment</a>
5145.3	<a href="#">Nondiscrimination/Harassment</a>
5145.6	<a href="#">Parent/Guardian Notifications</a>
5145.6-E(1)	<a href="#">Parent/Guardian Notifications</a>
5146	<a href="#">Married/Pregnant/Parenting Students</a>
5147	<a href="#">Dropout Prevention</a>
5148.2	<a href="#">Before/After School Programs</a>
5148.2	<a href="#">Before/After School Programs</a>
6020	<a href="#">Parent Involvement</a>
6020	<a href="#">Parent Involvement</a>
6158	<a href="#">Independent Study</a>
6158	<a href="#">Independent Study</a>
6164.2	<a href="#">Guidance/Counseling Services</a>
6164.5	<a href="#">Student Success Teams</a>
6164.5	<a href="#">Student Success Teams</a>
6172	<a href="#">Gifted And Talented Student Program</a>
6172	<a href="#">Gifted And Talented Student Program</a>
6173	<a href="#">Education For Homeless Children</a>
6173	<a href="#">Education For Homeless Children</a>
6173.1	<a href="#">Education For Foster Youth</a>
6173.1	<a href="#">Education For Foster Youth</a>
6173.2	<a href="#">Education Of Children Of Military Families</a>
6173.4	<a href="#">Education For American Indian Students</a>
6175	<a href="#">Migrant Education Program</a>
6175	<a href="#">Migrant Education Program</a>
6176	<a href="#">Weekend/Saturday Classes</a>
6178	<a href="#">Career Technical Education</a>
6178	<a href="#">Career Technical Education</a>
6178.1	<a href="#">Work-Based Learning</a>
6178.1	<a href="#">Work-Based Learning</a>
6179	<a href="#">Supplemental Instruction</a>
6183	<a href="#">Home And Hospital Instruction</a>

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**Description**

[Continuation Education](#)

[Continuation Education](#)