

G. BOARD BUSINESS

6. **TITLE:** Receive for Board adoption **REVISED** Board Policy 4020, Drug and Alcohol Free Workplace

BACKGROUND: Government Code 8355 mandates state grant recipients, such as a school district, to certify to the state contracting agency (e.g., the California Department of Education (CDE)) that it agrees to provide a drug-free workplace by taking the actions specified in BP 4020. Federal grantees, including school districts, are also subject to the same requirements and must provide the same certifications under the Federal Drug-Free Workplace Act (41 USC 701-707).

This **MANDATED** Policy has been revised to clarify the applicability of an included paragraph in the body of the policy prohibiting an employee from being under the influence of alcohol or a controlled substance while on duty. The Policy defines "on duty" to include instructional and non-instructional time in the classroom or workplace, in extracurricular or co-curricular activities, or in transporting and supervising students and exempts an employee's lawful use of prescription drugs from the prohibition.

ACTION RECOMMENDED: Receive for Board adoption **REVISED** Board Policy 4020, Drug and Alcohol Free Workplace

PREPARED BY: Kathy Hall, Director, Human Resources

DATE OF MEETING: February 2, 2011

AGENDA NOTE AGENDA NOTE AGENDA NOTE

REVISED BOARD POLICY
MBUSD

BP 4020 (a)

Personnel

DRUG AND ALCOHOL-FREE WORKPLACE

The Governing Board believes that the maintenance of *a* drug- and alcohol-free workplaces is essential to staff and student safety and to help ensure a productive and safe work and learning environment.

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

An employee shall not unlawfully manufacture, distribute, dispense, possess, or use any controlled substance ~~while on duty, on district property, or at a school-related activity or event.~~ *in the workplace.* (Government Code 8355; 41 USC 701)

In addition, an employee ~~shall not use or~~ *are prohibited from being* under the influence of any controlled substances or alcoholic beverage ~~or, as defined in 21 USC 81, while on duty, on district property, or at a district-related activity or event.~~ *For purposes of this policy, on duty means while an employee is on duty during both instructional and non-instructional time in the classroom or workplace, at extracurricular or co-curricular activities, or while transporting students or otherwise supervising them. Under the influence means that the employee's capabilities are adversely or negatively affected, impaired, or diminished to an extent that impacts the employee's ability to safely and effectively perform his/her job.*

These prohibitions apply before, during and after school hours. A school district workplace is any place where school district work is performed, any school-owned or school-approved vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function where students are under district jurisdiction; or during any period of time when an employee is supervising students on behalf of the district or otherwise engaged in district business.

The Superintendent or designee shall notify employees of the district's prohibition against drug use and the actions that will be taken for violation of such prohibition. (Government Code 8355; 41 USC 701)

An employee shall abide by the terms of this policy and notify the district, within five days, of his/her conviction for violation in the workplace of any criminal drug statute. (Government Code 8355; 41 USC 701)

Personnel

DRUG AND ALCOHOL-FREE WORKPLACE

The Superintendent or designee shall notify the appropriate federal granting or contracting agencies within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace. (41 USC 701)

41 USC 703 requires the district, within 30 days of receiving notification from an employee of his/her conviction of a controlled substance offense, to either discipline the employee or require him/her to complete a drug rehabilitation program as specified below. Pursuant to Education Code 44940 and 45304, when a certificated or classified employee is charged with a controlled substance offense as defined in Education Code 44011, the district must place the employee on a mandatory leave of absence. If the employee is ultimately convicted of the offense, Education Code 44836 and 45123 require the employee to be dismissed.

In accordance with law and the district's collective bargaining agreements, the Superintendent or designee shall take appropriate disciplinary action, up to and including termination, against an employee for violating the terms of this policy and/or shall require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state, or local health or law enforcement agency or other appropriate agency.

(cf. 4112 - Appointment and Conditions of Employment)

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4212 - Appointment and Conditions of Employment)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Drug-Free Awareness Program

The Superintendent or designee shall establish a drug- and alcohol-free awareness program to inform employees about: (Government Code 8355, USC 701)

1. The dangers of drug and alcohol abuse in the workplace
2. The district's policy of maintaining a drug-free workplace
3. Available drug and alcohol counseling, rehabilitation, and employee assistance programs

(cf. 4159/4259/4359 - Employee Assistance Programs)

4. The penalties that may be imposed on employees for drug and alcohol abuse violations occurring in the workplace

Personnel

DRUG AND ALCOHOL-FREE WORKPLACE

Legal Reference:

EDUCATION CODE

- 44011 Controlled substance offense
- 44425 Conviction of controlled substance offenses as grounds for revocation of credential
- 44836 Employment of certificated persons convicted of controlled substance offenses
- 44940 Compulsory leave of absence for certificated persons
- 44940.5 Procedures when employees are placed on compulsory leave of absence
- 45123 Employment after conviction of controlled substance offense
- 45304 Compulsory leave of absence for classified persons

GOVERNMENT CODE

8350-8357 Drug-free workplace

UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug Free Schools and Communities Act

UNITED STATES CODE, TITLE 21

812 Schedule of controlled substances

UNITED STATES CODE, TITLE 41

701-707 Drug-Free Workplace Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1308.01-1308.49 Schedule of controlled substances

COURT DECISIONS

Cahoon v. Governing Board of Ventura USD, (2009) 171 Cal.App.4th 381

Ross v. Raging Wire Telecommunications, Inc., (2008) 42 Cal.4th 920

Management Resources:

WEB SITES

California Department of Alcohol and Drug Programs: <http://www.adp.ca.gov>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Labor: <http://www.dol.gov>

Policy

adopted: September 5, 2007

revised: November 3, 2010

revised:

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

Manhattan Beach, California

G. BOARD BUSINESS

7. **TITLE:** Receive for Board adoption **NEW** Board Policy 4112.42, 4212.42, 4312.42, Drug and Alcohol Testing for School Bus Drivers

BACKGROUND: The federal Omnibus Transportation Employee Testing Act of 1991 (49 USC 41501-41507) requires that all persons subject to commercial driver's license requirements be tested for alcohol, marijuana, cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP). 49 CFR 382.601 mandates policy and procedures on this topic.

This Policy is recommended to meet the requirements of state and federal law. California law, AB 1052, (Ch. 324, Statutes of 2005), added Vehicle Code 34520.3 to include in the federal testing program, district employees who drive vehicles used by the district for the **primary purpose** of transporting students (such as a van). However, the language of the bill is unclear and could be interpreted to apply to district personnel whose primary job is not transportation, but who transport students as part of their duties (e.g., a coach transporting athletes). The Legislative Counsel has issued an opinion that Vehicle Code 34520.3 applies **only** to employees whose primary job is transportation, but because the statute is unclear, the district shall consult district legal counsel, as appropriate, and necessary.

ACTION RECOMMENDED: Receive for Board adoption **NEW** Board Policy 4112.42, 4212.42, 4312.42, Drug and Alcohol Testing for School Bus Drivers

PREPARED BY: Kathy Hall, Director, Human Resources

DATE OF MEETING: February 2, 2011

AGENDA NOTE AGENDA NOTE AGENDA NOTE

**NEW BOARD POLICY
MBUSD**

**BP 4112.42 (a)
4212.42
4312.42**

Personnel

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

The Governing Board desires to ensure that district-provided transportation is safe for students, staff, and the public. To that end, the Superintendent or designee shall establish a drug and alcohol testing program for all district drivers and other employees who hold a commercial driver's license which is necessary to perform duties related to their employment with the district. This program shall be designed to fulfill the requirements of state and federal law.

The district's testing program shall include pre-employment drug testing and reasonable suspicion, random, post-accident, return-to-duty, and follow-up drug and alcohol testing of drivers. (49 USC 31306)

The Superintendent or designee shall contract for testing services and shall ensure that testing contractors and procedures are certified by the U.S. Department of Health and Human Services to conduct drug specimen analysis and to conform to the requirements of federal law.

(cf. 4020 - Drug and Alcohol-Free Workplace)

No driver may operate a district vehicle when his/her blood alcohol content is found to be .01 percent or greater. A driver shall not consume alcohol while on duty or for four hours prior to on-duty time and up to eight hours following an accident or until he/she undergoes a post-accident test, whichever occurs first. A driver shall not report for duty or remain on duty that requires performing safety-sensitive functions when the driver uses a controlled substance, unless so instructed by a physician. (49 CFR 382.205, 382.207, 382.209; Vehicle Code 34520.3; 13 CCR 1213.1)

Any driver who tests positive for alcohol or drugs or who refuses to submit to a test shall be removed from safety-sensitive functions and may be subject to disciplinary action up to and including dismissal in accordance with law, administrative regulations, and the district's collective bargaining agreement.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

MBUSD

**BP 4112.42 (b)
4212.42
4312.42**

Personnel

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

The Superintendent or designee shall ensure that each driver receives an explanation of the federal regulations and the district's policy and procedure in accordance with law. In addition, each driver shall sign a statement certifying that he/she has received a copy of the above materials. Representatives of employee organizations shall be notified of the availability of this information. (49 CFR 382.601)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

VEHICLE CODE

34500-34520.5 Safety regulations

CODE OF REGULATIONS, TITLE 13

1200-1293 Motor carrier safety, especially:

1213.1 Placing drivers out-of-service

UNITED STATES CODE, TITLE 49

31306 Alcohol and controlled substances testing

41501-41507 Transportation Employee Testing Act

CODE OF FEDERAL REGULATIONS, TITLE 49

40.1-40.413 Part 40, Procedures for transportation workplace drug and alcohol testing programs

382.101-382.605 Controlled substance and alcohol use and testing; especially:

382.205 On-duty use

382.207 Pre-duty use

382.209 Use following an accident

Management Resources:

WEB SITES

California Highway Patrol: <http://www.chp.ca.gov>

U.S. Department of Transportation, Office of Drug and Alcohol Policy and Compliance:

<http://www.dot.gov/ost/dapc>

Policy
adopted:

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
Manhattan Beach, California

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G. BOARD BUSINESS

8. **TITLE:** Receive for Board adoption and review **REVISED** Board Policy and Administrative Regulation 5113.1, Chronic Absence and Truancy (Formerly titled "Truancy").

BACKGROUND: Board Policy 5113.1 addresses both chronic absence, which refers to students missing an excessive number of school days for any reason, whether excused or unexcused, and truancy, which refers to students missing school without a valid excuse. See BP/AR 5113 - Absences and Excuses for information about the determination of an absence as excused or unexcused, including methods of verification of student absences.

Policy and Administrative Regulation 5113.1 have been retitled and revised to include concepts related to "chronic absence," as defined by **NEW LAW (SB 1357)** for purposes of the California Longitudinal Pupil Achievement Data System. "Chronic absence" is defined as students missing 10 percent of the days in the school year due to excused and/or unexcused absences. The revised Policy further adds material regarding attendance tracking, prevention and intervention strategies, analysis and reporting of attendance data, and a new section on "School Attendance Review Board."

The revised **MANDATED** regulation includes the definition of "chronic truant" as added by **NEW LAW (SB 1317)**, adds new sections on "Attendance Supervisors" and "Addressing Chronic Absence," and reflects **NEW LAW (AB 1610)** which addresses the method of notifying parents/guardians when their child is truant and defines what it means to make a "conscientious effort" to hold a conference with the parent/guardian.

ACTION RECOMMENDED: Receive for Board adoption and review **REVISED** Board Policy and Administrative Regulation 5113.1, Chronic Absence and Truancy (Formerly titled "Truancy")

PREPARED BY: Ellyn Schneider, Executive Director, Student Services

DATE OF MEETING: February 2, 2011

AGENDA NOTE AGENDA NOTE AGENDA NOTE

**REVISED BOARD POLICY
MBUSD**

BP 5113.1 (a)

Students

CHRONIC ABSENCE AND TRUANCY

The Governing Board believes that excessive student absenteeism and tardiness, whether caused by excused or unexcused absences, may be an early warning sign of poor academic achievement and may put students at risk of dropping out of school. The Board desires to ensure that all students attend school in accordance with the state's compulsory education law and take full advantage of educational opportunities provided by the district.

(cf. 5113 - Absences and Excuses)

~~To improve student attendance, the Superintendent or designee shall implement positive steps to identify the reasons for a student's unexcused absences and to help resolve the problems caused by truancy. Such strategies shall focus on early intervention and may include, but not be limited to, communication with parents/guardians and the use of student study teams and/or student attendance review teams.~~

~~(cf. 5113—Absences and Excuses)~~

~~(cf. 5147—Dropout Prevention)~~

~~(cf. 5149—At Risk Students)~~

~~(cf. 6164.5—Student Success Teams)~~

~~(cf. 6176—Weekend/Saturday Classes)~~

~~In addition, the Superintendent or designee shall cooperate with other agencies within the community to meet the needs of students who have serious school attendance or behavior problems and to maintain a continuing inventory of community resources, including alternative programs.~~

~~(cf. 1020—Youth Services)~~

~~(cf. 1400—Relations Between Other Governmental Agencies and the Schools)~~

The Superintendent or designee shall establish a system to accurately track and monitor student attendance, including methods to identify students classified as chronic absentees and truants, as defined in law and administrative regulation.

To encourage school attendance, the Superintendent or designee shall develop strategies that focus on prevention and early intervention of attendance problems. Preventive strategies may include efforts to provide a safe and positive school environment, relevant and engaging learning experiences, and school activities that help develop students' feelings of connectedness with the schools. The Superintendent or designee also may provide incentives

Students

CHRONIC ABSENCE AND TRUANCY

and rewards to recognize students who achieve excellent attendance or demonstrate significant improvement in attendance.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5126 - Awards for Achievement)

(cf. 5131 - Conduct)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee shall work with students and parents/guardians to identify factors contributing to chronic absence and truancy. Based on this needs assessment, he/she shall collaborate with community agencies, including, but not limited to, child welfare services, law enforcement, courts, and/or public health care agencies, to ensure that alternative educational programs and nutrition, health care, and other support services are available for students and families and to intervene as necessary when students have serious attendance problems.

(cf. 1020 - Youth Services)

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 5030 - Student Wellness)

(cf. 5145.6 - School Health Services)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 5147 - Dropout Prevention)

(cf. 5149 - At-Risk Students)

(cf. 6158 - Independent Study)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.2 - Education of Children of Military Families)

(cf. 6175 - Migrant Education Program)

(cf. 6179 - Supplemental Instruction)

(cf. 6181 - Alternative Schools/Programs of Choice)

(cf. 6183 - Home and Hospital Instruction)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

Truant and/or ~~habitually truant~~ students may be referred to a student study team, school attendance review team, school attendance review board, a truancy mediation program operated

Students**CHRONIC ABSENCE AND TRUANCY**

by the county's district attorney or probation officer, and/or juvenile court in accordance with law.

As required by law, habitually truant students shall be referred to a school attendance review board (SARB), a truancy mediation program operated by the county's district attorney or probation officer, and/or a juvenile court.

The Superintendent or designee shall regularly analyze data on student absence to identify patterns of absence districtwide and by school, grade level, and student population. Such data shall be used to identify common barriers to attendance, prioritize resources for intervention,

and monitor progress over time. The Superintendent or designee shall periodically report this information to the Board for purposes of evaluating the effectiveness of strategies implemented to reduce chronic absence and truancy and making changes as needed. As appropriate, the Superintendent or designee also shall provide this information to key school staff and community agency partners to engage them in program evaluation and improvement.

~~For purposes of California's welfare system (CalWORKS), a student shall be determined to be regularly attending school unless he/she has been referred to the county district attorney or probation office pursuant to Education Code 48263.~~

School Attendance Review Board

The Board shall submit nominations to the County Superintendent of Schools for a district representative on the county SARB. (Education Code 48321)

The Board shall appoint members of the district's SARB, who may include, but are not be limited to, a parent/guardian as well as representatives of the district, county probation department, county welfare department, county office of education, law enforcement agencies, community-based youth service centers, school guidance personnel, child welfare and attendance personnel, and school or county health care personnel. (Education Code 48321)

The district's SARB shall operate in accordance with Education Code 48320-48325 and procedures established by the Superintendent or designee.

Legal Reference:

EDUCATION CODE

1740 Employment of personnel to supervise attendance (county superintendent)

Students

CHRONIC ABSENCE AND TRUANCY

- 37223 Weekend classes
- 41601 Reports of average daily attendance
- 46000 Records (attendance)
- 46010-46014 Absences
- 46110-46119 Attendance in kindergarten and elementary schools
- 46140-46147 Attendance in junior high and high schools
- 48200-48208 Children ages 6-18 (compulsory full-time attendance)
- 48240-48246 Supervisors of attendance
- 48260-48273 Truants
- 48290-48296 Failure to comply; complaints against parents
- 48320-48324 **48325** School attendance review boards
- 48340-48341 Improvement of student attendance
- 49067 Unexcused absences as cause of failing grade

60901 Chronic absence

GOVERNMENT CODE

54950-54963 The Ralph M. Brown Act

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

VEHICLE CODE

13202.7 Driving privileges; minors; suspension or delay for habitual truancy

WELFARE AND INSTITUTIONS CODE

601-601.4 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

~~**ATTORNEY GENERAL OPINIONS**~~

~~**66 Ops. Cal. Atty. Gen. 245, 249 (1983)**~~

Management Resources:

~~**CDE-MANAGEMENT ADVISORIES**~~

~~**0114.98 School Attendance and CalWORKS, Management Bulletin 98-01**~~

~~**CDE PUBLICATIONS**~~

~~**School Attendance Review Board Handbook, 1995**~~

~~**CSBA ADVISORIES**~~

~~**0520.97 Welfare Reform and Requirements for School Attendance**~~

~~**CSBA PUBLICATIONS**~~

MBUSD

BP 5113.1 (c)

Students

CHRONIC ABSENCE AND TRUANCY

Improving Student Achievement by Addressing Chronic Absence, Policy Brief, December 2010

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

School Attendance Review Board Handbook, 2009

School Attendance Improvement Handbook, 2000

WEB SITES

CDE: <http://www.cde.ca.gov>

CSBA: <http://www.csba.org>

Attendance Counts: <http://www.attendancecounts.org>

*California Association of Supervisors of Child Welfare and Attendance:
<http://www.cascwa.org>*

California Department of Education: <http://www.cde.ca.gov>

Policy
adopted: October 3, 2007
revised:

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
Manhattan Beach, California

REVISED ADMINISTRATIVE REGULATION
MBUSD

AR 5113.1 (a)

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 day schools of the district, 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. (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. (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 48260-48263 and 48291. (Education Code 48263.6)

Attendance Supervisor(s)

The Superintendent or designee shall appoint or assign a supervisor of attendance and assistant supervisors as necessary to supervise the attendance of district students. Such supervisors shall perform duties related to compulsory full-time education, truancy, compulsory continuation education, work permits, and any additional duties prescribed by the Superintendent. (Education Code 48240, 48243, 48244)

(cf. 5113 - Absences and Excuses)

(cf. 5113.2 - Work Permits)

Addressing Chronic Absence

When a student is identified as a chronic absentee, the attendance supervisor shall communicate with the student and his/her parent/guardian to determine the reason(s) for the excessive absences, ensure the student and parent/guardian are aware of the adverse consequences of poor attendance, and jointly develop a plan for improving the student's school attendance.

Students

CHRONIC ABSENCE AND TRUANCY

(cf. 6020 - Parent Involvement)

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 that may assist him/her.

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 5147 - Dropout Prevention)

(cf. 5149 - At-Risk Students)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.2 - Education of Children of Military Families)

(cf. 6175 - Migrant Education Program)

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)

(cf. 6178.1 - Work Experience Education)

(cf. 6179 - Supplemental Instruction)

(cf. 6181 - Alternative Schools/Programs of Choice)

(cf. 6183 - Home and Hospital Instruction)

(cf. 6184 - Continuation Education)

Whenever chronic absenteeism is linked to a nonschool condition, the attendance supervisor may recommend community resources and/or collaborate with community agencies and organizations to address the needs of the student and his/her family.

(cf. 1020 - Youth Services)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 5145.6 - School Health Services)

Addressing Truancy

An attendance supervisor or designee, peace officer, probation officer, or school administrator or designee may arrest or assume temporary custody, during school hours, of any minor student

Students

CHRONIC ABSENCE AND TRUANCY

found away from his/her home who is absent from school without a valid excuse. Any person se 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~~)

(~~ef. 5113—Absences and Excuses~~)

The attendance supervisor 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 he/she has committed:

1. Initial truancy

a. A student who is initially classified as truant shall be reported to the attendance supervisor. (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)

(1) The student is truant.

(2) The parent/guardian is obligated to compel the student to attend school. If the parent/guardian 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) Alternative educational programs are available in the district.

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

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

(6) The student may be subject to suspension, restriction, or delay of his/her driving privilege pursuant to Vehicle Code 13202.7.

Students

CHRONIC ABSENCE AND TRUANCY

(7) 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)

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 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)

e. The attendance supervisor may notify the district attorney and/or probation officer of the name of each student who has been classified as a truant 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 attendance supervisor 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)

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 the student fails to successfully complete this study program, he/she shall be subject to 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 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 attendance supervisor may notify the district attorney and/or probation officer whether 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)

Students

CHRONIC ABSENCE AND TRUANCY

3. *Third truancy (habitual truancy)*

a. A student who is habitually truant, 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 district's attendance supervisor. (Education Code 48263, 48264.5)

b. Upon making a referral to the SARB or the probation department, the attendance supervisor shall provide the student and 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 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 shall be subject to item #4 below. (Education Code 48264.5)

d. If the attendance supervisor 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 attendance supervisor may so notify the district attorney and/or the probation officer. (Education Code 48263)

4. *Fourth truancy*

a. 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)

b. If a student has been adjudged by the county juvenile court to be a habitual truant, the attendance supervisor 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. *Absence for 10 percent of school days (chronic truancy)*

Students

CHRONIC ABSENCE AND TRUANCY

a. The attendance supervisor 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 6 years and is in any of grades K-8, the attendance supervisor shall notify the 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.

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 Superintendent/designee 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 parent/guardian to the school attendance review board (SARB). (Education Code 48290, 48291, 48292)

Pursuant to Education Code 48291, if the parent/guardian continually and willfully fails to respond to directives of the SARB or services provided, the SARB shall direct the district to make and file a criminal complaint against the parent/guardian.

~~Strategies for Addressing Truancy~~

~~The following steps shall be implemented based on the number of truancies committed by the student:~~

~~1. Students shall be classified as truant if absent from school without a valid excuse three full days or three days in any one class period in one school year, or tardy or absent from 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.~~

~~e. 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.~~

Students

CHRONIC ABSENCE AND TRUANCY

~~d. Alternative educational programs are available in the district.~~

~~(cf. 6181—Alternative Schools)
(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 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. (Education Code 48264.5)~~

~~(cf. 5125—Student Records)~~

~~—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)~~

~~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 #3 below. (Education Code 48264.5)~~

~~(cf. 6176—Weekend/Saturday Classes)~~

Students**CHRONIC ABSENCE AND TRUANCY**

~~In addition, 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. (Education Code 48262)~~

~~(cf. 1020—Youth Services)~~

~~(cf. 1400—Relations Between Other Governmental Agencies and the Schools)~~

~~(cf. 6158—Independent Study)~~

~~(cf. 6164.2—Guidance/Counseling Services)~~

~~(cf. 6164.5—Student Success Teams)~~

~~(cf. 6178.1—Work Experience Education)~~

~~3. Upon his/her third truancy within the same school year, a student shall be classified as a habitual truant. (Education Code 48262, 48264.5)~~

~~—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, a student study team (SST), a school attendance review team (SART), a school attendance review board (SARB), a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the district's Superintendent or designee. (Education Code 48263, 48264.5)~~

~~—Upon making a referral to a school attendance review board or 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 shall 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 #4 below. (Education Code 48264.5)~~

~~—Pursuant to Education Code 48263, the SARB or probation officer may direct a student and/or the student's parents/guardians to make use of available community services and may require satisfactory evidence of participation. If the SARB or probation officer determines that available community resources cannot resolve the problem, or if the student and/or parents/guardians have failed to respond to the directives of the SARB or probation officer, the county's probation officer or district attorney participating in a truancy mediation program may be notified. If neither the probation officer nor district attorney participate in a truancy mediation program, the SARB or probation officer may request the County Superintendent of Schools to petition the county's juvenile court for proper disposition of the case.~~

Students

CHRONIC ABSENCE AND TRUANCY

~~4. 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 Records

The Superintendent or designee shall maintain accurate attendance records for students identified as habitual or chronic truants. The Superintendent or designee also shall document all contacts with a student and his/her parent/guardian regarding the student's attendance, including a summary of all conversations and a record of all intervention efforts.

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

Regulation
approved: October 3, 2007
reviewed:

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
Manhattan Beach, California