

THE ONTARIO CENTER SCHOOL

School Attendance Review

Definitions of Key Attendance Terms

- **Average Daily Attendance (ADA):** This is commonly understood as the percentage of pupils who typically attend class each day, calculated by dividing the number of pupils present by the total number of enrolled pupils. However, in California, ADA also refers to the formula used to determine how much funding a school district should receive from the state. In this case, **total ADA is defined as the total days of student attendance divided by the total days of instruction during which the student is enrolled.**

- **Chronic Absentee:** A student absent on 10 percent or more of the days, calculated by dividing total absences by the total number of school days the student is enrolled during the school year. Unlike truancy, this measure includes all absences – including excused absences – and assumes all excessive absence impedes learning. (*EC* Section 60901[c][1])
- **Truant:** Any pupil subject to compulsory full-time education or compulsory continuation education who is absent from school without a valid excuse three full days, 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, is a truant and shall be reported to the attendance supervisor or the superintendent of the school district. (*EC* Section 48260[a])

California Education Code

- **48200. Children between the ages 6 and 18**
- Each person **between the ages of 6 and 18 years** not exempted under the provisions of this chapter or Chapter 3 (commencing with Section 48400) is subject to compulsory full-time education. Each person subject to compulsory full-time education and each person subject to compulsory continuation education not exempted under the provisions of Chapter 3 (commencing with Section 48400) **shall attend the public full-time day school or continuation school or classes and for the full time designated as the length of the school day** by the governing board of the school district in which the residency of either the parent or legal guardian is located **and each parent, guardian, or other person having control or charge of the pupil shall send the pupil to the public full-time day school or continuation school or classes and for the full time designated as the length of the school day** by the governing board of the school district in which the residence of either the parent or legal guardian is located.
- Unless otherwise provided for in this code, a pupil shall not be enrolled for less than the minimum school day established by law.

48260. Definition of truant

- (a) Any pupil subject to compulsory full-time education or to compulsory continuation education who is **absent from school without 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**, is a truant and shall be reported to the attendance supervisor or to the superintendent of the school district.
- (b) Notwithstanding subdivision (a), it is the intent of the Legislature that school districts shall not change the method of attendance accounting provided for in existing law and shall not be required to employ period-by-period attendance accounting.

48260.5 Contents of first truancy notice to parents or guardians

- Upon a pupil's initial classification as a truant, the school district shall notify the pupil's parent or guardian using the most cost-effective method possible, which may include electronic mail or a telephone call:
 - (a) That the pupil is truant.
 - (b) That the parent or guardian is obligated to compel the attendance of the pupil at school.
 - (c) That parents or guardians who fail to meet this obligation may be guilty of an infraction and subject to prosecution pursuant to Article 6 (commencing with Section 48290) of Chapter 2 of Part 27.
 - (d) That alternative educational programs are available in the district.
 - (e) That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the pupil's truancy.
 - (f) That the pupil may be subject to prosecution under Section 48264.
 - (g) That the pupil may be subject to suspension, restriction, or delay of the pupil's driving privilege pursuant to Section 13202.7 of the Vehicle Code.
 - (h) That it is recommended that the parent or guardian accompany the pupil to school and attend classes with the pupil for one day.

48261. Subsequent report of truancy

- Any pupil who has once been reported as a truant and who is again absent from school without valid excuse one or more days, or tardy on one or more days, **shall again be reported as a truant to the attendance supervisor** or the superintendent of the district.

48262. Habitual truant

- Any pupil is deemed an habitual truant who has been reported as a **truant three or more times per school year**, provided that no pupil shall be deemed an habitual truant unless an appropriate **district officer or employee has made a conscientious effort to hold at least one conference with a parent or guardian of the pupil and the pupil himself**, after the filing of either of the reports required by Section 48260 or Section 48261. For purposes of this section, a conscientious effort means attempting to communicate with the parents or guardians of the pupil at least once using the most cost-effective method possible, which may include electronic mail or a telephone call.

- **48263. Referral to SARB or truancy mediation program**
- **48263.5 Notice to District Attorney or Probation Officer**

48263.6 Definition of a Chronic Truant (effective January 1, 2011)

- Any pupil subject to compulsory full-time education or to compulsory continuation education who is **absent from school without a valid excuse for 10 percent or more of the schooldays in one school year**, from the date of enrollment to the current date, is deemed a chronic truant, provided that the appropriate school district officer or employee has complied with Sections 48260, 48260.5, 48261, 48262, 48263, and 48291.
- **48264. Arrest of truants**

48205. Excused Absences;

- (a) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:
 - (1) Due to **his or her illness**.
 - (2) Due to **quarantine** under the direction of a county or city health officer.
 - (3) For the purpose of having **medical, dental, optometric, or chiropractic services rendered**.
 - (4) For the purpose of attending the **funeral services of a member of his or her immediate family**, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
 - (5) For the purpose of jury duty in the manner provided for by law.
 - (6) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent.
 - (7) For **justifiable personal reasons**, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board
 - (8) For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.
- (b) A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefore. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.
- (c) For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.
- (d) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.
- (e) "Immediate family," as used in this section, has the same meaning as that set forth in Section 45194, except that references therein to "employee" shall be deemed to be references to "pupil."

60901(c)(1). Chronic Absentee Defined

- For purposes of this section, "chronic absentee" means a pupil who is absent on 10 percent or more of the school days in the school year when the total number of days a pupil is absent is divided by the total number of days the pupil is enrolled and school was actually taught in the regular day schools of the district, exclusive of Saturdays and Sundays.

Investigations and Enforcement of Compulsory Education Laws

- **48290. Required Full and Impartial School Attendance Investigations**
- **48291. Required Referral of Parents to SARB and Required District Referrals to Law Enforcement**
- **48293. Penalties Against Parents**
- (a) Any parent, guardian, or other person having control or charge of any pupil who fails to comply with this chapter, unless excused or exempted therefrom, is guilty of an infraction and shall be punished as follows:
 - (1) Upon a first conviction, by a fine of not more than one hundred dollars (\$100).
 - (2) Upon a second conviction, by a fine of not more than two hundred fifty dollars (\$250).
 - (3) Upon a third or subsequent conviction, if the person has willfully refused to comply with this section, by a fine of not more than five hundred dollars (\$500). In lieu of imposing the fines prescribed in paragraphs (1) (2), and (3), the court may order the person to be placed in a parent education and counseling program.
- (b) A judgment that a person convicted of an infraction be punished as prescribed in subdivision (a) may also provide for the payment of the fine within a specified time or in specified installments, or for participation in the program. A judgment granting a defendant time to pay the fine or prescribing the days of attendance in a program shall order that if the defendant fails to pay the fine, or any installment thereof, on the date that it is due, or fails to attend a program on a prescribed date, he or she shall appear in court on that date for further proceedings. Willful violation of the order is punishable as contempt.
- (c) Until January 1, 2005, the court may also order that the person convicted of the violation of subdivision (a) immediately enroll the pupil in the appropriate school or educational program and provide proof of enrollment to the court. Willful violation of an order under this subdivision is punishable as civil contempt with a fine of up to one thousand dollars (\$1,000). An order of contempt under this subdivision shall not include imprisonment.
- (d) The Legislative Analyst, in consultation with the California District Attorney's Association and the State Department of Education, shall develop a report to be submitted to the Legislature on or before January 1, 2004, concerning the implementation of this subdivision

Penal Code Excerpts

- **Penal Code Section 270.1.**(a) A parent or guardian of a pupil of six years of age or more who is in kindergarten or any of grades one to eight, inclusive, and who is subject to compulsory full-time education or compulsory continuation education, whose child is a chronic truant as defined in Section 48263.6 of the *EC*, who has failed to reasonably supervise and encourage the pupil's school attendance, and who has been offered language accessible support services to address the pupil's truancy, is guilty of a misdemeanor punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment. A parent or guardian guilty of a misdemeanor under this subdivision may participate in the deferred entry of judgment program defined in subdivision (b). (b) A superior court may establish a deferred entry of judgment program that includes the components listed in paragraphs (1) to (7), inclusive, to adjudicate cases involving parents or guardians of elementary school pupils who are chronic truants as defined in Section 48263.6 of the *EC*

Children in Families on Public Assistance

- **11253.5. Children in Families on Public Assistance**
- (a) All children in an assistance unit for whom school attendance is compulsory, except individuals who are eligible for the Cal-Learn program under Article 3.5 (commencing with Section 11331) and children subject to a county school attendance project under Article 2 (commencing with Section 18236) of Chapter 3.3 of Part 6, shall be required to attend school.
- (b) Applicants for and recipients of aid under this chapter shall be informed of the attendance requirement and it shall be included in the recipient's welfare-to-work plan under Section 11325.21.
- (c) A recipient shall cooperate in providing the county with documentation routinely available from the school or school district of regular attendance of all applicable children in the assistance unit when the county determines it is appropriate.
- (d) If it is determined by the county that any eligible child under the age of 16 years is not regularly attending school as required, the needs of all adults in the assistance unit shall not be considered in computing the grant of the family under Section 11450 unless it has been determined by the county that good cause exists.
- (e) If it is determined by the county that any child in the assistance unit who is age 16 years or older is not regularly attending school as required, or participating pursuant to a welfare-to-work plan, the needs of the child shall not be considered in computing the grant of the family under Section 11450 unless it has been determined by the county that good cause exists.