

Board Office Use: Legislative File Info.	
File ID Number	15-1539
Introduction Date	08/26/15
Enactment Number	
Enactment Date	



**OAKLAND UNIFIED
SCHOOL DISTRICT**

Community Schools. Thriving Students.

Memo

To Board of Education

From Jacqueline Minor, General Counsel
Stephany Borja, Student at Oakland High School

Board Meeting Date August 26, 2015

Subject Amendment to Board Policy – BP 5113.1 Chronic Absence and Truancy

Action Requested Approval of updates to the Oakland Unified School District Board Policy BP 5113.1 Chronic Absence and Truancy

Background Periodically modifications to board policies are recommended to align with changes in law or recommended best practices. The proposed modifications to the board policies reflect the District's standards.

Discussion In order to ensure that our policies are current, it is important for us to review and update our policies. The proposed changes are based upon the California Association of Schools Board's recommended model. The modifications have been reviewed and vetted by the General Counsel.

The changes to the policy are shown on the attachment. The proposed deletions are indicated with **blue strikeouts**. The recommended additions are shown in **red**.

Recommendation Approval of modification to the Oakland Unified School District Board Policy BP 5113.1 Chronic Absence and Truancy

Fiscal Impact No direct funding implications

Attachments Amendment to Board Policy BP 5113.1 Chronic Absence and Truancy

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

Students

BP 5113.1

Chronic Absence And Truancy

~~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.~~

The Governing Board believes that excessive absenteeism, 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)

The Superintendent or designee shall establish a system to accurately track student attendance in order to identify individual students who are chronic absentees and truants, as defined in law and administrative regulation, and to identify patterns of absence throughout the district. He/she shall provide the Board with data on school attendance, chronic absence, and truancy rates for all district students, for each school, and for each numerically significant student subgroup as defined in Education Code 52052. Such data shall be disaggregated and used in the development of annual goals and specific actions for student attendance and engagement and for inclusion in the district's local control and accountability plan and other applicable school and district plans.

(cf. 0400 - Comprehensive Plans)

(cf. 0420 - School Plans/Site Councils)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 0460 - Local Control and Accountability Plan)

The Superintendent or designee shall develop strategies that focus on prevention of attendance problems, which may include, but are not limited to, efforts to provide a safe and positive school environment, relevant and engaging learning experiences, school activities that help develop students' feelings of connectedness with the school, school-based health services, and incentives and rewards to recognize students who achieve excellent attendance or demonstrate significant improvement in attendance. The Superintendent or designee also shall develop strategies that enable early outreach to students as soon as they show signs of poor attendance.

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

(cf. 5126 - Awards for Achievement)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5137 - Positive School Climate)
(cf. 5141.6 - School Health Services)
(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee shall work with students, parents/guardians, school staff, and community agencies, as appropriate, to identify factors contributing to chronic absence and truancy. He/she also may collaborate with child welfare services, law enforcement, courts, public health care agencies, other government agencies, and/or medical, mental health, and oral health care providers 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. 5030 - Student Wellness)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 5147 - Dropout Prevention)
(cf. ~~5149 - At Risk Students~~ 6158 - Independent Study)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.5 - Student ~~Study~~ Success Teams)
(cf. 6173 - Education for Homeless Children)
(cf. ~~cf. 6176 - Weekend/Saturday Classes~~ 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)

Students who are identified as truants shall be subject to

~~In addition,~~ the interventions specified in law and administrative regulation.

A student's truancy, tardiness, or other absence from school shall not be the basis for his/her out-of-school suspension or expulsion. Alternative disciplinary strategies and positive reinforcement for attendance shall be used whenever possible.

(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

The Superintendent or designee shall ~~cooperate with other agencies within the community to meet~~ periodically report to the ~~needs of~~ Board regarding the district's progress in improving student attendance rates for all students ~~who have serious school attendance or behavior problems and to maintain a continuing inventory of~~ and for each numerically significant student population. Such information shall be used to evaluate the effectiveness of strategies implemented to reduce chronic absence and truancy and to make changes as needed. As appropriate, the Superintendent or designee shall engage school staff in program evaluation and improvement and in identification of how to best allocate available community resources, ~~including alternative programs.~~

~~(cf. 1020 – Youth Services)~~

School Attendance Review Board

In accordance with law and administrative regulation, habitual truants~~(cf. 1400 – Relations Between Other Governmental Agencies and the Schools)~~

~~Habitually truant students~~ may be referred to a school attendance review board, (SARB).

The Board may submit a nomination to the County Superintendent of Schools for a ~~truancy mediation program operated by the county's~~ person who will serve on the county SARB as a representative of school districts. (Education Code 48321)

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

For purposes of California's welfare system (Cal WORKS), 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. 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)

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)
48225.5 Work permits, entertainment and allied industries
 48240-48246 Supervisors of attendance
 48260-48273 Truants
 48290-~~48296~~48296 Failure to comply; complaints against parents
 48320-~~48324~~48325 School attendance review boards
 48340-48341 Improvement of student attendance
48400-48403 Compulsory continuation education
48900 Suspension and expulsion
 49067 Unexcused absences as cause of failing grade
52052 Academic Performance Index; numerically significant student subgroups
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
256-258 Juvenile hearing officer
 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)~~
 44
15497.5 Local control and accountability plan template
 COURT DECISIONS
L.A. v. Superior Court of San Diego County, (2012) 209 Cal.App.4th 976

Management Resources:

~~CDE MANAGEMENT ADVISORIES~~

~~0114.98 School~~ CSBA PUBLICATIONS

Attendance Awareness Month, Fact Sheet, September 2014

ATTENDANCE WORKS PUBLICATIONS

Count Us In! Working Together to Show that Every School Day Matters, 2014
The Power of Positive Connections: Reducing Chronic Absence Through PEOPLE: Priority
Early Outreach for Positive Linkages and Cal WORKS, Management Bulletin 98-01 Engagement,
2014

CDE CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

School Attendance Review Board Handbook, ~~1995~~2015

CSBA ADVISORIES

~~Welfare Reform and Requirements for~~ School Attendance Improvement Handbook, 2000

WEB SITES

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

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

~~7/14/04~~

Attendance Works: <http://www.attendanceworks.org>

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

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

California Healthy Kids Survey: <http://chks.wested.org>

California School Climate, Health, and Learning Survey System: <http://www.cal-schls.wested.org>

OnTrackCA: <http://www.ontrackca.org>

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OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

Students

BP 5113.1

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- 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
- 48290-482967 Failure to comply; complaints against parents
- 48320-48325 School attendance review boards
- 48340-48341 Improvement of student attendance
- 48400-48403 Compulsory continuation education
- 48900 Suspension and expulsion
- 49067 Unexcused absences as cause of failing grade
- 52052 Academic Performance Index; numerically significant student subgroups
- 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

256-258 Juvenile hearing officer

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

15497.5 Local control and accountability plan template

COURT DECISIONS

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

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The Power of Positive Connections: Reducing Chronic Absence Through PEOPLE: Priority Early Outreach for Positive Linkages and Engagement, 2014

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

School Attendance Review Board Handbook, 2015

School Attendance Improvement Handbook, 2000

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