

Da Vinci Schools

Policy and Procedures

STUDENT ATTENDANCE

The Board of Trustees believes that absenteeism, whatever the cause, 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 Da Vinci Schools.

The Chief Executive Officer or designee shall periodically report to the Board regarding progress in improving student attendance rates for all students and for each numerically significant student population. Such information shall also be used to evaluate the effectiveness of strategies implemented to reduce chronic absence and truancy and to make changes as needed. Such data shall also be used in the development of annual goals and specific actions for student attendance and engagement to be included in the local control and accountability plans and other applicable local educational agency plans.

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

Supervisor of Attendance

The Chief Executive Officer or designee shall appoint an attendance supervisor and any assistant attendance supervisor(s) as may be necessary to supervise the attendance of Da Vinci students. (Education Code 48240)

The Chief Executive Officer or designee shall encourage any person appointed as an attendance supervisor to receive certification for the work by the County Board of Education to ensure alignment of practices within the county. (Education Code 48241, 48245)

Such supervisors shall perform duties related to compulsory full-time education, truancy, chronic absenteeism, and any additional duties prescribed by the Chief Executive Officer or designee. (Education Code 48240)

The attendance supervisor shall promote a culture of attendance and establish a system to accurately track student attendance in order to achieve all of the following: (Education Code 48240)

1. Raise the awareness of school personnel, parents/guardians, caregivers, community partners, and local businesses of the effects of chronic absenteeism and truancy and other challenges associated with poor attendance

2. Identify and respond to grade level or student subgroup patterns of chronic absenteeism or truancy
3. Identify and address factors contributing to chronic absenteeism and habitual truancy, including suspension and expulsion
4. Ensure that students with attendance problems are identified as early as possible to provide applicable support services and interventions
5. Maintain accurate attendance records for students identified as chronic absentees, habitual and/or chronic truants and document all contacts with a student and his/her guardian regarding attendance, including conversations, meetings and intervention efforts
6. Evaluate the effectiveness of strategies implemented to reduce chronic absenteeism rates and truancy rates

The attendance supervisor may provide support services and interventions, including, but not limited to, the following: (Education Code 48240)

1. A conference between school personnel, the student's parent/guardian, and the student
2. Promotion of cocurricular and extracurricular activities that increase student connectedness to school, such as tutoring, mentoring, the arts, service learning, or athletics
3. Recognition of students who achieve excellent attendance or demonstrate significant improvement in attendance
4. Referral of the student to a school nurse, school counselor, school psychologist, and other student support personnel for case management and counseling
5. Collaboration with child welfare services, law enforcement, public health care agencies, government agencies, or medical, mental health, and oral health care providers to receive necessary services
6. Collaboration with school study teams, guidance teams, school attendance review teams, or other intervention-related teams to assess the attendance or behavior problem in partnership with the student and his/her parents/guardians or caregivers
7. In schools with significantly higher rates of chronic absenteeism, identification of barriers to attendance that may require schoolwide strategies rather than case management
8. Referral of the student for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program for a student with disabilities or creating a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973

The attendance supervisor shall annually prepare a report regarding student attendance data for the Chief Executive Officer or designee and the Board of Trustees. Such data may include, by

school, grade level, and numerically significant student subgroups, school attendance rates, chronic absence rates, and dropout rates.

Definitions

Compulsory education provides that each person between the ages of 6 and 18 years not exempted is subject to compulsory full-time education. Each person subject to compulsory full-time education not exempted shall attend the public full-time day school and for the full time designated as the length of the schoolday by the Board. (Education Code 48200)

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 in session, 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 school has made a conscientious effort to hold at least one conference with the student and his/her 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 school 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, 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. 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)

Excused Absences

Absence from school shall be excused only for health reasons, family emergencies, and justifiable personal reasons, as permitted by law, and Board policy. (Education Code 48205)

Student absence for religious instruction or participation in religious exercises away from school property may be considered excused subject to law and administrative regulation. (Education Code 46014)

Inasmuch as school attendance and class participation are integral to students' learning experiences, parents/guardians and students shall be encouraged to schedule medical and other appointments during non-school hours.

Students shall not be absent from school without their parents/guardians' knowledge or consent, except in cases of medical emergency or, as authorized pursuant to Education Code 46010.1, for a confidential medical appointment.

Subject to any applicable limitation, condition, or other requirement specified in law, a student's absence shall be excused for any of the following reasons:

1. Personal illness (Education Code 48205)
2. Quarantine under the direction of a county or city health officer (Education Code 48205)
3. Medical, dental, optometrical, or chiropractic appointment (Education Code 48205)
4. Attendance at funeral services for a member of the student's immediate family (Education Code 48205)

Such absence shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state. (Education Code 48205)

5. Jury duty in the manner provided by law (Education Code 48205)
6. Illness or medical appointment of a child to whom the student is the custodial parent (Education Code 48205)
7. Upon advance written request by the parent/guardian and the approval of the principal or designee, justifiable personal reasons including, but not limited to: (Education Code 48205)
 - a. Appearance in court
 - b. Attendance at a funeral service
 - c. Observance of a religious holiday or ceremony
 - d. Attendance at religious retreats for no more than four hours per semester
 - e. Attendance at an employment conference
 - f. Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization
8. Service as a member of a precinct board for an election pursuant to Elections Code 12302 (Education Code 48205)

9. To spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code 49701, and has been called to duty for deployment to a combat zone or a combat support position or is on leave from or has immediately returned from such deployment (Education Code 48205)

Such absence shall be granted for a period of time to be determined at the discretion of the Chief Executive Officer or designee. (Education Code 48205)

10. Attendance at a naturalization ceremony to become a United States citizen (Education Code 48205)
11. Participation in religious exercises or to receive moral and religious instruction at the student's place of worship or other suitable place away from school (Education Code 46014)

Absence for student participation in religious exercises or instruction shall not be considered an absence for the purpose of computing average daily attendance if the student attends at least the minimum school day as established by the Chief Executive Officer or designee, and is not excused from school for this purpose on more than four days per school month. (Education Code 46014)

12. Work in the entertainment or allied industry (Education Code 48225.5)

Such absence shall be excused provided that the student holds a work permit authorizing such work and is absent for a period of not more than five consecutive days and up to five absences per school year. (Education Code 48225.5)

13. Participation with a nonprofit performing arts organization in a performance for a public school audience (Education Code 48225.5)

A student may be excused for up to five such absences per school year provided that the student's parent/guardian provides a written explanation of such absence to the school. (Education Code 48225.5)

14. Other reasons authorized at the discretion of the principal or designee based on the student's specific circumstances (Education Code 48205, 48260)

For the purpose of the absences described above, immediate family means the student's parent/guardian, brother or sister, grandparent, or any other relative living in the student's household. (Education Code 48205)

Attendance Verification

Student absence to care for a child for whom the student is the custodial parent shall not require a physician's note. (Education Code 48205)

For other absences, the student shall, upon returning to school following the absence, present a satisfactory explanation verifying the reason for the absence. Absences shall be verified by the

student's parent/guardian, other person having charge or control of the student, or the student if age 18 or older. (Education Code 46012; 5 CCR 306)

When an absence is planned, the principal or designee shall be notified prior to the date of the absence when possible.

The following methods may be used to verify student absences:

1. Written note, fax, email, or voice mail from parent/guardian or parent representative.
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:
 - a. Name of student
 - b. Name of parent/guardian or parent representative
 - c. Name of verifying employee
 - d. Date(s) of absence
 - e. Reason for absence
3. Physician's verification.
 - a. When excusing students for confidential medical services or verifying such appointments, staff shall not ask the purpose of such appointments but may request a note from the medical office to confirm the time of the appointment.
 - b. If a student shows a pattern of chronic absenteeism due to illness, staff may require physician verification of any further student absences.

Parent Notifications

At the beginning of each school year, the Chief Executive Officer or designee shall:

1. Notify parents/guardians of the right to excuse a student from school in order to participate in religious exercises or to receive moral and religious instruction at their places of worship, or at other suitable places away from school property designated by a religious group, church, or denomination (Education Code 46014, 48980)
2. Notify students in grades 7-12 and the parents/guardians of all students enrolled in Da Vinci Schools that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian (Education Code 46010.1)

3. Notify parents/guardians that a student shall not have a grade reduced or lose academic credit for any excused absence if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time. Such notice shall include the full text of Education Code 48205. (Education Code 48980)

Addressing Chronic Absence

When a student is identified as a chronic absentee, the supervisor of attendance and/or assistant supervisors of attendance shall communicate with the student and his/her 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 his/her needs and identifying strategies and programs to assist him/her.

A student who is struggling academically may be offered tutoring or other supplemental instruction, extended learning opportunities, and/or alternative educational options as appropriate.

Whenever chronic absenteeism is linked to a health issue or nonschool condition, the supervisor of attendance and/or assistant supervisors of attendance may recommend school or community resources and/or collaborate with community agencies and organizations to address the needs of the student and his/her 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 his/her 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 Chief Executive Officer 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 he/she has committed:

1. Initial truancy
 - a. The student shall be reported to the Chief Executive Officer 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)
 - (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.
 - (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 designee, or attendance supervisor or designee pursuant to Education Code 48264 if found away from home and absent from school without a valid excuse.
 - (6) It is recommended that the parent/guardian accompany the student to school and attend classes with the student for one day.
- c. The student and, as appropriate, his/her 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)

2. Second truancy

- a. Any student who has once been reported as a truant shall again be reported to the Chief Executive Officer or designee as a truant if he/she 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. An appropriate staff member shall make a conscientious effort to hold at least one conference with the student and his/her 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)

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 charter attendance review team (CART) meeting or a comparable program deemed acceptable by the Chief Executive Officer or designee. (Education Code 48263, 48264.5)

- b. Upon making a referral to the CART or comparable program, the Chief Executive Officer or designee shall provide the student and parent/guardian, in writing, the name and address of the CART or comparable program, the reason for the referral and the interventions conducted by the school site. This notice shall indicate that the student and parent/guardian shall be required, along with the staff person making the referral, to meet with the CART or comparable program to consider a proper disposition of the referral. (Education Code 48263)

4. Chronic truancy (unexcused absence for 10 percent of school days enrolled)

The Chief Executive Officer or designee shall ensure that the student's parents/guardians are offered language-accessible support services to address the student's truancy.

Exclusions from Attendance

The Chief Executive Officer or designee shall not unconditionally admit any student to an elementary or secondary school for the first time, nor, after July 1, 2016, admit or advance any student to grade 7 unless the student has been fully immunized in accordance with Health and Safety Code 120335 and Board policy or is exempted by law.

If a conditionally admitted student has not received required immunizations within 10 days after his/her parent/guardian has been notified of the need to do so, the student shall be excluded until he/she provides written evidence that he/she has received the vaccines due at that time. (Education Code 48216; Health and Safety Code 120335, 120370; 17 CCR 6055)

The Chief Executive Officer or designee shall also exclude a student:

1. Who is reasonably suspected of having active tuberculosis. He/she shall be excluded until the local health officer or licensed medical practitioner informs Da Vinci Schools, in writing, that the student is no longer at risk of developing or transmitting the disease. (Health and Safety Code 121485, 121495, 121505)
2. Who is infected with any contagious or infectious disease. The student shall be permitted to return to school when a medical provider informs the Chief Executive Officer or designee in writing that he/she is satisfied that the contagious or infectious disease no longer exists. (Education Code 49451; 5 CCR 202)
3. Who resides where any contagious, infectious, or communicable disease subject to quarantine exists or has recently existed and who is subject to strict isolation or quarantine of contacts, unless written permission of the health officer is provided. (Health and Safety Code 120230)

A student may be excluded from attendance at a Da Vinci School if he/she has not had the health screening specified in Health and Safety Code 124040 before or within the first 90 days of attending first grade, he/she may be excluded for up to five days unless the parent/guardian has presented a waiver or Da Vinci Schools have exempted the student from this requirement in accordance with law. (Health and Safety Code 124105)

The Chief Executive Officer or designee may exclude a student without prior notice to the parent/guardian if the student is excluded for any of the following reasons: (Education Code 48213)

1. He/she resides in an area subject to quarantine pursuant to Health and Safety Code 120230.
2. He/she is exempt from a medical examination but suffers from a contagious or infectious disease pursuant to Education Code 49451.
3. The Chief Executive Officer or designee determines that the presence of the student would constitute a clear and present danger to the safety or health of other students or school personnel.

However, in such cases, the Chief Executive Officer or designee shall send a notice as soon as reasonably possible after the exclusion. (Education Code 48213)

In all other cases, the Chief Executive Officer or designee shall send a notice to the student's parent/guardian stating the facts leading to the exclusion, prior to excluding the student from attendance.

Upon exclusion of his/her child, a parent/guardian may meet with the Chief Executive Officer or designee to discuss the exclusion. The parent/guardian shall have an opportunity to inspect all documents upon which the organization is basing its decision, to challenge any evidence and question any witness presented by Da Vinci Schools, to present oral and documentary evidence on the student's behalf, and to have one or more representatives present at the meeting.

Legal Reference:

EDUCATION CODE

37201 School month

41601 Reports of average daily attendance

42238-42250.1 Apportionments

46000 Records (attendance)

46010-46014 Absences

46100-46147 Minimum school day

46110-46119 Attendance in kindergarten and elementary schools

46140-46147 Attendance in junior high and high schools

48200-48341 Compulsory education law

48210-48216 Exclusions from attendance

48225.5 Work permits, entertainment and allied industries

48240-48246 Supervisors of attendance

48260-48273 Truants

48340-48341 Improvement of student attendance

48900 Suspension and expulsion

48980 Parental notifications

49067 Unexcused absences as cause of failing grade

49076 Access to records by persons without written consent or under judicial order
49408 Information of use in emergencies
49451 Parent's refusal to consent
49110-49119 Permits to work
49130-49135 Permits to work full time
49701 Provisions of the interstate compact on educational opportunities for military children
52052 Accountability; numerically significant student subgroups
52060-52077 Local control and accountability plan
60901 Chronic absence

ELECTIONS CODE

12302 Student participation on precinct boards

FAMILY CODE

6920-6929 Consent by minor for medical treatment
7000-7002 Emancipation of minors law
7050 Purposes for which emancipated minor considered an adult

GOVERNMENT CODE

54950-54963 The Ralph M. Brown Act

HEALTH AND SAFETY CODE

120230 Exclusion of persons from school
120325-120380 Educational and child care facility immunization requirements
121475-121520 Tuberculosis tests for students
124025-124110 Child Health and Disability Prevention Program

LABOR CODE

1285-1312 Employment of minors
1390-1399 Employment of minors

PENAL CODE

830.1 Peace officers

WELFARE AND INSTITUTIONS CODE

11253.5 Compulsory school attendance

CODE OF REGULATIONS, TITLE 5

202 Exclusion of students with a contagious disease
306 Explanation of absence
420-421 Record of verification of absence due to illness and other causes

CODE OF REGULATIONS, TITLE 17

6055 Exclusion for failure to obtain required immunizations

UNITED STATES CODE, TITLE 20
1681-1688 Title IX, discrimination

UNITED STATES CODE, TITLE 29
794 Section 504 of the Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 34
106.40 Marital or parental status

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