



Board Agenda Item #	III E: Consent Item
Date:	September 8, 2022
To:	Magnolia Public Schools - Board of Directors
From:	Alfredo Rubalcava, CEO & Superintendent
Staff Lead:	David Yilmaz, Chief Accountability Officer
RE:	Approval of Revised MPS Attendance Policy

#### Proposed Board Recommendation

I move that the Board approve the revised Magnolia Public Schools Attendance Policy.

#### Background

This is a policy that addresses all aspects of student attendance. It defines tardy, unexcused absence, truant, habitual truant, chronic truant, chronic absenteeism, School Attendance Review Team (SART), and other attendance related terms. The policy describes when a student shall be excused from school depending on the absence and the method of verification. The policy also explains the first days of school process if a student does not show up or if a student is absent ten days in a row without a valid excuse. This comprehensive policy addresses our questions and provides important guidelines to the schools.

It is MPS' intent to ensure that students attend school every day on time. Consistent school attendance is critical to school success. Being present for classroom instructional time is essential for students to reach their goals and achieve their dreams. Chronic absenteeism has been linked to an increased likelihood of poor academic performance, disengagement from school and behavior problems.

The Attendance Policy is included in the Student/Parent Handbook in its entirety. We have also created sample documents (truancy letter, SART agreement, etc.) that go along with the policy which are not included in the handbook but shared with our school administrators.

#### Revisions to the Policy

The revisions mainly include the following areas:

- Authorized parental leave for a pregnant or parenting student for up to eight (8) weeks, which may be extended if deemed medically necessary by the student's physician. (Yellow-highlighted part has been added.)

- Attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization for a maximum of five (5) school days upon written request by parent and approval by the Principal or designee pursuant to uniform standards established by the Board. *(Yellow-highlighted part has been added.)*
- Insofar as class participation is an integral part of students' learning experiences, parents/guardians and students shall be encouraged to schedule medical appointments during non-school hours. *(Yellow-highlighted part has been added.)*
- Updates to the first days of school process that outline our multiple efforts to contact the families to ensure their intent to enroll. The following steps have been added.
  - 2. Students who are not in attendance on the second (2nd) day of school will be contacted by phone to ensure their intent to enroll
  - 4. Students who are not in attendance on the fourth (4th) day of school will be contacted by phone to ensure their intent to enroll
- Inclusion of the CDE Enrollment Complaint Notice and Form when an Involuntary Removal Notice is sent
- Inclusion of the Non-Discrimination Statement in the policy.
  - Non-Discrimination
 

These policies will be enforced fairly, uniformly, and consistently without regard to the characteristics listed in Education Code section 220 (actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Penal Code section 422.55, including immigration status, pregnancy, or association with an individual who has any of the aforementioned characteristics).

Please find attached the updated policy.

#### Budget Implications

N/A

#### How Does This Action Relate/Affect/Benefit All MSAs?

This revised policy will help us implement consistent office procedures regarding attendance.

#### Name of Staff Originator:

David Yilmaz, Chief Accountability Officer

#### Exhibits (Attachments):

- Student Policies - MPS Attendance Policy

## MAGNOLIA PUBLIC SCHOOLS (MPS) ATTENDANCE POLICY

It is the intent of the Governing Board of the Magnolia Educational and Research Foundation, doing business as Magnolia Public Schools (“MPS” or “Charter School”) to ensure that students attend school every day on time. Consistent school attendance is critical to school success. Being present for classroom instructional time is essential for students to reach their goals and achieve their dreams. Chronic absenteeism has been linked to an increased likelihood of poor academic performance, disengagement from school and behavior problems.

### **Definitions**

- *“Tardy”*: MPS starts at **8:00 a.m.**\* Students shall be classified as tardy if the student arrives after that time.

\* Each individual MPS school start time may vary. Please check with your school office for the exact start time.

- *“Unexcused Absence”*: Students shall have an unexcused absence if the student is absent or is tardy for more than thirty (30) minutes without a valid excuse.
- *“Truant”*: Students shall be classified as truant if the student is absent from school without a valid excuse three (3) full days in one school year, or if the student is tardy or absent for more than any 30-minute period during the school day without a valid excuse on three (3) occasions in one school year, or any combination thereof. Any student 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 deemed a truant. Such students shall be reported to the Principal or designee.
- *“Habitual Truant”*: Students shall be classified as a habitual truant if the student is reported for truancy three (3) or more times within the same school year. This generally occurs when the student is absent from school without a valid excuse for five (5) full days in one school year or if the student is tardy or absent for more than any 30-minute period during the school day without a valid excuse on five (5) occasions in one school year, or any combination thereof.
- *“Chronic Truant”*: Students shall be classified as a chronic truant if the student is absent from school without a valid excuse for ten (10) percent or more of the school days in one school year, from the date of enrollment to the current date.
- *“School Attendance Review Team (“SART”)*: is the MPS Attendance Review Team and will consist of the individuals listed below: School Administrators, School Psychologist, Counselor, Nurse, Psychiatric Social Worker, Attendance Clerk, Intervention Teacher(s), MPS Director of Student Services or designee, PSAC or designee. The team may be composed of any individual who is working with the family and has a viable interest in the student’s school attendance.

### **Chronic Absenteeism – EC 60901**

A student is considered a chronic absentee when he/she is absent on 10% or more of the school days in one school year, from the date of enrollment to the current date. Chronic absenteeism includes all absences –

excused and unexcused – and is an important measure because excessive absences negatively impact academic achievement and student engagement.

**Arrest of Truants/School Attendance Review Boards – EC 48263 and 48264:**

The MPS attendance supervisor, administrator or designee, a peace officer, or probation officer may arrest or assume temporary custody during school hours, of any minor who is found away from their home and who is absent from MPS without valid excuse within the county, city or school district. A student who is a habitual truant may be referred to a SART.

**Excused Absences/Tardies for Classroom Based Attendance**

No student shall have his or her grade reduced or lose academic credit for any excused absence or absences, if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time. Absence from school shall be excused only for health reasons, family emergencies and justifiable personal reasons, as required by law or permitted under this Attendance Policy.

(a) A student shall be excused from school when the absence is:

- (1) Due to student's personal illness, including an absence for the benefit of the student's mental or behavioral health.
- (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.
  - a. Students in grades 7-12, inclusive, may be excused from school for the purpose of obtaining confidential medical services without the consent of the student's parent or guardian.
- (4) For the purpose of attending the funeral services of a member of the student's 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 student is the custodial parent, including absences to care for a sick child (The school does not require a note from the doctor for this excusal).
- (7) For the purpose of serving as a member of a precinct board for an election pursuant to Elections Code section 12302.
- (8) For the purpose of spending time with a member of the student's immediate family, who is an active duty member of the uniformed services, as defined in EC 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of MPS.
- (9) For the purpose of attending the student's naturalization ceremony to become a United States Citizen.

- (10) Authorized parental leave for a pregnant or parenting student for up to eight (8) weeks, which may be extended if deemed medically necessary by the student's physician.
  - (11) Authorized at the discretion of a school administrator or designee, based on the facts of the student's circumstances, are deemed to constitute a valid excuse.
  - (12) A student who holds a work permit to work for a period of not more than five (5) consecutive days in the entertainment or allied industries shall be excused from school during the period that the student is working in the entertainment or allied industry for a maximum of up to five (5) absences per school year subject to the requirements of Education Code section 48225.5.
  - (13) In order to participate with a not-for-profit performing arts organization in a performance for a public-school student audience for a maximum of up to five (5) days per school year provided the student's parent or guardian provides a written note to the school authorities explaining the reason for the student's absence.
  - (14) Appearance in court.
  - (15) Attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization for a maximum of five (5) school days upon written request by parent and approval by the Principal or designee pursuant to uniform standards established by the Board.
  - (16) For the purpose of participating in a cultural ceremony or event. "Cultural," as used in this section, means relating to the habits, practices, beliefs, and traditions of a certain group of people.
  - (17) Observance of a religious holiday.
  - (18) Participation in religious instruction or exercises as follows: The student shall be excused for this purpose on no more than four (4) school days per month.
- (b) A student 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 student is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the student 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, means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the student.

Other reasons will be considered that are requested in writing and approved by MPS. If the excuse is not one of the valid excuses listed above, the MPS administrators are authorized to excuse school absences due to the student's circumstances on a case-by-case basis.

**Unexcused Absences/Tardies for Classroom Based Attendance**

Students will be marked unexcused if they:

1. Do not bring a written note within **two (2)** school days following an absence;
2. Leave school without signing out at the school office;
3. Are absent from class without teacher permission or a valid excuse, including walking out of class;
4. Get a pass to go to a certain place but do not report there; and/or
5. Are absent/tardy for reasons **not acceptable** to the administration including but not limited to:
  - Not waking up on time
  - Transportation problems (missing the bus, traffic, etc.)
  - Running errands for family
  - Work
  - Babysitting
  - Hair appointment
  - Needed at home
  - Vacations or trips
  - Athletic workout
  - Socializing/Lingering in the hallway.

**Method of Verification**

A parent/guardian must inform the school office via phone of their child's absence/tardy the morning of the absence/tardy. When students who have been absent return to school, they must present a satisfactory explanation verifying the reason for the absence/tardy within **two (2)** school days of the excused absence and/or upon the student's return. If a satisfactory explanation is not provided within **two (2)** school days of the absence/return, the absence will be marked as "unexcused." The following methods may be used to verify student absences/tardies:

1. Signed, written note 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 or dates of absence; and
  - e. Reason for absence.

3. Visit to the student's home by the verifying employee, or any other reasonable method, which establishes the fact that the student was absent for the reasons stated. A written recording shall be made, including information outlined above.
4. Healthcare provider verification
  - a. When excusing students for confidential medical services or verifying such appointments, MPS staff shall not ask the purpose of such appointments but may contact a medical office to confirm the time of the appointment.
  - b. A healthcare provider's note of illness will be accepted for any reported absence. When a student has **had twenty (20)** absences in the school year verified by methods listed in #1-#3 above without a healthcare provider's note, any further absences for illness must be verified by a healthcare provider.

Insofar as class participation is an integral part of students' learning experiences, parents/guardians and students shall be encouraged to schedule medical appointments during non-school hours.

Students should not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency or for students in grades 7-12, inclusive, who may be excused from school for the purpose of obtaining confidential medical services without the consent of the student's parent or guardian.

Student absence for religious instruction or participation in religious exercises away from school property may be considered excused subject to administrative regulations and law.

Students who arrive to school late must report to the school office when the student arrives. If the student fails to do this, he or she will receive an unexcused tardy. If the student fails to present a satisfactory explanation verifying the reason for the tardy, the student will receive an unexcused tardy. The student will be given a "late slip" from office staff to be admitted to class.

#### **Make up Work for Excused Absences**

An absence from school, even for several days, does not excuse students from responsibilities in the classroom. On the day of return, it is the students' responsibility to find out what work is required and when the work needs to be completed. Students will be given the same number of days they were absent to make up missed work. For students with excused absences, make-up tests will be scheduled at a time designated by the teacher or as outlined in the teacher's syllabus. It is the students' responsibility to take the test at that time. If the student fails to do this, the teacher is not obligated to set another time for make-up. Please check teacher's syllabus and make sure for their individual policy.

#### **Independent Study Policy**

Students with a legitimate need for an extended absence of **five (5) or more days** can enroll in independent study. Please see the school office and website for the "**MPS Independent Study Policy.**"

#### **Extracurricular Activities**

When a student accrues **ten (10) unexcused absences/tardies in a semester**, the student may not be allowed to participate in any extracurricular activities for the remainder of that semester. (Field trips and academic opportunities do not count as extracurricular activities.) Special circumstances with documented

explanations should be reviewed with the administration. After twenty (20) unexcused absences/tardies within the school year, the student may be referred to the Reflection Committee regarding their standing and opportunity to participate in any culminating activities, i.e., promotion/graduation, prom or graduation night.

### **PROCESS FOR UPHOLDING THE ATTENDANCE POLICY**

#### **First Day of School Process**

When students are not in attendance on the **first five (5) consecutive days of school**, MPS will attempt to reach the parent/guardian on a daily basis for each of the first five days to determine whether the student has an excused absence, consistent with the process outlined in this policy. If the student has a basis for an excused absence, parents must notify MPS of the absence and provide documentation consistent with this policy. However, consistent with process below, students who are not in attendance due to an unexcused absence by the **sixth (6<sup>th</sup>) day of school** will be disenrolled from the Charter School roster after following the Involuntary Removal Process described below, as it will be assumed that the student has chosen another school option.

1. Students who are not in attendance on the first (1<sup>st</sup>) day of school will be contacted by phone to ensure their intent to enroll.
2. Students who are not in attendance on the second (2<sup>nd</sup>) day of school will be contacted by phone to ensure their intent to enroll.
3. Students who have indicated their intent to enroll but have not attended by the third (3<sup>rd</sup>) day will receive a letter indicating the student will be disenrolled after the fifth day of school if the student has not attended school without valid excuse.
4. Students who are not in attendance on the fourth (4<sup>th</sup>) day of school will be contacted by phone to ensure their intent to enroll.
5. Students who have indicated their intent to enroll but have not attended by the fifth (5<sup>th</sup>) day of school and do not have an excused absence will receive a phone call reiterating the content of the letter.
6. MPS will send the Involuntary Removal Notice and the CDE Enrollment Complaint Notice and Form. to the parent/guardian and follow the Involuntary Removal Process described below for any students who have not attended by the sixth (6<sup>th</sup>) day, and do not have an excused absence.
7. The Involuntary Removal Process can be started immediately upon MPS receiving documentation of the student's enrollment and attendance at another public or private school (i.e., a CALPADS report).
8. MPS will use the contact information provided by the parent/guardian in the registration packet.
9. The last known District of Residence will be notified of the student's failure to attend MPS and the voluntary disenrollment within thirty (30) days of the disenrollment.



**Truancy Process**

1. Each of the first **two (2)** unexcused absences or unexcused tardies over 30 minutes will result in a call home to the parent/guardian by the Principal or designee. The student's classroom teacher may also call home.
2. Each of the **third (3rd) and fourth (4th)** unexcused absences or unexcused tardies over 30 minutes will result in a call home to the parent/guardian by the Principal or designee. In addition, the student's classroom teacher may also call home and/or MPS may send the parent an e-mail notification. In addition, upon reaching **three (3)** unexcused absences or unexcused tardies over 30 minutes in a school year, the parent/guardian will receive "**Truancy Letter #1 – Truancy Classification Notice**" from the Charter School notifying the parent/guardian of the student's "Truant" status. This letter must be signed by the parent/guardian and returned to the Charter School. This letter shall also be accompanied by a copy of this Attendance Policy. This letter, and all subsequent letter(s) sent home, shall be sent by Certified Mail, return receipt requested, or some other form of mail that can be tracked. This letter shall be re-sent after a **fourth (4th)** unexcused absence or unexcused tardy over 30 minutes.
3. Upon reaching **seven (7)** unexcused absences or unexcused tardies over 30 minutes, the parent/guardian will receive "**Truancy Letter #2 – Habitual Truant Classification Notice – Conference Request,**" notifying the parent/guardian of the student's "Habitual Truant" status and that a parent/guardian conference will be scheduled to review the student's records and develop an intervention plan/contract. In addition, MPS will consult with a school counselor regarding the appropriateness of a home visitation and/or case management.
4. Upon reaching **ten (10)** unexcused absences or unexcused tardies over 30 minutes, the student will be referred to a **Student Support and Progress Team (SSPT)** and the **MPS Attendance Review Team (SART)**. In addition, the parent/guardian will receive a "**Truancy Letter #3 – Referral to SART Meeting,**" and will be asked/invited to attend a presentation regarding chronic absenteeism.
5. The SART panel can include, but is not limited to, the following school members: School Administrators, School Psychologist, Counselor, Nurse, Psychiatric Social Worker, Attendance Clerk, Intervention Teacher(s), MPS Director of Student Services or designee, PSAC or designee. The panel may be composed of any individual who is working with the family and has a viable interest in the student's school attendance. The SART panel will discuss the absence problem with the Parent/Guardian to work on solutions, develop strategies, discuss appropriate support services for the student and his/her family, and establish a plan to resolve the attendance issue.
  - a. The SART panel shall direct the parent/guardian that no further unexcused absences or tardies can be tolerated.
  - b. The parent/guardian shall be required to sign a contract formalizing the agreement by the parent/guardian to improve the child's attendance or face additional administrative action. The contract will identify the corrective actions required in the future, and indicate

that the SART panel shall have the authority to order one or more of the following consequences for non-compliance with the terms of the contract:

- i. Parent/guardian to attend school with the child for one (1) day
  - ii. Student retention
  - iii. After school detention program
  - iv. Required school counseling
  - v. Loss of field trip privileges
  - vi. Loss of school store privileges
  - vii. Loss of school event privileges
  - viii. Required remediation plan as set by the SART
  - ix. Notification to the County District Attorney
- c. The SART panel may discuss other school placement options.
- d. Notice of action recommended by the SART will be provided in writing to the parent/guardian.
6. If the conditions of the SART contract are not met, the student may incur additional administrative action up to and including disenrollment from MPS consistent with the Involuntary Removal Process described below. If the student is disenrolled after the Involuntary Removal Process has been followed, notification will be sent within thirty (30) days to the student's last known district of residence.
7. For all communications set forth in this process, MPS will use the contact information provided by the parent/guardian in the registration packet. It is the parent's or guardian's responsibility to update MPS with any new contact information.
8. If student is absent **ten (10) or more consecutive school days** without valid excuse and parent/guardian cannot be reached at the number or address provided in the registration packet and does not otherwise respond to MPS' communication attempts, as set forth above, the student will be in violation of the SART contract, and the SART panel will recommend that the student be disenrolled in compliance with the Involuntary Removal Process described below. The Involuntary Removal Process can be started immediately upon the Charter School receiving documentation of Student's enrollment and attendance at another public or private school (i.e. a CALPADS report).

### **Involuntary Removal Process**

No student shall be involuntarily removed by the Charter School for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five (5) schooldays before the effective date of the action ("Involuntary Removal Notice"). The written notice shall be in the native language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder. The Involuntary Removal Notice shall include the 1) charges against the student, 2) an explanation of the student's basic rights including the

right to request a hearing before the effective date of the action, and 3) the CDE Enrollment Complaint Notice and Form. The hearing shall be consistent with the Charter School's expulsion procedures. If the student's parent, guardian, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be removed until the Charter School issues a final decision. As used herein, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions or expulsions pursuant to the Charter School's suspension and expulsion policy.

Upon parent/guardian request for a hearing, the Charter School will provide notice of hearing consistent with its expulsion hearing process, through which the student has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the student has the right to bring legal counsel or an advocate. The notice of hearing shall be in the native language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder and shall include a copy of the Charter School's expulsion hearing process.

If the parent/guardian is nonresponsive to the Involuntary Removal Notice, the student will be disenrolled as of the effective date set forth in the Involuntary Removal Notice. If parent/guardian requests a hearing and does not attend on the date scheduled for the hearing the student will be disenrolled effective the date of the hearing.

If as a result of the hearing the student is disenrolled, notice will be sent to the student's last known district of residence within thirty (30) days.

A hearing decision not to disenroll the student does not prevent the Charter School from making a similar recommendation in the future should student truancy continue or re-occur.

**Truant Consequences – EC 48263, 48267, 48268, and 48269; WIC 236, 601, 601.3, 653.5, 654, and 651.5**

Any student who is identified as "Truant" may be assigned as a ward of the court, if the available community resources do not resolve the students' continued problem of truancy, by a Probation Officer or Deputy District Attorney.

**Referral to Appropriate Agencies or County District Attorney**

It is MPS' intent to identify and remove all barriers to the student's success, and MPS will explore every possible option to address student attendance issues with the family. For any unexcused absence, MPS may refer the family to appropriate school-based and/or social service agencies.

If a child's attendance does not improve after a SART contract has been developed according to the procedures above, or if the parents/guardians fail to attend a required SART meeting, MPS shall notify the County District's Attorney's office, which then may refer the matter for prosecution through the court system. Students twelve (12) years of age and older may be referred to the juvenile court for adjudication.

These policies will be enforced fairly, uniformly, and consistently without regard to the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the

definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics).

**Non-Discrimination**

These policies will be enforced fairly, uniformly, and consistently without regard to the characteristics listed in Education Code section 220 (actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Penal Code section 422.55, including immigration status, pregnancy, or association with an individual who has any of the aforementioned characteristics).

**Reports**

The MPS Principal, or designee, shall gather and report to the Board the number of absences both excused and unexcused as well as students who are truant, and the steps taken to remedy the problem.