



## OAKLAND MILITARY INSTITUTE COLLEGE PREPARATORY ACADEMY

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### CLASSROOM-BASED ATTENDANCE POLICY

It is the intent of the Governing Board (“Board”) of Oakland Military Institute College Preparatory Academy (“OMI” or the “Charter School”) to ensure that cadets attend school every day on time. Consistent school attendance is critical to school success. Being present for classroom instructional time is essential for cadets 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*”: OMI starts at 8:25am for middle school and 8:30am for high school. Cadets shall be classified as tardy if the cadet arrives after that time. Additionally, a cadet is tardy if they are not in the regimental formation at the prescribed time and/or in line or seated ready to work in class when the tardy bell rings.
- “*Unexcused Absence*”: A cadet shall have an unexcused absence if the cadet is absent or is tardy for more than thirty (30) minutes without a valid excuse.
- “*Truant*”: A cadet shall be classified as a truant if the cadet is absent from school without a valid excuse three (3) full days in one school year, or if the cadet 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 cadet 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 cadets shall be reported to the Superintendent or designee.
- “*Habitual Truant*”: A cadet shall be classified as a habitual truant if the cadet is reported for truancy three (3) or more times within the same school year. This generally occurs when the cadet is absent from school without a valid excuse for five (5) full days in one school year or if the cadet 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.

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- *“Chronic Truant”*: A cadet shall be classified as a chronic truant if the cadet 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”)*”: The SART panel will be composed of SFC Michael Traver, SFC Alexander Yin, Shawna Lipsey, and Shann Chu. The SART panel will discuss the absence problem with the cadet’s parent/guardian to work on solutions, develop strategies, discuss appropriate support services for the cadet and cadet’s family, and establish a plan to resolve the attendance issue.
  1. The SART panel shall direct the parent/guardian that no further unexcused absences or tardies can be tolerated.
  2. 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:
    - a. Parent/guardian to attend school with the child for one day
    - b. Student retention
    - c. After school detention program
    - d. Required school counseling
    - e. Loss of field trip privileges
    - f. Loss of school store privileges
    - g. Loss of school event privileges
    - h. Mandatory Saturday school
    - i. Required remediation plan as set by the SART
    - j. Notification to the County District Attorney
  3. The SART panel may discuss other school placement options.
  4. Notice of action recommended by the SART will be provided in writing to the parent/guardian.

### **Excused Absences for Classroom Based Attendance**

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 cadet’s absence shall be excused for the following reasons:

1. Personal illness, including an absence for the benefit of the pupil’s mental or behavioral health
2. Quarantine under the direction of a county or city health officer.

3. Medical, dental, optometric, or chiropractic appointments:
  - a. Cadets in grades 7-12, inclusive, may be excused from school for the purpose of obtaining confidential medical services without the consent of the cadet's parent or guardian.
4. Attendance at funeral services for a member of the cadet's immediate family:
  - a. Excused absence in this instance shall be limited to one (1) day if the service is conducted in California or three (3) days if the service is conducted out of state.
  - b. "Immediate family" shall be defined as parent or guardian, grandparent, spouse, son/son-in-law, daughter/daughter-in-law, brother, sister or any other relative living in the cadet's household.
5. Participation in religious instruction or exercises as follows:
  - a. The cadet shall be excused for this purpose on no more than four (4) school days per month.
6. For the purposes of jury duty in the manner provided for by law.
7. Due to the illness or medical appointment during school hours of a child of whom the cadet 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).
8. To permit the cadet to spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code section 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 Charter School.
9. For the purpose of serving as a member of a precinct board for an election pursuant to Election Code section 12302.
10. Attendance at the cadet's naturalization ceremony to become a United States citizen.
11. Authorized parental leave for a pregnant or parenting cadet for up to eight (8) weeks, which may be extended if deemed medically necessary by the cadet's physician.
12. Authorized at the discretion of the Superintendent or designee, based on the facts of the cadet's circumstances, are deemed to constitute a valid excuse.
13. A cadet 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

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that the cadet 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.

14. 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 cadet's parent or guardian provides a written note to the school authorities explaining the reason for the cadet's absence.
15. For the purpose of participating in a cultural ceremony or event. "Cultural" for these purposes means relating to the habits, practices, beliefs, and traditions of a certain group of people.
16. For the purpose of a middle or high school pupil engaging in a civic or political event as indicated below, provided that the pupil notifies the school ahead of the absence. A "civic or political event" includes, but is not limited to, voting, poll working, strikes, public commenting, candidate speeches, political or civic forums, and town halls.
  - a. A middle school or high school pupil who is absent pursuant to this provision is required to be excused for only one schoolday-long absence per school year.
  - b. A middle school or high school pupil who is absent pursuant to this provision may be permitted additional excused absences in the discretion of a school administrator.
17. For the following justifiable personal reasons for a maximum of five (5) school days per school year, upon advance written request by the cadet's parent or guardian and approval by the Superintendent or designee pursuant to uniform standards:
  - a.    Appearance in court.
  - b.    Observance of a holiday or ceremony of the pupil's religion.
  - c.    Attendance at religious retreats.
  - d.    Attendance at an employment conference.
  - e.    Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization.

A cadet who is absent due to an excused absence will be allowed to complete all assignments and tests missed during the excused absence that can be reasonably provided and will receive full credit upon satisfactory completion within a reasonable period of time. The teacher of the class from which a cadet is absent shall determine which tests and assignments are reasonably equivalent to, but not necessarily identical to, the tests and assignments that the cadet missed during the excused absence.

### **Method of Verification**

When a cadet who has been absent returns to school, the cadet must present a satisfactory explanation verifying the reason for the absence. The following methods may be used to verify cadet absences:

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1. Signed, written note from the cadet's parent/guardian or parent representative.
2. Conversation, in person or by telephone, between the verifying employee and the cadet'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 cadet's home by the verifying employee, or any other reasonable method, which establishes the fact that the cadet was absent for the reasons stated. A written recording shall be made, including the information outlined above.
4. Healthcare provider verification:
  - a. When excusing cadets for confidential medical services or verifying such appointments, Charter School 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 cadet has had ten (10) absences in the school year for illness 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 cadets' learning experiences, parents/guardians and cadets shall be encouraged to schedule medical appointments during non-school hours.

Cadets should not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency.

### **Unexcused Absences/Truancy for Classroom Based Attendance**

The Superintendent, or designee, shall implement positive steps to reduce truancy, including working with the family in an attempt to resolve the attendance problem. A cadet's progress and learning may be affected by excessive unexcused absences. In addition, the Charter School is fiscally dependent on cadet attendance and is negatively impacted by excessive unexcused absences. If all attempts to resolve the cadet's attendance problem are unsuccessful, the Charter School will implement the processes described below.

### **Process for Addressing Truancy**

1. The first unexcused absence or unexcused tardy over 30 minutes will result in a call home to the parent/guardian by the Superintendent or designee and detention. The cadet's classroom teacher may also call home.

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The second through fifth tardies, will result in a letter home or a parent/guardian meeting, and detention.

2. Each of the third (3rd) and fourth (4th) unexcused absences or unexcused tardies over thirty (30) minutes will result in a call home to the parent/guardian by the Superintendent or designee, a meeting, and detention. In addition, the cadet's classroom teacher may also call home and/or the Charter School 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 cadet'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 (4<sup>th</sup>) unexcused absence.
3. Upon reaching five (5) unexcused absences or unexcused tardies over 30 minutes, the parent/guardian will receive "**Truancy Letter #2 – Habitual Truant Classification Notice and Conference Request**," notifying the parent/guardian of the cadet's "Habitual Truant" status and a parent/guardian conference will be scheduled to review the cadet's records and develop an intervention plan/contract. In addition, the Charter School will consult with a school counselor regarding the appropriateness of a home visitation and/or case management.
4. Upon reaching sixth (6th) unexcused tardies, the cadet will receive after-school detention and a SART contract.
5. Upon reaching six (6) unexcused absences or unexcused tardies over 30 minutes, the parent/guardian will receive a "**Truancy Letter #3 – Referral to SART Meeting**" and the cadet will be referred to a Student Success Team (SST) and the SART.
6. Upon reaching the tenth (10<sup>th</sup>) unexcused tardy, the cadet will be referred to the Honor Board for Attendance Violations/stipulated 30-day contract.
7. Upon reaching the twentieth (20<sup>th</sup>) unexcused tardy, the cadet will be referred to the Honor Board for Attendance Violations and to the SART.
8. Upon reaching the thirtieth (30<sup>th</sup>) unexcused tardy, the cadet will be referred to the SART.
  9. If the conditions of the SART contract are not met, the cadet may incur additional administrative action up to and including disenrollment from the Charter School, consistent with the Involuntary Removal Process described below. If the cadet is disenrolled after the Involuntary Removal Process has been followed, notification will be sent within thirty (30) days to the cadet's last known school district of residence.

10. For all communications set forth in this process, the Charter School 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 the Charter School with any new contact information.
11. If a cadet is absent ten (10) or more consecutive school days without valid excuse and the cadet's parent/guardian cannot be reached at the number or address provided in the registration packet and does not otherwise respond to the Charter School's communication attempts, as set forth above, the cadet will be in violation of the SART contract, and the SART panel will recommend that the cadet 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 the cadet's enrollment and attendance at another public or private school (i.e., a CALPADS report).

### **Process for Students Who Are Not in Attendance at the Beginning of the School Year**

When a cadet is not in attendance on the first five (5) days of the school year, the Charter School will attempt to reach the cadet's parent/guardian on a daily basis for each of the first five (5) days to determine whether the cadet has an excused absence, consistent with the process outlined in this policy. If the cadet has a basis for an excused absence, the cadet's parent/guardian must notify the Charter School of the absence and provide documentation consistent with this policy. However, consistent with process below, cadets who are not in attendance by the tenth (10<sup>th</sup>) day of the school year due to an unexcused absence will be disenrolled from the Charter School roster after following the Involuntary Removal Process described below, as it will be assumed that the cadet has chosen another school option.

1. Cadets who are not in attendance on the first (1<sup>st</sup>) day of the school year will be contacted by phone to ensure their intent to enroll in the Charter School.
2. Cadets who have indicated their intent to enroll but have not attended by the third (3<sup>rd</sup>) day of the school year and do not have an excused absence will receive a letter indicating the cadet's risk of disenrollment.
3. Cadets who have indicated their intent to enroll but have not attended by the fifth (5<sup>th</sup>) day of the school year and do not have an excused absence will receive a phone call reiterating the content of the letter.
4. Cadets who are not in attendance by the tenth (10<sup>th</sup>) day of the school year and do not have an excused absence will receive an Involuntary Removal Notice and the CDE Enrollment Complaint Notice and Form. The Charter School will follow the Involuntary Removal Process described below, which includes an additional five (5) school days for the parent/guardian to respond to the Charter School and request a hearing before disenrollment.

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5. The Involuntary Removal Process can be started immediately upon the Charter School receiving documentation of the cadet's enrollment and attendance at another public or private school (i.e., a CALPADS report).
6. The Charter School will use the contact information provided by the parent/guardian in the registration packet.
7. Within thirty (30) calendar days of disenrollment, the Charter School will send the cadet's last known school district of residence a letter notifying it of the cadet's failure to attend the Charter School.

### **Involuntary Removal Process**

No cadet shall be involuntarily removed by the Charter School for any reason unless the parent or guardian of the cadet has been provided written notice of the Charter School's intent to remove the cadet ("Involuntary Removal Notice"). The Involuntary Removal Notice must be provided to the parent or guardian no less than five (5) schooldays before the effective date of the proposed disenrollment date.

The written notice shall be in the native language of the cadet or the cadet's parent or guardian or, if the cadet is a foster child or youth or a homeless child or youth, the cadet's educational rights holder. The Involuntary Removal Notice shall include:

1. The charges against the cadet
2. An explanation of the cadet's basic rights including the right to request a hearing before the effective date of the action
3. The CDE Enrollment Complaint Notice and Form

The hearing shall be consistent with the Charter School's expulsion procedures. If the cadet's parent, guardian, or educational rights holder requests a hearing, the cadet 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 a parent's or guardian's request for a hearing, the Charter School will provide notice of hearing consistent with its expulsion hearing process, through which the cadet has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the cadet has the right to bring legal counsel or an advocate. The notice of hearing shall be in the native language of the cadet or the cadet's parent or guardian or, if the cadet is a foster child or youth or a homeless child or youth, the cadet'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 cadet will be disenrolled as of the effective date set forth in the Involuntary Removal Notice. If



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parent/guardian requests a hearing and does not attend on the date scheduled for the hearing, the cadet will be disenrolled effective the date of the hearing.

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

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

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

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

If a cadet'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, the Charter School shall notify the County District Attorney's office, which then may refer the matter for prosecution through the court system. Cadets twelve (12) years of age and older may be referred to the juvenile court for adjudication.

### **Tardies and Consequences**

A cadet is tardy if they are not in the regimental formation at the prescribed time and/or in line or seated ready to work in class when the tardy bell rings. After thirty (30) minutes, a cadet will be marked with an unexcused absence. When a cadet has a legitimate excuse for being tardy (such as being with an adult staff member), the cadet has the responsibility for having that adult write a tardy excuse in the cadet's planner on the date corresponding to the tardy. This ensures that the cadet has a permanent record of excused tardies and will prevent a cadet from having to serve detention for unexcused tardies.

First Tardy /30 Minutes Unexcused Absence – Call home by the Superintendent or designee, Detention. Class teacher may also call home.

2-5 Tardies: Letter Home or Parent/Guardian Meeting, Detention

6+ Tardies: After-School Detention, Cadet Contract

10 Tardies: Cadet Honor Board/Stipulated 30-Day Contract

20 Tardies: Cadet Honor Board for Attendance Violations /SART

30 Tardies: Referral to the SART

### **Non-Discrimination**

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

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