

Policy 4.01 – Discussion Agenda – 08/17/06 – Public Hearing

4.01 ATTENDANCE/TRUANCY

A. COMPULSORY SCHOOL ATTENDANCE LAW

1. All children who have attained the age of 6 years or who will have attained the age of 6 years by February 1 of any school year or who are older than 6 years of age but who have not attained the age of 16 years, except as otherwise provided, are required to attend school regularly during the entire school term.(F.S. 1003.21(1)(a)1) In Clay County, a school term shall consist of 180 days.
2. Each parent/guardian of a child within the compulsory attendance age shall be responsible for such child's school attendance as required by law. (F.S. 1003.24)
3. A child who attains the age of 16 years during the school year is not subject to compulsory school attendance beyond the date upon which he or she attains that age if the child files a formal declaration of intent to terminate school enrollment with the district school board. The declaration of intent to withdraw from school, filed by students between the ages of 16 and 18 years, must acknowledge the impact of a student's withdrawal on future earning potential. The student's parent or guardian must be notified of the student's intent to withdraw from school and the *Student Declaration of Intent to Terminate School Enrollment* form must be signed by both student and parent. (Ref. F.S. Section 1003.21(1)(c))
4. Children within the compulsory attendance age limits who hold valid certificates of exemption, which have been issued by the Superintendent shall be exempt from attending school. A certificate of exemption shall cease to be valid at the end of the school year in which it is issued. (F.S. 1003.21(3)). Parents/Guardians must submit in writing a request for a certificate of exemption to the Superintendent. Certificates of exemption may be issued at the discretion of the Superintendent.
5. The principal or designee must contact the parent/guardian to determine the reason for each unexcused absence or absence for which the reason is unknown. After 5 unexcused absences within a calendar month, or 10 within a 90 calendar day period, the student's primary teacher shall report to the principal or designee that the student may have a pattern of nonattendance. The principal shall, unless there is clear evidence that the absences are not a pattern of nonattendance, refer the case to the school's attendance team. If the attendance team (AT) determines that a pattern of nonattendance is developing whether the absences are excused or not, a meeting with the parent must be scheduled. If the parent meeting does not resolve the attendance problem, the AT shall implement interventions that best address the problem. If the parent/guardian refuses to participate in the remedial strategies because he or she believes they are unnecessary or inappropriate, the parent/guardian may appeal to the School Board. If excessive unexcused absences

continue, legal action may be initiated against the parent/guardian and/or student.
(F.S. 1003.26; 1003.27)

B. LEGAL DEFINITIONS

1. **HABITUAL TRUANT** [F.S. 1003.01(8)] – A habitual truant is a student who has 15 unexcused absences within 90 calendar days, with or without the knowledge or consent of the student’s parent or legal guardian, is subject to compulsory school attendance under F.S. 1003.21(1) & (2)(d), and is not exempt under F.S.1003.21(3) or F.S.1003.24, or by meeting the criteria for any other exemption specified by law or rules of the State Board of Education. Such a student must have been the subject of the activities specified in F.S. 1003.26 and 1003.27(3), without resultant successful remediation of the truancy problem before being dealt with as a child in need of services according to the provisions of chapter 984.
2. **DROPOUT** (F.S. 1003.01(9)) – Dropout means a student who meets any one or more of the following criteria:
 - a. The student has voluntarily removed himself or herself from the school system before graduation for reasons that include, but are not limited to marriage, or the student has withdrawn from school because he or she has failed the state-wide student assessment test and thereby does not receive any of the certificates of completion;
 - b. The student has not met the relevant attendance requirements of the school district pursuant to state Board of Education rules, or the student was expected to attend a school but did not enter as expected for unknown reasons, or the student’s whereabouts are unknown;
 - c. The student has withdrawn from school, but has not transferred to another public or private school or enrolled in any career and technical, adult, home education, or alternative educational program;
 - d. The student has withdrawn from school due to hardship, unless such withdrawal has been granted under the provisions of F.S. 322.091 court action, expulsion, medical reasons, or pregnancy; or
 - e. The student is not eligible to attend school because of reaching the maximum age for an exceptional student program in accordance with the district’s policy.
3. **TRUANCY PETITION** (F.S. 984.03(57)) – A petition filed by the Superintendent of Schools alleging that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, or has had more than 15 unexcused absences in a 90-calendar-day period. A truancy petition is filed and processed under F.S. 984.151.

C. ENFORCEMENT OF SCHOOL ATTENDANCE LAWS

The Superintendent shall be responsible for the enforcement of compulsory school attendance laws according to F.S. 1003.26.

1. **CRIMINAL COMPLAINTS AGAINST PARENTS/GUARDIANS:** If a student continues a pattern of nonattendance and the parent/guardian is noncompliant with the activities required under F.S. 1003.26 (1), criminal prosecution may be commenced by the Superintendent or his/her designee. The Superintendent or his/her designee shall give written notice, in person or by return receipt mail to the parent, guardian, or other person in charge of the child that criminal prosecution is being sought for nonattendance. If the parent/guardian has made a bona fide and diligent effort to control and keep the child in school, however, the child continues to have a pattern of excessive unexcused absences, the child shall be dealt with as a habitual truant.
2. **TRUANCY CASES:** When a student, subject to compulsory school attendance, has had at least five unexcused absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period pursuant to F.S.1003.26(1)(b), or has had more than 15 unexcused absences in a 90-calendar-day period, the Superintendent is authorized to file a truancy petition, as defined in F.S. 984.03, following the procedures outlined in F.S. 984.151. If the Superintendent chooses not to file a truancy petition, procedures for filing a child-in-need-of-services petition shall be commenced pursuant to F.S. 1003.26 and F.S. 984. An interagency cooperative agreement as required by F.S. 1003.27(4), shall be developed and will define each participant's role responsibility and function in working with habitual truants and their families.
3. **LEARNFARE:** Pursuant to F.S. 414.125 LEARNFARE legislation, welfare reform initiatives, now require school age children (6-16) of cash assistance recipients to attend school regularly. The Clay County School Board and the Department of Children and Families will implement this legislation through an Interagency Agreement, which specifies the responsibilities and tasks of each participant.
4. **DRIVERS LICENSE LAW:** Each principal or designee shall notify the district school board of each minor under its jurisdiction who accumulates 15 unexcused absences in a period of 90 calendar days. The Superintendent must provide the Department of Highway Safety and Motor Vehicles the legal name, sex, date of birth, and social security number of each minor who has been reported under this paragraph. [Ref. F.S. 1003.27(2)(b)] NOTE: Please REFER TO CCSB POLICY 4.53.
5. **NON-ENROLLMENT:** Under the direction of the Superintendent, a designated school representative shall give written notice, in person or by return receipt mail, to the parent, guardian, or other person having control when no valid reason is found for a child's non-enrollment in school which requires enrollment or attendance within 3 days after the date of notice. If the notice and requirement are

ignored, the designated school representative shall report the case to the Superintendent and may refer the case to the case staffing committee, established pursuant to F.S. 984.12. The Superintendent shall take such steps as are necessary to bring criminal prosecution against the parent, guardian, or other person having control.

6. **WITHDRAWAL DUE TO NON-ATTENDANCE:** Students ages 16 and 17 who have 15 or more consecutive unexcused absences may be withdrawn due to non-attendance if the student and parent/guardian sign the Declaration to Terminate School Enrollment form, or the following steps have been completed: 1) Several attempts have been made to contact the student and the parent/guardian regarding the student's non-attendance, the potential withdrawal and the requirement to sign a Declaration to Terminate School Enrollment. 2) A letter has been sent to the student and parent/guardian notifying him/her that the student will be withdrawn for non-attendance, if contact is not made with the school within 5 days explaining the absences and reason why the student should not be withdrawn. 3) A social work referral has been made requesting contact with the student and parent/guardian to investigate the student's non-attendance, explore educational alternatives, explain legal action due to truancy and determine Clay County residency.
7. **RILYA WILSON ACT:** Children ages three to school age in the care of Department of Children and Families (DCF) and served by Clay and Baker Kids Net, Inc. (CBKN) who are accepted and enrolled into a licensed early education or child care program are required to attend five (5) days per week unless the court approves a modified schedule. Operators of the program the child attends are required to report attendance and discharge from the program to the child's Family Services Counselor (FSC).

The child's FSC must meet with the manager/director of the early education or child care facility to inform him/her that the child is required to attend the program under the Rilya Wilson Act. The FSC shall provide the number of days the child will be attending and review the procedures to follow if the child is absent. The manager/director will keep on file the FSC's name, telephone number, supervisor's name and telephone number. The manager/director must contact the child's FSC if the child has two excused absences or seven consecutive excused absences. That child cannot be withdrawn from the program without the FSC's consent.

D. EXCUSED/UNEXCUSED ABSENCES

1. An absence from school under the following circumstances shall be considered excused:
 - a. With permission – The absence was with the knowledge and consent of the principal of the school, which the student attends.
 - b. Sickness, injury or other insurmountable condition – Attendance was impracticable or inadvisable on account of sickness or injury, or was impracticable because of some other stated insurmountable condition.
 - c. Absence for religious instruction or holidays – A student with the written consent of his or her parent/guardian shall be excused from attendance in school on a particular day or days, or at a particular time of day, and shall be

excused from any examination, study or work assignment at such time to participate in religious instruction, for observance of a religious holiday or because tenets of his or her religion forbid secular activity at such time. The principal shall reserve the right to refuse a student's request for released time, if according to the provisions of the district's student progression plan:

- 1) The student is not enrolled in sufficient courses to allow for the student's promotion or graduation, and thus the released time would not be equivalent to an optional period.
 - 2) The student's grades/academic progress is insufficient to allow for the student's promotion or graduation.
- d. Absences due to head lice will be excused, up to 2 days per incident and for a total of 10 days per school year. After a student has accumulated 10 excused absences due to head lice during a school year, further absences due to head lice will be considered unexcused. Unusual circumstances may be addressed by the principal to go beyond these 10 days for excused absences.
2. It is the responsibility of the parent/guardian to provide a written statement to the school explaining the absence within three (3) school days following the return of the student to school.
 3. If a student is continually sick and repeatedly absent from school, he or she must be under the supervision of a physician in order to receive an excuse from attendance. Such excuse provides that a student's condition justifies absence for more than 5 8-days per grading period ~~9 weeks~~/10 15 days per semester/20 30 days per year. The principal of the school shall determine when it is necessary to require a physician's statement from the student's medical provider and required the parent/guardian to provide a copy to their child's school within a reasonable period of time as determined by the principal or designee.
 4. An absence from school under the following circumstances may be considered unexcused.
 - a. The absence was without the parent/guardian's knowledge, consent or connivance.
 - b. Permission for the absence was requested but denied by the principal of the student's school.
 - c. No written statement of the absence from the parent/guardian has been received by the school explaining the reason for the absence within three (3) school days following the return of the student to schools.
 5. The principal has administrative discretion in cases of excessive absences to reject a written note and consider the absence as unexcused when absences are seriously impacting academic progress, with the exception of sickness, injury or insurmountable conditions.
 6. Accumulated unexcused tardy and early departure time equivalent to one full school day may be counted as one unexcused absence in the total number of unexcused

absences required for possible legal action.

7. Missed instructional time due to tardies and early departures shall be accumulated as excused or unexcused using the same policies as for absent days.

E. PROCEDURES

A Superintendent's Administrative Directive shall specify the procedures to be used by the local school to handle non-attendance/truancy of children of compulsory school age. The Directive will also address the role and responsibilities of the school social worker in assisting schools with the enforcement of attendance policies and laws.

F. ACADEMIC PENALTIES FOR NON-ATTENDANCE

1. Absence by a student for twenty (20) or more days during the school year shall create a strong presumption that the student has failed those subjects or courses in which he is enrolled during that period. For semester courses, ten (10) days shall apply; for individual grading periods five (5) days shall apply. Such presumption may be overcome by effort or performance which satisfies the teacher(s) involved, that such student should receive other than a failing grade.
2. A review committee representing the administration, the instructional staff, and guidance appointed by the principal, will review each such case individually and will make recommendations. Individual teacher(s) shall give strong consideration to the recommendation of the review committee in determining the effort or performance of the student.

(Ref. F.S. 1003.21; 1003.01; 1003.24; 1003.26; 1003.27)(Adopted: 01/08/81)(Adopted: 07/11/85)
(F.S. 39.01, 426; 1001.53, 2468; 332.091; 414.125)(Ref. F.S. 984.03,151) (Amended: 10/18/01)
(Ref. F.S. 39.604) (Amended: 02/24/05, 00/00/00)