



Emery County School District

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Emery County School District

Policy JE: Student Attendance and Truancy Intervention

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A. Compulsory Education: Attendance at school is a critical element for student achievement and success. Excessive student absence from school leaves learning gaps that are difficult to fill. Compulsory Education laws of the State of Utah require students who are at least 6 years of age and not more than 18 years of age, shall attend school unless properly exempted by the Board of Education. Parents or legal guardians of a student between 6 and 18 years of age are responsible for sending the student to school. (Utah Code Ann. 53A-11-101)

EXEMPTIONS: Students who meet one or more of the following conditions to the satisfaction of the Board of Education shall be exempt from State compulsory attendance requirements:

1. A student over age 16 may receive a partial release from school to enter employment if the student has completed the eighth grade, or if the student's services are required for the support of a parent. Students receiving this exemption must still attend school as required by the Board of Education.
2. On an annual basis, a student between six and 18 years of age may receive a full release from attending school or class if one of the following is established to the Board's satisfaction:
 - a. The student has already completed the work required for graduation from high school.
 - b. The student is taught at home in the subjects prescribed by the State Board of Education in accordance with the law and for the same length of time as students are required by law to be taught in the District. A minor student receiving partial release in order to enter employment under item 1 above may be excused from attending required part-time school if the student is taught the required number of hours at home.
 - c. The student is in a physical or mental condition, certified by a competent physician, which renders attendance inexpedient and impracticable.
 - d. Under certain conditions, students may be exempted from compulsory school attendance because of distance.
 - e. Proper influences and adequate opportunities for education are provided in connection with the student's employment.
 - f. The Superintendent determines that the student, if over age 16, is unable to profit from attendance at school because of inability or a continuing negative attitude toward school regulations and discipline.

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B. Definitions:

1. **Excessive Absence – is being absent from school, or any individual class thereof, more than 6 times in any school term. This does not include excused absences and school-sponsored activities.**
2. **Excused Absence – is an absence that has been excused by the school administration. A student may be excused from school for a reasonable period of time for a death in the family, severe illness, injury, or approved school activity. An absence may also be permitted by a student’s Individualized Education Plan (IEP), or 504 Accommodation Plan.**
3. **Preapproved Extended Absence – is a long-term absence (three days or longer) that may be approved by the school principal if it is determined the extended absence will not adversely impact the student’s education.**
4. **Truant Minor – is a school-age minor who is subject to the State of Utah Compulsory Education law and who is absent from school or class without a legitimate or valid excuse.**
5. **Notice of Truancy – is an administrative notice to a truant minor and his/her parent(s) issued following an appearance before the principal or other designated school official citing a fifth unexcused absence.**
6. **Habitual Truant – is a school-age minor who is truant at least ten times during one school year and who fails to cooperate with efforts on the part of the school authorities to resolve the minor’s attendance problem.**
7. **Habitual Truancy Citation – is an administrative citation to a truant minor and his/her parent(s) issued following a tenth unexcused absence in a school year, or anytime after the fifth unexcused absence in a school year when the student and/or parent(s) fail to cooperate with school authorities to resolve the attendance problem.**
8. **Notice of Compulsory Education Violation – means an administrative notice to a school-age student in grades 1-6 and their parent(s), after five unexcused absences in a school year.**
9. **Parent – shall mean the child’s parent(s), guardian(s), or an individual acting for or on behalf of the child under a power of attorney or other similar legal document.**

C. Policy:

1. Excessive Absence

Absence from school for six (6) or more days, or portions of a school day during one (1) term, not including school-excused absences, shall be considered as “excessive absence” under this policy. The following procedure will be followed to assist in avoiding excessive absences on the part of students:

- 1) **On the fourth (4th) absence the student’s parent(s) will be notified by mail or administrative phone call that their child has reached 4 of the 6 excessive absences that are allowed each quarter and ask for their assistance in improving their student’s attendance.**
- 2) **On the sixth (6th) absence, the student’s parent(s) will be notified by certified mail or administrative phone call of the problem and of a meeting to be held to discuss the problem. This meeting may be waived if the parents have received prior approval from the school for their student’s excessive absences due to extenuating circumstances.**
- 3) **In the meeting, a review of the attendance will take place and determine whether there are extenuating circumstances that have contributed to the student’s absences. If the principal/designee determines that no extenuating circumstances exist the principal/designee has the option of: a) requiring all future absences during the term to be cleared by a doctor’s excuse only; or b) require all future absences to be cleared by the principal/designee prior to the absence**

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only; or c) that all future absences be cleared either by the principal/designee and by a doctor's written excuse.

- 4) If absences beyond the sixth (6th) absence in any one term are not cleared according to the procedure outlined by the principal/designee, such absences may be considered unexcused absences under the policy.

The school's principal/designee shall monitor all student attendance, especially as it relates to academics, and will make contact with parent(s) at any time prior to the sixth (6th) absence when it is apparent that absences are impacting the education of the student.

2. Extended Absences: Circumstances may arise when parent(s) request that their child be excused for purposes other than illness, medical appointments, family emergencies, or death of a family member. Periodically students travel with their parents on business trips or vacations during the school year. In such circumstances, parent(s) must contact the school principal to discuss the reasons and justification for the absences. If the principal grants the student's absence, the student should gather ahead of time (at least a week, if possible), all homework or other assignments that he/she will be missing. The student is then responsible to turn in all assignments and make up all exams within a prearranged time frame.

Since learning is progressive, it is important that all assignments are completed. Teachers will provide the opportunity for students to make up assignments missed, but it is each student's responsibility to find out what assignments were given and the date by which they are to be finished.

After reviewing the student's grades and academic status, the principal will make a determination as to whether the absences should be approved. If the Principal determines that the requested absence for the student would have a significant negative impact on the student's education and the parent's take the student out of school, such absences will be counted as unexcused and the student will be considered truant for those days missed.

3. School-Sponsored Activities: Students who participate in school-sponsored activities are considered present when calculating attendance. However the students are expected to complete all missed assignments and testing as arranged with individual teachers.

4. Truant Students 12 Years of Age or Above in Grades 7-12:

Local school administrators are designated by the Board to administer the District Truancy Prevention Policy and make referrals to Juvenile Court as necessary.

- **First unexcused absence** - a school official shall counsel with the student and notify parent(s) either in writing or by way of personal phone call.
- **Second unexcused absence** - a school official shall counsel with the student and notify parent(s) either in writing or by way of personal phone call.
- **Third unexcused absence** - a written notice shall be mailed to the parent(s) requesting parental support in securing regular attendance by the minor and notifying the parent(s) that refusal to assist in resolving the truancy problem could result in a referral to juvenile court. At the discretion of the principal, a meeting may be scheduled with the parent(s) and the student to review the student's attendance problem, and if appropriate, discuss possible adjustments to the student's curriculum or schedule.

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- **Fourth unexcused absence** a school official shall counsel with the student and notify parent(s) either in writing or by way of personal phone call.
- **Fifth unexcused absence** – a *Notice of Truancy* shall be issued to the student and the parent(s) by mail, directing them to meet with school authorities to discuss the student’s truancies and to cooperate with the school in securing regular attendance by the student. At the meeting, the school shall inform the student and parent(s) of reasonable efforts that have been provided by the school to resolve the attendance problem and that refusal by the student and/or parent(s) to assist in resolving the attendance problem will result in referral to juvenile court as soon as the sixth unexcused absence and no later than the tenth unexcused absence.
- **Sixth unexcused absence** - a written notice shall be given to parent(s) by mail or personal phone call –or- A *Habitual Truancy Citation* is issued to the student and parent(s) by mail and a referral to juvenile court is made.

Note: Issuance of a Habitual Truancy Citation and referral to juvenile court may take place at any point between the fifth and tenth unexcused absence if the school has made reasonable efforts to resolve the truancy problem and the student and parent(s) have failed to cooperate with school authorities to resolve the student’s attendance problem. Reasonable efforts include: (Utah Code - 53A-11-103(2))

- 1) Notifying parents of unexcused absences
- 2) Counseling of the student by school authorities;
- 3) Making any necessary adjustment to the curriculum and schedule to meet special needs of the student;
- 4) Considering alternatives proposed by the parent(s);
- 5) Monitoring school attendance of the student;
- 6) Providing the parent(s), upon request, a list of resources available to assist the parent in resolving the student’s attendance problem.
- 7) Issuing a Notice of Truancy; and
- 8) Issuing a Habitual Truancy Citation;

If no Habitual Truancy Citation is issued:

- **Seventh unexcused absence** - a school official shall counsel with the student and notify parent(s) either in writing or by way of personal phone call.
- **Eighth unexcused absence** - a school official shall counsel with the student and notify parent(s) either in writing or by way of personal phone call. A pre-court referral meeting may be scheduled for the parent(s) and student where the attendance problem can be discussed and final alternatives discussed prior to juvenile court referral.
- **Ninth unexcused absence** - a school official shall counsel with the student and notify parent(s) either in writing or by way of personal phone call. Notice shall include a warning that a tenth unexcused absence will result in a referral to juvenile court.
- **Tenth unexcused absence** – a *Habitual Truancy Citation* is issued to the student and parent(s) stating that the student is being referred to juvenile court and is subject to the jurisdiction of the juvenile court.

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- **Additional unexcused absences** – notify parent(s) and juvenile court.
- **End of school year** – Students who have open cases in juvenile court or with the County Attorney at the end of a school year will have their plans and consequences carried over to the following school year.

Other discipline actions may be imposed by individual school policies as outlined in individual school handbooks.

If students with disabilities under the Individuals with Disabilities Education Act (IDEA), or students protected under Section 504/ADA of the Rehabilitation Act, have excessive absences and fall within the criteria of this rule, the student's IEP team, (IDEA), or school team (Section 504) shall ensure that the procedures of this rule apply consistent with State and Federal Law and Regulations.

Parent(s) may appeal a Notice of Truancy or Habitual Truancy Citation in the following manner:

- 1) Within five (5) school days of receipt of a Notice of Truancy or a Habitual Truancy Citation, a parent may submit a written appeal, clearly outlining the reason for the appeal and the desired outcome, to the school appeals committee. The school appeals committee shall consist of a District supervisor, a school counselor, and a teacher. The appeals committee shall render a written decision within ten (10) school days from the date the appeal was filed.
5. Students in Grades 1 – 6: When a student becomes truant, the individual school's principal will notify the student's parent(s) by telephone, mail, or personal communication and use the following procedures for a school-age student who is in grades 1 – 6:
 - a. The principal shall issue a Notice of Compulsory Education Violation to a parent of a school-age child, if the school-age child is absent without a valid excuse at least five times during the school year. Valid excused absences, up to 6 each term, will not be counted in this number.
 - b. The Notice of Compulsory Education Violation shall:
 1. Direct the parent(s) of the school-age child to meet with school authorities to discuss the child's school attendance problem.
 2. Direct the parent(s) to cooperate with the school in securing regular school attendance by the school-age child.
 3. Designate the place, time, and with whom the parent(s) will meet.
 4. State that it is a Class B misdemeanor for the parent of the school-age child to intentionally or recklessly fail to meet with the school authorities, or fail to prevent the school-age child from being absent without a valid excuse five or more times for the remainder of the year.
 5. Be served on the school-age child's parent(s) by personal delivery or certified mail.

If the school cannot resolve the attendance issue due to the failure of the school-age child's parent(s) to work with school authorities the principal shall report the violation to the County Attorney. *Utah Code 53A-11-101.5(7)*