

Student Attendance Protocol

I. Definitions for Attendance Protocol

- A. **Tardy:** A student is tardy when he/she arrives to school after the beginning of the official school day or is not in the assigned class at the official beginning of the class period.
- 1) **Excused:** Late arrival to school or class as a result of reasons defined herein as excused absences or as a result of events physically out of one's control such as inclement weather, documented transportation delays, health related emergencies, power outage, compliance with the court order, etc.
 - 2) **Unexcused:** Arriving late to school or class with or without the knowledge of parent/guardian, as a result of oversleeping, parent errands, etc., unless it is an excused tardy.
 - 3) **15 unexcused tardies result in a referral to social worker.**
- B. **Truant:** Any child who is subject to the compulsory attendance law who has more than five days of unexcused absences during calendar school year.
- 1) **Excused:** Absences due to:
 - a. Personal illness of the student or when attendance in school would endanger the health of the student or the health of others. Upon the student's return to school, appropriate medical documentation may be required within three days of the absence
 - b. Serious illness or death in student's immediate family necessitating the absence. In the case of serious illness, students are required to present medical documentation to validate the absences as an excused absence within three days of the student's return to school.
 - c. Court order by a governmental agency mandating the student's absence from school.
 - d. Special or recognized religious holidays observed by the faith of the student.
 - e. Weather or environmental conditions rendering attendance impossible or hazardous to the student's health or safety.
 - f. An absence not to exceed one (1) day for registering to vote.
 - g. Other absences to be determined by, and at the discretion of, the local school
 - 2) **Unexcused:**
 - a. Failure to attend school, with or without the knowledge of the parent/legal guardian, for reasons other than those specifically outlined as excused absences.
 - b. School days missed as a result of an out of school suspension shall not be counted as unexcused for the purpose of determining truancy.
- C. **Early Checkouts:** Being removed from classes and leaving the school prior to the official end of the school day with a parent or legal guardian.
- 1) To be considered "in attendance" for a school day, a student must be present for at least one-half of the school day, excluding the lunch period. Students leaving school before meeting that requirement will be considered absent for the day.
 - 2) A parent or legal guardian may be required to bring appropriate documentation showing the necessity of an early checkout at the time the student is released from school.

D. **Grades and Absences:** Final student course grades shall not be penalized because of absences if the following conditions are met:

- 1) Absences are justified and validated for excusable reasons.
- 2) Make-up work for excused absences is completed satisfactorily.
- 3) Local school boards are not required to provide make-up work for unexcused absences.
- 4) In the instances where the above conditions are not met, penalties and consequences are to be determined and imposed by the local school boards.

II. Parental/Student Notification

- A. Each school system will provide each student and his/her parent, guardian or other person who has control or charge of the student, with the Georgia Compulsory Attendance Law and a written summary of the possible consequences and penalties for non-compliance at the beginning of each school year.
- B. By September 1st of each school year or within 30 days of a student's enrollment in a school system, the parent, guardian or other person having control or charge of such student must sign a statement indicating receipt of such written statement of possible consequences and penalties.
 - 1) Students who are ten years or older by September 1st shall sign a statement indicating receipt of such written statement of possible consequences of non-compliance with the school system's policy.
- C. When a student reached five or more unexcused absences, each school system will notify the parent, guardian or other person who has control or charge of the student. The notice will outline the penalty and consequences of such absences and that each subsequent absence will constitute a separate offense.
- D. After two reasonable attempts, (including but not limited to: phone calls to the parent or guardian, letters to the parent or guardian, either through US mail or sent home with the child or both, home visits, etc.) to notify the parent, guardian or other person who has charge or control of the student, the respective school system shall send written notice via **certified mail with the return receipt requested.**

III. Interventions and Consequences for Truancy are currently being developed.

A. Prior to Court Involvement

- 1) Before any court referral is considered, the school social worker should have initiated casework detailing efforts made by the school to intervene with students and their families, including a minimum of three (3) calls, letters or home visits to the parent/legal guardian.
- 2) Before juvenile court or other referral, the school systems should have identified the following progressive discipline process with parental involvement:

a. After 5 unexcused absences:

1. After two reasonable attempts to notify the parent, guardian or other person who has control or charge of a child of five unexcused absences without response, the school shall send a notice to such parent, guardian or other person by certified mail, return receipt requested. The letter should include a copy of the Compulsory Attendance Law.
2. Each school system shall develop a Student Attendance Committee for the purpose of evaluating attendance and to provide intervention services. The committee membership will be determined by the local school boards.

3. Once established, the Student Attendance Committee or a representative of the committee will meet with parents/guardians to assess student failure to attend school and develop a progressive intervention plan to prevent additional absences. This plan may include monitoring, counseling, mentoring and tutoring for students as well as additional family support services. The intervention plan should be well documented.
 - b. **After 7 unexcused absences:** by children 14 and older, schools and school social workers shall notify students that they have only three unexcused absences remaining prior to violating the attendance requirements contained in subsection (a.1) of O.C.G.A. 40-5-22.
 - c. **After 10 unexcused absences:** a letter will be sent from a school administrator to the parent or guardian regarding attendance. If the student is between 14 and 18 years of age and the ten unexcused absences are within one semester or two quarters, his/her eligibility to obtain or retain an instruction permit or diver's license may be impacted
 - d. **After 10 unexcused absences:** a referral shall be made to the school social worker using the school social worker referral form. If a referral is made, an administrator must sign the form and all relevant correspondence and documentation must be attached. The social worker will work with the student and family in order to address the attendance problems. The social worker shall:
 1. Function as a child advocate to promote good school attendance for all students.
 2. Consult with all school personnel to encourage early identification of students with a pattern of irregular or poor school attendance.
 3. Conference with students at school to identify factors that may cause or contribute to poor school attendance.
 4. Inform students and parents of their individual and collective responsibility in regard to the Georgia Compulsory School Attendance Law.
 5. Provide direct social services to students and families during home visitations.
 6. Collaborate with parents to identify problems at the home and school level, that may contribute to poor school attendance.
 7. When appropriate, provide parents with a list of community resources that can provide a variety of services to families. (physical and mental health, financial, etc.)
 8. Identify personnel and programs within the school that can provide additional support for students (psychological services, guidance and counseling, etc.).
 9. Monitor the student's attendance on a weekly basis.
 10. Provide ongoing written correspondence to parents regarding their student's school attendance (Pre-legal, First and Final legal notices.
3. When administrative actions taken to correct truancy have proven ineffective, the school system may file proceedings in court and furnish evidence for the conviction of parents and/or child for non-compliance with state attendance laws.

B. Court Involvement

i. Juvenile Court Referral:

1. The school social worker will file an unruly/truancy or educational neglect petition with the Fulton County Juvenile Court and if the case meets the necessary requirements, it will be assigned to a probation officer in the Truancy Intervention Project's Probation Unit. If the case does not meet TIP's requirements, it will be assigned to a probation officer outside the TIP Unit and a public defender or other legal counsel, will be appointed to represent the child. The matter will then be scheduled on the juvenile court's calendar.
2. If assigned to the TIP Unit, the case will be assigned to a TIP probation officer and scheduled on the juvenile court's calendar. A TIP volunteer will be assigned to serve as a legal advocate or guardian ad litem for the student based on whether the case is a truancy or educational neglect case.
3. The case is then heard by a presiding or associate juvenile court judge.
4. If found truant and adjudicated unruly/ungovernable, the child may be placed on supervision with the court and subject to dispositions for unruly children pursuant to O.C.G.A. 15-11-67.
5. If deprivation is found based upon educational neglect, the juvenile court judge may issue a protective order against the parent/legal guardian or custodian pursuant to O.C.G.A. 15-11-11 and 15-11-55.
6. In either case, after the child has been placed on supervision or the court has issued a **protective order** against the parent/legal guardian or custodian, the child's attendance will be monitored by the probation officer.
 - a. If the child fails to comply with the court's order, a violation of supervision charge shall be filed by the juvenile court probation officer.
 - b. In the case of an educational neglect case, if the child is still chronically absent from school, and the parent/guardian has failed to comply with conditions of the protective order, a **rule nisi** will issue against the parent, legal guardian or custodian to show cause why they should not be found in contempt of court and punished by incarceration, fine or being required to participate in a community service program through either the Fulton County or City of Atlanta Board of Education, with the said community service to be monitored by representatives of the respective public schools.

The Juvenile Court, in its discretion, may order all of the aforementioned punishments for contempt. The parents or guardian may be allowed to purge themselves of contempt by immediately complying with the protective order or ensuring that the child complies with the court ordered rules of supervision.

- ii. **State Court Referral:** If after the protective order and the finding of contempt, the child continues to be truant or non-compliance continues, the juvenile court may proceed as a court of inquiry to bind the parents or guardian over to the state court under the Georgia Compulsory School Attendance Law (O.C.G.A. Section 20-2-690.1). Any parent, guardian, or other person residing in this state who has control or charge of a child or children and who shall violate this Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not less than \$25.00 and not greater than \$100.00, imprisonment not to exceed 30 days, community service, or any combination of such penalties, at the discretion of the court having jurisdiction. Each day's absence from school in violation of this part after the child's school system notifies the parent, guardian, or other person who has control or charge

of a child of five unexcused days of absence for a child shall constitute a separate offense. . . . (O.C.G.A. 20-2-690.1 (b)).

- a. If the parent/guardian fails to complete or declines to participate in pretrial intervention efforts, the Solicitor General may file formal charges against the defendant or take other appropriate action.
- b. If the parent, legal guardian or custodian agrees to a plea bargain or is found guilty of violating O.C.G.A. 20-2-690.1, he/she shall be guilty of a misdemeanor subject to a fine of not less than \$25.00 and not greater than \$100.00, imprisonment not to exceed thirty days, community service, or any combination of such penalties, at the discretion of the State Court judge.
- c. Each day's absence from school in violation of this section shall constitute a separate offense.

C. Student Withdrawals:

- 1) The Fulton County school system is authorized to withdraw a student who:
 - a. Has missed more than 10 consecutive days of unexcused absences;
 - b. Is not subject to compulsory school attendance; and
 - c. Is not receiving instructional services from the local school system through homebound instruction or instructional services required by the federal Individual with Disabilities Education Act (IDEA); or
 - d. Is no longer a resident of the local school system.
- 2) Withdrawal Notification
 - a. Each superintendent or the superintendent's designee shall use his or her best efforts to notify the parent(s), guardian(s), or other person(s) who has charge of a student if the school system plans to withdraw such student who is younger than 18 years of age and is not subject to compulsory school attendance.
 - b. The Fulton County school system is authorized to withdraw a student subject to compulsory attendance only if the local superintendent or the superintendent's designee has determined the student is no longer a resident of the local school system or is enrolled in a private school or home study program.
 - c. The Fulton County school system shall withdraw students retroactive to the first day of the consecutive absences.

IV. Summary of Newly Adopted Local School Board Policies

A. Drivers License Denial: The Boards of Education for both Fulton County and Atlanta Public schools adopt the previously outlined policy requiring the local school superintendent or the superintendent's designee to use his or her best efforts including first class mail to notify students age 14 and older when the student has only three absences remaining before violating the state's attendance requirements pursuant to O.C.G.A. § 40-5-22 regarding the denial of driver's permits and licenses.

B. Definition of Truancy: The Boards of Education for both Fulton County and Atlanta Public schools adopt, as a part of the student codes of conduct developed pursuant to O.C.G.A. § 20-2-735,

the above outlined definition of truancy that contains the minimum standards related to student attendance and a summary of possible consequences and penalties for truancy established in state board rule (160-5-1-.10). The summary of possible consequences for students shall include possible dispositions for unruly children in accordance with O.C.G.A. § 15-11-67, including the possible denial or suspension of a driver's license for a child.