

160-5-1-.10 STUDENT ATTENDANCE.

(1) DEFINITIONS.

(a) **Foster Care Student** – a student who is in a foster home or otherwise in the foster care system under the Division of Family and Children Services of the Department of Human Services.

(b) **Student Attendance Protocol** – procedures to be used in identifying, reporting, investigating and prosecuting cases of alleged violations of O.C.G.A. § 20-2-690.1, relating to mandatory school attendance and appropriately addressing the issue with parents and guardians. The protocol shall also include recommendations for policies relating to tardiness.

(c) **Student Attendance Protocol Committee** – a committee established, pursuant to O.C.G.A. § 20-2-690.2, by the chief judge of the superior court of each county for the purpose of ensuring coordination and cooperation among officials, agencies and programs involved in compulsory attendance issues, to reduce the number of unexcused absences from school, and to increase the percentage of students present to take tests which are required to be administered under the laws of this state.

(d) **Student Teen Election Participant (STEP)** – a program designed to permit full-time public, private, and home schooled high school students the opportunity to volunteer to work as poll officers during any primary, special, or general election according to the provisions set forth in O.C.G.A. § 21-2-92.

(e) **Truant** – any child subject to compulsory attendance who during the school calendar year has more than five days of unexcused absences.

(2) REQUIREMENTS.

(a) School days missed as a result of an out of school suspension shall not count as unexcused days for the purpose of determining student truancy.

(b) Local boards of education shall adopt policies and procedures excusing students from school under the following circumstances, as a minimum. Policies may require submission of appropriate documentation.

1. Personal illness or when attendance in school endangers the student's health or the health of others.

(i) Local boards of education may require students to present appropriate medical documentation upon return to school for the purpose of validating that the absence is an excused absence. With proper verification a student may be eligible for

hospital/homebound instruction as outlined in State Board of Education Rule 160-4-2-.31 Hospital/Homebound (HHB) Services.

2. A serious illness or death in a student's immediate family necessitating absence from school.

(i) In the event of a serious illness in a student's immediate family, local boards of education may require students to present appropriate medical documentation regarding the family member upon return to school for the purpose of validating that the absence is an excused absence.

3. A court order or an order by a government agency, including preinduction physical examinations for service in the armed forces, mandating absence from school.

4. The observation of religious holidays, necessitating absence from school.

5. Conditions rendering attendance impossible or hazardous to student health or safety.

6. Registering to vote or voting in a public election, which shall not exceed one day.

7. A student whose parent or legal guardian is in military service in the armed forces of the United States or the National Guard, and such parent or legal guardian has been called to duty for or is on leave from overseas deployment to a combat zone or combat support posting, shall be granted excused absences, up to a maximum of five school days per school year, for the day or days missed from school to visit with his or her parent or legal guardian prior to such parent's or legal guardian's deployment or during such parent's or legal guardian's leave. Nothing in this Code section shall be construed to require a local school system to revise any policies relating to maximum number of excused and unexcused absences for any purposes. (O.C.G.A. § 20-2-692.1)

8. Any other absence not explicitly defined herein but deemed by the local school board of education to have merit based on circumstances.

(c) Local boards of education shall count students present when they are serving as pages of the Georgia General Assembly as set forth in O.C.G.A. § 20-2-692.

(d) A foster care student who attends court proceedings relating to the student's foster care shall be credited as present by the school and shall not be counted as an absence, either excused or unexcused, for any day, portion of a day, or days missed from school as set forth in O.C.G.A. § 20-2-692.2

(e) A student who successfully participates in the Student Teen Election Participant (STEP) program shall be counted as present and given full credit for the school day during which he or she served in the STEP program. No student shall be permitted to be absent from school or participate in the STEP program for more than two school days per school year.

(f) Final course grades of students 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 was completed satisfactorily.

(g) Local boards of education are not required to provide make-up work for unexcused absences.

(h) Nothing in this rule should be construed to encourage student absences or as an approval of excessive unexcused absences.

(i) To reduce unexcused absences, each local board of education shall adopt policies and procedures that shall include but are not limited to:

1. Requiring the school system to notify the parent, guardian or other person who has control or charge of the student when such student has five unexcused absences. The notice shall outline the penalty and consequences of such absences and that each subsequent absence shall constitute a separate offense. After two reasonable attempts to notify the parent, guardian or other person who has charge of the student, the school system shall send written notice via certified mail with return receipt requested, or first-class mail; and

2. Prior to any action to commence judicial proceedings to impose a penalty on a parent, guardian, or other person residing in this state who has control or charge of the school aged child for failing to comply with compulsory attendance, a school system shall send a notice to such parent, guardian, or other person by certified mail, return receipt requested; and

3. Requiring public schools to provide to the parent, guardian, or other person having control or charge of each student enrolled in public school a written summary of possible consequences and penalties for failing to comply with compulsory attendance. By September 1 of each school year or within 30 school days of a student's enrollment in the school system, the parent, guardian, or other person having control or charge of such student shall sign a statement indicating receipt of such written statement of possible consequences and penalties. After two reasonable attempts by the school to secure such signature or signatures, the school shall be considered to be in compliance with this subsection if it sends a copy of the statement, via certified mail, return receipt requested, or first-class mail, to such parent, guardian, or other person who has control or charge of a child, or children. In addition, students age ten or older by September 1 shall sign a statement indicating receipt of written statement of possible consequences for non-compliance to the local system's policy.

(j) Each local board of education shall implement a progressive discipline process and a parental involvement process for truant students before referring the students to the juvenile or other court having jurisdiction.

(k) Each local board of education shall adopt policies requiring the local school superintendent or the superintendent's designee to use his or her best efforts including first class mail to notify a student 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.

(l) Each local board of education shall adopt as a part of the student codes of conduct developed pursuant to O.C.G.A. § 20-2-735 a definition of truancy that contains the minimum standards established by State Board of Education Rule 160-5-1-.10 Student Attendance and a summary of possible consequences and penalties for truancy. 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.

(m) Pursuant to O.C.G.A. § 20-2-690.2, each local school system shall participate in a student attendance protocol committee. Independent school systems may participate in the committee in the county where the system is located. Independent school systems whose geographic area encompasses more than one county may select one of such counties in which to participate. An independent school system that elects not to participate in the committee of the county where it is located shall request the chief judge of the superior court of a county encompassed by its geographic area to establish an independent student attendance protocol committee.

1. The superintendent or the superintendent's designee of the local school system shall fully and actively assist in the planning, implementation, and evaluation activities of the local school system student attendance protocol committee.

2. The superintendent, a certificated school employee, a local school board member from each public school system in the county, and a certificated school social worker from each public school system, if any are employed by the school system, shall serve on the student attendance protocol committee.

3. Each local board of education shall consider and publicly announce its decisions regarding the recommendations of the student attendance protocol committee.

4. Each local board of education shall report annual student attendance rates to the student attendance protocol committee and the State Board of Education by September 1 following each school year.

5. The local school system shall be responsible for providing a copy of the written student attendance protocol to the Department by July 1, 2005, and upon any subsequent revisions or amendments.

6. The Department shall develop and disseminate exemplary model protocols that may be implemented by local boards of education.

Authority O.C.G.A. § 15-11-10; 15-11-67; 20-2-85; 20-2-240; 20-2-310; 20-2-690.1; 20-2-690.2; 20-2-692; 20-2-692.1; 20-2-693; 20-2-694; 20-2-695; 20-2-696; 20-2-697; 20-2-698; 20-2-701; 20-2-735; 20-2-736; 21-2-92.

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