

## **USD #497 TRUANCY POLICY EXPLAINED**

### **Absences and Excuses (Policy JBD)**

When a student is absent from school, an attempt shall be made to contact the parent to determine the reason for the absence. The principal shall determine the acceptability and validity of excuses presented by the parent or the student. Examples of legitimate excuses include sickness of a student, severe affliction in the family, exposure to infectious or contagious diseases, observances of religious holidays or extremely inclement weather (See IKD).

Procedures for notifying parents on the day of a student's absence shall be published in the student handbook.

### **Make Up Work**

It is the student's responsibility to obtain make-up assignments from teachers following an excused or unexcused absence. If the assignment is completed the student shall be given credit for that work according to the procedures in the school's handbook.

### **Truancy (Policy JBE)**

In order to maximize opportunities for learning, students are expected to be in attendance at school every day and for all classes in which they are enrolled. District and building administrators will aggressively enforce truancy statutes to insure that students are in attendance at all times. Each school principal shall designate a person to report students who have unexcused absences that constitute a truancy to the appropriate authority. Truancy is defined as any three consecutive unexcused absences, any five unexcused absences in a semester or seven unexcused absences in a school year, whichever occurs first. Students who are absent without excuse for one or more class period(s) at the secondary level or one or more hours at the elementary level shall have that time counted as unexcused. The school year means the period from July 1 to June 30. When a student becomes truant, the principal shall send a letter to the student's parent notifying him/her that the student's continued failure to attend school without a valid excuse shall result in the student being reported to the appropriate authority. This letter shall be sent before reporting the truancy to either Social and Rehabilitation Services (S.R.S.), if the student is less than 13 years of age, or the county or district attorney, if the student is 13 or more years of age but less than 18 years of age.

### **Involvement of Law Enforcement**

Law enforcement officers may return truant children to the school where the child is enrolled, to the child's parent or to another location designated by the board.

### **Reporting to Parents**

If a truant child is returned to school by a law enforcement official, the principal shall notify the parent.

## **Waiver of Compulsory Attendance Requirements**

Students 16 or 17 years of age may be exempted from compulsory attendance regulations:

- if a parent attends the counseling session required by law and signs the appropriate consent and waiver form.
- if the student earns a GED.
- if the student is exempted from compulsory attendance requirements pursuant to a court order.

## **Dual Enrollment Students (See IDCE)**

Students who are enrolled in a dual enrollment program approved by the administration shall not be considered truant for the hours during the school day they attend classes at a Regent's university, Washburn University, community college, technical college, vocational educational school or other accredited post-secondary institutions approved by the administration.

## **Suspension and Expulsion Procedures (Policy JDD)**

A student may be suspended or expelled, for reasons set forth in Kansas law, by the following certified personnel: superintendent, principal, or assistant principal. Any student who is suspended or expelled shall receive a copy of the current suspension and expulsion law and this policy. Expulsion hearings shall be conducted by the superintendent or other certified employee, or committee of certified employees of the school in which the student is enrolled, or a hearing officer appointed by the board. The superintendent shall conduct expulsion hearings for weapons possession. (See JCDBB)

Students identified under section 504 of the Rehabilitation Act of 1973 or special education students with an Individualized Education Plan (IEP) under the terms of Individual with a Disability Education Act (IDEA) may be subject to other regulations when long-term suspension or expulsion is considered.

### **Reasons for Suspension or Expulsion**

Students may be suspended or expelled for one or more of the following reasons:

- Willful violation of any published, adopted student conduct rule;
- Conduct which substantially disrupts, impedes, or interferes with school operation;
- Conduct which endangers the safety or substantially impinges on or invades the rights of others;

- Conduct which could be considered a commission of a misdemeanor or felony;
- Disobedience of an order of a school authority if the disobedience results in disorder, disruption, or interference with school operation; and
- Possession of a weapon at school, on school property, or at a school- sponsored event. (See JCDBB)

### Short-term Suspension

Except in an emergency, a short-term suspension (not exceeding ten school days) must be preceded by oral or written notice of the charges to the student and an informal hearing. If a hearing is not held prior to the suspension, an informal hearing shall be provided no later than 72 hours after imposition of a short-term suspension.

Notification of any short-term suspension shall be provided to the student's parent within 24 hours after the suspension has been imposed. Short-term suspension hearings may be conducted by those persons designated in this policy to suspend.

At the informal suspension hearing, the student shall have the right to be present and notified of:

- The charges;
- The basis for the accusation; and
- The right to make statements in his/her defense.

A short term suspension cannot be appealed.

### Long-Term Suspension or Expulsion

Before a student is subject to long-term suspension (not to exceed 90 school days) or expulsion (not to exceed 186 school days), a hearing shall be conducted by a hearing officer who has authority to suspend or expel. The superintendent/principal shall designate a hearing officer authorized by the board. Formal hearings shall be conducted according to procedures outlined in current Kansas law and:

- The student and parents shall be given written notice of the time, date and place of the hearing.
- The notice shall include copies of the suspension/expulsion law, and appropriate board policies, regulations and handbooks.

- The hearing may be conducted by either a certified employee or committee of certified employees authorized by the board, the chief administrative officer, or other certified employee of the district in which student is enrolled, or by an officer appointed by board.
- Expulsion hearings for weapons violations shall be conducted in compliance with Kansas law by persons appointed by the board.
- Findings required by law shall be prepared by the person or committee conducting the hearing.
- A record of the hearing shall be available to students and parents or guardians according to Kansas law.
- Written notice of the result of the hearing shall be given to the student and to parents within 24 hours after determination of such result.

#### Rules Which Apply in all Cases When a Student May be Suspended or Expelled

- Refusal or failure of the student and/or the student's parents to attend the hearing shall result in a waiver of the student's opportunity for the hearing.
- A student suspended for more than ten school days or expelled from school shall be provided with information concerning services to improve the student's attitude and behavior.
- A student who has been suspended or expelled shall be notified of the day the student can return to school.
- If the suspension or expulsion is not related to a weapons violation, the principal may establish appropriate requirements relating to the student's future behavior at school and may place the student on probation. (See JDC)
- If the expulsion is related to a weapons violation the superintendent may establish appropriate requirements relating to the student's future behavior at school and may place the student on probation. (See EBC, JCDBB and JDC)
- The days a student is suspended or expelled are not subject to the compulsory attendance law.

During the time a student is suspended or expelled from school, the student may not:

- Be on school property or in any school building without the permission of the principal.
- Attend any school activity as a spectator, participant or observer.

Students who are suspended for more than ten days or expelled from school may appeal to the board within ten calendar days of receiving written notice of the hearing results.

When a suspension is imposed during the school day, the student shall not be removed from school until a parent has been notified. If a parent cannot be notified during regular school hours, the student shall either remain at school or be in the custody of proper authorities until the regular dismissal time.

#### Student Rights During a Long-Term Suspension/Expulsion Hearing

The student shall have the right:

- to counsel of his/her own choice;
- to have a parent or guardian present;
- to hear or read a full report of testimony of witnesses;
- to confront and cross-examine witnesses who appear in person at the hearing;
- to present his or her own witnesses;
- to testify in his or her own behalf and to give reasons for his or her conduct;
- to an orderly hearing; and
- to a fair and impartial decision based on substantial evidence.

#### Appeal to the Board

The following conditions shall apply if a student age 18 or older or the student's parent or guardian files a written appeal of a long term suspension or expulsion:

- Written notice of the appeal shall be filed with the clerk of the board within ten calendar days of the notice of receipt of the findings of the initial hearing.
- The board will schedule an appeal hearing with the board or with one or more hearing officer(s) appointed by the board within twenty calendar days.
- The student and the student's parent shall be notified in writing of the time and place of the appeal at least ten calendar days before the hearing.
- The hearing will be conducted as a formal hearing using the same rules described earlier for expulsion hearings.
- The board will record the hearing.
- If the appeal is scheduled with the board, the board shall render a final decision not later than five calendar days after the conclusion of the appeal hearing.

- If the appeal is scheduled with one or more hearing officers appointed by the board, the board shall render its decision after receiving the written report of the appointed hearing officer(s), but not later than the next regularly scheduled meeting of the board following the date of the conclusion of the hearing of the appeal by the hearing officer(s).

**Truancy**

1. A student is truant if:
  - a. He/she is subject to the compulsory attendance law, but is not enrolled in a public or nonpublic school, does not have a court order, and does not have a Compulsory School Attendance Disclaimer and a School Attendance Exemption on file, or
  - b. He/she is subject to the compulsory attendance law and enrolled in school, but is inexcusably absent, as defined by board policy, for either three consecutive days or five or more days in any semester. “A significant part of the day” shall be interpreted as students who are absent without excuse for one or more class period(s) at the secondary level or one or more hours at the elementary level shall have that time counted as unexcused.
2. When a teacher becomes concerned about a student’s attendance, the teacher should try to resolve the problem by working directly with the student and, if unsuccessful in correcting the problem, seek assistance from the student’s parents or guardian and finally with the school administrative and support staff.
3. If a student is inexcusably absent for either three consecutive days, five or more days in any semester, or seven days in a school year, the employee responsible for reporting will send a registered letter to the parent or guardian of the student explaining the unexcused absence(s) and the consequences of further such absence(s).
4. If the poor attendance continues, the designated attendance officer will file a Report of Unexcused School Absences with the appropriate agency/office.
5. Students will not be suspended out-of-school for nonattendance. Only in-school suspension and/or detentions will be used as consequences for truancy or unexcused absence.
6. Out-of-school suspensions will not be reported as instances of truancy.

## Board Policy Reference IHEA; IKD; JBD; JBE

### Suggested Procedures for Absences/Truancy

Principals have requested standardized procedures for handling absences and tardies. The following information summarizes the most frequently reported scenarios. Unless mandatory reporting is indicated, the procedures and letters provided herein are optional and included for your convenience.

#### **If a student is absent from school:**

- Parent(s)/guardian(s) must contact the school no later than 30 minutes after classes begin if the student will be absent or tardy.
- If no call is received, an attempt shall be made to contact the parent(s) to determine the reason for the absence.
- A student must attend for a minimum of fifty percent of the school day in order to be counted for a full day of attendance.
- Principal will make determination whether absence is recorded as excused or unexcused. Absences are considered excusable when they result from the following:
  - Illness verified by parent(s) contact, either oral or written;
  - Dental or medical appointments verified by parent(s) contact either oral or written or appointment card;
  - Severe affliction in the family;
  - Observances of obligatory religious holidays;
  - Extremely inclement weather; or
  - Other reasonable and justified parental requests made either orally or in written form.

#### **Scenario A: Student has been absent three consecutive days or five days in a semester, and mom calls in every day to excuse.**

Principal or designee may:

- Call parent(s) to explain board policy on absences and excuses
- School personnel may request information from the appropriate professional office verifying reasons for excused absences when a student is absent more than three consecutive days or more than five days in any semester.
- Send Letter #1 (initial Absence Letter) to the home
- Refer student to Student Improvement Team (SIT) for monitoring
- Meet with parent(s) to discuss possible ways to work together to solve the problem

Required action by the school:

- None



**Scenario B: Student has accumulated ten excused absences.**

Principal or designee may:

- Enlist the help of school nurses, counselors, and/or school workers to investigate the reasons for the absences
- Call parent(s) to explain board policy on absences and excuses
- Refer student to Student Improvement Team (SIT) for intervention
- Meet with parent(s) to discuss possible ways to work together to solve the problem

Required action by the school:

- Send Letter #2 (10 day Absence Letter) to home

**Scenario C: Student has been absent unexcused for three consecutive days, five days in a semester, or seven days in a year.**

According to Board Policy JBE, truancy is defined as:

- Three consecutive unexcused absences,
- Five unexcused absences in a semester, or
- Seven unexcused absences in a school year (the period from July 1 to June 30)

Principal or designee may:

- Meet with parent(s) to discuss possible ways to work together to solve the problem

Required action by the school:

- Notify parent(s) of unexcused absences with Letter #3 (Truancy Advisory)
  - If notice is mailed, it is expect that the parent(s) will meet with school officials within three days to develop an appropriate plan and the student will be in attendance
  - If notice is delivered personally, it is expected that the parent(s) will meet with the school officials the following day to develop and appropriate plan and the student will be in attendance
- If appropriate response is not received, send copy of Truancy Report (1006) with Letter #3 (Truancy Advisory to DA/SRS).

NOTE:

**-Whether or not an absence is excused or unexcused, Board Policy IHEA-Make-up Opportunities states, *all teachers shall supply make-up work assignments when requested.***

**Board Policy Reference IHEA; IKD; JBD; JBE**

- **Board Policy JBD- Absences and Excuses states, *it is the student's responsibility to obtain make-up assignments from teachers following an excused or an unexcused absence. If the assignment is completed, the student shall be given credit for that work according to the procedures in the school's handbook.***
- **Suspensions are recorded as excused absences.**
- **Students will be given reasonable opportunities to complete assignments missed due to excused or unexcused absences or suspensions.**
  - **The time allowed for make-up work will be determined by the length and nature of the absence.**