

6/21/05

Board Approved

**ITEMS RECOMMENDED FOR INCLUSION IN THE
OPENING STATEMENT
OF
THE FULL COMMITTEE REPORT**

The Georgia School Compulsory Attendance Law (O.C.G.A. , 20-2-690.1) requires a student between his or her sixth and sixteenth birthdays to attend a public school, private school, or a home study program. All children enrolled for 20 school days or more, prior to their seventh birthday (O.C.G.A., 20-2-150), are also subject to the provisions of Georgia law and State Board of Education policies. The minimum session of annual attendance required under this policy shall be for the full sessions of the school, which the child is eligible to attend. It is the responsibility of the student or parent/guardian/person residing in this state who has control or charge of a child or children (hereafter referred to as Parent/Guardian) to see that the student maintains regular attendance for 180 days in accordance with the law. Unlawful absences will be subject to investigation. (GBOE Policy JB 160-5-1-.10, O.C.G.A., 20-2-168, O.C.G.A., Sections 20-2-690 through 20-2-702)

Today, truancy has become a major problem in this country that negatively influences the future of our youth and costs taxpayers thousands of dollars. Truancy may be the beginning of a lifetime of problems for students who routinely skip school. Because these students fall behind in their school work, many drop out of school. Truancy is a stepping stone to delinquent and criminal activity. Statistics show that chronic absenteeism is the most powerful predictor of delinquent behavior. Additionally, truant students are at higher risk of being drawn into behavior involving drugs, alcohol, or violence.

HB 1190 states, “The chief judge of the superior court of each county shall establish a student attendance protocol committee for its county. The purpose of this committee shall be to ensure 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 law of this state.” The county level student attendance protocol committee must insure that all provisions of HB 1190 are implemented.

The Cobb County Community has developed an Attendance Protocol Committee with the following goals:

Goal 1:

Insure coordination and cooperation among officials, agencies, and programs involved in compulsory attendance issues.

Cobb County Government, Cobb School District, Marietta City Schools, and state agencies that focus on children and adolescent matters enjoy thriving working relationships.

Goal 2:

Reduce the number of unexcused absences from school.

The following procedures shall be observed by school administrators and social workers. Excused absences are defined in state code O.C.G.A. 20-2-690 through 702, Cobb County School District Administrative Rule JB, and Marietta City Schools Policy JBD.

A. School Administration Communication with Parents:

The following parental contacts are the minimum required. The school districts and/or local school administrators may require and/or initiate additional contacts with parents/guardians if deemed necessary to address the attendance issues of their respective communities. Likewise, local school administrators may make a referral to the School Social Worker at any time it is deemed appropriate.

1. After five absences:

- a. Excused Absences: The teacher will contact the parent or guardian by telephone or parental conference regarding attendance when possible. If contact is unsuccessful, then a letter or postcard will be sent.
- b. Unexcused Absences: After two reasonable attempts to notify the parent, guardian, or other person who has control or charge of a child of five unexcused absence without response, the school administrator shall send a notice to such parent, guardian, or other person by certified mail, return receipt requested. The letter is to include a copy of the Compulsory Attendance Law (O.C.G.A. 20-20-690.1)

2. After seven unexcused absences by students 14 years old and older:

The school administrator shall send a letter by first class mail to notify students that they have only three unexcused absences remaining prior to violating the attendance requirements and that violating the state's attendance requirement will result in the denial of driver's permits and licenses.

3. After ten absences:

- a. Excused:

A letter will be sent from the school administrator to the parent or guardian regarding attendance. This letter should not be sent for a child with documented illness unless school administration and/or the school social worker determines it necessary. In addition, the administrator shall confer with a school social worker to determine whether a referral is warranted at this time.

b. Unexcused:

A letter will be sent from the school administrator to the parent or guardian regarding attendance. If the student has more than ten unexcused absences within one semester or two consecutive quarters and is between 14 and 18 years of age, his/her eligibility to obtain or retain an instruction permit or driver's license may be impacted. In addition, the administrator shall confer with a school social worker to determine whether a referral is warranted.

4. After Fifteen Absences:

a. Excused:

The school administrator shall confer with a School Social Worker to determine whether a referral is warranted, at this time.

b. Unexcused:

A referral shall be made to the School Social Worker using the social work form.

5. Out-of-School Suspensions/Expulsions:

Absences due to out-of-school suspensions or expulsions shall not count as unexcused absences for the purpose of determining truancy or for using this checklist. Parents shall be notified of out-of school suspension or expulsion according to the guidelines of the discipline process.

6. Tardy/Early Check-Out:

a. After ten occurrences:

A letter will be sent from the school administrator to the parent or guardian regarding missed instructional time. This letter should not be sent for a child with documented illness unless school administration and/or the school social worker determines it necessary. In addition, the administrator shall confer with a school social worker to determine whether a referral is warranted at this time.

b. After fifteen occurrences:

The school administrator shall confer with a School Social Worker to determine whether a referral is warranted, at this time.

B. School Social Worker Communication and Referrals:

Upon receipt of a written referral:

1. A letter will be sent from the school social work department to the parent or guardian regarding attendance.
2. The school social worker will assess the student and family circumstances related to poor attendance.
3. Other interventions and strategies may be utilized depending on the circumstances of the case and may include the following:
 - a. Consultation with school staff (teacher, counselor, assistant principal, principal, other)
 - b. Consultation with student and parent or guardian
 - c. Home visit(s)
 - d. Participation in the SST process, Special Education due process meetings and paperwork, school conferences, and other school-based interventions, as necessary
 - e. Referral to appropriate agencies for follow up (medical, economic, mental health, other)
 - f. System-wide Attendance Panel
 - g. Juvenile Court

Goal 3:

Increase the percentage of students who take tests required under state law.

Strategies:

Strategy 1: Engage the greater community (e.g., parents, officials, agencies, and students) to identify truancy's causes and solutions.

Strategy 2: Utilize/apply common definitions for relevant terms (i.e., tardy,unexcused absence, truancy).

GEORGIA BOARD OF EDUCATION RULE STUDENT ATTENDANCE

160-5-1-.10 STUDENT ATTENDANCE.

(1) DEFINITIONS.

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

(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 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.

(2) REQUIREMENTS.

(a) In order to provide each student attendance protocol committee sufficient time to organize and develop a comprehensive student attendance strategy, paragraphs (h), (i), (j), (k), and (1) of the Student Attendance rule shall become effective July 1,2005. The remaining sections of the Student Attendance rule shall become effective school year 2004-2005.

(b) 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.

(c) 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 attendance in school endangers a 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 Instruction.

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 governmental agency, including preinduction physical examinations for service in the armed forces, mandating absence from school.

4. Observing religious holidays, necessitating absence from school.

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

6. Local boards of education may allow a period not to exceed one day for registering to vote or voting in a public election.

(d) Local boards of education shall count students present when they are serving as pages of the Georgia General Assembly.

(e) 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.

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

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

(h) Each local board of education shall adopt a policies and procedures to reduce unexcused absences that shall include but is 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; and

2. 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. 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.

(i) 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.

(j) 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. § 40-5-2 regarding the denial of driver's permits and licenses.

(k) 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.

(1) 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.

(m) For the purpose of accurately measuring the academic performance of students continuously enrolled in public schools, each local board of education shall adopt uniform criteria for withdrawing students.

1. Local school systems are authorized to withdraw a student who:

(i) Has missed more than 10 consecutive days of unexcused absences;

(ii) Is not subject to compulsory school attendance; and

(iii) 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).

(iv) Each superintendent or the superintendent's designee shall use his or her best efforts to notify the parent, guardian, or other person 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.

2. Local school systems are authorized to withdraw a student subject to compulsory attendance 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.

3. Local school systems shall withdraw students retroactive to the first day of the consecutive absences.

Authority O.C.G.A. § 15-11-10; 15-11-67; 20-2-85; 20-2-240; 20-2-690.1; 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.

Adopted: August 12, 2004

Effective: September 2, 2004

Strategy 3: Develop and implement a progressive discipline strategy for truancy with clear consequences and specific interventions that provide for the monitoring, counseling, and community referrals that will provide family support services, prior to any judicial referral.

Truancy Sweeps- The law enforcement committee proposes the enactment of four truancy sweeps annually. The time and coordination of said sweeps would be coordinated by officials of the Cobb Juvenile Court, Department of Juvenile Justice Cobb Operations Office, Cobb Sheriff's Office, Cobb County School District Department of Public Safety, Marietta City Schools, Cobb Department of Family and Children Services, Cobb School District and any local government entity deemed appropriate for inclusion by the aforementioned. Prior to the initiation of a truancy sweep a court order shall be obtained allowing detained youth to be transported to the Cobb County Adult Detention for processing and holding until parents can be located and youth designated for release can be relinquished to the custody of a parent or guardian.

Strategy 4: Create a communication and public awareness campaign to insure that parents, students, schools, agencies, and related officials clearly understand the system's student attendance policy.

The Attendance Protocol Committee proposes consultation with the Director of Cobb County Communications, Cobb County Board of Commissioners, Cobb County Board of Education, Marietta City Schools, and Cobb School District access channel- TV 24 to discuss the preparation and broadcasting of informational videos designed to provide parents and students with information regarding policies and procedures that address truancy.

Strategy 5: Collaborate with the Cobb County Juvenile Court System to create and implement a truancy court.

If a referral is warranted a juvenile complaint form is completed and sent to the Juvenile Court. A petition will be filed and a court date set. Truancy Court will be held at 9:00 a.m. and 2:00 p.m. (if needed) on the first and third Mondays of each month. If the child is placed on probation he/she will be assigned to the Truancy Probation Officer. Parents may be placed under a Protective Order.

Within the past school year the Cobb County Juvenile Court along with the Cobb and Marietta City Schools have found it necessary to bring the elementary school age children who are truant to Court. This is done on an as needed basis. A juvenile complaint form is completed by the school social worker. A formal petition is not filed. The purpose of the hearing is for the judge to address the parents as to why their child has presented issues with truancy. The case is then scheduled for mediation within thirty days. Attendance is monitored during this time. If the child does not incur any unexcused absences the case is dismissed. If attendance does not improve the case is brought back to Court. The judge can refer the case to the Department of Family and Children Services on the basis educational neglect has occurred.

Strategy 6:

Collaborate with the Cobb County Judicial Circuit to create and implement a system of citations and fines for parents of students who lose significant amounts of instructional time due to being absent, being tardy to school, and/or being checked-out early for unexcused purposes.

After a decision has been made by the appropriate school officials to file misdemeanor criminal proceedings as outlined under OCGA 20-2690.1 (b) and (c), those officials should apply for a criminal arrest warrant as outlined under OCGA 17-4-40. If these officials are not law enforcements officers, a warrant application hearing may be scheduled before an arrest warrant is actually issued by a judge. If a warrant is issued, the case will proceed in the normal manner as for other misdemeanors. When the warrant is received by the Solicitor's Office after an arrest has been made, the case will be reviewed by an assistant solicitor so that a formal accusation can be filed. The assistant solicitor may request additional information from the appropriate school officials if such information is required to successfully prosecute the case. Once an accusation is filed, the case will be assigned to an assistant solicitor, and scheduled for a formal court arraignment before a State Court Judge for eventual disposition by a trial or a plea of guilty.

Strategy 7:

Create a process to evaluate and revise the system's attendance plan as needed.

The Attendance Protocol Committee is required to meet four times during the first year of implementation of the protocol. The Committee has determined said meetings shall take place on Thursdays. The first meeting is scheduled for September 29th, 2005 @ 9:00 a.m. Furthermore, the Committee acknowledges the importance of tracking trends as they relate to the implementation of intervention techniques. As a result, the Committee will create in concert with the various stakeholders in the effort to decrease

truancy statistical surveys and other solid research tools methods for conducting necessary research.