

April 11, 2005

SOUTHWESTERN JUDICIAL CIRCUIT
STUDENT ATTENDANCE PROTOCOL
FOR
SUMTER COUNTY SCHOOLS

Revised May 11, 2010

Judge Lisa C. Jones
P.O. Box 607
Americus, Ga. 31709

229-928-4569

Sumter County Student Attendance Protocol

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Student Attendance Protocol

I. School System Procedures

Sumter County Board of Education will monitor student attendance daily. The local Board of Education will adopt policy and procedure outlining the specific steps to be taken to monitor and address student attendance.

Upon enrollment and registration each school year, parents and guardians will be given notice of State Compulsory Attendance Law pursuant to O.C.G.A. Code 20-2-690.1 and local Board of Education school attendance policy JBD. The school will make reasonable efforts to ensure receipt and comprehension of the policy by requesting signatures from parents/guardians that this notice was received and understood. At the Middle and High schools, students will also receive this notice and provide a signature. At the Elementary schools, this notice will be received by all students who have reached age ten (10) or above by September 1 of that school year. This notice should also be included in each school's Code of Conduct.

Each school will establish an Attendance Support Team, (hereinafter, AST) which will be chaired by each school's Principal or designee and include as it's members the School Attendance Officer and faculty having direct contact with the parents/guardians of or providing direct service to the specific student(s) to be discussed. School Resource Officers will also be invited to participate, as appropriate. Each school's AST will meet weekly and be responsible for implementing and monitoring policy to reduce tardy days, early checkouts, and truancy. Parents/guardians shall be invited to and encouraged to attend these meetings.

Reasonable attempts will be made to call the parents/guardians of absent students. In cases known to involve joint or shared custody or guardianship of a student, efforts should be made to contact all individuals with custodial rights. This standard shall also apply to steps mentioned hereinafter.

Excused Absences are:

- 1. Personal illness or when attendance in school would endanger a student's health or the health of others.**
 - a. Absences that a result of physical illness may be excused by a parent/guardian note. These excuses may not exceed three (3) days per semester. Other absences must have a note from a doctor, dentist or clinic.**

- 2. A serious illness or death in a student's immediate family necessitating absence from school.**
 - a. Immediate family includes sibling, parent/guardian or grandparent**

3. **A court order or an order by a government agency, including pre-induction physical examinations for service in the armed forces, mandating absence from school.**
4. **The observance of religious holidays, necessitating absence from school.**
5. **Conditions rendering attendance impossible or hazardous to student health or safety.**

Tardies:

1. Three unexcused **30 minute** tardies to school will constitute one unexcused absence from school.
2. Tardies that exceed thirty (30) minutes or more can only be excused following the guidelines noted above in “Excused Absences” items 1- 5.

After two (2) absences, the homeroom teacher or administrative designee will call parents and file documentation of the outcome in the attendance record of the student.

Attendance postcards will be sent at three (3) absences (excused/unexcused).

After five (5) unexcused absences:

- 1) A referral will be made to the Attendance Support Team, which will assess the student’s absences and determine strategies to address attendance, including the possibility of referral to the School Social Worker and/or Truancy Officer(s) for Juvenile Court. Each school will take reasonable steps to ensure that parents/guardians are, in writing, invited to and encouraged to attend these meetings. Students may also participate in AST meetings, as deemed appropriate by the AST.
 - a) Refer the child and/or parent to the appropriate social services.
 - b) Request further medical documentation if appropriate.
 - c) The principal or designee will use their best efforts to notify (via mail) the parent /guardian of any child fourteen (14) years of age or older that they have five (5) absences remaining prior to violating the attendance requirements contained in subsection (a.1) of Code Section 40-5-22. An attendance non-compliance form will be completed and forwarded by the school to the system director of pupil support services who will submit this form to the Department of Motor Vehicle Safety (DMVS).
- 2) In addition to notice of the AST meeting, two (2) reasonable attempts will be made by the school to notify parents/guardians, in writing, of attendance to date (absences, tardies, and early check-outs), compulsory attendance law, and

potential consequences and penalties for failure to comply. A signature of receipt of this notice will be obtained, and kept on file for the remainder of the school year. Students age ten (10) and older will also receive a copy of the notice and provide a signature of receipt.

- a) First attempts to meet this requirement shall be made in conjunction with the notice of an AST meeting and/or during an AST meeting when the parent(s)/guardian(s) are in attendance.
- b) After two (2) unsuccessful reasonable attempts to provide notice to parent(s)/guardian(s) and obtain signatures, notice shall be sent via certified mail, with return receipt requested. The school should keep a copy of the notice mailed. Once the receipt is obtained, it will be kept on file by the school, attached to the copy of the notice.

At six (6) unexcused absences, the AST will review the case again and make a referral to the Truancy Officer(s) for Juvenile Court, if a referral has not been made previously.

The Truancy Officer(s) will:

- 1) Review available information from the AST and parent contacts from school staff.
- 2) Meet with the student(s) and attempt a home visit to further explore reasons for absence and offer assistance to the student and family for addressing the causes of absences. Examples of such assistance would include, but is not limited to:
 - Brief individual or group therapeutic intervention with students at school
 - Referral to public or private mental health or counseling services
 - Referral to public or private medical or dental services
 - Referral to public assistance programs
 - Referral to the school's Student Support Team
 - In-home support facilitated by the School Attendance Officer
 - Referral to outside social service or counseling providers for intensive in-home support
- 3) Upon further investigation, determine the need for immediate referral of:
 - Students ages ten (10) to sixteen (16) to Juvenile Court for Truancy
 - Parent(s)/guardian(s) of students ages six (6) to sixteen (16) to the appropriate Court for Deprivation or for Failure to Comply with Compulsory Attendance

In most cases, Court referrals will be made at this point or at the next unexcused absence.

- The family to the Department of Family and Children Services for suspicion or indicators of abuse and/or neglect. *If a referral is necessary, the local Child Abuse Protocol will take precedence regarding further action.*
- 4) Continue to monitor student attendance weekly and provide support related to the student and family's educational needs once a referral is made to a Court or to the Department of Family and Children Services.
- 5) Review end of year attendance records with each school's Principal and determine a list of active referrals for the beginning of the next school year.

In general, students known to be on probation for Truancy and students with excess of ten (10) unexcused absences, fifteen (15) total absences or any combination of tardies and early checkouts totaling twenty (20) will be referred to the School Attendance Officer or monitored for attendance concerns on a monthly basis the next school year.

II. Criminal Prosecution for Violation of School Attendance Law

O.C.G.A 20-2-690.1 requires any person in this State who has control or charge of a child between the ages of six and sixteen to enroll and send that child to school, including public, private and home schooling.

A child is responsible to attend school and is subject to adjudication in Sumter County Juvenile Court as an unruly child for violation of this statute. If a parent, guardian or other person who has control or charge of the child causes the child's absence, then that person, and not the child, is in violation of this statute. Such a violation is a misdemeanor and carries a penalty of up to \$100 fine and 30 days in jail for each violation. The law specifies that *each day's absence* constitutes a separate offense.

For purposes of this Protocol, the term "parent" may include any adult who has charge and control over the child, including a biological, adoptive, foster, or step-parent, a guardian or any other person who has control or charge of the child's attendance at school. In this regard, two parents residing in the same household with the child are equally responsible for the child's attendance at school.

A. Filing Juvenile Complaints

A juvenile complaint (Form 90) should be filed in the Juvenile Court of Sumter County by the School Resource Officer (SRO) against a child who is habitually and without justification truant from school. Such a child is "unruly."

For purposes of this Protocol, habitual truancy or absence is defined as five (5) or more days of unexcused absences from school. At this point the child's circumstances will be reviewed by the DJJ, to which the parent will be invited to attend.

B. Juvenile Justice Procedures

At eight (8) unexcused absences, the Truancy Officer(s) for Juvenile Court will make a referral to the Department of Juvenile Justice by filing a juvenile complaint (Form 90). (* If the Truancy Program/Officers are not available in the county, the referral will come from the School Resource Officer, Designated Law Enforcement Officer, Principal or school designee.)

1. Intake Process for Juvenile Complaints:

- a. Once received, the complaint (Form 90) will be entered into the Juvenile Tracking System and any past history will be assessed.
- b. The complaint will be staffed with the Truancy Officer(s) or referring entity for a brief summary of their involvement.
- c. The DJJ Intake Officer may contact the School Attendance Clerk or designee for any further pertinent information.
- d. At this review the following options will be discussed:
 - Refer the child and/or parent to the appropriate social services
 - Request further medical documentation if appropriate
 - Seek a criminal warrant for the parent from the appropriate Court.
 - Seek an action for Deprivation against the parent in Juvenile Court
- e. The complaint will be staffed with the District Attorney's Office, accompanied by the current referral summary, any legal history and a brief summary of involvement with the Department of Juvenile Justice, if any. This may include placement history, a summary of any past or current interventions, and Probation Officer information. At this staffing, the following options will be discussed:
 - *Mediation
 - *Informal Adjustment
 - *Diversion
 - *Dismissal
 - *Petition for Adjudication & Disposition

2. Adjudication and Disposition

A youth may be placed on Probation for Truancy by the Juvenile Court Judge upon adjudication of a Truancy charge. At this time, the District Attorney and/or the Department of Juvenile Justice may request a Protective Order to ensure that the parent(s)/guardian(s) actively assist in the youth's compliance with Conditions of Probation and the youth's attendance at school.

The Truancy Officer and/or Probation Officer will monitor the youth's attendance, at a minimum, on a weekly basis. Further unexcused absences from school by youth will result in immediate sanction by the Department of Juvenile Justice, including possible

Violation of Probation. Upon adjudication for Truancy-related Violation of Probation, the Juvenile Court Judge will determine what further action or intervention is appropriate.

The Truancy Officers will hold judicial truancy reviews on a monthly basis from the date of the initial Probation Order for Truancy-related Probation cases. These reviews will assess the youth's attendance at school and effectiveness of any services that may be involved to assist youth and/or family. All parties involved should be prepared to report on youth's progress at these reviews.

The Juvenile Court Judge prior to the two-year expiration date may terminate a Probation Order if youth's attendance and/or progress has reached a level satisfactory to all parties involved.

C. Prosecution in Magistrate/Superior and State Court

When it is clear that the parent is the direct cause of the child's absence, a warrant for violation of OCGA 20-2-690.1 should be sought against the parent. In other circumstances, the AST may, but is not required to, take into account the following considerations when recommending a criminal warrant be sought for the parent of a child.

- The child is under the age of 13 years.
- The child has an illness for which the parent has not been diligent in pursuing medical attention or in seeking financial assistance to procure the proper medical attention.
- The parent has not actively sought assistance from community social services and resources to assist in getting child to school.
- The parent is absent from the home or neglectful to an extent that it hinders the child's willingness or ability to attend school.
- The child is a deprived child.

The child and parent must comply with the AST's recommendations. Failure of the child or parent to comply with the recommendation, including further unexcused absences from school, will result in juvenile adjudication of the child and/or criminal prosecution of the parent. In any event, if the child accumulates ten (10) or more unexcused absences in any school year, the School Attendance Officer will file a juvenile complaint and/or apply, via the School Resource Officer, for a criminal warrant for violation of mandatory school attendance laws. When a parent is prosecuted, regular school attendance will be assigned as a condition of bond.

D. Notification of Parent(s)

Notification to the parent of a truant child shall include notice of an AST review and information about attendance law and the penalties that may occur as a result of the child's continued absence. After two unsuccessful attempts to serve such notice and obtain signature of receipt, notification should be sent via certified mail, with return receipt requested, to the parent and should contain the following language:

“Decisions as to appropriate action recommendations will be made at an AST review that could include recommendations for criminal prosecution of you or your child. Parent(s) may be charged with a misdemeanor if they are causing the child’s absence from school. The penalty can be up to \$100.00 fine and up to 30 days in jail for each day the child has an unexcused absence from school.”

III. Community Support

A. Law Enforcement

Each school in Sumter County has access to an employee of the Sumter County Sheriff’s Department or Americus Police Department. These individuals are certified peace officers designated as “deputy of the Sumter County Sheriff’s Department or officer of the Americus Police Department.” In support of improved school attendance, the law enforcement officer shall:

- Attend AST meetings, as appropriate.
- Forward complaints against parents directly to the Sheriff’s Department regarding compliance with mandatory attendance law
- Honor any applicable school-related transportation orders issued by a court.
- On an intermittent basis, transport truant students to school.

B. Public Health

The Sumter County Health Department is an integral partner in community health related to school readiness, attendance, and success. Sumter County Health Department shall:

- Provide immunization evaluations, immunizations, and immunization records required for school enrollment. *
- Provide Scoliosis screens for students.
- Provide various medical, dental, and prescription services, referrals, and education to students and families in Sumter County to promote personal and community health.

* *fees associated*

C. Mental Health: Middle Flint Behavioral Health Care

Middle Flint provides crucial support for the mental, physical, and emotional well being of students and their families, including individual and group sessions on-site at the schools for student clients of Sumter. In support of this Protocol, Middle Flint Behavioral Health Care shall:

- Notify and/or refer student clients to the School Counselor or School Attendance Officer when efforts to conduct individual or group sessions at school repeatedly fail, due to absences.

- Coordinate and host regular Interagency Staffing Committee meetings, which facilitate support and treatment planning for at-risk youth, including students who are truant.
- Attend court proceedings, when appropriate, for cases involving truancy and support any court orders for treatment of emotional or family issues contributing to absences.
- Offer clinical support, when possible and appropriate, to any truancy prevention or treatment programs instituted.
- Exclusions apply.

In accordance with state and federal laws related to confidentiality Middle Flint and Sumter County Schools shall, as appropriate, obtain releases of information to allow communication as outlined above.

D. Department of Family and Children Services

The Sumter County Department of Family and Children Services often provides social services to the families of truant students. In support of this Protocol, the Sumter County Department of Family and Children's Service shall:

Accept and consider information related to school attendance, behavior, and performance in reports and investigations of other suspected abuse and/or neglect.

Address school attendance in departmental case plans and safety plans.

Ensure school enrollment and regular attendance for students in emergency shelter care, temporary guardianship arranged by the Department, or foster care.

Verify involvement of the School Attendance Officer when available attendance information indicates more than ten (10) unexcused absences.

Attend court proceedings, when necessary, for **active** cases involving truancy and/or complaints against parents related to mandatory school attendance. *Subpoena(s) should be issued to the appropriate Case Manager and/or Investigator when participation by the Department of Family and Children Services is desired.*

IV. **Monitoring the Protocol**

To ensure that these written protocol procedures are followed, the Protocol Committee will meet quarterly for a year, which will begin on the date of the protocol's adoption. The Protocol Committee will then meet bi-annually, as required by law. The Committee's goal will be to improve communication between agencies, encourage inter-agency cooperation, and update the protocol as necessary. Each participating agency shall monitor and evaluate compliance with this protocol and, as needed, recommend protocol revision and implementation that best meets the needs of the community and complies with Federal, State, and local statutes, as well as agency policy.

APPENDIX A

ATTENDANCE LAW REQUIREMENT

In accordance with the Georgia House Bill 1190 (2004) the Sumter County School System is required to notify parents/guardians and students (age 10 and older by September 1) of the possible consequences and penalties for violation of attendance policies if a student has five (5) or more unexcused absences from school.

Parent Liability for Truancy:

Parents or guardians may be liable for up to \$100 fine, may be imprisoned for up to 30 days or may be ordered to do community service if their **child misses more than 5 unexcused school days.**

*HB 1190 (2004) requires that parents/guardians and students (age 10 and older by September 1) be notified and sign a form that indicated receipt of a written statement of possible consequences and penalties for violation of attendance policies. The House Bill (Section 10) reads: "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 (5) unexcused days of absence** for a child shall constitute a separate offense."*

The parent, guardian, or other person who has control or charge of a child or children shall sign a statement indicating receipt of such written statement of possible consequences and penalties; children who are age ten years or older by September 1 shall sign a statement indicating receipt of such written statement of possible consequences and penalties. These signed forms shall be retained through the end of the school year. Therefore, each school year it will be necessary to sign a form indicating receipt of this notification.

ATTENDANCE LAW REQUIREMENT

PLEASE SIGN and DATE this form and return it to your child's HOMEROOM TEACHER

Student's Name	Grade/Homeroom	Date
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This is to acknowledge receipt of a statement of possible consequences and penalties for violation of school attendance policies.

<i>Parent/Guardian signature</i>	<i>Student signature</i>
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<i>Date</i>	<i>Date</i>
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APPENDIX B

Date: _____

Dear Parents or Guardians,

Truancy is defined as being absent from school without appropriate documentation or permission. Your child, _____ has been out _____ days without an excuse.

Sumter County School System is required by law to notify parents/guardians and students (age 10 and older by September 1) of the possible consequences and penalties for violation of attendance policies if a student has *five (5) or more unexcused absences* from school.

Parents/Guardians may be charged with a misdemeanor if they are causing the child's absence from school. The penalty can be up to \$100.00 fine and up to 30 days in jail for each day the child has an unexcused absence from school.

Parents must take the responsibility for keeping children in school. Please provide us with a written excuse each time your child is absent. Also, please sign the enclosed Attendance Law Requirement notice and return to your child's homeroom teacher as soon as possible.

Sincerely,

Principal

APPENDIX C

SECOND NOTICE – *A possible referral could be made to the Truancy Intake Officer if no response.*

Date: _____

Dear Parents or Guardians,

Truancy is defined as being absent from school without appropriate documentation or permission. Your child, _____ has been out _____ days without an excuse.

Sumter County School System is required by law to notify parents/guardians and students (age 10 or older by September 1) of the possible consequences and penalties for violation of attendance policies if a student has *five (5) or more unexcused absences* from school.

Parents/Guardians may be charged with a misdemeanor if they are causing the child's absence from school. The penalty can be up to \$100.00 fine and up to 30 days in jail for each day the child has an unexcused absence from school.

Parents must take the responsibility for keeping children in school. Please provide us with a written excuse each time your child is absent. Also, please sign the enclosed Attendance Law Requirement notice and return to your child's homeroom teacher as soon as possible.

Sincerely,

Principal

BOARD APPROVED: June 9, 2005

SUMTER COUNTY BOARD OF EDUCATION

Revisions:

June 20, 2007 - Page 8 item C. Prosecution in Superior Court – *Prosecution in Magistrate/Superior and State Court*