

Soda Springs School District No. 150 is committed to fostering the academic and personal growth of its students; therefore, every child in the district is required to attend school regularly in order to make a successful transition to the next grade level and to graduate with a high school diploma. The board authorizes the superintendent or designee to enforce this policy, including the authority to identify a student who is habitually truant, complete and file the necessary supporting documentation, and give notice to the prosecuting attorney of truanancies.

## **DEFINITIONS**

“Habitual truant” means:

- a. Any public school pupil who, in the judgment of the board of trustees, or the board's designee, repeatedly has violated the attendance regulations established by the board; or
- b. Any child whose parent/guardian has failed or refused to cause such child to be instructed as provided in Idaho Code Section 33-202.

## **ATTENDANCE REQUIREMENT**

Students are required to be in attendance at school at least ninety percent (90%) of the time that school is in session during each school term. In enforcing the attendance requirements, the board may deny a promotion to the next grade or deny credit to any student who is not in school at least ninety percent (90%) of the days that school is in session. If a student is determined to be a habitual truant, the board may expel or disenroll the student.

## **CALCULATING ATTENDANCE**

Absence from class for any reason, including family convenience and school-approved activities, will be counted when the percentage of attendance and consequent eligibility for promotion or credit is being considered. Except in limited circumstances, students are expected to be present at school and in their assigned grade or subject.

The school will provide written notice of absences to the student and his or her parent/guardian not less than quarterly, and more frequently if the student’s attendance drops below ninety-five percent (95%).

## ***EXCUSED ABSENCES***

Excused absences are those absences from school with the knowledge and approval of a student’s parent/guardian. Such absences will be counted toward the maximum of seven (7) absences allowed per semester. Excused absences may include, but are not limited to, verified illness or medical treatment, death in the family or death of close friends, and medical or dental professional appointments. Excused absences do not, however, include “opting-out” of the

academic standards and testing established by the district or Idaho State Board of Education. Such absences will be considered unexcused.

In order for an absence to be excused, oral or written communication from the student's parent/guardian must be received within forty-eight (48) hours of the last day of the absence, except for school approved activity absences.

### **Activity Absences**

Absences for a school approved program or activity in which classes will be missed are considered an excused absence. School approved activity absences will not be counted toward the maximum of seven (7) absences.

### ***UNEXCUSED ABSENCES***

Unexcused absences are those absences from school without the knowledge and approval of a student's parent/guardian. Students are truant if their absence from school is unexcused. Unexcused absences include departure from school or class during the school day without the permission of a district official, and "opting-out" of the academic standards and testing established by the district or Idaho State Board of Education. Such absences will be counted toward the maximum of seven (7) absences allowed per semester and will be considered by the board when making denial of promotion or credit and habitual truancy determinations.

### **Tardies**

A student is tardy if he or she is not in the assigned classroom when the bell rings three (3) tardies will result in an unexcused absence. Junior high and high school students who are more than twenty (20) minutes late will be counted as an extended tardy and the absence will be considered unexcused.

Tardies due to a late district or city bus will not be counted on the student's record. The principal may also excuse tardies due to inclement weather or other extenuating circumstances.

### **DENIAL OF PROMOTION OR CREDIT**

Students not meeting the ninety percent (90%) attendance requirements will not receive credit or be promoted even though they may have passing grades. A parent/guardian who has valid reasons to believe that all or part of the absences are the result of extraordinary circumstances may file a written request for review by the attendance committee. Such request must be made within five (5) days of receiving notice of the denial. The attendance committee will review the records and the circumstances and determine whether or not the student will receive credit or be promoted. The attendance committee will consist of the building principal, school counselor, and three (3) teachers designated by the principal.

The decision of the attendance committee may be appealed to the superintendent. This appeal must be submitted to the superintendent within ten (10) days after the attendance committee

submits its decision. The superintendent will render a decision on the appeal within ten (10) days after receiving the appeal.

The decision of the superintendent may be appealed to the board for a final decision. The appeal must be filed with the superintendent's office within ten (10) days after the superintendent notifies the parent/guardian of his or her decision. The board will address the appeal in executive session. The parent/guardian will have an opportunity to appear before the board for an informal hearing. The parent/guardian will be given an opportunity to present written or oral information as to why the student should not be denied credit or promotion. The parent/guardian does not have the right to be represented by an attorney, present evidence, or cross-examine witnesses. Upon reviewing the decision of the attendance committee and superintendent, and the basis for the appeal by the parent/guardian, the board will uphold or overturn the superintendent's decision, issuing a written decision within ten (10) days. The board's decision will be final.

The student will be allowed to continue to attend classes pending the board's determination in this matter.

### **HABITUAL TRUANCY**

A student is a habitual truant if he or she does not meet the *ninety percent (90%)* attendance requirements of this policy and one-half (1/2) or more of all such absences are unexcused.

### **Expulsion**

Pursuant to Idaho Code Section 33-205, the board may expel a student because he or she is a habitual truant, as defined in this policy. The procedure for expulsion is set forth in Policy No. 544, Student Expulsion/Denial of Enrollment. The student will be allowed to continue to attend classes pending the board's determination in this matter.

### **Disenrollment**

The board may disenroll a student who is determined to be a habitual truant pursuant to the following process:

1. The building administrator will submit a written notice of recommendation for a finding of habitual truancy to the superintendent or his/her designee.
2. The student will be allowed to continue to attend classes pending the board's determination in this matter.
3. A copy of the notice of recommendation, and notice of the opportunity for an informal hearing before the board, will be provided to the student's parent/guardian.
4. The parent/guardian will have an opportunity to appear before the board for an informal hearing. The parent/guardian will be given an opportunity to present written or oral information as to why the student should not be disenrolled for habitual truancy. The

parent/guardian does not have the right to be represented by an attorney, present evidence, or cross-examine witnesses.

5. The board will determine whether the student is a habitual truant and should be disenrolled and issue a written decision within ten (10) days. The board’s decision is final. If the board determines that the student should be disenrolled, the notice will specify that the student will be disenrolled from school effective the date of the board’s determination.
6. The parent/guardian may re-enroll the student at any time and forms for re-enrolling the student will accompany the notice sent to the parent/guardian.

**Notice to Prosecuting Attorney**

Any child between the ages of seven (7) and sixteen (16) whose parent/guardian fails, neglects, or refuses to place the child in school or have the child instructed will be considered habitually truant. Additionally, those students who do not conform to the attendance policies established by the board in this district will be considered habitually truant.

If the board or its designee determines that a student is a habitual truant, whether or not the student is expelled or disenrolled, the board or its designee will notify, in writing, the prosecuting attorney in the student’s county of residence pursuant to Idaho Code Section 33-207.



**LEGAL REFERENCE:**

Idaho Code Sections

- 20-510 – Information – Investigation - Petition
- 33-202 – School Attendance Compulsory
- 33-206 – Habitual Truant Defined
- 33-207 – Proceedings Against Parents or Guardians
- 33-506(1) – Organization and Government of Board of Trustees

Idaho Opinion of the Attorney General No. 83-12

**ADOPTED: April 20, 2011**

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