FOR ACTION: Approve Revisions to Policy 5200 – Attendance

Recommendation

It is recommended that the Board approve revisions to Policy 5200, Attendance.

Background Information

Revisions to the Policy 5200, Attendance, have been made to change the number of excused days for students to a 180 day school cycle rather than per school year. This change will enable the courts and school to take legal action for truancies early in the school year for those with repeated attendance difficulties.

Revisions to the Administrative Policy 5200, Attendance, moving “Out of School Suspensions” from “excused absences which do count against the school” to “excused absences which do not count against the school.” This has been the practice in the corporation but policy has been incorrect. See attached documentation from State Attendance Officer.

Revisions to the Administrative Guidelines, 5200-AG, Attendance, have been included to coincide with revisions made to Administrative Policy. In addition, parts E, 2, b, and E, 2, g are changed to reflect legal language, a copy of which is attached. Other revisions to Administrative Guidelines include grammatical changes and update of Attendance Codes definitions, which is found at the end of the Guidelines.

Revised Policy and Guidelines 5200 and 5200AG are attached with changes highlighted. These changes were reviewed by the Superintendent’s Cabinet members and the Board Policy Committee. Additionally, these proposed revisions were reviewed with the Board and included with the June 16 agenda for the Board’s information and/or discussion.
ATTENDANCE

The School Board, as an agency of the State, is required to enforce regular attendance of students. The Board recognizes that presence in the classroom enables the student to participate in instruction, class discussions, and other related activities. As such, regular attendance and classroom participation are integral to instilling incentives for the student to excel.

Attendance shall be required of all Corporation students, except those exempted under policy 5223, items A to M listed under excused absences, or by other provisions of State law, during the days and hours that the school is in session or during the attendance sessions to which s/he has been assigned. Attendance need not always be within the school facilities, but a student will be considered to be in attendance if present at any place where school is in session by authority of the Board.

A student may not be required to attend school and/or may not be allowed to attend school if it is shown to the satisfaction of the Principal that the mental condition of the student is such that s/he cannot benefit from instruction, or that the physical condition of the student is such as to prevent attendance at school or that s/he is receiving instruction equivalent to that provided in public schools.

The Superintendent shall develop administrative guidelines for the attendance of students which:

A. Ensure a school session which is in conformance with the requirements of the law;

B. Ensure that students with any number of excused absences (excluding out of school suspensions), or other absences up to the equivalent of ten (10) days per 180 school days, regardless of the school year, have the opportunity to make up work they missed.)

C. Ensure that appropriate steps are taken to promote good attendance

D. Govern the keeping of attendance records in accordance with the rules of the State Board;

E. Ensure that, when appropriate, any student who has excessive absences due to a medically-documented physical or mental impairment may be referred for evaluation for eligibility either under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973.

The Principal or designee shall require, from the parent of each student or from an adult student who has been absent for any reason, notification of the cause for such absence. The Principal or designee reserves the right to verify such statements and to investigate the cause of each single absence. Repeated infractions of the Board's policy on attendance may result in disciplinary action.

The Board and Indiana Statute consider certain factors to be reasonable excuses for time missed from school.
Any student absences from school will be categorized as follows:

1. **Excused absences** for the student, which do **not** count against the school’s attendance rates include:
   
   A. Required court attendance
   B. Observance of a bona fide religious holiday
   C. Service as a page in the General Assembly
   D. Active duty with the Indiana National Guard
   E. Service on a precinct election board
   F. College visit for a junior or senior
   G. Absences that are 504 related
   H. **Out of school suspensions**

   which **do** count against the school’s attendance rates include:

   I. Illness
   J. **Out of school suspensions**
   K. Recovery from accident
   L. Professional appointments
   M. Death in the immediate family
   N. Such other good cause acceptable to the principal and permitted by law.

2. **Unexcused absences**.

The Superintendent will develop administrative guidelines which define and address each category.

The Superintendent is authorized to establish an educational program for parents of truant students, which is designed to encourage parents to ensure that their children attend school regularly.

In the event that a determination by the Principal or the Principal's designee with respect to whether an absence is excused or unexcused becomes subject to review by the Board, such determination may be overturned by the Board only if the action of the Principal or the Principal's designee is determined by the Board to be arbitrary, capricious or contrary to law.


Accepted by the Board 5/13/76
Revised: 8/25/77; 9/1/77; 8/10/78; 8/15/80; 6/25/81; 5/9/85; 6/13/85-eff. 8/1/85; 3/17/86; 8/18/86; 8/25/86-eff. 8/28/86; 8/9/93; 5/9/94; 7/11/06
ATTENDANCE

These guidelines apply to all Monroe County Community School Corporation schools. Provision is made herein for appropriate action by school officials. Participation in an out-of-class, school-sanctioned activity which has prior approval of the principal or designee counts as attendance.

A. A student enrolled in this school corporation is bound by the requirements of state law and this policy to attend school until graduation, or withdrawal, whichever comes first. Acceptance of the terms of this guideline is a condition of enrollment for all students, including those not subject to the Compulsory Attendance Act of the State of Indiana. This applies to students who enroll or transfer into this school corporation at any time during a school year. Attendance and discipline records, including determinations made by the previous school, shall be honored and treated as though the conduct occurred within this school system.

B. A student with any number of excused absences from school (excluding out-of-school suspension) or other absences up to the equivalent of 10 days per 180 school day time period shall have the right to make up work they missed within a reasonable length of time).

The following guidelines apply:

1. It is the responsibility of the student to obtain and complete all such make up work.

2. Assignments missed in any given class must be requested on the first school day that class meets following the absence(s).

3. Students absent two or more days will be given one day for each day missed to complete the assigned make up work.

4. Work turned in late due to absences will be accepted but points may be deducted for the tardiness of such work.

5. The option to make up work missed does not apply for cases of habitual truancy or continued excessive absences of any kind. If the student has been determined to be a habitual truant, or if the student has excessive absences to the extent that a physician’s statement of incapacity is now required, the student may not be allowed to make up the work that was missed.

6. These guidelines do not apply to work done in advance of a prearranged absence.

C. Individual schools are encouraged to establish incentives for attendance including but not limited to award programs recognizing students with good attendance records. Students absent in observance of bona fide religious holidays will, for purposes of such awards only, be considered as not absent.

D. Teachers will take attendance each class period, with absences recorded and submitted to the office as directed.
E. If the student has a physician documented mental or physical impairment (physician’s statement of ongoing incapacity), such as ongoing and/or severe seizures, migraines, asthma, or other similar conditions, a 504 conference may be held when appropriate, and future absences (with a parent phone call) will be excused for the student and also not count against the school’s attendance rate.

Exceptions to the Compulsory Attendance Act are set forth by law. Said exceptions specifically authorized include:

1. **Excused absences** for the student, which do not count against the school’s attendance rates:
   a. Required court attendance. When subpoenaed to appear in court in a judicial proceeding. The student excused from school attendance under this subsection shall not be recorded on the records as being absent on any day for which the excuse is operative, nor shall the student be penalized by the school in any manner.
   
   b. Observance of a bona fide religious holiday.
   
   c. Service as a page in the General Assembly or when invited to appear as an honoree of the General Assembly. Each day of such service or appearance shall count as attendance at school.
   
   d. Active duty with the Indiana National Guard. Secondary school students who are ordered to active duty with the Indiana National Guard shall not be recorded absent or penalized by the school in any manner. Such exemption shall not exceed ten (10) days in a school year.
   
   e. Service on a precinct election board or as a helper for a political candidate. Secondary school students who serve on the precinct election board or as a helper to a political candidate or to a political party on the date of each general, city, town, special and primary election at which the student works. Prior to the date of the election, the student must submit a document signed by one of his parents or guardian giving him permission to participate in the election and the student must verify to school authorities the performance of services by submitting a document signed by the candidate, political party chairman, campaign manager, or precinct officer. The document must generally describe the duties of the student on the date of the election. The student excused from school attendance under this subsection shall not be recorded on the records as being absent on any day for which the excuse is operative, nor shall the student be penalized by the school in any manner.
   
   f. College visit. A junior or senior may have up to two college visits and such visits shall not be counted as absences against the student.
   
   g. Absences that are medically documented as due to a physical or mental condition that has resulted in a 504 classification.
h. **Out of School Suspensions**

Excused absences for the student which do count against the school’s attendance rates (this includes absences up to the equivalent of ten [10] days per 180 school day time period for which a parent phone call or note is received within twenty-four [24] hours of the absence) include:

i. **Illness**

j. **Out of School Suspensions**

k. **Recovery from accident**

l. **Professional appointments**

m. **Death in the immediate family**

n. Such other good cause as may be acceptable by to the principal or designee or permitted by law. Such determination shall be made on a case by case basis. Such absences will not be excused after the equivalent of ten (10) days per 180 school day time period or if a “One Day Legal Notice” has been filed.

Every effort will be made to notify parents in writing of absences that reach the five (5) day total, including excused absences.

2. **Unexcused absences** include truancy or other excessive absences. Unexcused absences also include absences in “h – m” above which are over the ten day limit or for which a notice has been sent to the parents requiring a “physician’s statement of incapacity” for the child. In-school suspensions are not considered absences, and out of school suspensions are counted as excused absences. Actions taken by the principal or designee for unexcused absences may include but not be limited to:

For Truancy:

a. Identifies the truant as a student who willfully does not attend school.

b. Identifies the “habitual truant”, that is, “the student who has as defined in IC 20-33-2-11(b) as “a student who is chronically absent, by having unexcused absences from school for more than ten (10) days of school in one (1) school year.

c. Investigates the cause(s) of the truant behavior via:

   (1) Parent contact by the designated staff member

   (2) Parent contact by appropriate school administrator or designee
(3) Parent conference with appropriate school administrator or designee

d. Considers, when appropriate, any modifications of the student’s educational program that meet particular needs which may be causing the truancy.

e. Ensures that every effort is made to notify parents that a child is truant, and that there may be corrective and/or disciplinary actions taken if the truancy continues. This minimal due process will include but not be limited to:

(1) Sending an Attendance Notification Letters (These may be a “Five Day Letter”, “Ten Day Letter” or “Partial-Day Absence Letter.” A “Ten Day Letter” may require a physician’s statement of incapacity for future absences to be counted as excused.)
(2) Making documented phone calls to parents
(3) Referring to the School Social Worker for contact/conference
(4) Filing a One Day Legal Notice

f. Ensures that the Corporation’s policies and administrative guidelines on student discipline are adhered to when truant students are disciplined. This may include but not be limited to:

(1) Detention after school hours
(2) Placement in In-school suspension
(3) Removal of privileges
(4) Referral to Monroe County Probation Department
(5) Termination of enrollment in the affected classes
(6) Referral into an Alternative to Expulsion program
(7) Recommendation for expulsion from school (Expulsion is the last resort for truancy problems and other efforts must be made before expulsion is recommended.)

g. Provides for the reporting to the Bureau of Motor Vehicles those students who have been determined to be a habitual truant, expelled from school, or suspended for the second time during the school year.

Habitual truancy: Indiana Code 20-33-2-11 & 9-24-2-1 provides that any person, while of the ages of 13 and 14 “at least thirteen (13) years of age but less than fifteen (15) years of age,” who is determined to be a habitual truant as defined by School Board policy, cannot “may not be issued an operator’s license or a learner’s permit until the age of eighteen (18) years of age.”

The procedures for enforcement of Habitual Truancy, as applied to a student who is 13 or 14 years old, are as follows:

(1) The principal or his/her administrative designee shall:

(a) Designate any student as a habitual truant if the student has accumulated ten or
more unexcused absences from school during one school year (the principal has no duty to determine habitual truancy nor sign any eligibility form for obtaining a license/permit for an individual not enrolled in this public school system);

(b) Give written notice by certified mail, return receipt requested, to the student and his/her parent or custodian of such designation and of the right to make a written request for a hearing to the Superintendent within ten (10) calendar days of receipt of notice; and

(c) Notify the State Bureau of Motor Vehicles if:

(i) The hearing examiner makes a determination of habitual truancy; or

(ii) The parent/custodians or the student choose not to request a hearing of the principal's designation of habitual truancy.

(2) Upon the timely request for a hearing, the Superintendent or his/her administrative designee shall appoint a hearing examiner, who may be any person on the administrative staff or an attorney, as long as such person has no involvement in the particular case.

(3) The hearing examiner shall:

(a) Give a minimum two (2) days notice of the date, time and place of the hearing;

(b) Follow the provisions of Indiana Code 20-33-8-19 in conducting the hearing; and

(c) Make the determination and give notice to the superintendent, principal, student, and parents via written findings of fact and conclusions as to whether the student is a habitual truant under this policy.

(4) For any student age 13 through 17 who has been determined or designated a habitual truant under this policy, the following review procedures apply:

(a) The principal shall review the student's attendance record no less than one time each year to determine if the prohibition against receipt of an operator's license or learner's permit shall continue. The principal shall be guided by the following factors:

(i) At least sixty (60) school days must have elapsed in order to have a significant sampling upon which to make a determination of improved attendance;

(ii) The number of absences since the initial determination or designation and
the reasons for each shall be reviewed. One absence based on truancy (willful and in defiance of parental authority) shall cause the principal to recommend that the aforementioned prohibition shall continue.

(b) The principal shall forward his/her recommendation to the Board of Trustees for its review and determination. If the prohibition against receipt of the license or permit is removed, the principal shall notify the State Bureau of Motor Vehicles. The removal of the prohibition, however, shall not cause the number of truancy days to be erased for purposes of later determining that a student is a repeat habitual truant under this policy.

(5) The only statutory timelines which apply to habitual truancy procedures are those contained in Indiana Code 20-33-8-1—34 and 20-33-2-11.

(6) The superintendent shall see that a uniform summary information form is developed which:

(a) Indicates the date of the principal's determination of habitual truancy and of the hearing examiner's determination, if any;

(b) Indicates the date and result of the review of the attendance record of a habitual truant by the principal and Board of Trustees; and

(c) Is placed in and becomes a permanent part of the student's record file which shall be included with any records sent to another school system in which the student enrolls.

(7) If a student who has been designated and/or determined a habitual truant and remains ineligible to obtain a license/permit properly quits this school system or transfers to a public or non-public school, the principal with authority to review such student's attendance record shall be deemed to lose such authority and to no longer be under a duty to conduct the review. Conversely, if such a student moves from one school to another within this corporation or transfers into this school system from another corporation, the principal shall conduct the appropriate review.

Expelled, Suspended, Withdrawn students:

(1) Issuance of License or Permit

(a) Indiana Code 9-24-2-1(a) states: "A driver’s license or learner's permit may not be issued to an individual less than eighteen (18) years of age who meets any of the following conditions:

(i) Is a habitual truant under IC 20-33-2-11
(ii) Is under at least a second suspension from school for the school year under IC 20-33-8-14

(iii) Is under an expulsion from school under IC 20-33-8-14, 20-33-8-15, 20-33-8-16

(iv) Has withdrawn from school before graduating, for a reason other than financial hardship, and the withdrawal was reported under IC 20-33-2-21(a). Any student who withdraws from school must have an exit interview under IC 20-33-2-9.

(b) For purposes of the issuance (as opposed to invalidation) of a license/permit, if a student receives a second suspension from school in any one school year, the principal shall notify the State Bureau of Motor Vehicles of the beginning and ending dates of the second suspension and the date of the end of the semester in which the student is reinstated to school.

(i) This Board of School Trustees interprets Indiana Code IC 9-24-2-1(a) and 9-24-2-4 to mean that a student who receives such second suspension or expulsion, or has withdrawn from school as described in section 1(4) may not be issued a license/permit until the end of the semester in which the person returns to school.

(ii) The principal shall not sign any eligibility form designed to accompany an individual application for the issuance of a license/permit for any student who receives a second suspension, expulsion, or exclusion until the person returns to school.

(iii) If the State Bureau of Motor Vehicles via a written communication to Indiana school corporations indicates a different interpretation, this school system will follow said Bureau's interpretation.

(2) Invalidation and/or revalidation of Driver License or Driver Permit

(a) Indiana Code 9-24-2-4 states: "(a) If a person is less than eighteen (18) years of age and is a habitual truant, is under a suspension or an expulsion or has withdrawn from school as described in section 1 of this chapter, the bureau shall, upon notification by the person's principal invalidate the person's license or permit until the earliest of the following:

(i) The person becomes eighteen (18) years of age.

(ii) One hundred twenty (120) days after the person is suspended, or the end of
the semester during which the person returns to school, whichever is longer.

(iii) The suspension, expulsion, or exclusion is reversed after the person has had a hearing under IC 20-33-8.

(b) For purposes of the invalidation of a license/permit, the principal shall notify the State Bureau of Motor Vehicles in the following circumstances, with each notice indicating the last day of the semester in which the student returns to school:

(i) The student receives a second suspension from school in any one school year;

(ii) The student is expelled from school for any reason established by state statute and/or this school system for the grounds stated in Indiana Code 20-33-8-14, 20-33-8-15, 20-33-8-16.

(iii) The student is determined to be a habitual truant under 20-33-2-11

(iv) The student withdraws from school and it is reported under IC 20-33-2-21(a)

(c) Should any such second suspension, expulsion or determination of habitual truancy be reversed after the student has utilized the procedures under Indiana Code 20-33-8-19, the principal shall notify the State Bureau of Motor Vehicles directly in writing.

(d) Any student whose license/permit has been invalidated by the State Bureau of Motor Vehicles may appeal pursuant to Indiana Code 9-25.

For sections (1) Issuance of License or Permit and (2) Invalidation and/or revalidation of Driver License or Driver Permit, notice of final determinations by the hearing examiner and/or Board shall be by certified mail.

For other Excessive Absences:

A. Identify instances where the parent(s) actions or lack of actions may “fail to ensure that the child attends school”.

B. Investigate the cause(s) of the excessive absences via:

1. Parent contact by the designated staff member

2. Parent contact by appropriate school administrator or designee
3. Parent conference with appropriate school administrator or designee

C. Make every effort to communicate the issues with the parent(s) in a timely manner. These may include but not be limited to:

1. Send attendance notification letters (five day, ten day, partial day absence letters)
2. Make documented phone calls
3. Refer to the School Social Worker for contact/conference
4. File One Day Legal Notice
5. Demand a physician’s statement of incapacity for all future absences (Verification of incapacity through such a physician’s statement, or other verification the school documents that verifies a student is legitimately ill, will be counted as excused absences.)

D. Consider what appropriate interventions might be helpful in alleviating excessive absences including what referrals might be made to outside agencies. (A list of possible agencies will be available in the MCCSC Social Services Department.)

E. Ensure that students/families with continued excessive absences are referred to appropriate agencies for legal action including the Monroe County Prosecutor, the Monroe County Probation Department, and/or the Monroe County Child Protection Services.


Accepted by the Board 5/13/76; 6/13/85 (effective 8/1/85); 8/25/86 (effective 8/28/86); 8/9/93; 5/9/94
Revised: 8/25/77; 9/1/77; 8/10/78; 8/15/80; 6/25/81
Approved by the Superintendent: 5/9/85; 3/17/86; 8/18/86; 7/12/06

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**Attendance Codes for MCCSC Schools**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Absent – excused (parent contact)</td>
</tr>
<tr>
<td>B</td>
<td>Home bound instruction approved by Special Ed.</td>
</tr>
<tr>
<td>C</td>
<td>Out of Class – present-excused from class (e.g., w/counselor, social worker, etc.)</td>
</tr>
<tr>
<td>D</td>
<td>Weather absence (e.g., delayed start, early dismissal, parent chose not to send because of weather hazards, tardy greater than 5 minutes (HS))</td>
</tr>
<tr>
<td>E</td>
<td>Early Dismissal – left building w/parent permission Unexcused Absence – no</td>
</tr>
<tr>
<td>F</td>
<td>Field Trip – attending school activity</td>
</tr>
<tr>
<td>G</td>
<td>Left school Partial-Day Absence – with parent permission</td>
</tr>
<tr>
<td>H</td>
<td>Truant (MS/HS – absent without parent knowledge)</td>
</tr>
<tr>
<td>I</td>
<td>In-school detention/suspension</td>
</tr>
<tr>
<td>J</td>
<td>Jail (incarcerated, short-term (not withdrawn))</td>
</tr>
<tr>
<td>K</td>
<td>Alternative to Suspension (MS/HS) - BLC</td>
</tr>
<tr>
<td>L</td>
<td>Left Seminar without permission (HS)</td>
</tr>
<tr>
<td>Credit</td>
<td>Program – Teen Learning Center</td>
</tr>
</tbody>
</table>
M - Medical/dental/hospital – statement required
   Unexcused Absence – parent contact – medical statement required to excuse
N - Nurse – sent home by health personnel
O - Out-of-school suspension
P - Prearranged absence (i.e. vacation)
Q - Lice/Nits present, Health Office Excluded
R - Religious exemption
S - Return to School – return from appointment
   Partial-Day Absence w/appt. statement
T - Tardy - <=15 (ELE/MS); <=5 (HS)
U - Absent – no parent contact/physician statement
   Unexcused Absence – parent contact (before 10 days) (MS/HS)
V - College Visit (college, polls, page, jury duty, court appearance, etc.)
W - 504 Medical Determination or IEP approved absence
X - Exempt – (polls, page, jury duty, court appearance, NG), or weather related (bus cannot reach student stop)
Y - Take Your Child to Work Day
Z - Hospitalized (not withdrawn from school with education provided)

From the Superintendent’s Office – updated 9/8/2006
IC 20-33-2-11
Habitual truants ineligible for operator's license or learner's permit; minimum definition of "habitual truant"
Sec. 11. (a) Notwithstanding IC 9-24 concerning the minimum requirements for qualifying for the issuance of an operator's license or a learner's permit, and subject to subsections (c) through (e), an individual who is:
(1) at least thirteen (13) years of age but less than fifteen (15) years of age;
(2) a habitual truant under the definition of habitual truant established under subsection (b); and
(3) identified in the information submitted to the bureau of motor vehicles under subsection (f);

may not be issued an operator's license or a learner's permit to drive a motor vehicle under IC 9-24 until the individual is at least eighteen (18) years of age.

(b) Each governing body shall establish and include as part of the written copy of its discipline rules described in IC 20-33-8-12:
(1) a definition of a child who is designated as a habitual truant, which must, at a minimum, define the term as a student who is chronically absent, by having unexcused absences from school for more than ten (10) days of school in one (1) school year;
(2) the procedures under which subsection (a) will be administered; and
(3) all other pertinent matters related to this action.
(c) An individual described in subsection (a) is entitled to the procedure described in IC 20-33-8-19.
(d) An individual described in subsection (a) who is at least thirteen (13) years of age and less than eighteen (18) years of age is entitled to a periodic review of the individual's attendance record in school to determine whether the prohibition described in subsection (a) shall continue. The periodic reviews may not be conducted less than one (1) time each school year.
(e) Upon review, the governing body may determine that the individual's attendance record has improved to the degree that the individual may become eligible to be issued an operator's license or a learner's permit.
(f) Before:
(1) February 1; and
(2) October 1;
of each year the governing body of the school corporation shall submit to the bureau of motor vehicles the pertinent information concerning an individual's ineligibility under subsection (a) to be issued an operator's license or a learner's permit.
(g) The department shall develop guidelines concerning criteria used in defining a habitual truant that may be considered by a governing body in complying with subsection (b).
IC 9-24-2-1
Suspended and expelled students and dropouts

Sec. 1. (a) A driver's license or a learner's permit may not be issued to an individual less than eighteen (18) years of age who meets any of the following conditions:

(1) Is a habitual truant under IC 20-33-2-11.

(2) Is under at least a second suspension from school for the school year under IC 20-33-8-14 or IC 20-33-8-15.

(3) Is under an expulsion from school under IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16.

(4) Is considered a dropout under IC 20-33-2-28.5.

(b) At least five (5) days before holding an exit interview under IC 20-33-2-28.5, the school corporation shall give notice by certified mail or personal delivery to the student, the student's parent, or the student's guardian that the student's failure to attend an exit interview under IC 20-33-2-28.5 or return to school if the student does not meet the requirements to withdraw from school under IC 20-33-2-28.5 will result in the revocation or denial of the student's:

(1) driver's license or learner's permit; and

(2) employment certificate.