

## **Sparta Area School District**

### Article 543 – Unexcused Absence and Truancy

#### **PROCEDURES FOR NOTIFYING, MEETING AND CONFERRING WITH PARENTS OR GUARDIANS OF TRUANTS**

For the purposes of this Article, the School Attendance Officer is the Building Principal or designee in each school.

The parents/guardians of all students having an unexcused absence should be contacted personally or by phone within 24 hours of the absence. If telephone contact is not made within 24 hours, a letter should be sent to the parents/guardians. A written log and/or copies of correspondence will be kept. This telephone call/letter should:

1. Encourage parents/guardians to seek assistance from the school in dealing with unexcused absences.
2. Provide parents/guardians with the name and phone number of school staff available to help with problems contributing to the student's absenteeism and indicate the consequences that may result from the absence.

No later than on the third unexcused absence within a semester, the school will send a letter to the parent/guardian. This letter will include:

1. An offer to meet with the parents/guardians to discuss the factors contributing to unexcused absenteeism.
2. A clear statement of school policy on unexcused absences, including disciplinary procedures; and a summary of state statutes defining and describing penalties for habitual truancy.

When a student has five unexcused absences within a semester, he/she is considered habitually truant under Wisconsin law s. 118.16 (1) (a). The school will send the parents/guardian a 1<sup>st</sup> class letter (and may simultaneously send a communication by electronic communication) that includes the following:

1. A statement of the parent/guardian's responsibilities under the compulsory attendance law to cause the child to attend school regularly.
2. A statement that the parents/guardian or child may request program or curriculum modifications for the child and that the child may be eligible for the Sparta Area School District's Child At Risk programming.
3. A request that the parents/guardian meet with the appropriate school personnel to discuss the child's truancy. The notice shall include the name of school personnel with whom the parents/guardian should meet, a date, time and place for the meeting and the name, address, and phone number of a person to contact to arrange a

different date, time or place. This meeting shall be held within five school days after the date the habitual truant notice has been sent. With consent of the student's parents/guardian, the date of the meeting may be extended for an additional five school days. (If this meeting is not held within 10 days after the date that the habitual truant notice is sent, the meeting requirement does not apply.)

4. A statement of the penalties that may be imposed on the parents/guardian if they fail to cause the child to attend school regularly; and a statement that the case will be referred to court for action if the parents/guardians refuse to cooperate with appropriate school personnel.

At the meeting:

1. All prior actions will be reviewed and school personnel, parents/guardians and the student will be encouraged to present their views on the reasons for the truancy

2. All education programs, including both in school and out of school options, will be explored

3. The student and parents/guardians will be informed of services and programs available through municipal and juvenile court

4. A written contract will be negotiated that includes the specific rights and responsibilities of the student, parents/guardians and school. This contract will include a specific educational plan

5. Parents/guardians will be informed of the penalties under section 116.15(5) that may be imposed if the truancy continues.

## PLANS AND PROCEDURES FOR IDENTIFYING TRUANT CHILDREN AND RETURNING THEM TO SCHOOL

Truancy Identification and Follow-up Procedures:

The entire process of education requires continuity of instruction, classroom participation, learning experiences, and study in order to accomplish academic success. Students who miss school frequently experience great difficulty in achieving the maximum benefits of the school's educational program. Therefore, all children between the ages of five (5) and eighteen(18) are required to attend school regularly unless they fall under one of the exceptions in the state statutes or graduate from high school.

Parent(s)/guardians, staff and the students themselves shall be responsible for complying with all student attendance requirements.

Process:

1. The administration/student service team will review any absence to determine if a student's pattern of absence meets the definition of a habitual truant. If so, a registered letter will be sent to the parent(s)/guardian.
2. If the parent(s)/guardian respond to the letter, a meeting will be arranged which will be attended by the parent(s)/guardians, student, and representatives from student services and Human Services. At the meeting, an educational plan, including an educational contract will be developed. The student will then attend school per the educational plan and the school will monitor the student's attendance.
3. If the parents/guardian do not respond to the Sparta Area School District's registered letter of notification of habitual truancy, the Sparta Area School District will make a referral to Monroe County Corporate Counsel. If they do, an educational plan will be developed at the meeting. The student will then attend school per the educational plan and the Sparta Area School District will continue to monitor the student's compliance with the plan. If the student does not comply with the educational plan, the case will be referred to the school district's attorney.

#### METHODS TO INCREASE AND MAINTAIN PUBLIC AWARENESS OF AND INVOLVEMENT IN RESPONDING TO TRUANCY WITHIN THE SPARTA AREA SCHOOL DISTRICT

Attendance/truancy can be an item on the following agendas:

- Parent/Teacher organizations
- School Boards
- AODA advisory groups
- Education for Employment Council
- Liaison groups such as police, nurses, social services and legislative bodies
- Pupil personnel committee meetings such as Student Assistance Programs, Suicide Prevention, At Risk

Truancy posters and other alerts may be distributed within the community.

Truancy can be an item in the following reports:

- Statistic on annual disclosure reports on periodic basis
- Periodic informational releases such as the school district's newsletter and press releases
- Other agency releases such as Social Services

Examples of ways that the public may become involved in activities responding to truancy include:

- Individual Education Plan conference discussion

Standard notification process to parent(s)/guardians

Newspaper articles on attendance

Business ~~positive~~-support mechanisms such as rewards for good attendance

Other media involvement (TV and Radio)

Notifications to youth posted in public areas

#### THE IMMEDIATE RESPONSES TO BE TAKEN BY SCHOOL PERSONNEL UPON RETURN OF A TRUANT CHILD TO SCHOOL

The immediate responses to be made by school personnel when a truant child is returned to school are as follows:

Offer counseling to the student.

Have the attendance officer discuss expectations and causes of the individual's truancy.

Look at curriculum modifications.

Utilize appropriate referrals to other agencies.

Assign a case manager (counselor/At-Risk teacher) to stay in touch with the student.

Make sure all responses are supportive and not punitive.

Continue to communicate with parent(s)/guardian and Monroe County Department of Social Services. The Monroe County Department of Social Services is the responsible agency at this time.

#### THE TYPES OF TRUANCY CASES TO BE REFERRED TO THE CORPORATION COUNSEL AND THE TIME PERIODS WITHIN WHICH THE DISTRICT ATTORNEY WILL RESPOND AND TAKE ACTION

All matters where the attendance officer believes a violation of state law (section 118.15(1)) has occurred may be referred to the Corporate Counsel directly or through Juvenile Court Intake in accordance with established procedures. The school attendance officer should consider the various types of prosecution concurrently.

Parental Prosecution - If school officials believe the parent has not "caused" the child to attend school, they need to contact the Corporate Counsel to discuss the appropriateness of proceeding against the parents. The parent, if found guilty, is subject to a fine of not more than \$500 and imprisonment of not more than 30 days. If school officials decide to proceed against the parents, they must still provide evidence that activities under section 118.16(5) of

the state statutes have been completed. In a prosecution against the parents, the action "shall be dismissed if (they prove that they are) unable to comply with the law because of the disobedience of the child. At this point, the child shall be referred to juvenile court.

Other Adult Prosecution - Another route school officials may pursue is criminal prosecution of an adult who is making it more difficult to get the youth to school by any act of omission (knowingly encouraging or contributing to the truancy of the child). Since the offense is a Class C misdemeanor, school officials may want to request the assistance of a law enforcement officer to issue a complaint under section 947.16 of the state statutes - Contributing to Truancy. If found guilty, the person is subject to a maximum fine of \$500 and/or 30 days imprisonment. An act or omission contributes to the truancy of a child if the natural and probable consequences of that act or omission would be to cause the child to be truant.

Referral To Juvenile Court Intake - Students whose habitual truancy is the result of their behavior, especially in defiance of parental expectations, should be referred to Juvenile Intake for prosecution for truancy. The following specific procedures have been developed to expedite truancy referrals to Monroe County Juvenile Court Intake:

A child may be referred to Juvenile Court Intake when he or she is habitually truant from school.

"Habitually truant" is defined as a student who has five unexcused absences within a semester, under Wisconsin law s. 118.16 (1) (a).

When school officials refer the child to Juvenile Court Intake they will need to complete two forms:

1. Court-Referral- Juvenile (Non-law Enforcement Referral) - this form may be obtained from Juvenile Court Intake, and
2. Supplemental Truancy Referral Information form.

Both of the forms should be sent to: Juvenile Court Intake, Monroe County Department of Social Services, Route 2, Sparta, WI 54656.

Information that must be included is as follows:

1. Dates school officials met with the child's parent(s)/guardian to discuss the child's truancy or description of attempts to meet with the child's parent(s)/or guardian and been refused.
2. Description of opportunities for educational counseling which have been provided to the child to determine whether a change in the child's curriculum would resolve the child's truancy. Descriptions of curriculum modifications which have been considered, include but are not limited to:
  - a. Modifications within the child's current academic program.

- b. A school work training or work study program.
  - c. Enrollment in any alternative public school or program located in the school district in which the child resides.
  - d. Enrollment in any nonsectarian private school or program located in the school district in which the child resides, which complies with all federal nondiscrimination requirements (42 USC 2000d). Such enrollment shall be pursuant to a contractual agreement which provides for the payment of the child's tuition by the school district.
  - e. homebound study, including nonsectarian correspondence courses or other courses of study approved by the school in which the child is enrolled.
  - f. Enrollment in any public educational program located outside the school district in which the child resides. Enrollment of a child under this subdivision may be pursuant to a contractual agreement between school districts.
3. Description of the evaluation (or evaluation efforts) of the child to determine whether learning problems may be a cause of the child's truancy, and if so, the steps taken to overcome the learning problems.
4. Description of the evaluation of the child to determine whether social problems may be a cause of the child's truancy and, if so, action taken to make appropriate referrals. This may include a referral to the Department of Social Services, a private counseling clinic, a physician or an in-school counseling program.
5. Any other information which the school officials believe is relevant or helpful (such as notes from the teachers, attendance printouts, correspondence with the parents, etc.).

Once this referral is received by an Intake Worker and screened for completeness, an Intake Inquiry (or conference) will be scheduled with the child, parents and school staff. If the time is not convenient, any party may request a change in date or time.

The Intake Conference is intended to inform the child and parents of their rights and responsibilities. Resulting from this conference will be a recommendation to the Corporate Counsel as to whether the case is closed, handled "informally (with a contractual Informal Disposition Agreement that can extend up to one year), or whether a petition is filed in court.

Although many variables are considered in this decision, the primary determinant factor is the child's (believable) assertion that he/she is willing to attend school all day, every day.

Should the child (or parent) not comply with the terms of the Informal Disposition Agreement, the case may be reviewed with a high likelihood of voiding the agreement and a request for petition to be filed in Court.

The school staff's recommendations at the time of referral, input at the Intake Conference, and monitoring of the conditions of the Informal Disposition Agreement are essential for effectively curbing habitual truancy.

#### PLANS AND PROCEDURES TO COORDINATE RESPONSES OF SOCIAL SERVICE AGENCIES TO THE PROBLEMS OF HABITUAL TRUANTS

1. The district may refer any habitual truant to the Corporation Counsel for a county truancy ordinance violation. Such referrals must be made in accordance with the procedures outlined below.
2. Before any proceeding may be brought against a student for habitual truancy or against his/her parents/guardian for failure to cause the student to attend school regularly, the school attendance officer shall provide evidence that appropriate school personnel have:
  - a. Met with the student's parents/guardian to discuss the student's truancy or attempted to meet with the student's parents/guardian and received no response or were refused. (This requirement does not apply if the meeting with the parents/guardian is not held within 10 school days after the date that the habitual truancy notice is sent.)
  - b. Provided an opportunity for educational counseling to the student to determine whether a change in the student's curriculum would resolve the student's truancy and have considered curriculum modifications.
  - c. Evaluated the student to determine whether learning problems may be a cause of the student's truancy and, if so, have taken steps to overcome the learning problems. The student need not be evaluated if tests administered to the student within the previous year indicate that the student is performing at his/her grade level.
  - d. Conducted an evaluation to determine whether social problems may be a cause of the student's truancy and, if so, have taken appropriate action or made appropriate referrals.

The activities in (b), (c) and (d) above do not apply if the school attendance officer provides evidence that appropriate school personnel were unable to carry out the activity due to the student's absences from school.

3. The district shall complete the county's "Compulsory School Attendance Violation Report" and submit it, along with any supportive information, to the Corporation Counsel's office. This form must be completed when referring any habitual truant for a county truancy ordinance violation.
4. Monroe County Department of Social Services will provide timely feedback to affected school as to disposition of the case etc.

#### METHODS TO INVOLVE THE TRUANT CHILD'S PARENTS OR GUARDIANS IN SOLUTIONS TO TRUANCY

The parent(s)/guardian of the student who is truant needs to be involved from the very start. As the incidences of truancy continue, the involvement by the parent/guardian must continue. The issue between the school and parent(s)/guardian should change from dealing with the consequences of the truancy dealing with the reasons for the truancy. The parents and the school need to develop some sort of action plan to keep the student in school. Action plans could include:

A student contract agreed upon by the parent(s)/guardian that would include consequences that would occur at home as well as at school (loss of free time, TV limitations, curfew, etc.). The contract should include positive reinforcements for proper school attendance.

Involvement in the school's At-Risk Program which could include, but not be limited to: homebound programs, a revised schedule adjusted to the student's needs, testing to see if the student has exceptional needs, as well as other options. The parent(s)/guardian would need to be involved from the start in this program.

Schools must accept their responsibility and accountability, and parent(s)/guardian should accept their responsibility and accountability. Recommendations to improve communication and mutual acceptance of this joint responsibility focus on the elementary level, where initial patterns of behavior are set.

The initial orientation at the elementary level for parent(s)/ guardian and students should include discussion of school policy concerning absences.

The school absence policy should spell out the responsibilities of the parent(s)/guardian, the child and the school. The policy should clearly explain the criteria for excused absences.

A written explanation of the school absence policy should be sent home with each student.

Legal Reference:                   Wisconsin Statutes 947.16 Contributing to Truancy,  
118.15 Compulsory School Attendance,  
118.16 School Attendance Enforcement,  
2009 Wisconsin Act 41  
2015 Wisconsin Act 52

Cross Reference:                 Article 405 – Pupil Records  
Article 501 – Student Attendance

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