



POLICY 5.187

4-B I recommend that the Board approve adoption of the proposed repeal of Policy 5.187, entitled "Truancy."

[Contact: Cheryl Alligood, PX 46888 and Keith Oswald, PX 21113.]

Repeal-Development CONSENT ITEM

- This policy is proposed for repeal as any applicable policy has been incorporated into Policy 5.09 (Attendance, Absenteeism, and Truancy).

POLICY 5.187

TRUANCY

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3 ~~1. Purpose. The Superintendent and designees shall be responsible for endeavoring to prevent~~
4 ~~student absences unauthorized by law; reporting truancy to appropriate authorities; and filing~~
5 ~~truancy petitions pursuant to § 1003.27, Fla. Stat.~~

6 ~~2. Definitions. As used in this Policy, these terms shall be defined as follows:~~

7 ~~a. "Absence" means not being actually present when attendance is checked, unless the~~
8 ~~student arrives within time to be marked "tardy" instead of absent. Pupils may not be~~
9 ~~counted in attendance while away from the school on a school day unless they are~~
10 ~~engaged in an educational activity which constitutes a part of the school approved~~
11 ~~instructional program.~~

12 ~~b. "Excused absence" is defined as in Board Policy 5.00.~~

13 ~~c. "Unexcused absence" is defined as in Board Policy 5.00.~~

14 ~~d. "Habitual truancy," under §§ 1003.012(8), 984.03(27), and 985.03(25), Fla. Stat., means:~~

15 ~~i. the child is subject to compulsory school attendance under § 1003.21(1), (2)(a),~~
16 ~~Fla. Stat.;~~

17 ~~ii. the child is not exempt under §§ 1003.21(3) or 1003.24, Fla. Stat., or any other~~
18 ~~exemptions specified by law or the rules of the State Board of Education;~~

19 ~~iii. the child has fifteen (15) unexcused absences within 90 calendar days with or~~
20 ~~without the knowledge or justifiable consent of the child's parent or legal~~
21 ~~guardian; and~~

22 ~~iv. activities to determine the cause and to attempt the remediation of the child's~~
23 ~~truant behavior have been completed under §§ 1003.26 and 1003.27, Fla. Stat.~~

24 ~~e. "Subject to compulsory attendance" refers to minors who have attained at least the age~~
25 ~~of six years (or who will have attained the age of six by February 1 of that school year),~~
26 ~~who are required by law to attend school regularly unless an exemption or exception is~~
27 ~~applicable under Chapter 1003, Fla. Stat.~~

28 ~~3. Reporting Requirements~~

29 ~~a. Each principal/designee shall notify the School Board, through the Superintendent, of~~
30 ~~each minor student who accumulates fifteen (15) or more unexcused absences within a~~
31 ~~period of ninety (90) calendar days. The truancy liaisons will send a copy of the report~~
32 ~~with the names of all students who accumulate fifteen (15) or more unexcused absences~~
33 ~~within a period of ninety (90) calendar days, monthly, by school, to the principal, the area~~
34 ~~superintendent, and the director of Supplemental Educational Services.~~

35 ~~b. The Superintendent shall provide to the Department of Highway Safety and Motor~~
36 ~~Vehicles the legal name, sex, date of birth, and social security number of each minor who~~
37 ~~has been reported to the Board under paragraph (3)(a), as required by § 322.001, Fla.~~
38 ~~Stat.~~

- 39 ~~4. Discretionary Petitions. After the school has complied with the intervention requirements of §~~
 40 ~~1003.26, Fla. Stat., the Superintendent may file a truancy petition using the procedures outlined~~
 41 ~~in § 984.151, Fla. Stat., whenever a student who is subject to compulsory attendance has had:~~
- 42 ~~a. five (5) or more unexcused absences (as defined in Policy 5.09), or absences for which~~
 43 ~~the reasons are unknown, within a calendar month; or~~
- 44 ~~b. ten (10) or more unexcused absences, or absences for which the reasons are unknown,~~
 45 ~~within a 90-calendar day period pursuant to § 1003.26(1)(b), Fla. Stat.~~
- 46 ~~5. Mandatory Petitions. After the school has complied with the intervention requirements of §~~
 47 ~~1003.26(1)(b), Fla. Stat., the Superintendent/designee shall take one of the following actions in all~~
 48 ~~cases of habitual truancy, in accordance with § 1003.27(3), Fla. Stat.:~~
- 49 ~~a. File a truancy petition using the procedures outlined in § 984.151, Fla. Stat.; or~~
- 50 ~~b. File a child-in-need-of-services petition using the procedures outlined in Chapter 984, Fla.~~
 51 ~~Stat., and refer the habitually truant student and the student's family to the children in-~~
 52 ~~need-of-services and families-in-need-of-services provider or case staffing committee as~~
 53 ~~determined by a cooperative agreement between the School Board, the Department of~~
 54 ~~Juvenile Justice, and the Department of Children and Families, as provided in §~~
 55 ~~1003.27(4), Fla. Stat.~~
- 56 ~~6. Relationship of Truancy and Passing a Grade Level. The Board recognizes that §§ 984.03(27)~~
 57 ~~and 985.03(25), Fla. Stat., require a student to be passed to the next grade, and do not permit~~
 58 ~~deeming the child habitually truant, as long as he/she is appropriately responsive to the~~
 59 ~~interventions described in §§ 1003.26 and 1003.27, Fla. Stat. and has completed the necessary~~
 60 ~~requirements to pass the current grade as indicated in the current District Student Progression~~
 61 ~~Plan. However, the Superintendent is not obligated to wait until the end of the year to see if the~~
 62 ~~child will pass to the next grade, before filing a petition as described in Section (5) and (6). Such~~
 63 ~~petition may be filed at any time during the school year as long as the school has complied with~~
 64 ~~the intervention requirements of §§ 1003.26 and 1003.27, Fla. Stat.~~
- 65 ~~7. School Discipline. Under § 1006.09, Fla. Stat., a student who is required by law to attend school~~
 66 ~~will not be suspended solely for having unexcused tardiness, absences, or truancy. However,~~
 67 ~~once a student subject to compulsory attendance arrives at school, the school may take~~
 68 ~~disciplinary measures for unauthorized actions such as the following:~~
- 69 ~~a. leaving the campus without authorization;~~
- 70 ~~b. being temporarily absent from class without appropriate permission; or~~
- 71 ~~c. failing to attend specific classes.~~

STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41(2); 1001.42(25); 100301(8); 1003.26; 1003.27

LAWS IMPLEMENTED: Fla. Stat. §§ 1003.26; 1003.27; 322.091; 984.151

HISTORY: 01/14/2002; 07/08/02; 11/05/2008; To Be Repealed __/__/2013

Legal Signoff:

The Legal Department has reviewed the proposed repeal of Policy 5.187 and finds it legally sufficient for repeal-development by the Board.

Richard McBride
Attorney

August 29, 2013
Date