



**POLICY 5.187**

**5-E** I recommend that the Board approve development of the proposed revised Policy 5.187, entitled "Truancy."

[Contact: Ira Margulies, PX 45857.]

**Development**

**CONSENT ITEM**

- This revision updates statutory citations to reflect the Florida Legislature 2003 School Code revisions.

**POLICY 5.187**

**TRUANCY**

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3 1. Purpose-- The Superintendent and designees shall be responsible for endeavoring  
4 to prevent student absences unauthorized by law; reporting truancy to appropriate  
5 authorities; and filing truancy petitions pursuant to §1003.27, ~~Chapter 232~~, Fla.  
6 Stat.
  
- 7 2. Definitions-- As used in this Policy, these terms shall be defined as follows:
  - 8 a. "Absence" means not being actually present when attendance is checked,  
9 unless the student arrives within time to be marked "tardy" instead of absent.  
10 Pupils may not be counted in attendance while away from the school on a  
11 school day unless they are engaged in an educational activity which  
12 constitutes a part of the school-approved instructional program.
  
  - 13 b. "Excused absence" is defined as in Board Policy 5.09.
  
  - 14 c. "Unexcused absence" is defined as in Board Policy 5.09.
  
  - 15 d. "Habitual truancy," under §§ 1003.012(8) ~~228.041(28)~~, 984.03(27), and  
16 985.03(25), Fla. Stat., means:
    - 17 i. the child is subject to compulsory school attendance under § 1003.21(1),  
18 (2)(a), ~~232.04~~, Fla. Stat.;
  
    - 19 ii. the child is not exempt under §§1003.21(3) or 1003.24 ~~232.06~~ or ~~232.09~~,  
20 Fla. Stat., or any other exemptions specified by law or the rules of the  
21 State Board of Education;
  
    - 22 iii. the child has fifteen (15) unexcused absences within 90 calendar days  
23 with or without the knowledge or justifiable consent of the child's parent or  
24 legal guardian; and
  
    - 25 iv. activities to determine the cause and to attempt the remediation of the  
26 child's truant behavior have been completed under §§1003.26 and  
27 1003.27, Fla. Stat. ~~232.17~~ and ~~232.19(3)~~.
  
  - 28 e. "Subject to compulsory attendance" refers to minors who have attained at  
29 least the age of six years (or who will have attained the age of six by February  
30 1 of that school year), who are required by law to attend school regularly  
31 unless an exemption or exception is applicable under Chapter 1003 ~~232~~, Fla.  
32 Stat.

33 3. Reporting Requirements

34 a. Each principal/designee shall notify the School Board, through the  
35 Superintendent, of each minor student who accumulates fifteen (15) or more  
36 unexcused absences within a period of ninety (90) calendar days.

37 b. The Superintendent shall provide to the Department of Highway Safety and  
38 Motor Vehicles the legal name, sex, date of birth, and social security number  
39 of each minor who has been reported to the Board under paragraph (3)(a), as  
40 required by § ~~322.091~~ ~~232.19(2)(b)~~, Fla. Stat.

41 4. Discretionary Petitions.-- After the school has complied with the intervention  
42 requirements of § ~~1003.26~~ ~~232.17~~, Fla. Stat., the Superintendent may file a  
43 truancy petition using the procedures outlined in § 984.151, Fla. Stat., whenever a  
44 student who is subject to compulsory attendance has had:

45 a. five (5) or more unexcused absences (as defined in Policy 5.09), or absences  
46 for which the reasons are unknown, within a calendar month; or

47 b. ten (10) or more unexcused absences, or absences for which the reasons are  
48 unknown, within a 90-calendar-day period pursuant to §1003.26(1)(b), Fla.  
49 Stat. s. 232.17(1)(b).

50 5. Mandatory Petitions.-- After the school has complied with the intervention  
51 requirements of § ~~1003.26(1)(b)~~ ~~232.17~~, Fla. Stat., the Superintendent/designee  
52 shall take one of the following actions in all cases of habitual truancy, in  
53 accordance with § ~~1003.27(3)~~ ~~232.19(3)~~, Fla. Stat.:

54 a. File a truancy petition using the procedures outlined in § 984.151, Fla. Stat.; or

55 b. File a child-in-need-of-services petition using the procedures outlined in  
56 Chapter 984, Fla. Stat., and refer the habitually truant student and the  
57 student's family to the children-in-need-of-services and families-in-need-of-  
58 services provider or case staffing committee as determined by a cooperative  
59 agreement between the School Board, the Department of Juvenile Justice,  
60 and the Department of Children and Families, as provided in §  
61 1003.27(4)~~232.19(4)~~, Fla. Stat.

62 6. Relationship of Truancy and Passing a Grade Level.-- The Board recognizes that  
63 §§ 984.03(27) and 985.03(25), Fla. Stat., require a student to be passed to the next  
64 grade, and do not permit deeming the child habitually truant, as long as he/she is  
65 appropriately responsive to the interventions described in §§ 1003.26 and 1003.27,  
66 Fla. Stat. ~~232.17 and 232.19~~ and has completed the necessary requirements to  
67 pass the current grade as indicated in the current District Student Pupil  
68 Progression Plan. However, the Superintendent is *not* obligated to wait until the  
69 end of the year to see if the child will pass to the next grade, before filing a petition

70 as described in Section (5) and (6). Such petition may be filed at any time during  
71 the school year as long as the school has complied with the intervention  
72 requirements of §§ 1003.26 and 1003.27, Fla. Stat. ~~232.17 and 232.19.~~

73 7. School Discipline-- Under § 1006.09 ~~232.26(1)(b)~~, Fla. Stat., a student who is  
74 required by law to attend school will not be suspended solely for having unexcused  
75 tardiness, absences, or truancy. However, once a student subject to compulsory  
76 attendance arrives at school, the school may take disciplinary measures for  
77 unauthorized actions such as the following:

- 78 a. leaving the campus without authorization;
- 79 b. being temporarily absent from class without appropriate permission; or
- 80 c. failing to attend specific classes.

81 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41(2); 1001.42(25); 100301(8); 1003.26;  
82 1003.27 ~~230.22(2); 230.23(6); 230.23(22); 232.17; 232.19,~~

83 LAWS IMPLEMENTED: Fla. Stat. §§ 1003.26; 1003.27; 322.091; 984.151  
84 ~~230.23(6)(b); 230.23(6)(c); 232.16; 232.17; 232.19~~

85 HISTORY: 01/14/2002; 07/08/02\_\_ / \_\_ 2008

Legal Signoff:

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

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Attorney

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Date