

**POLICY 5.187**

**5-D** I recommend the Board approve the proposed revisions to Policy 5.187, entitled "Truancy."

[CONTACT: JulieAnn Rico Allison, 434-8500.]

◆ Development

- This proposed revision comprises a more comprehensive statement on truancy, based on relevant statutory requirements.

CONSENT ITEM

**PROPOSED REVISED POLICY 5.187*****TRUANCY***

- 1 1. Purpose.-- The Superintendent and designees shall be responsible for endeavoring to  
2 prevent student absences unauthorized by law; reporting truancy to appropriate  
3 authorities; and filing truancy petitions pursuant to Chapter 232, Fla. Stat.
- 4 2. Definitions.-- As used in this Policy, the following terms shall have these meanings:
- 5 a. "Absence" means not being actually present when attendance is checked, unless  
6 the student arrives within time to be marked "tardy" instead of absent. Pupils  
7 may not be counted in attendance while away from the school on a school day  
8 unless they are engaged in an educational activity which constitutes a part of the  
9 school-approved instructional program.
- 10 b. "Excused absence" is defined as in Board Policy 5.09.
- 11 c. "Unexcused absence" is defined as in Board Policy 5.09.
- 12 d. "Habitual truancy," under §§ 228.041(28), 984.03(27), and 985.03(25), Fla. Stat.,  
13 means:
- 14 i. the child is subject to compulsory school attendance under § 232.01, Fla.  
15 Stat.;
- 16 ii. the child is not exempt under §§ 232.06 or 232.09, Fla. Stat., or any other  
17 exemptions specified by law or the rules of the State Board of Education;
- 18 iii. the child has fifteen (15) unexcused absences within 90 calendar days with  
19 or without the knowledge or justifiable consent of the child's parent or legal  
20 guardian; and
- 21 iv. activities to determine the cause, and to attempt the remediation, of the  
22 child's truant behavior have been completed under § 232.17 and 232.19(3).
- 23 e. "Subject to compulsory attendance" refers to minors who have attained at least  
24 the age of six years (or who will have attained the age of six by February 1 of that  
25 school year), who are required by law to attend school regularly unless an  
26 exemption or exception is applicable under Chapter 232, Fla. Stat.

28 3. Reporting Requirements

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

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

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

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

42 b. ten (10) or more unexcused absences, or absences for which the reasons are  
43 unknown, within a 90-calendar-day period pursuant to s. 232.17(1)(b).

44 5. Mandatory Petitions.-- After the school has complied with the intervention  
45 requirements of § 232.17, Fla. Stat., the Superintendent/designee shall take one of the  
46 following actions in all cases of habitual truancy, in accordance with § 232.19(3), Fla.  
47 Stat.:

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

49 b. File child-in-need-of-services petition using the procedures outlined in Chapter  
50 984, Fla. Stat., and refer the habitually truant student and the student's family to  
51 the children-in-need-of-services and families-in-need-of-services provider or case  
52 staffing committee as determined by a cooperative agreement between the  
53 School Board, the Department of Juvenile Justice, and the Department of  
54 Children and Families, as provided in § 232.19(4)., Fla. Stat.

55 6. Relationship of Truancy and Passing a Grade Level.-- The Board recognizes that §§  
56 984.03(27) and 985.03(25), Fla. Stat., require a student to be passed to the next grade,  
57 and do not permit deeming the child habitually truant, as long as he/she is  
58 appropriately responsive to the interventions described in §§ 232.17 and 232.19 and  
59 has completed the necessary requirements to pass the current grade as indicated in the

60 District Pupil Progression Plan. However, the Superintendent is not obligated to wait  
 61 until the end of the year to see if the child will pass to the next grade, before filing a  
 62 petition as described in Section (5) and (6). Such petition may be filed at any time  
 63 during the school year as long as the school has complied with the intervention  
 64 requirements of §§ 232.17 and 232.19.

65 7. **School Discipline.**— Under § 232.26(1)(b), Fla. Stat., a student who is required by law  
 66 to attend school will not be suspended solely for having unexcused tardiness,  
 67 absences, or truancy. However, once a student subject to compulsory attendance  
 68 arrives at school, the school may take disciplinary action for the following  
 69 unauthorized actions:

70 a. leaving the campus without authorization;

71 b. being temporarily absent from class without appropriate permission; or

72 c. failing to attend specific classes.

73 ~~1. If a student is required by law to attend school, the school will not suspend the student for~~  
 74 ~~unexcused absences or truancy.~~

75 ~~2. Once a student subject to compulsory attendance arrives at school, the school may take disciplinary~~  
 76 ~~action for the following unauthorized actions:~~

77 ~~a. If the student leaves to campus without authorization; or~~

78 ~~b. If the student is temporarily absent from class; or~~

79 ~~c. If the student fails to attend specific classes.~~

80 ~~3. Each principal/designee shall notify the board, through the superintendent, of each minor student~~  
 81 ~~who accumulates fifteen (15) or more unexcused absences within a period of ninety (90) calendar days.~~

82 STATUTORY AUTHORITY: §§ 230.22(2); 230.23(6); 230.23(22); 232.17; 232.19,  
 83 Fla. Stat.

84 LAWS IMPLEMENTED: §§ 230.23(6)(b); 230.23(6)(c); 232.16; 232.17; 232.19;  
 85 322.091; 984.151, Fla. Stat.

86 HISTORY: 01/14/2002;  / /02

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