

SCHOOL ATTENDANCE and
SCHOOL CLIMATE PROTOCOL
HANCOCK COUNTY, GEORGIA

Purpose: A School Attendance and School Climate Committee shall be established, pursuant to OCGA section 20-2-690.2, by the chief judge of the superior court of each county for the purpose of ensuring coordination and cooperation among officials, agencies and programs involved in compulsory attendance issues, to reduce the number of unexcused absences from school, and to increase the percentage of students present to take tests which are required to be administered under the laws of this state, and to improve the school climate in each school. The Student Attendance Protocol is a set of procedures to be used in identifying, reporting, investigating and prosecuting cases of alleged violations of O.C.G.A. 20-2-690.1 relating to mandatory school attendance.

Compulsory Attendance: School authorities, in cooperation with other county agencies and courts, shall enforce the Georgia Compulsory Attendance Law, O.C.G.A. 20-2-690.1, which requires every parent, guardian, or other person residing in the state having control of any such child or children between the ages of 6 and 16 to enroll and send such child or children to school. In Georgia, all students missing more than 5 unexcused days are declared truant under the law. The school may have additional policies and procedures to supplement this protocol.

I. Definitions for Attendance Protocol

- A. **Tardy:** A student is tardy when he/she arrives to school after the beginning of the official school day or is not in the assigned class at the official beginning of the class period.
1. **Excused:** Late arrival to school or class as a result of reasons defined herein as excused absence or as a result of events physically out of one's control such as inclement weather, documented transportation delays, health related emergencies, power outage, compliance with a court order, etc.
 2. **Unexcused:** Arriving late to school or class with or without the knowledge of the student's parent(s), guardian(s), or other person(s) having control or charge over the student, as a result of oversleeping, parent errands, etc., unless it is an excused tardy.
- B. **Truant:** Any child who is subject to the compulsory attendance law who has more than five (5) days of unexcused absences during the calendar school year.
1. **Excused Absences due to:**
 - a. Personal illness of the student or when attendance in school would endanger the health of the student, or the health of others. Upon the student's return to

II. Parental/Student Notifications

- A. Each school system will provide each student and his/her parent(s), legal guardian(s) or other person(s) who has control or charge of the student, with the Georgia Compulsory Attendance Law and a written summary of the possible consequences and penalties for non-compliance at the beginning of each school year.
- B. By September 1st of each school year or within thirty (30) days of a student's enrollment in a school system, the parent(s), legal guardian(s) or other person(s) having control or charge of such student must sign a statement indicating receipt of possible consequences and penalties.

III. Interventions and Consequences for Truancy

A. Prior to Court Involvement

- 1. Before any court referral is considered, a school social worker, counselor, or designated school staff member, should have initiated casework detailing efforts made to intervene with the student and his or her parent(s), guardian(s), or other person(s) who have control or charge of the student, including a minimum of three (3) calls, texts, emails, letters or home visits to the student and his or her parent(s), guardian(s), or other person(s) who have control or charge of the student.
- 2. Before any court referral, the school systems should have commenced the following progressive discipline process with the parent/guardian, or other person(s) involvement:

a. After three (3) unexcused absences:

After three (3) unexcused absences: The school social worker, counselor, or designated school staff member will contact the parents of the student to inquire about the reason for the absences and offer support/encouragement as well as remind the parent(s), guardian(s), or person(s) in charge/control of the student of the possible consequences for excessive absences.

b. After five (5) unexcused absences:

- 1. After two (2) reasonable attempts to notify the parent, guardian, or other person who has control of a student who has five (5) unexcused absences without response, the school shall send a notice to such parent, legal guardian or other person by certified mail, return receipt requested and first class mail. The letter shall advise the parent/guardian of the child's unexcused absences as well as the penalties that could be imposed and include a copy of the Compulsory

15-11-390 for unruly/truancy or educational neglect. The referral shall contain copies of all relevant correspondence and documentation concerning the student's truancy.

2. A letter will also be sent from the school administrator, via certified mail return receipt requested and first class mail to the parent(s), guardian(s) or other person(s) who have control or charge of the student, regarding the student's attendance record. The letter should advise that legal action has commenced by the filing of a juvenile complaint and that other legal action may be brought against the parent(s), guardian(s), or other person(s), which could subject them to being found guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not less than \$25.00 and not greater than \$100.00, imprisonment not to exceed thirty (30) days, community service, or any combination of such penalties, at the discretion of the court having jurisdiction. Each day's absence from school in violation of OCGA Section 20-2-690.1, after the school system has notified the parent(s), guardian(s) or other person(s) who have control or charge of the student with five (5) unexcused days of absence shall constitute a separate offense.

B. Court Involvement:

1. **Juvenile Court Referral:** A child in need of services (CHINS) complaint may be filed by local law enforcement or school personnel. A complaint may also be filed by "any person" who has knowledge of the facts and has reason to believe the facts are true. OCGA section 15-11-390.
 - a. When a CHINS case comes before the Juvenile Court, the Court is required to ensure that the child is represented by an attorney OCGA section 15-11-402. If the child's family doesn't hire an attorney to represent their child, the Juvenile Court must appoint an attorney. The Juvenile Court may, in addition appoint a Guardian Ad Litem (GAL) to represent the child. While any attorney for the child represents the child's stated wishes, a GAL is charged with informing the Court of what is in the child's best interests.
 - b. Once a complaint has been filed in a CHINS case, a petition must be filed. A petition is the formal charging document in the Juvenile Court and lays out the charges and the facts supporting the complaint. A petition in a CHINS case shall be filed by the prosecuting attorney for the Ocmulgee Judicial Circuit Juvenile Court.

legal guardian(s) or custodian(s), the child's attendance will be monitored by a probation officer.

2. **State or Superior Court referral:** When all administrative and Juvenile Court actions taken to correct the student's truancy have proven to be ineffective, the school system may request local law enforcement to procure an arrest warrant from the Magistrate Court and furnish evidence for the conviction of the parent(s), guardian(s), or other persons having control or charge over the truant student, for not having complied with the state attendance laws.

- a. Any parent, guardian or other person residing in this state who has control or charge of a child or children and who shall violate Code section O.C.G.A. 20-2-690.1 shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not less than \$25.00 and not greater than \$100.00, imprisonment not to exceed 30 days, community service, or any combination of such penalties, at the discretion of the court having jurisdiction. Each day's absence from school in violation of the law after the child's school system notifies the parent(s), guardian(s) or custodian(s) or other person who has control or charge of a child of five (5) unexcused days of absence for a child shall constitute a separate offense.

School Climate: The committee shall review and make recommendations for policies relating to school climate for the purpose of promoting positive gains in student achievement and scores, student and teacher moral, community support, and student and teacher attendance, while decreasing student suspensions, expulsions, dropouts and other negative aspects of the total school environment. The Multidisciplinary Team (may also be called the CHINS (Child In Need of Services) Team) will be a resource for the referral of any student or family who the school has identified as being in need of services. The team includes members from DFCS, DJJ, the school, Local Mental Health, Family Connection and Local Health Department representatives. This team will meet once a month, preferably on the same day as the LIPT (Local Interagency Planning Team) as it includes many of the same members from the community agencies.