

# **ATTENDANCE PROTOCOL**

Developed by the Georgia Cyber Academy

## **I. Definitions for Attendance Protocol**

A. **Truant:** Any child who is subject to the compulsory attendance law who has more than five days of unexcused absences during calendar school year.

1) **Excused** absences include:

- 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 school, appropriate medical documentation is required within three days of the absence.
- b. Serious illness or death in student's immediate family necessitating the absence. In the case of serious illness, the student is required to present medical documentation to validate the absence as an excused absence within three days of the student's return to school.
- c. Court order by a governmental agency mandating the student's absence from school.
- d. Special or recognized religious holidays observed by the faith of the student.
- e. Weather or environmental conditions rendering attendance impossible or hazardous to the student's health or safety.
- f. An absence not to exceed one (1) day for registering to vote.
- g. Other absences to be approved by, and at the discretion of, the Superintendent and/or the local school board.

2) **Unexcused** absences include:

- a. Failure to attend school, with or without the knowledge of the parent/legal guardian, for reasons other than those specifically outlined as excused absences.

B. **Grades and Absences:** A student's final course grades shall not be penalized for excused absences if the following conditions are met:

- 1) Absences are justified and valid documentation is presented. Within three days of the student's return to school, an email explaining the absence to the Family Success Liaison (FSL). The email must include the student's name, the date of the absence, the reason for the absence and the required documentation. If the FSL does not receive an email within three days of the absence, the absence will be unexcused and will remain unexcused.
- 2) Make-up work for excused absences is completed satisfactorily.
- 3) In the instances where the above conditions are not met, penalties and consequences will be imposed and upheld by the local school board.

## II. Parental/Student Notification

- A. Georgia Cyber Academy will provide each student and his/her parent, guardian or other person 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 1<sup>st</sup> of each school year or within 30 days of a student's enrollment in a school system, the parent, guardian or other person having control or charge of such student must sign a statement indicating receipt of such written statement of possible consequences and penalties.
  - 1) Students who are ten years or older by September 1<sup>st</sup> shall sign a statement indicating receipt of such written statement of possible consequences of non-compliance with the school system's policy.
- C. When a student reaches five (5) or more unexcused absences, the school Compliance Liaison will notify the parent, guardian or other person who has control or charge of the student. The notice will outline the penalty and consequences of such absences and that each subsequent absence will constitute a separate offense.
- D. After two reasonable attempts (including but not limited to: phone calls to the parent or guardian, letters to the parent or guardian, either through US mail to notify the parent, guardian or other person who has charge or control of the student, Compliance Liaisons will send written notice via **certified mail with the return receipt requested.**

## III. Interventions and Consequences for Truancy

- A. GCA has outlined the following interventions and consequences for truancy for elementary, middle and high school.

### B. Prior to Court Involvement

- 1) Before any court referral is considered, the school Compliance Liaison must have detailed all efforts to intervene with students and their families, including a minimum of three (3) calls, letters and/or email to the parent/legal guardian.
- 2) Before juvenile court or other referral, the school system must have implemented the following progressive discipline process with parental involvement:
- 3) Procedures for **unexcused** absences
  - a. After five (5) unexcused absences:
    - 1. After two reasonable attempts to notify the parent, guardian or other person without response, the school shall send a notice to such parent, guardian or other person by certified mail, return receipt requested. The letter should include a copy of the compulsory attendance law.
    - 2. GCA Compliance Liaisons will work with the School Staff for the purpose of evaluating attendance and to provide intervention services.

- b. After seven (7) unexcused absences by a child 14 and older, the Compliance Liaison shall notify the student that only three unexcused absences remain prior to violating the attendance requirements specified in Georgia statute (O.C.G.A. 40-5-22).
- c. After ten (10) unexcused absences:
  - 1. A follow up letter will be sent from the School Compliance Liaison to the parent or guardian informing them of withdrawal. At this point, all administrative actions have been taken to correct truancy and have proven ineffective. GCA will file proceedings in court and furnish evidence for the conviction of parents and /or child for non-compliance with compulsory attendance laws.
  - 2. For a student aged 14-18 whose ten (10) unexcused absences are within one semester or two quarters, the letter shall state that the student's eligibility to obtain or retain a driver's permit or license may be impacted.

## C. Court Involvement

### 1) Juvenile Court Referral:

- a. The Compliance Liaison will file an unruly/truancy or educational neglect petition with the Local County Juvenile Court and if the case meets the necessary requirements, it will be assigned to a probation officer.
- b. If found truant and adjudicated unruly/ungovernable, the child may be placed on supervision with the court and subject to dispositions for unruly children pursuant to O.C.G.A. 15-11-67.
- c. If deprivation is found based upon educational neglect, the juvenile court judge may issue a protective order against the parent/legal guardian or custodian pursuant to O.C.G.A. 15-11-11 and 15-11-55.
- d. In either case, if the child is placed on supervision or the court has issued a **protective order** against the parent/legal guardian or custodian, the child's attendance will be monitored by the probation officer.
  - 1. If the child fails to comply with the court's order, a violation of supervision charge shall be filed by the juvenile court probation officer.
  - 2. In the case of educational neglect, if the child is still chronically absent from school, and the parent/guardian has failed to comply with conditions of the protective order, a **rule** will be issued against the parent, legal guardian or custodian to show cause why he/she should not be found in contempt of court and punished by incarceration, fine, or a required community service program administered and monitored by the local board of education. The Juvenile Court, in its discretion, may order all of the aforementioned punishments for contempt. The parents or guardian may be allowed to purge themselves of contempt by immediately complying with the protective order or ensuring that the child complies with the court ordered rules of supervision.

- 2) **State Court Referral:** If after the protective order and the finding of contempt, the child continues to be truant or non-compliance continues, the juvenile court may proceed as a court of inquiry to bind the parents or guardian over to the state court under the Georgia Compulsory School Attendance Law (O.C.G.A. Section 20-2-690.1).
  - a. If the parent/guardian or custodian fails to complete or declines to participate in pretrial intervention efforts, the Solicitor General may file formal charges against the defendant or take other appropriate action.
  - b. If the parent, legal guardian or custodian agrees to a plea bargain or is found guilty of violating O.C.G.A. 20-2-690.1, he/she shall be guilty of a misdemeanor subject to a fine of 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 State Court judge.
  - c. Each day's absence from school in violation of this section shall constitute a separate offense.

#### **D. Student Withdrawals:**

- 1) Georgia Cyber Academy is authorized to withdraw a student who:
  - a. Has missed more than 5 consecutive or non consecutive days of unexcused absences;
  - b. Lack of engagement per Board policy;
  - c. Is not subject to compulsory school attendance; and
  - d. Is not receiving instructional services from the local school system through homebound instruction or instructional services required by the federal Individual with Disabilities Education Act (IDEA); or
  - e. Is no longer a resident of Georgia
- 2) Withdrawal Notification
  - 3) Each superintendent or the superintendent's designee shall use his/her best efforts to notify the parent(s), guardian(s), or other person(s) who has charge of a student if the school system plans to withdraw such student who is younger than 18 years of age and is not subject to compulsory school attendance.
  - 4) Georgia Cyber Academy is authorized to withdraw a student subject to compulsory attendance only if the superintendent or the superintendent's designee has determined the student is no longer a resident of the local school system or is enrolled in a private school or home study program.
  - 5) Georgia Cyber Academy shall withdraw students retroactive to the first day of the consecutive absences.

### **IV. Summary of Adopted Local School Board Policies and Regulations**

#### **A. Drivers License Denial:**

- 1) In compliance with Board attendance and engagement policies the school

superintendent or the superintendent's designee to use his/her best efforts including first class mail to notify a student age 14 and older when the student has only three absences remaining before violating the state's attendance requirements pursuant to O.C.G.A. § 40-5-22 regarding the denial of driver's permits and licenses.

**B. Definition of Truancy:**

- 1) The Board of Education of Georgia Cyber Academy adopts, as a part of the student codes of conduct developed pursuant to O.C.G.A. § 20-2-735, the outlined definition of truancy that contains the minimum standards related to student attendance and a summary of possible consequences and penalties for truancy established in state board rule (160-5- 1-.10). The summary of possible consequences for students shall include possible dispositions for unruly children in accordance with O.C.G.A. § 15-11-67, including the possible denial or suspension of a driver's license for a child.