

Wendell School District No. 232 is committed to fostering the academic and personal growth of its students; therefore, every child in the district is required to attend school regularly in order to make a successful transition to the next grade level and to graduate with a high school diploma.

The board authorizes the superintendent or designee to enforce this policy, including the authority to identify a student who is habitually truant, complete and file the necessary supporting documentation, and give notice to the prosecuting attorney of truanancies.

## **DEFINITIONS**

“Designee” means the person(s) responsible for enforcing this policy on behalf of this district’s board of trustees and includes the superintendent and each school principal.

“Habitual truant” means (a) any public school pupil who, in the judgment of the board of trustees, or the board's designee, repeatedly has violated the attendance regulations established by this policy; or (b) Any child whose parent/guardian has failed or refused to cause such child to be instructed as provided in Idaho Code §33-202. For purposes of this policy, a student is a habitual truant if he or she does not meet the ninety percent (90%) attendance requirements of this policy and one-half (1/2) or more of all such absences are unexcused.

## **ATTENDANCE REQUIREMENT**

Students are required to be in attendance at school at least ninety percent (90%) of the time that school is in session during each semester and summer school term. In enforcing the attendance requirements, the board may deny a promotion to the next grade or deny credit to any student who is not in school at least ninety percent (90%) of the days that school is in session. If a student is determined to be a habitual truant, the board may expel or disenroll the student. Absence from class for any reason, including family convenience, will be counted when the percentage of attendance and consequent eligibility for promotion or credit is being considered. Except in limited circumstances, students are expected to be present at school and in their assigned grade or subject at all times while school is in session.

## **NOTIFICATION OF ABSENCES, TARDIES AND DISCIPLINE**

For students in grades 7-12, when a student exceeds *nine (9)* absences in any class during a semester, excluding approved activity absences, credit may be denied for that particular class. Parents/guardians will be notified in writing of the fifth, eighth and tenth absences from class during a semester. The notice of the *tenth* absence will inform the parents/guardians of the loss of credit and include the appeal rights to challenge the loss of credit.

Students in grades K-6 who exceed nine (9) absences in a semester will be dealt with on an individual basis and may be denied promotion to the next grade level. Parents/guardians will receive notification prior to their student exceeding the limit.

For students in grades 7-12, the student’s parents/guardians will be notified in writing of the fourth, fifth and sixth tardies during each semester. The notice of the sixth tardy will inform the parents/guardians of the following:

- The student will be assigned detention or a similar consequence;

- The result of the student's failure to complete the consequences set forth in the notice (e.g., further detention, suspension, etc.); and
- Loss of credit may occur if the student is tardy a seventh time and the student does not successfully appeal.

Tardiness in grades K-6 will be dealt with on an individual basis. The student's parents/guardians will be informed in writing of the consequences of excessive tardies.

## **EXCUSED ABSENCES**

Excused absences are those absences from school with the knowledge and approval of a student's parent/guardian. Such absences will be counted toward the maximum of nine (9) absences allowed per semester. Excused absences may include, but are not limited to, verified illness or medical treatment, death in the family or death of close friends, and medical or dental professional appointments. .

In order for an absence to be excused, oral or written communication from the student's parents/guardians must be received within forty-eight (48) hours of the last day of the absence, except for school approved activity absences.

## **ACTIVITY ABSENCES**

Absences for a school approved program or activity in which classes will be missed are considered an excused absence. No more than five (5) activity absence per semester will be allowed unless exceptions are made by the school principal or designee. School approved activity absences will not be counted toward the maximum of nine (9) absences.

## **UNEXCUSED ABSENCES/TRUANCIES**

Unexcused absences are those absences from school without the knowledge and approval of a student's parents/guardians or district officials. Students are truant if their absence from school is unexcused. Unexcused absences include departure from school or class during the school day without the permission of a district official. In addition, any absence from one or more class periods without an oral or written excuse from the student's parents/guardians within 48 hours may be considered an unexcused absence/truancy. Such absences will be counted toward the maximum of nine (9) absences allowed per semester and will be considered by the board when making denial of promotion or credit and habitual truancy determinations.

Discipline for a student who consistently has unexcused absences/truancies may involve actions up to and including suspension, expulsion, or disenrollment. A student in grades 7-12 with excessive unexcused absences may also lose credit. Unexcused absences may also affect a student's appeal rights for loss of credit regarding extraordinary circumstances under the 90% attendance policy.

## **TARDIES**

A student is tardy if he or she is not in the assigned classroom when the bell rings. *Six (6)* tardies will result in an unexcused absence. Students in grades 7-12 who are more than twenty (20) minutes late will be counted as absent and the absence will be considered unexcused.

Tardies due to a late district or city bus will not be counted on the student's record. The principal may also excuse tardies due to inclement weather or other extenuating circumstances.

## **MAKE-UP WORK**

Make-up work is allowed for students with any type of absence. However, grades earned may be subject to a reduction due to unexcused absences/truancies. The classroom teacher will provide the student or parents/guardians who request make-up work with the information necessary to complete the make-up work. In grades 7-12, the principal or designee may require that the student be absent up to three (3) days before assignments are sent home.

A student will be allowed two (2) days for each day of absence to make up new material. It is recommended that make-up work be completed within six (6) school days from the date of return after the absence unless exceptions are made by the principal or designee. Except in extenuating circumstances, assignments or tests that were announced prior to the student's absence are due on the day that the student returns to school. The board grants authority to teachers to make exceptions to this policy in cases of term papers or long-range projects as long as students are informed of the different requirements at the beginning of the assignment. The board does not allow students to take final exams early except when approved by the principal or designee.

## **DISCIPLINE AND GROUNDS FOR APPEAL**

Students not meeting the ninety percent (90%) attendance requirements will not receive credit or be promoted even though they may have passing grades. In addition, the board may expel or disenroll a student because he or she is a habitual truant, as defined in this policy. The procedure for expulsion and denial of enrollment is set forth in Policy No. 544, Student Expulsion/Denial of Enrollment. The student will be allowed to continue to attend classes pending the board's determination.

Students and parents/guardians who have valid reasons to believe that all or part of the absences are the result of extraordinary circumstances may request a review of their case following the attendance appeal process set forth below. Extraordinary circumstances may include, but are not limited to, verified illness or medical treatment, death in the family or death of close friends, and medical or dental professional appointments.

Students and parents/guardians may appeal a loss of credit or denial of promotion to the next grade due to the 90% attendance requirement, truancies, or exceeding permissible number of tardies as follows:

1. Students may remain in class until the appeal process is completed.
2. The parents/guardians submit an appeal request within five (5) days of the date notification of the denial of credit or promotion is sent.
3. The appeal process starts with an informal hearing with the principal or designee. An adverse decision may be appealed to [choose one: an attendance committee [or identify other appellate body] who will review the records and the circumstances and determine whether or not the student will receive credit or be promoted. The attendance committee will consist of the school counselor and three (3) teachers designated by the principal.
4. The decision of the attendance committee [or other appellate body] may be appealed to the superintendent. This appeal must be submitted to the superintendent within ten (10) days after the attendance committee or other appellate body submits its decision. The superintendent will render a decision on the appeal within ten (10) days after receiving the appeal. The superintendent's decision is final. [alternatively, a district may decide to have a further appeal to the board, as set forth below].
5. The decision of the superintendent may be appealed to the board for a final decision. The appeal must be filed with the superintendent's office within ten (10) days after the superintendent notifies the parent/guardian of his or her decision. The board will address the appeal in executive session. The parent/guardian will have an opportunity to appear before the board for an informal hearing. The parent/guardian will be given an opportunity to present written or oral information as to why the student should not be denied credit or promotion. The parent/guardian does not have the right to be *represented*

by an attorney, present evidence, or cross-examine witnesses. Upon reviewing the decision of the attendance committee and superintendent, and the basis for the appeal by the parent/guardian, the board will uphold or overturn the superintendent's decision, issuing a written decision within ten (10) days. The board's decision will be final.

## **NOTICE TO PROSECUTING ATTORNEY OF HABITUAL TRUANTS**

In accordance with Idaho law, any student who has been deemed by the board to be a habitual truant, regardless of whether the student is expelled or disenrolled, will be referred to the prosecuting attorney in the student's county of residence.



### **LEGAL REFERENCE:**

Idaho Code Sections

33-202

33-206

33-207

33-506(1)

**ADOPTED:** Aug. 18, 2009

**REVISED:** December 5, 2023

## WENDELL SCHOOL DISTRICT # 232

P.O. Box 300  
WENDELL, ID 83355  
(208)536-2100 Fax (208) 536 2629



The following procedures have been developed for reporting and dealing with habitual truanancies. Idaho code does require that habitual truancy referrals be made to the prosecutor's office. The prosecutor can confer with other agencies to determine the best way to deal with the student and also review the case before it is acted upon to verify that it is a case that can be successfully prosecuted by filing a petition in Magistrate court if other resources are not successful in resolving the issues.

### **Procedures**

1. School administrators will send an information packet and cover letter to district office, requesting that the student be declared habitually truant. The following should be included in the information packet:
  - a. Cover letter to the District Office giving a brief overview of the request and stating which program the building administrator would like to refer the student.
  - b. Student demographic page
  - c. Attendance records
  - d. Academic records
  - e. Discipline records
  - f. Correspondence that has occurred relating to this request
  - g. Parent contact log
2. The superintendent will then review the request before a recommendation is made to the school board.
3. When a request is approved, the district office will then send it to the prosecuting attorney's office (see form letter A). The approved request will be communicated immediately to the school board.
4. A letter informing the parents/guardians of the district's actions will also be sent at the same time (see

form letter B)

5. The request will be reviewed by the prosecuting attorney's office and juvenile probation. They will send a letter to the school district office informing us of the action they will be taking (see form letter C). The options include:

**a. Attendance Court Program**

Attendance court is held once a month under the direction of the Gooding County judicial system. The county approved process map will be used to initiate the process of enrolling a student in the Attendance Court Program. The purpose of Attendance Court is to assist the family in a collaborated effort to ensure that the student attendance problem is resolved so that the student may successfully continue his/her educational process.

**b. Petition filed in Juvenile Court**

The prosecutor files a formal petition with the juvenile court for truancy. The petition is either mailed, served by the sheriff's office, or the juvenile is arrested and then comes to court. The matter is handled as appropriate under its facts by the court with the student having the right to an attorney and a trial. If it is found by the court that the juvenile was habitually truant, the child is placed on probation and/or serves time in detention or some lesser option is taken to help the juvenile. The parents also come under the purview of the court to assist the juvenile in successfully completing the probationary terms.

**c. Other**

At the discretion of the prosecuting attorney, other options that may meet the specific needs of a student could be implemented.

WENDELL SCHOOL DISTRICT # 232

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April 12, 2021

Mr. Trevor Misseldine  
Prosecuting Attorney's Office  
624 Main  
Gooding, Idaho 83330

Dear Mr. Trevor Misseldine:

NOTICE IS HEREBY GIVEN that, pursuant to a review of all the evidence submitted by (Principal, (School), the Board of Trustees of the Wendell School District No. 232 has determined that (Student Name) has violated District policy by being habitually truant and that substantial evidence exists to warrant referring the student to the office of the prosecuting attorney for a petition to be filed in magistrate court pursuant to Idaho Code 33-206. It would be our preference that the student be referred to the:

- \_\_\_\_\_ Attendance Court
- \_\_\_\_\_ no referral, an immediate petition to be filed under the Juvenile
- \_\_\_\_\_ Corrections Act bringing the matter to the Juvenile Court.
- \_\_\_\_\_ Other

In support of this request, we have included the following information:

- \_\_\_\_\_ Student demographic page
- \_\_\_\_\_ Attendance records
- \_\_\_\_\_ Academic records
- \_\_\_\_\_ Discipline records

Dr. Tim Perrigot, Superintendent  
Wendell School District #232

WENDELL SCHOOL DISTRICT # 232

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(Date)

(Parent Name)  
(Parent Address)

Dear (Parent Name):

You are hereby notified that pursuant to a review of all the evidence submitted by (Principal), (Building) Principal, the Board of Trustees of Wendell School District No. 232 has determined that your child, (Student Name), has violated District policy by being habitually truant and has referred your child to the Gooding County Prosecuting Attorney's Office in accordance with Idaho Code 33-206. The Gooding County Prosecuting Attorney's Office after review of this matter may refer you to the Status Offender Program or file a petition under the Juvenile Corrections Act bringing the matter to Magistrate Court.

If you have any questions regarding this action, you may call the Wendell School District Administration office at 536-2418.

Dr. Tim Perrigot, Superintendent  
Wendell School District #232



WENDELL SCHOOL DISTRICT

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WENDELL, ID 83355  
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April 12, 2021

C

Dr. Tim Perrigot, Superintendent  
Wendell School District #232  
150 E. Main Box 300  
Wendell, Idaho 83355

Dear, Mr. Perrigot:

Upon review of your request for a petition to be filed regarding \_\_\_\_\_, a student in the Wendell School District, we are taking the following action:

- \_\_\_\_\_ referring the student to the Attendance Court;
- \_\_\_\_\_ no referral, a petition is being filed under the Juvenile Corrections Act in Juvenile Court;
- \_\_\_\_\_ Other: \_\_\_\_\_

Thank you for your assistance in this matter and please call us at 934-4493 if you have any questions regarding this matter.

Best regards,

Date \_\_\_\_\_

Gooding County Prosecutor's Office

WENDELL SCHOOL DISTRICT

P.O. Box 300  
WENDELL, ID 83355  
(208)536-2100 Fax (208) 536 2629



D

Date

Parent Name  
Address  
Wendell, Idaho 83355

Dear (Parent Name):

You are hereby notified that pursuant to a review of all the evidence submitted by (name of school administrator), (school name) Principal, the Board of Trustees of the Wendell School District No. 232 has determined that your child, (student name), has violated District policy by (Offense) and has referred your child to the Gooding County Prosecuting Attorney's Office in accordance with Idaho Code 33-206. The Gooding County Prosecuting Attorney's Office after review of this matter has referred your case to the Attendance Court. It is imperative that you follow the directions provided by the Gooding County Prosecutor's Office. Thank you for your attention to this matter.

If you have any questions regarding this action, you may call the Wendell School District Administration office at 536-2418 or the Gooding Prosecuting Attorney's office at 934-4493.

Dr. Tim Perrigot, Superintendent  
Wendell School District #232