

The board of trustees of this district recognizes that, because time on task is very important to the education of students, it is necessary to establish and enforce attendance requirements. Students are required to be in attendance at school at least ninety percent (90%) of the time that school is in session during each 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. The building principal is designated as an authorized representative of the school board when working through the process of this policy.

CALCULATING ATTENDANCE

Absence from class for reasons other than school approved activities, court documented appearances, medical or legal appointments with documentation, or the funeral of a family member, will be counted when the percentage of attendance and consequent eligibility for promotion or credit is being considered. Except in extraordinary circumstances, students are expected to be present at school and in their assigned grade or subject.

The school will provide written or verbal notice of absences to the student's parent/guardian three times a year and more frequently if the student's attendance drops below ninety-five percent (95%) and/or the student is at risk of losing credit or promotion, or of being expelled due to habitual truancy.

DENIAL OF PROMOTION OR CREDIT

Students not meeting the ninety percent (90%) attendance requirements will not receive credit or be promoted even though they may have passing absences are the result of extraordinary circumstances may file a written request for review by the building attendance committee. Such request must be made within five (5) days of receiving notice of the denial. The building grades. The parent/guardian who has valid reasons to believe that all or part of the attendance committee 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 building principal, school counselor, and three (3) teachers designated by the principal.

The decision of the attendance committee may be appealed to the superintendent. This appeal must be submitted to the superintendent within ten (10) days after the attendance committee submits its decision. The superintendent will render a decision on the appeal within ten (10) days after receiving the appeal.

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.

The student will be allowed to continue to attend classes pending the board's determination in this matter.

HABITUAL TRUANT DEFINED

A habitual truant means any student who, in the judgment of the board, repeatedly has violated this attendance policy, or any child whose parent or guardian has failed to cause the pupil to be instructed as provided by Idaho Code 33-302.

If the student 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, he or she is a habitual truant. Students are truant if their absence from school is unexcused. Unexcused absences are those absences from school without the knowledge and approval of a student's parent/guardian, and/or school approved activity absences. In order for an absence to be excused, oral or written communication for the student's parent/guardian must be received within forty-eight (48) hours of the last day of the absence, except for school approved activity absences.

EXPULSION OR DISENROLLMENT FOR HABITUAL TRUANCY

Pursuant to Idaho Code Section 33-205, the board may expel a student because he or she is a habitual truant, as defined in this policy. The procedure for expulsion is set forth in Policy 544 (Student Expulsion/Denial of Enrollment). The student will be allowed to continue to attend classes pending the board's determination in this matter.

The board may expel or disenroll a student who is determined to be a habitual truant, pursuant to the following process:

1. The building administrator will submit a written notice of recommendation for a finding of habitual truancy to the superintendent or his/her designee.
The student will be allowed to continue to attend classes pending the board's determination.
2. A copy of the notice of recommendation, and notice of the opportunity for an informal hearing before the board, will be provided to the student's parent/guardian.
3. 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 would not be disenrolled for habitual truancy. The parent/guardian does not have the right to be represented by an attorney, present evidence, or cross-examine witnesses.
4. The board will determine whether the student is a habitual truant and should be disenrolled or expelled and issue a written decision within ten (10) days. The board's decision is final. If the board determines that the student will be disenrolled or expelled, the notice will specify that the student will be disenrolled or expelled from school effective the date of the board's determination.
5. After a student has been disenrolled, the parent/guardian may re-enroll the student at any time and forms for re-enrolling the student will accompany the notice sent to the parent/guardian.

NOTICE TO THE PROSECUTING ATTORNEY

A habitually truant student who is between the ages of seven (7) and sixteen (16) years of age comes under the purview of the Juvenile Corrections Act.

If the board determines that a student is a habitual truant, whether or not the student is expelled or disenrolled, the board, or the superintendent of schools, will notify the prosecuting attorney, in writing, in the student's county of residence, pursuant to Idaho Code Section 33-207.

Procedures for notification to the prosecuting attorney's office are outlined in "Reporting Habitual Truancies to the Prosecuting Attorney's Office."

LEGAL REFERENCE:

Idaho Code Sections

33-202

33-206

33-207

33-506(1)

ADOPTED: Aug. 18, 2009

REVISED: June 20, 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 trancies. 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
_____ Correspondence

Dr. Tim Perrigot, Superintendent
Wendell School District #232

WENDELL SCHOOL DISTRICT # 232

P.O. Box 300
WENDELL, ID 83355
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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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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