

ATTENDANCE
ATTENDANCE ENFORCEMENT

FED
(EXHIBIT)

See the following pages for the forms related to Truancy.

EXHIBIT A: Truancy Prevention Measures Checklist
7 Pages

EXHIBIT B: Attendance Behavior Improvement Plan
1 Page

EXHIBIT C: Probable Cause Affidavit
1 Page

EXHIBIT D: Parent Truancy Complaint
1 page

EXHIBIT E: Compulsory Attendance Laws
1 Page

EXHIBIT A

TRUANCY PREVENTION MEASURES CHECKLIST

This checklist will assist Campus Administrators in complying with legal requirements and necessary documentation to make a successful truancy referral.

Truancy Prevention Facilitator

For questions about completing the checklist or implementing truancy prevention measures, please contact the District's truancy prevention facilitator listed below:

Name: Mrs. Kendria Davis-Martin

Position: Director of Student Engagement

Phone number: 817-232-0880 ext. 2674

E-mail: Kdavis-martin@ems-isd.net

Student Information

Name: _____

Student's age: _____ (See provision below for students age 19 or older.)

Student's grade level: _____

Student has one of the following:

- ☐ Individualized education plan (IEP)
- ☐ Section 504 Plan
- ☐ N/A

School attended: _____

Truancy Prevention Measures Prior to Third Absence

If the campus has implemented any truancy prevention measures for the student prior to the third absence (days or parts of days) without excuse within a four-week period, describe them here along with any effect on attendance.

On _____ (date) after the student's _____
(e.g., first or second) absence within a four-week period, the District implemented the following truancy prevention measure: _____

Following application of this truancy prevention measure, the student:

ATTENDANCE
ATTENDANCE ENFORCEMENT

FED
(EXHIBIT)

- ☐ Had continued absences on _____ (dates).

Required Actions after Third Absence

The following required actions were taken after the above-named student failed to attend school without excuse on three or more days or parts of days within a four-week period:

- ☐ The student has failed to attend school without an excuse on three or more days or parts of days within a four-week period.

Attach attendance report and Skyward Family Information Page.

The four-week period during which the three absences occurred was:
_____ (starting date) to _____ (ending date).

The dates of the three absences within the four-week period were:

Absence 1: _____

Absence 2: _____

Absence 3: _____

- ☐ The student's parent or guardian was informed in writing of the student's absences and of the parent's or guardian's duty to monitor school attendance and require the student to attend school.
- Date the notice/warning letter was sent: _____
- ☐ A meeting was scheduled with campus administration and the parent or guardian to discuss the causes of the absences and actions to be taken to improve attendance. ***It is expected that campus administration maintains ongoing communication with students and parents and monitor and document the actions taken to improve attendance.***
- Date of the meeting: _____
 - State compulsory attendance laws were discussed.
 - The Absence/Attendance section of the Student Handbook/Code of Conduct was reviewed.
 - Attendance for credit requirements were reviewed as outlined in the Student Handbook/Code of Conduct.
 - Family and Student Access in Skyward was reviewed with the parent/guardian and student for attendance, grades, etc.
 - Root cause(s) of absences: _____

ATTENDANCE
ATTENDANCE ENFORCEMENT

FED
(EXHIBIT)

- Individuals in attendance: _____

For Students Who Receive Special Education or 504 Services

- ☐ Notification was sent to the admission, review, and dismissal (ARD) committee or the Section 504 committee. ***This is required by law if attendance issues relate to a student with a disability.***
- ☐ The committee met to consider whether the student's attendance issues warrant an evaluation, reevaluation, and/or modifications to the student's IEP or Section 504 plan, as appropriate.
 - Date of the meeting: _____
 - Individuals in attendance: _____

Special Provisions for Students Age 19 or Older

If a student who is voluntarily attending school at age 19 or older has failed to attend school without excuse for three or more days or parts of days within a four-week period, the District must send a warning letter stating that the student's enrollment may be revoked if the student has more than five unexcused absences in one semester. The District cannot revoke the enrollment of a student age 19 or older on a day that the student is physically present in school.

Complete the following information if the student is age 19 or older:

Date the warning letter was sent to the student: _____

As an alternative to revoking enrollment after five unexcused absences, the District may create an Attendance Behavior Improvement Plan for the student.

Note: As required by law, following the third absence (days or parts of days) without excuse within a four-week period, the District must impose an Attendance Behavior Improvement Plan, impose school-based community service, and/or make a written referral for services. The District must establish reasonable timelines for completion of the truancy prevention measures. The following truancy prevention measures were implemented.

ATTENDANCE
ATTENDANCE ENFORCEMENT

FED
(EXHIBIT)

Tuancy Prevention Measures: Attendance Behavioral Improvement Plan

The District created an Attendance Behavior Improvement Plan for the student and was signed:

- ☐ By the parent or guardian on _____ (date).
- ☐ By the student on _____ (date).
- ☐ By _____ (campus administration _____) (date).

The plan includes:

- ☐ A specific description of the behavior with which the student is required to comply, or which is prohibited.
- ☐ The effective dates of the plan, which began on _____ (date) and ended on _____ (date, no later than 45 days after the beginning date).
- ☐ A description of the penalties for additional absences, including additional disciplinary action or referral to truancy court.
- ☐ Measurable goals to improve attendance as appropriate, based on the student's age and factors contributing to nonattendance (e.g., using an alarm clock, going to bed earlier, arriving at the bus stop on time).
- ☐ A requirement for regular check-ins with campus staff.
- ☐ Other: _____

Following implementation of the Attendance Behavior Improvement Plan, the student:

Check one of the following:

- ☐ Had continued absences on _____ (dates).
- ☐ Did not have additional absences for _____ (days/weeks).
- ☐ Had improved attendance as evidenced by _____.
- ☐ **Attach a copy of the Attendance Behavior Improvement Plan. (Exhibit B)**

Tuancy Prevention Measures: School-Based Community Service (if applicable)

The District implemented a school-based community service plan for the student.

Description of service required: _____

ATTENDANCE
ATTENDANCE ENFORCEMENT

FED
(EXHIBIT)

Date on which the student was scheduled to complete the school-based community service:
_____ (date).

Check one of the following:

- ☐ The student **completed** the school-based community service on _____ (date).
Attach documentation of completed service.
- ☐ The student **did not complete** the school-based community service.

Following application of the school-based community service plan, the student:

Check one of the following:

- ☐ Had continued absences on _____ (dates).
- ☐ Did not have additional absences for _____ (days/weeks).
- ☐ Had improved attendance as evidenced by _____

Truancy Prevention Measures: Referral

The District provided a referral requiring the student to participate in:

Check the box next to the appropriate referral type:

- ☐ Counseling/Date: _____
- ☐ Mentoring/Date: _____
- ☐ Community-based service(s)/Date: _____
- ☐ Disciplinary action(s): _____
Date: _____
- ☐ Other in-school or out-of-school services: _____
Date: _____

Following the application of the above referral measures, the student:

Check one of the following:

- ☐ Had continued absences on _____ (dates).
- ☐ Did not have additional absences for _____ (days/weeks).

ATTENDANCE
ATTENDANCE ENFORCEMENT

FED
(EXHIBIT)

- ☐ Had improved attendance as evidenced by _____
-
- ☐ ***Attach supporting documents referenced above.***
- ☐ The District has determined that:
- a. The truancy prevention measures are succeeding, and
 - b. It is in the best interests of the student not to make, or to delay making, a referral to truancy court. *
- The student's absences will be reevaluated on _____ (date; suggest reevaluation within ten days from student's tenth absence).
 - During this period, the District will continue to apply the following truancy prevention measures: _____
-

*In this circumstance, the District can decide to refer the student to truancy court at a later time. However, a prosecutor must file a truancy petition with the truancy court within 45 days of the student's tenth absence, regardless of whether the District makes a later referral. Any period that the District delays the referral is subtracted from the prosecutor's 45-day timeline, thus shortening the time available for the prosecutor to file a petition.

Consider a referral to truancy court after a student has failed to attend school without excuse for ten or more days or parts of days within a six-month period.

- ☐ A truancy referral was submitted to the court by _____ on _____ (date).
-

Referral to Truancy Court

Note: The District may not make a referral to truancy court if the student's absences are the result of pregnancy, being in the state foster program, homelessness, or being the principal income earner for the student's family. The District must offer additional counseling to the student and must consider other services as described in 19 Administrative Code 129.1045(b).

In accordance with law, the District may make a referral to truancy court if a student has failed to attend school without excuse for ten or more days or parts of days within a six-month period in the same school year.

ATTENDANCE
ATTENDANCE ENFORCEMENT

FED
(EXHIBIT)

A referral to truancy court must be made within ten days of the student's tenth absence and must contain the following:

- ☐ Attach a copy of the skyward attendance and discipline reports.

The six-month period during which the absences occurred was:

_____ (starting date) to _____ (ending date).

- ☐ Attach a copy of the Truancy Prevention Measures Checklist (Exhibit A).
- ☐ Attach a copy of the Skyward Family Information page.
- ☐ Attach a copy of the Attendance Behavior Improvement Plan (Exhibit B).
- ☐ Attach a copy of the notarized Probable Cause Affidavit (Exhibit C).
- ☐ Attach a copy notarized Parent Truancy Complaint (Exhibit C).
- ☐ Attach a copy of the Attendance Warning letters.
- ☐ Attach a copy of the Credit Denial letters (if applicable).
- ☐ Attach a copy of the parent/guardian's driver's license (if available).
- ☐ Truancy documentation reviewed by campus administration:

- Name (print): _____
- Position title: _____
- Signature: _____ Date: _____

A copy of all documentation regarding student truancy must be maintained at the campus. Original documents will be sent in inter-office mail to the Student Services department to the attention of the Director of Student Services.

EXHIBIT B

ATTENDANCE BEHAVIOR IMPROVEMENT PLAN

Student Information – PLEASE PRINT

First Name: _____ **Last Name:** _____
Birthdate: _____ **Student ID:** _____
Campus: _____ **Grade:** _____
Parent Name: _____

At EMS ISD, our mission is to foster a culture of excellence that instills a passion for a lifetime of continuous achievement in every student. In order to achieve that goal, you must attend school regularly. Regular school attendance is essential for you to make the most of your education; therefore, you should make every effort to avoid unnecessary absences.

Agreement to comply with Attendance Behavior Improvement Plan
Please read and initial each statement below.

Parent

I will ensure my student will:

_____ Arrive to school on time every day
_____ Maintain regular attendance
_____ Reduce the number of future
unexcused absences
_____ Submit a valid written excuse to
Campus attendance clerk when absent

Student

I will:

_____ Arrive to school on time every day
_____ Maintain regular attendance
_____ Reduce the number of future
unexcused absences
_____ Submit a valid written excuse to
campus attendance clerk when absent
_____ Use my passing period wisely and get
To class on time

Further absences may result in one or more of the following actions:

_____ School-based community service
_____ Referrals to school counselor or crisis intervention counselor
_____ Additional disciplinary action
_____ I understand that if I have 10 or more whole or part day unexcused absences in a six-month period, I may be referred to the Truancy Court of Tarrant County

Student Signature

Date

Parent Signature

Date

Campus Administrator

Date

Date Plan Expires (not to exceed 45 days) _____

ATTENDANCE
ATTENDANCE ENFORCEMENT

FED
(EXHIBIT)

EXHIBIT C

Docket Number: _____

STATE OF TEXAS

§
§
§
§
§

IN THE JUSTICE OF THE PEACE

V.

PRECINCT NO. __4__

TARRANT COUNTY, TEXAS

PROBABLE CAUSE AFFIDAVIT

Before me, the undersigned authority, personally appeared AFFIANT, known to me to be a credible person who, after being by me first duly sworn, upon oath deposes and says AFFIANT has good reason to believe and does believe that the accused has committed an offense against the laws of this state: I am the attendance officer for **Eagle Mountain – Saginaw ISD (EMS ISD)**. I have care custody and control of school attendance records. According to these records, Defendant: _____, is the parent or person standing in parental relation to _____ (Child), address: _____.

Child is a student in the **EMS ISD**, Tarrant County, Texas. Child has had unexcused absences on: (List each date below)

Child is required by law to attend school and these absences have not been excused by **EMS ISD** for any lawful reason. The Texas Education Code imposes upon Defendant the responsibility of requiring Child to attend school and not have more than ten unexcused absences in a six-month period. Defendant was warned in writing by the **EMS ISD** prior to these absences on _____ (date of first notice) and _____ (date of second notice). Due to these absences, Defendant has been charged with Parent Contributing to Truancy.

☐ 1st Truancy filing ☐ 2nd Truancy filing ☐ 3rd Truancy filing

Signature of Affiant/Campus Administrator

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned Notary Public, on this _____ day of _____, _____.

Notary Public, State of Texas

ATTENDANCE
ATTENDANCE ENFORCEMENT

FED
(EXHIBIT)

EXHIBIT D

Parent Truancy Complaint

STATE OF TEXAS

VS

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS:

Before me, the undersigned authority, personally appeared AFFIANT, known to me to be a credible person who, after being by me duly sworn, upon oath deposes and says AFFIANT has good reason to believe and does believe that the accused has committed an offense against the laws of this state:

_____, parent or legal guardian of student _____.

ON OR ABOUT

(Dates of Absences, as many as possible- Must be at least 10 days in a 6-month period- the more dates the better)

No more than seven days before the making filing of this complaint,

AT

_____ *(name of school)* County of Tarrant, State of Texas,

did then, and there with criminal negligence fail to require to attend the above-mentioned school. The student has not yet reached his/her 18th birthday, is greater than six years of age, namely(age and grade level)_____ or the child has been enrolled in preschool or kindergarten and is required to attend school. The school issued a written notice to the defendant on _____ *(date of 1st letter)* and again on _____ *(date of 2nd letter)*.

Against the peace and dignity of the State.

Signature of Affiant/Campus Administrator

Sworn to and subscribed before me, the undersigned Notary Public, on this _____ day of _____, 20XX.

Notary Public, State of Texas

EXHIBIT E

Compulsory Attendance Laws - Texas

Education Code: 25.085

A child who is required to attend school **must** attend school each school day for the entire period the program of instruction is provided. A child who is at least **six (6)** years of age, or who is **younger than six (6)** years of age and has previously enrolled in the first grade and who has not reached their **19th** birthday **must** attend school. Once a child is enrolled as a student in pre-kindergarten or kindergarten, the child must attend school. .

Verified Absences: TEC; 25.087

A child required to attend school may be excused for a temporary absence resulting from any cause acceptable to the teacher, principal, superintendent, or school in which the child is enrolled. Written documentation may be required.

Truant Conduct: Texas Family code; 65.003.

A child engages in **truant conduct** if the child is required to attend school under **Section 25.085**, Education Code, and fails to attend school on ten (10) or more days or parts of days within a six (6) month period in the same school year.

Truant Conduct may be prosecuted **only** as a **civil case** in a truancy court.

Truancy Prevention: TEC; 25.095

A school district **must** adopt truancy prevention measures designed to: .

- . (1) address conduct related to truancy in the school setting before the student engages in conduct described in **Section 65.003, Family Code**; and
- (2) Minimize the need for referrals to truancy court for conduct described by **Section 65.003, Family Code**.

Minimum Attendance for Credit: TEC; 25.092

A student may not be given credit for a class unless the student is in attendance for at least 90% of the days that the class is offered. If a student is absent without permission from school, from any class or required tutorials, they are subject to **disciplinary consequences** which may include court action.

Parent Contributing to Nonattendance: TEC: 25.093

If a parent fails to require the child to attend school, the campus administrator shall warn the parent in writing that attendance is immediately demanded. If, after that warning, the parent fails to require the child to attend school as required by law, and the child has an absence, the Attendance Officer may submit a complaint against the parent to the **Truant Conduct Prosecutor** in a justice court of any precinct in the county in which the parent resides or in which the school is located. Charges are not filed against children under the age of 12, only their parents. **An offense under this section is a Misdemeanor.**

Duties of the Campus Administrator:

TEC: 25.091

To investigate each case of a violation of the compulsory school attendance requirements referred to the campus administrator.

To enforce compulsory school attendance requirements by:

1. Submit petitions to a **Truant Conduct Prosecutor** in a truancy court if the student has unexcused absences for the amount of time specified under **Texas Family Code; 65.003 or 51.03 (b)**. .
2. Submit a complaint to a **Truant Conduct Prosecutor** for a parent who **violates TEC; 25.093**.

To monitor school attendance compliance by each student investigated by the campus administrator. In some cases make a home visit or contact the parent of a student who is in violation of compulsory school attendance requirements, except that the campus administrator may not enter a residence without permission of the parent or of the owner or tenant of the residence.