

**BUTLER COUNTY SCHOOL SYSTEM
EARLY WARNING/TRUANCY PREVENTION PROGRAM AND ATTENDANCE POLICY**

The Alabama compulsory attendance laws require children between the ages of 7-16 to attend school. The law also states that parents or guardians having control over school age children are responsible for the children's regular attendance and proper conduct.

Truancy Definition:

A parent, guardian, or other person having charge of any child officially enrolled in Alabama public schools (K-12) shall explain in writing the cause of any and every absence of the child no later than three (3) school days following return to school. A maximum of three parent notes per semester will be accepted. Beginning with the fourth absence, an excuse from a physician must be submitted or prior permission from the principal must be given in order for the absence(s) to be excused. A failure to furnish such (*written*) explanation shall be evidence of the child being truant each day he is absent. The child shall also be deemed truant for any absence determined by the principal to be unexcused based upon the State Department of Education's current School Attendance Manual. Four or more unexcused absences within a school year constitute a student being truant for the purpose of filing a petition with the Court. The Interagency Committee on Youth Truancy Task Force recommendations known as the Early Warning Truancy Prevention Program timeline for reporting truancy shall define the truancy statuses of any student as follows:

1. First truancy/unexcused absence (warning)
 - (i) Parent/guardian shall be notified by the school principal or his/her designee that the student was truant and the date of the truancy.
 - (ii) Parent/guardian shall also be provided with a copy of Alabama's compulsory school attendance laws and advised of the penalties that can be applied and the procedures that shall be followed in the event that other unexcused absences occur.
2. After the third unexcused absence (conference)
 - (i) The parent, guardian, or person having control of the child shall (1) attend a conference with the attendance officer and principal or his/her designee and/or (2) participate in the early warning program provided by the juvenile court.
 - (ii) Attendance at one of these conferences shall be mandatory except where prior arrangements have been made or an emergency exists.
 - (iii) Failure to appear at the school conference and/or to appear at the early warning program shall result in the filing of a complaint/petition against the parent under *Code of Alabama* (1975), §16-28-12© (failure to cooperate), or a truancy against the child, whichever is appropriate.
3. After the fourth unexcused absence the principal or his/her designee will recommend a complaint/petition be filed against the child and/or parent/guardian, if appropriate.
4. Child under probation
 - (i) The school attendance officer should be notified by the juvenile probation officer of all children in the school system under probation supervision by the juvenile court as consistent with state statute, *Code of Alabama* (1975), §12-15-100 and 105.
 - (ii) Where a child under probation is truant, the school attendance officer should immediately notify the juvenile probation officer.

A student may not have more than three (3) absences per class within a semester (6 per year). The day(s) that a student is suspended will be counted as excused absences. Credit and/or passing to the next grade may be withheld from students exceeding the allowable number of absences. If credit is denied or the student is retained as a result of excessive absences, the parent/guardian may appeal.

Failure to provide adequate documentation could result in the filing of a complaint/petition against the child or parent/guardian if appropriate (parent or guardian will go to court).

If a parent/guardian is found to have contributed to a child's truancy, the court may order the following sanctions:

1. Restitution of \$20.00 shall be paid for every unexcused absence a child has. This shall be paid to the general fund of the Butler County Board of Education.
2. Parent may be placed in jail if child misses any more unexcused days after being taken to court. For every day child has an unexcused absence, the parent spends a day in jail.
3. All parents may be required to attend a parent education program. This will involve either six or eight sessions, depending on the series taught. Each session is usually two hours, and required sessions may be completed.
4. Parents of a truant child who are in need of counseling will be referred to the Butler County Mental Health Center or an independent agency and will be expected to attend counseling sessions.

SCHOOL CONDUCT INTERVENTION PROGRAM (ACT 94)

In addition to the Early Warning Program, the school system is also required by law, Alabama Code 16-28-12, Act 94 (1975), to inform you of the following:

Section I. Section 16-28-12, Act 94, of the Code of Alabama, 1975, reads as follows:

"(A) Each parent, guardian, or other person having control or custody of any child required to attend school or receive regular instruction by a private tutor who fails to have the child enrolled in school or who fails to send the child to school, or have him or her instructed by a private tutor during the time the child is required to attend a public school, private school, denominational school, or parochial school or be instructed by a private tutor, or fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in accordance with a written policy on school behavior adopted by the local board of education and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars (\$100) and may also be sentenced to hard labor for the county for not more than 90 days. The absence of a child without the consent of the principal teacher of the school he or she attends or should attend, or of the tutor who instructs or should instruct the child, shall be prima facie evidence of the violation of this section."

"(B) Any parent, guardian, or other person having control or custody of any child enrolled in public school who fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in accordance with a written policy on school behavior adopted by the local board of education and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be reported by the principal to the superintendent of education of the school system in which the suspected violation occurred. The superintendent of education or his or her designee shall report such suspected violations to the district attorney within 10 days. Any principal or superintendent of education or his or her designee intentionally failing to report such a suspected violation shall be guilty of a Class C misdemeanor. The district attorney shall vigorously enforce this section to ensure proper conduct and required attendance by any child enrolled in public school."

Parental responsibilities required in Section 16-28-12, Act 94, are as follows:

1. "To enroll their child" - "Every child between the ages of seven and sixteen years shall be required to attend school -"
2. "To regularly attend school"- Attendance requirements, as set forth in the Early Warning Program, will be followed to ensure regular attendance.
3. "To compel the child to properly conduct himself/herself in accordance with written policies on school behavior"