

STUDENT ATTENDANCE

FILE: JE

TITLE: **Compulsory Attendance**

POLICY:

With respect to compulsory attendance at school, it shall be the policy of The School Board of Orange County, Florida ("Board") that:

- (1) All children who have attained the age of six (6) years by February 1 of any school year, or who are older than six (6) years of age but have not attained the age of sixteen (16) years, shall be required to attend school regularly during the school term. A student shall attend all school sessions unless excused by the proper school authority. This rule does not apply to students who have been granted a Certificate of Exemption.
- (2) Students age sixteen (16) and seventeen (17) are required to attend school regularly unless a formal Declaration of Intent to Terminate School Enrollment ("Declaration") is filed and signed by the student and the student's parent/legal guardian. The Declaration must acknowledge the impact that terminating school enrollment is likely to have on the student's earning potential. The Declaration must also inform the student that withdrawal will result in the loss of his or her driver's license. Upon receipt of the Declaration, the school must notify the parent/legal guardian of the student's intent to withdraw from school.
- (3) In the above section (2), the student's guidance counselor or other school personnel must conduct an exit interview with the student to determine the reasons for the student's decision to terminate school enrollment and actions that could be taken to keep the student in school. The student must be informed of opportunities to continue his or her education in a different environment, including, but not limited to, adult education and GED test preparation. Additionally, the student must complete a survey in a format prescribed by the Florida Department of Education to provide data on student reasons for terminating enrollment and actions taken by schools to keep students enrolled.
- (4) Students who attain the age of sixteen (16) years during the school year will not be required to attend school beyond the date that they attain that age only if a Declaration is filed and signed by the student and the student's parent/legal guardian.
- (5) Each student in grade 12 shall be required to enroll in courses for a full school day. A student's parent/legal guardian may request waiver of this requirement. The principal may grant the waiver after determining the student's attendance for less than a full school day would not prevent the student from achieving the minimum requirements for high school graduation.

- (6) Each parent/legal guardian of a student within compulsory attendance age of six (6) to sixteen (16) is responsible for the student's school attendance.
- (7) The Superintendent or designee, working cooperatively with teachers, parents/legal guardians, and principals, shall take appropriate action, if necessary, to enforce the state compulsory attendance law.

SPECIFIC AUTHORITY:

Sections 1001.33; 1001.41; 1001.53; 1001.54;
1002.20; 1003.01; 1003.21; 1003.24; 1003.26;
1006.08; and 1012.28, Florida Statutes

TITLE: **Student Attendance**

POLICY:

The Superintendent or designee is responsible for enforcing school attendance of all children subject to the compulsory school age in the Orange County Public Schools ("OCPS") district and supporting enforcement of school attendance by local law enforcement agencies. The responsibility includes recommending policies and procedures to The School Board of Orange County, Florida ("Board") that require schools to respond in a timely manner to every unexcused absence, and every absence for which the reason is unknown, of students enrolled in the schools. The Superintendent's attendance procedures shall outline the responsibilities within the school system including, but not limited to, the following:

- (1) School attendance is the responsibility of the student and parent/legal guardian.
- (2) Students shall begin each new school year with zero (0) absences.
- (3) All school personnel shall encourage regular attendance.
- (4) Schools shall publish and distribute their attendance procedures to students and parents/legal guardians.
- (5) On a daily basis, student absences will be recorded as unexcused until an acceptable excuse has been provided by the parent/legal guardian indicating the reason for the student's absence. The principal has the ultimate authority to decide whether an absence shall be excused.
- (6) Early departure of any student during the last hour of the school day is strongly discouraged.

- (7) If a student is repeatedly absent from school due to illness, the school is authorized to require the parent/legal guardian to provide a written physician's statement for each subsequent absence to be considered excused.
- (8) Absences shall be excused for the following:
 - (a) illness, injury, or other insurmountable condition;
 - (b) illness or death of a member of the student's immediate family;
 - (c) recognized (or established) religious holidays and/or religious instruction;
 - (d) medical appointments;
 - (e) legal appointments;
 - (f) participation in an approved activity or class of instruction held at another site;
 - (g) prearranged absences of educational value with the principal's prior approval;
 - (h) pediculosis (head lice) infestation (up to four (4) days per school year);
or
 - (i) catastrophic disasters that significantly impact the life of the student (e.g. loss of residence from natural disaster).
- (9) Students shall be given a reasonable amount of time to make up any work assignments which were missed during an absence. At least one (1) school day shall be allowed to make up missed work for each day of absence.
- (10) A student who is not in his/her first assigned class at the beginning of each school day shall be considered tardy.
- (11) In cases of truancy and habitual truancy that are referred for Child Study Team action, tardies may be recognized and calculated in the truancy instances. For truancy purposes in Child Study Team documentation that may also be used for court action, five (5) tardies to school or five (5) early departures from school will equal one (1) unexcused absence. The authority to apply accumulated tardies and early departure as unexcused absences is given to the Board pursuant to Section 1003.02, Florida Statutes. The principal has the authority to determine whether an absence is excused.
- (12) Schools may not exempt students from examinations, papers, or other academic performance requirements to encourage student attendance.

- (13) Report cards shall reflect the academic status, attendance, and number of daily tardies for each student. These will be hand-delivered to the parent/legal guardian by the student.
- (14) A student between the ages of six (6) and under sixteen (16) who is absent from school without having an excused absence, with or without the knowledge and/or consent of the parent/legal guardian, will be considered "truant."
- (15) A student between the ages of six (6) and under sixteen (16) who has fifteen (15) or more unexcused absences within ninety (90) calendar days, or an equivalent combination of unexcused absences and accumulated tardies as determined in the Child Study Team action, will be considered an "habitual truant." Days when a student is suspended from school are not included in the number of absences when determining "habitual truancy." Students may make up work missed during a suspension within a time limit established by the principal.
- (16) Each school shall implement the following steps to enforce regular school attendance of the students enrolled in their school:
 - (a) Upon each unexcused absence, or absence for which the reason is unknown, the principal or designee shall contact the parent/legal guardian to determine the reason for the absence. At least one (1) school day shall be allowed to make up missed work for each day of absence.
 - (b) If a student has had at least five (5) unexcused absences, or absences for which the reasons are unknown, within a calendar month or ten (10) unexcused absences, within a ninety (90) calendar day period, or an equivalent combination of unexcused absences and accumulated tardies as determined in the Child Study Team action, the student's primary teacher shall report to the principal or designee that the student may be exhibiting a pattern of nonattendance. The principal or designee shall, unless there is clear evidence that the absences are not a pattern of nonattendance, refer the case to the school's Child Study Team to determine if early patterns of truancy are developing. If the Child Study Team finds that a pattern of nonattendance is developing, whether the absences are excused or not, a meeting with the parent/legal guardian must be scheduled to identify potential remedies.
 - (c) If an initial meeting does not resolve the problem, the Child Study Team shall implement the following:
 - i. frequent attempts at communication between the teacher and the parent/legal guardian;

- ii. evaluation for alternative education programs; and
 - iii. attendance contracts.
- (d) The Child Study Team may, but is not required to, implement other interventions, including referral to other agencies for family services or recommendation for filing a truancy petition pursuant to Section 984.151, Florida Statutes.
- (e) The Child Study Team shall be diligent in facilitating intervention services and shall report the case to the Superintendent or designee only when all reasonable efforts to resolve the nonattendance behavior are exhausted.
- (f) If the parent/legal guardian refuses to participate in the remedial strategies because he or she believes that those strategies are unnecessary or inappropriate, the parent/legal guardian may appeal to the Board. The Board may provide a hearing officer, and the hearing officer shall make a recommendation for final action to the Board. If the Board's final determination is that the strategies of the Child Study Team are appropriate, and the parent/legal guardian still refuses to participate or cooperate, the Superintendent or designee may seek criminal prosecution for noncompliance with compulsory school attendance.
- (g) If a student subject to compulsory school attendance will not comply with attempts to enforce school attendance, the parent/legal guardian or the Superintendent or designee shall refer the case to the case staffing committee and the Superintendent or designee may file a truancy petition pursuant to the procedures set forth in Section 984.151, Florida Statutes.
- (h) If the Superintendent or designee chooses not to file a truancy petition, the procedures for filing a Child-in-Need-of-Services ("CINS") petition shall be commenced.
- (17) Orange County Public Schools ("OCPS") shall implement the following steps to enforce regular school attendance of students of compulsory school age who are not enrolled:
- (a) Under the direction of the Superintendent or designee, a designated school representative shall give written notice, in person or by return-receipt mail, to the parent/legal guardian when no valid reason is found for a student's non-enrollment in school. The notice shall require enrollment or attendance within three (3) days after the date of notice. If the notice and requirement are ignored, the designated school representative shall report the case to the

Superintendent or designee and may refer the case to the Case Staffing Committee. The Superintendent or designee shall take such steps as are necessary to bring criminal prosecution against the parent/legal guardian or other person having control.

(b) Subsequent to the activities described above, the Superintendent or designee shall give written notice in person or by return-receipt mail to the parent/legal guardian that criminal prosecution is being sought for nonattendance. The Superintendent or designee may file a truancy petition, as defined in Section 984.03, Florida Statutes, following the procedures outlined in Section 984.151, Florida Statutes.

(18) A law enforcement officer may take a student into custody when the officer has reasonable grounds to believe that the student is absent from school without authorization or is suspended or expelled and is not in the presence of his or her parent/legal guardian. The officer may take the student into custody and deliver the student to the appropriate "school system site", including but not limited to, a center approved by the Superintendent of schools for the purpose of counseling students and referring them back to the school system or an approved alternative to a suspension or expulsion program. If a student is suspended or expelled from school without assignment to an alternative school placement, the student shall be delivered as follows:

(a) to the parent/legal guardian; or

(b) to a location determined by the parent/legal guardian, or to the Alternative Center for Truancy until the parent/legal guardian can be located.

SPECIFIC AUTHORITY:

Sections 984.03; 984.12; 984.15; 984.151; 1001.41; 1003.02; 1003.21; 1003.24; 1003.26; and 1003.33, Florida Statutes

TITLE: Habitual Truancy Case Procedures

POLICY:

(1) For purposes of this policy, the following definitions shall apply:

(a) "Habitual truant" means that:

- i. The student has fifteen (15) unexcused absences within ninety (90) calendar days, or an equivalent combination of unexcused absences and accumulated tardies as determined by the Orange County Public Schools (“OCPS”) Child Study Team, with or without the knowledge or justifiable consent of the parent/legal guardian. Said student is subject to compulsory school attendance and is not exempt.
 - ii. Activities to determine the cause and to attempt the remediation of the student’s truant behavior have been completed.
 - (b) A “truancy petition” means a petition filed by the Superintendent or designee alleging that a student subject to compulsory school attendance has had at least five (5) unexcused absences, or five (5) absences for which the reasons are unknown, within a calendar month, or ten (10) unexcused absences or absences for which the reasons are unknown within a ninety (90) day calendar period, or an equivalent combination of unexcused absences and accumulated tardies or early departures as determined by the OCPS Child Study Team.
- (2) Procedures for filing a “truancy petition” by the Superintendent or designee.
- (a) If the school determines that a student subject to compulsory school attendance has had at least five (5) unexcused absences, or five (5) absences for which the reasons are unknown within a calendar month, or ten (10) unexcused absences or absences for which the reasons are unknown within a ninety (90) day calendar period, or an equivalent combination of unexcused absences and accumulated tardies as determined in the OCPS Child Study Team action, the Superintendent or designee may file a truancy petition.
 - (b) The petition shall be filed in the Circuit Court of Orange County, Florida, as that is where the student is enrolled in school.
 - (c) Original jurisdiction to hear a truancy petition shall be in the Circuit Court; however, the Circuit Court may use a general or special master pursuant to the applicable Florida Supreme Court rules.
 - (d) The petition must contain the following: the name, age, and address of the student; the name and address of the student’s parent/legal guardian; the school where the student is enrolled; the efforts the school has made to get the student to attend school; the number of out-of-school contacts between the school system and student’s parent/legal guardian; and the number of days and dates of days the student has missed school. The petition shall be sworn to by the Superintendent or designee.

- (e) Once the petition is filed, the court shall hear the petition within thirty (30) days.
- (f) The student and the student's parent/legal guardian shall attend the hearing.
- (g) If the court determines that the student missed the alleged days, the court shall order the student to attend school and the parent to ensure that the student attends school, and may order any of the following: the student to participate in alternative sanctions to include mandatory attendance at alternative classes to be followed by mandatory community services hours for a period up to six (6) months; the student and the student's parent/legal guardian to participate in homemaker or parent aide services; the student or the student's parent/legal guardian to participate in intensive crisis counseling; the student or the student's parent/legal guardian to participate in community mental health services, if available and applicable; the student and the student's parent/legal guardian to participate in service provided by voluntary or community agencies as available; the student or the student's parent/legal guardian to participate in vocational, job training, or employment services; and any other appropriate action the court deems necessary.
- (h) If the student does not successfully complete the sanctions ordered in section (g) above, the case shall be referred to the OCPS Case Staffing Committee with a recommendation to file a Child-in-Need-of-Services ("CINS") petition.

SPECIFIC AUTHORITY: Sections 984.03; 984.151; 1001.41; 1003.02; 1003.24; and 1003.26, Florida Statutes

TITLE: Home Education Portfolio Review

POLICY:

- (1) If the parent/legal guardian of a student who has been identified as exhibiting a pattern of nonattendance enrolls the student in a home education program ("Home Education Program"), the Superintendent or designee shall provide the parent/legal guardian a copy of Section 1002.41, Florida Statutes; together with the accountability requirements of this section. The Superintendent or designee shall also refer the parent/legal guardian to a Home Education Review Committee ("Committee"), composed of the Orange County Public Schools' ("OCPS") contact for the Home Education Program and at least two (2) home educators selected by

the parent/legal guardian from an OCPS list of all home educators who have conducted a Home Education Program for at least three (3) years and who have indicated a willingness to serve on the Committee. The Committee shall review the portfolio of the student every thirty (30) days during the OCPS regular school term until the Committee is satisfied that the home education program is in compliance. The first portfolio review must occur within the first thirty (30) calendar days of the establishment of the Home Education Program.

- (2) If the parent/legal guardian fails to provide the portfolio to the Committee, the Committee shall notify the Superintendent or designee. The Superintendent or designee shall then terminate the Home Education Program and require the parent/legal guardian to enroll the student in a public school supported by public funds; a parochial, religious, or denominational school; or a private school supported in whole or in part by tuition charges or by endowments or gifts within three (3) days. Upon termination of the Home Education Program, the parent/legal guardian shall not be eligible to reenroll the student in the Home Education Program for 180 calendar days. Failure of the parent/legal guardian to enroll the student in one (1) of the attendance options previously listed after termination of the Home Education Program shall constitute noncompliance with the compulsory attendance requirements and may result in criminal prosecution.

SPECIFIC AUTHORITY: Sections 1001.41; 1001.42; 1002.01; 1003.02; and 1003.26, Florida Statutes

TITLE: Recording and Monitoring Student Attendance

POLICY:

- (1) Recording of student attendance for the purpose of administering the full-time equivalent program and other State programs shall be pursuant to State Board of Education Rule 6A-1.044. The principal or designee shall be responsible for compliance with all Florida Statutes, State Board of Education Rules, The School Board of Orange County, Florida ("Board") policies, and the Orange County Public Schools ("OCPS") attendance procedures pertaining to student attendance. The principal or designee shall assure that all teachers and clerks are instructed in the proper recording of attendance and may periodically determine whether instructions are being followed.
- (2) Each principal shall devise a system of student monitoring and accounting which determines the presence or absence of any student during the school day. This monitoring is in addition to the regular daily check of student

attendance. If a discrepancy of the presence or absence of a student is noted during the school day, the fact shall be reported immediately to the principal or designee who shall take such action as deemed proper.

SPECIFIC AUTHORITY: Sections 1001.41; 1001.42; 1001.54; 1003.02; 1003.23; 1003.25; 1006.07; and 1012.28, Florida Statutes

Rule 6A-1.044, Florida Administrative Code

TITLE: Attendance Requirements for Recording Daily Presence/Absence for Grades K-12

POLICY:

- (1) A student shall be deemed to be in attendance if actually present at school or away from school on a school day engaged in an educational activity which constitutes a part of the school-approved instructional program for at least one-half of the student's instructional day.
- (2) In grades K-5, a school shall record student attendance daily.
- (3) In grades 6-12, a school shall record period-by-period attendance.

SPECIFIC AUTHORITY: Sections 1001.41; 1001.42; 1001.53; 1001.54; 1003.21; and 1003.23, Florida Statutes

TITLE: Attendance for Academic Credit for Grades 9-12

POLICY:

- (1) No student shall be awarded a credit unless the student has been in attendance for instruction for a minimum of 135 hours. The 135 hours required for attendance for instruction corresponds to twenty (20) absences in a school year or ten (10) absences for each semester. The principal or designee may provide a student who has been in attendance less than 135 hours an opportunity to receive credit by demonstrating mastery of the student performance standards in that course of study.

- (2) Excused absences shall be considered, on an hour per hour basis, as a part of the 135 minimum hours of classroom instruction. The principal or designee is authorized to accept the following reasons for absence(s) of a student:
- (a) illness, injury, or other insurmountable condition;
 - (b) illness or death of a member of the student's immediate family;
 - (c) recognized (or established) religious holidays and religious instruction;
 - (d) medical appointments;
 - (e) legal appointments;
 - (f) participation in an approved activity or class of instruction held at another school site;
 - (g) prearranged absences of educational value with the principal's prior approval;
 - (h) pediculosis (head lice) infestation (up to four (4) days per school year);
or
 - (i) catastrophic disasters that significantly impact the life of the student (e.g. loss of residence from natural disaster).
- (3) Academic instruction missed by the student shall be made up in an acceptable manner in accordance with the Orange County Public Schools ("OCPS") student progression plan.
- (4) Suspended students are allowed to make up missed school work according to guidelines of this policy for absences.

SPECIFIC AUTHORITY:

Sections 1001.41; 1001.42; 1003.21; 1003.23; 1003.24; and 1003.436, Florida Statutes

TITLE: Suspension of Driver's License for Nonattendance

POLICY:

- (1) Orientation of Students

- (a) The principal or designee shall assure that all students are informed of the possible effects of truancy upon their driver's licenses.
- (b) This information shall be included in student handbooks and announced at school assemblies.

(2) Verification of Attendance

- (a) The Superintendent or designee shall submit to the Department of Highway Safety and Motor Vehicles ("DHSMV") the names of students, attaining ages fourteen (14) to seventeen (17) within the current school fiscal year (July 1-June 30), who have accumulated fifteen (15) unexcused absences in a period of ninety (90) calendar days. The date of birth, sex, and social security number of each student shall be included in the report.
- (b) Students who are not enrolled in Orange County Public Schools ("OCPS") shall be referred to the administrator of the program in which they are enrolled for attendance verification.

(3) Hardship Waiver

- (a) Within fifteen (15) calendar days of receipt of notice of intent to suspend, a student may request, in writing, that the principal or designee waive the attendance requirement based on a personal or family hardship.
- (b) The principal or designee is authorized to grant a ninety (90) day hardship waiver to a sixteen (16) or seventeen (17) year old student if the evidence satisfies the principal or designee that the student meets criteria suggested by the Florida Department of Education and that the waiver would be reasonable under the circumstances. The Florida Department of Education suggests that consideration be given to any minor under the school's jurisdiction for whom a personal or family hardship requires that the minor has a driver's license for his or her own, or his or her family's, employment or medical care. The ninety (90) day hardship waiver should be reviewed every ninety (90) days to determine the feasibility of continuance. Further, the principal or designee shall take into consideration the recommendations of teachers, other school officials, and guidance counselors.
- (c) A hardship waiver shall not be available to fifteen (15) year-old students. Unlicensed students are not eligible for a hardship waiver.
- (d) The principal or designee shall notify the DHSMV via electronic transmission of a student's request for waiver within twenty-four (24) hours of receiving the request. The hearing must be conducted by the principal or designee within thirty (30) calendar days of the request.

The decision of the principal or designee must be conveyed electronically to DHSMV within twenty-four (24) hours after conducting the hearing. The principal or designee shall also notify The School Board of Orange County, Florida ("Board") of his/her decision.

- (e) Any student denied a hardship waiver may appeal that decision to the Board. The Board shall notify the DHSMV if the hardship waiver is subsequently granted.

(4) Notification of Intent to Suspend the Driver's License for Nonattendance

- (a) The DHSMV shall notify each minor for whom the DHSMV has received notification of noncompliance upon the occurrence of fifteen (15) unexcused absences in a ninety (90) calendar day period and the minor's parent/ legal guardian of its intent to suspend driving privileges.
- (b) The minor, or the parent/legal guardian, has fifteen (15) calendar days after written notification of intent to suspend, to provide proof of compliance with the attendance requirements or to request a hardship waiver.
- (c) Twenty (20) days after the date of issuance of DHSMV's notice, the DHSMV shall suspend the minor's driver's license or learner's license or record the legal name, sex, date of birth, and social security number of each minor who does not possess a driver's license or learner's license, unless the minor has provided the DHSMV verification of compliance with the attendance requirement, or the appropriate school official has provided the DHSMV with verification of a request for a waiver hearing.

(5) Verification of Compliance and Reinstatement of Driver's License

- (a) Reinstatement shall be initiated by the student by submission of written verification that he or she has been in compliance for thirty (30) consecutive school days prior to the request for verification of compliance. Compliance starts on the first day after the student's last unexcused absence. The student must attend school, without any unexcused absences, for thirty (30) consecutive school days. If the student has any excused absence during that time, an extra day is added to the end of the thirty (30) day compliance period to adjust for each absence.
- (b) A compliance form, the HSMV 72870, shall be signed by the designated administrator and executed either by a notary seal or embossed school seal attesting that the student has met the requirements of Section 322.091, Florida Statutes. (This form shall

be provided to the student no more than five (5) school days after the request has been made.)

- (c) When a student has previously had a license suspended and cannot meet the thirty (30) consecutive school days required for reinstatement within the current attendance year, the balance of the days required shall be carried forward for completion in the next ensuing attendance year or summer session.

SPECIFIC AUTHORITY: Sections 322.091; 322.1615; 1001.41; 1001.53; 1003.25; and 1003.27, Florida Statutes

TITLE: Learnfare

POLICY:

Students whose parents/legal guardians receive cash assistance (formerly Aid to Families with Dependent Children/AFDC) are required to attend school regularly.

- (1) If excessive unexcused absenteeism is determined to sufficiently jeopardize academic progress, the school shall report the student to the Department of Children and Families (“DCF”) for non-compliance.
- (2) Each parent/legal guardian with a student aged six (6) to eighteen (18) years who is a recipient of cash assistance is required to have a school conference during each semester consisting of the following:
 - (a) the conference must address acceptable attendance, grades, and behavior;
 - (b) the conference must be documented and reported to DCF;
 - (c) verification of the conference is the responsibility of the parent/legal guardian or DCF; verification may be by telephone contact with a school official or by a written statement from a school official; and
 - (d) the conference may be held at the school or by telephone. The parent/legal guardian is responsible for initiating and scheduling the conference.

SPECIFIC AUTHORITY: Sections 414.1251 and 1003.01, Florida Statutes

TITLE: **Child Labor Laws**

POLICY:

- (1) The Superintendent or designee shall implement the following steps when necessary in compliance with applicable State child labor laws:
 - (a) A designated school representative shall report to the Division of Jobs and Benefits of the Department of Labor and Employment Security or to any person acting in similar capacity who may be designated by law to receive such notices, all violations of the child labor laws that may come to his or her knowledge.
 - (b) A designated school representative shall have the same right of access to, and inspection of, establishments where minors may be employed or detained as is given by law to the Division of Jobs and Benefits only for the purpose of ascertaining whether children of compulsory school age are actually employed there and are actually working there regularly. The designated school representative shall, if he or she finds unsatisfactory working conditions or violations of the child labor law, report his or her findings to the Division of Jobs and Benefits or its agents.

SPECIFIC AUTHORITY: Sections 450.121 and 1003.26, Florida Statutes

TITLE: **Attendance Training Requirement**

POLICY:

The Superintendent or designee will provide a minimum of four (4) training opportunities per school year for OCPs attendance clerks and/or other school personnel responsible for maintaining school attendance records. In addition, appropriate online training, as determined by the Superintendent or designee, will be provided for those attendance clerks and/or other school personnel unable to attend the provided face-to-face training. The training shall include requirements for attendance reporting by substitute teachers.

SPECIFIC AUTHORITY: Sections 1001.42; 1001.54, and 1003.02, Florida Statutes

ADOPTED: 01/23/07
REVISED: 05/22/12; 02/23/16