

Policy & Procedures For Truancy

OFFICE OF THE WARREN COUNTY ATTORNEY

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Why Do We Need This Documentation?

The role of the State of Iowa's truancy program is to help set clear goals using both support and disciplinary measures to achieve satisfactory school attendance. As a school official, you must determine how best to encourage the student to attend school. This involves setting goals for the student and the family to ensure school attendance. This documentation will outline the necessary procedural steps to help reach the overarching goal of having the student attend school regularly.

The County Attorney's office looks forward to working with the school districts to achieve the goal of having students attend school!

Thank you,

Douglas A. Eichholz

Steps in the Truancy Process

- 1) School districts may define by policy what are excused and unexcused absences. The determination of whether an absence is excused is made by the school, not by the parent.
- 2) If a student violates the school district's policy, then a school official shall have the student and their family attend an attendance cooperation meeting.
- 3) At the meeting, an attendance cooperation agreement shall be made and reduced to writing. It should state the steps to be taken to ensure attendance by the student.
- 4) If, after the agreement, the student fails to sign or violates a term of the agreement, the matter shall be referred to the County Attorney's Office.
- 5) If the matter is referred for mediation, a notice of the referral may be sent to the family by the County Attorney. A mediation shall be held with the County Attorney's Office and the parties of the attendance agreement. The student and their family shall agree to the mediation agreement and shall be informed of the consequences of violating the agreement.

- 6) If the student violates the mediation agreement, the school may refer the matter to the County Attorney for prosecution. The County Attorney may then prosecute the parents/guardians of the student through the Court.

Establishment of a School Board Policy

The Iowa Legislature requires the school districts to establish a policy for truancy. There are several requirements made by the legislature for the policy. The policy must set the number of missed attendance days required before a student is declared truant. The School Board may determine what reasons or excuses are acceptable for absence from school. The policy may only apply to children between the age of 6 and 16. If a student turns 16 after September 15th, that student must attend school for the rest of the academic year.

If the student falls under the compulsory attendance age and violates the attendance policy, the school official shall deem the student a truant.

At this point, the school may choose to use services, other than ordering an attendance cooperation meeting, to encourage the child to attend school. However, the attendance meeting and agreement must be used to go further in the process.

The school official should use discretion for the first month of the school year as there may be mitigating factors for the child's absence. However, if the student has been deemed a truant in the prior school year, the school official should proceed with declaring the child truant.

Attendance Cooperation Meeting & Agreement

Once a student is in violation of the school district's policy, an attendance cooperation meeting shall be held.

Who needs to be there?

The student; the student's parents, guardian, or legal custodian; and the school official.

What is the purpose?

The parties are to attempt to ascertain the cause of the student's nonattendance. Once this is determined, the parties shall attempt to determine a solution using any methods, steps, or goals deemed necessary by the parties.

Once the parties are in agreement, the parties will reduce everything to writing. Each party shall sign the agreement. Because of the nature of the agreement, the contract should apply for one academic year.

What happens if the agreement is violated?

If the parties fail to reach an agreement at the meeting or one of the parties fails to attend, or fails to sign the completed agreement, the matter will go to mediation.

Mediation by the County Attorney's Office

Once a student is deemed a truant, the school official may refer the matter to the County Attorney for mediation, using the form located on the Warren County website. The County Attorney, or designee, shall act as the mediator between the parties.

What is the purpose?

The purpose of mediation is very similar to the attendance cooperation meeting. The County Attorney, along with the school official, will determine what is causing the child's nonattendance. Once the appropriate steps are determined, they shall be reduced to writing and signed by the parties. At this point, the student and their family will be informed of the consequences for violating the mediation agreement.

What happens if the agreement is violated?

If the mediation agreement is subsequently violated by the parties or the parties fail to attend the mediation, the County Attorney may prosecute the matter. The school official shall send a prosecution request, using the form located on the Warren County website, to the County Attorney's Office with the statement on how the mediation agreement has been violated. Documentation outlining the violations should be included

Prosecution by the County Attorney

Once this step in the process has ended, the County Attorney may initiate legal proceedings against the parents or guardians. The County Attorney may prosecute the parents or guardians in criminal court which may result in fines and/or a jail sentence.

The Final Word

The purpose of the documentation is to give you a guide regarding truancy and the process involved. The ultimate goal is to ensure the student's attendance at school.

As soon as an attendance cooperation agreement is violated, it should be referred to the County Attorney promptly. A mediation will be scheduled so a mediation agreement can be completed. The family and the student will be told of the consequences if the agreement is not followed.

The attorney assigned to truancy matters is Alex Crabb. Please direct referrals and inquiries to him at 115 Howard St., Ste. 200, Indianola, IA, 50125, Phone: 515-961-1046, Fax: 515-961-1095, email: alexc@warrencountyia.org. All documents needed for truancy referrals and this documentation are located online at: www.warrencountyia.org in the attorney page under Truancy.