

Attendance Law and School Policy Facts Sheet

49-6-3001. School age – Entrance – Attendance – Withdrawal.

(c) (1) Every parent, guardian or legal custodian residing within this state having control or charge of any child between six (6) years of age and seventeen (17) years of age, both inclusive, shall cause such child or children to attend public or non-public school, and in event of failure to do so, shall be subject to the penalties hereinafter provided. The LEA in which a transfer student seeks to enroll may require disclosure and copies of the student's records in accordance with the Family Education Rights and Privacy Act, including, but not limited to, disciplinary records from educational agencies where the student was previously enrolled. **(The compulsory attendance law also applies to five year old children once they have attended school for six weeks. "[A] child may be withdrawn within six (6) weeks of initial enrollment without penalty." TCA 49-6-3007(g).)**

(3) For the purpose of this part, "public school" and "non-public school" are defined as follows:

- (A) "Non-public school" means a church-related school, home school or private school;
 - (i) "Church-related school" means a school as defined in 49-50-801;
 - (ii) "Home school" means a school as defined in 49-6-3050; and
 - (iii) "Private school" means a school accredited by, or a member of, an organization or association approved by the state board of education as an organization accrediting or setting academic requirements in schools, or which has been approved by the state, or is in the future approved by the commissioner in accordance with rules promulgated by the state board of education; and

(B) "Public school" means any school operated by an LEA or by the state with public funds.

49-6-3002. State attendance guidelines – No penalty for period of hospital or homebound instruction.

(a) The state board of education shall promulgate rules, in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, which prescribe guidelines for use by local boards of education in establishing standards and policies governing student attendance, subject to availability of funds. Such guidelines shall include, but not be limited to, the following stipulations:

- (1) Attendance policies shall be firm but fair so that each student has a reasonable Opportunity to meet the minimum requirements;
- (2) Effective accounting and reporting procedures shall be developed to keep parents or Guardians informed of a student's absence from class;

49-6-3005. Children excused from compulsory attendance

(a) The following classes of children between six (6) and seventeen (17) years of age, both inclusive, shall be temporarily excused from complying with the provisions of this part, the local board of education to be sole judge in all such cases involving children enrolled in a public school and, as to children enrolled in a non-public school, as defined by 49-6-3001 (c)(3)(A), the director of schools of the school to be judge in all such cases:

- (1) Children mentally or physically incapacitated to perform school duties (such disability to be attested by a duly licensed physician in all cases);
- (2) Children who have completed high school and hold a high school diploma;

49-6-3007. Attendance and truancy reports – Enforcement of compulsory attendance.

- (e) (1) It is the duty of the principal or teacher of every public, private, or parochial school to report promptly to the director of schools or the director of schools' designated representative, the names of all children who have withdrawn from school, or who have been absent five (5) days (this means an aggregate of five (5) days during the school year and not necessarily five (5) consecutive days) without adequate excuse. Each successive accumulation of five (5) unexcused absences by a student shall also be reported.
- (2) Such director of schools shall thereupon serve, or cause to be served, upon the parent, guardian or other person in Tennessee in parental relation to such children unlawfully absent from school, written notice that attendance of such children at school is required. A new notice shall be sent after each successive accumulation of five (5) unexcused absences.
- (b) If it appears that, within three (3) days after receipt of the notice, any child, parent, Guardian or other person in parental relation has failed to comply with the provisions of this part, the director of schools, in the name of the local school system, shall report the facts of such unlawful attendance to the sheriff, constable, city police officer, district attorney general, or the foreman of the grand jury, who shall proceed against the parent, guardian or other person in parental relation in accordance with the provisions of this part, unless the parent, guardian or person having charge and control of the child shall at once place the child in some day school as aforementioned.
- (f) The director of schools of any local school system, after written notice to the parent or guardian of a child, shall report a child who is habitually and unlawfully absent from school to the appropriate judge having juvenile jurisdiction in that county, each case to be dealt with in such manner as the judge may determine to be in the best interest of the child, consistent with the provisions of 37-1-132, 37-1-168, and 37-1-169 and in the event the child is adjudicated to be unruly, the judge may assess a fine of up to fifty dollars (\$50.00) or five hours of community service, in the discretion of the judge, against the parents or legal guardians of children in kindergarten through grade twelve (K-12) if the child is absent more than five (5) days during any school year.
- (g) Except as otherwise provided by 49-6-3001 or 49-6-3005, the provisions of this section shall be applicable to children less than six (6) years of age and their parent, guardian, or other person in a parental relation when such parent, guardian, or other person in a parental relation has enrolled the child in any school which receives funding based on average daily membership; provided, that a child may be withdrawn within (6) weeks of initial enrollment without penalty.

49-6-3008. Truancy – Inspections and investigations.

- (a) The director of schools, or the director of schools' designated representative, of any local school system, has the right to visit and enter any office, factory or business house employing children belonging to schools within the director of schools' jurisdiction, and to require properly attested certificates of attendance or employment permit of any child in a day school or a valid work permit for such child.
- (b) When reasonable doubt exists as to the age of any child who violates the provisions of this Part, the director of schools, or the director of schools' designated representative shall require satisfactory proof of age.
- (c) Any parent, guardian or other person having charge or control of any child embraced within

the provisions of this part, who makes a false statement concerning the age of such child or the time that such child has attended school, commits a Class C misdemeanor.

49-6-3009. Penalty for violations.

- (a) Any parent, guardian, or other person who has control of child, or children, and who violates the provisions of this part commits a Class C misdemeanor.
- (b) Each day's unlawful absence constitutes a separate offense.

ATTENDANCE POLICY

ABSENCES

Students participating in school-sponsored activities, whether on-or off campus, shall not be counted absent. In order to qualify as "school-sponsored", the activity must be school-planned, school-directed, and teacher-supervised.⁷

Absences shall be classified as excused, parental note, or unexcused as determined by the principal or his/her designee.

Excused absences shall include:

1. Medical (Doctor, Dentist, Psychiatrist, or other medical professional). Only dates specified on the note will be excused as medical. If medical notes appear to be excessive, this may result in referral of the student to the Attendance Review Committee for further review.
2. Legal (Court, Attorney, Attendance Review Committee, etc....),
3. Death in the immediate family; (Immediate family shall include; parent/guardian, step-parent, brother, sister, grandparent, aunt, uncle, or any other member of the family which resides in the student's household.)
4. Extreme weather conditions;
5. Religious observances⁸
6. A one day absence for students whose parent or guardian is leaving for active military duty, and a one day absence for students whose parent or guardian is returning from active military duty.⁹
7. Circumstances, which in the judgment of the principal creates emergencies over which the student has no control.

Parent Note absences shall include:

1. Personal illness,
2. Serious illness of immediate family member, (Immediate family shall include; parent/guardian, step-parent, brother, sister, grandparent, aunt, uncle, or any other member of the family which resides in the student's household.)
3. Family emergencies,
4. Checking out early or signing in late without excused absence documentation (checking out and signing in will be excused on the same basis as full day absences). Students must be present one half or longer of each class period to be counted present for that period. The length of a class period will be determined by the administration of each school.

5. Circumstances which, in the judgment of the principal, warrant a parent note.

Students will be allowed five (5) days or thirty-five (35) hours Parental Note absence for the first semester (August to Christmas break) and five (5) days or thirty-five (35) hours Parental Note absence for the second semester (January to the end of school year).

Parental Note absence above the limit of (5) days or thirty-five (35) hours per semester will be unexcused. Additionally, all absences that do not fall within the excusable or parental note categories, or absences which are not verified with a note will be unexcused.

MAKE-UP WORK

Students will be allowed to make up all work missed unless suspended. Arranging to make up work missed is the responsibility of the student. Parents of elementary students may request their make up work. Make up work must be requested upon return from the absence and turned in according to the number of days absent (one day per day absent is allowed to turn in make up work). A zero (0) will be recorded for all work a student fails to make up within time allotted.

ABSENTEE PROCEDURE:

A. Absence Note:

All notes to excuse an absence must be presented within five (5) school days **from the return of the absence. Notes to excuse an absence not presented within five (5) school days after the return from an absence will not be accepted by school officials. However,** notes may be accepted by the Truancy Review Board **after the five (5) school day limit.** The first day back at school, a student should report to the office to present his/her note to the principal or other appropriate school official.

All parental notes should contain the following information: student's full legal name, reason for absence, date of each day absent, daytime phone number of the parent, and parent's name (signature). All other notes must be on the stationery of the **doctor, dentist, judge, etc....** with the phone number and signature of the appropriate official. Each day absent or portion thereof must be listed on the note.

B. Late Arrivals:

Students arriving late to school must sign in at the office. Elementary students (Grades K-8) **must** be accompanied by their parent/guardian for safety reasons. Students should present a note to the office or the parent may sign the student in on the designated sign-in sheet. All parent sign-ins will be counted as parental notes (if they meet the guidelines for a parental note) unless a doctor, dentist, or legal note is presented. **Students entering school late will be given a daily attendance code of Tardy (present at school half or more of the school day) or Present for Transportation (present at school less than half of the school day) based on the amount of time they are present at school.**

C. Early Dismissal:

Elementary students (grades K-8) **must** be signed out in the Principal's office by the parent/guardian or emergency designee. Verification of identity may be required. The sign-out sheet should be completely filled out and signed by the responsible person. High school students (grades 9-12) should present their requests to the office before first period begins on the day for which the student is to be dismissed. All requests should be in note form signed by the parent/guardian with the following information: student's full legal name, daytime phone number where the parent can be reached for verification, and time to be dismissed. All requests will be verified. Requests for early dismissal will not be accepted by phone if the identity of the person calling cannot be verified. Early dismissals will be counted as parental absence until a note is presented from a doctor, dentist, or other legal person. These procedures will allow the school to avoid unnecessary interruptions, and help insure the safety of your son/daughter. **Students leaving school early will be given a daily attendance code of Tardy (present at school half or more of the school day) or Present for Transportation (present at school less than half of the school day) based on the amount of time they are present at school.**

Students who accumulate twenty (20) parent note enters (late arrivals to school), parent note leaves (early dismissals from school), or any combination thereof will be required to appear before the Attendance Review Committee to explain why the student is excessively late to school or why they are excessively leaving school early.

Five (5) unexcused late arrivals (unexcused enters), unexcused early dismissals (unexcused leaves), or any combination thereof will equal one (1) day's unexcused absence for truancy purposes. When a student accumulates 5 unexcused absences, they will be referred to the Truancy Review Board.

I have read, or the above has been explained to me in a manner that is acceptable, the laws governing attendance in the state of Tennessee and the Attendance Policy requirements of the Hawkins County School System. I attest by my signature below that I do understand what I have read or that which has been explained to me, and do hereby agree to comply with all said laws and policies.

Date: _____

Parent: _____

Witness: _____