

## Monroe County School District Attendance Policy

### 6G-4.05 Student Attendance.

**A.** All students are required to attend school each day during the school year when school is in session and, as appropriate and as required, shall attend each day of class in a summer school program. A student may also be required to attend academically-related school activities which are part of the student's curriculum.

**B.** The superintendent and the superintendent's designees shall be responsible for enforcing all laws, state rules, and school board policies and procedures related to student attendance in the public schools of Monroe County.

**C.** Manual of Administrative Procedures Reference: 6MAP-4.05

*Specific Statute(s) Implemented: 230.23(6), 232.01 through 232.195, 984.03, 984.12, and 984.151, Florida Statutes.*

*Fla. Admin. Code Ref: 6A-1.09513, 6A-1.09514*

*History: New, 01/22/02*

*Previous Reference:*

### 6MAP-4.05 Student Attendance.

**A. General** Florida law requires that children between certain ages shall regularly attend school.

1. One way to comply with the law is by attending a public school, and it is the legal obligation of the superintendent to enforce school attendance of all children and youth subject to the compulsory school age in the school district. Additionally, Florida law makes it the responsibility of each parent or legal guardian to ensure his or her child's school attendance as required by law, and the school board is also required by the law to require each parent or legal guardian of a student to justify each absence of the student.

2. Because poor academic performance is associated with nonattendance, school personnel will respond in a timely manner to attempt to prevent the development of patterns of student nonattendance and to address issues related to nonattendance. School personnel will also collaborate with appropriate local and state agencies that are involved in truancy prevention, intervention, and judicial action.

**B. Definitions:** For purposes of these procedures, the following definitions shall apply unless the context provides otherwise:

1. **Absence** means the non-attendance of a student on days that school is scheduled to be in session. An absence may be either excused or unexcused.

2. **Attendance** means that a student is (a) actually present at school or (b) the student is away from school during the school day and is engaged in an educational activity which constitutes a part of the school-approved instructional program for the student.

3. **Calendar Month** means, in reference to truancy, the time period commencing on the first day of a calendar month and ending on the last day of the calendar month, including holidays and weekends.

4. **Child in Need of Services (CINS)** means a child who has been found by the court: (a) to have persistently run away from the child's parents or legal custodians despite reasonable efforts to remedy the conditions contributing to the behavior; (b) to be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation; or (c) to have persistently disobeyed the reasonable and lawful demands of the child's parents or legal custodians and to be beyond their control despite efforts to remedy the situation, AND there is no pending investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral alleging the child is delinquent; and there is no current supervision by the Department of Juvenile Justice or the Department of Children and Family Services for an adjudication of dependency or delinquency.

5. **CINS Case Staffing** means a meeting of the family and child with the CINS Case Staffing Committee (CSC) to review the case of any family or child whom the Department of Juvenile Justice (DJJ) determines is in need of services or treatment if (a) the family or child is not in agreement with the services or treatment offered; (b) the family or child will not participate in the services or treatment selected; or (c) the case manager needs assistance in developing an appropriate plan for services. The CSC shall include a representative from the child's school, a representative of DJJ, and may include a supervisor of DJJ's contracted provider (e.g., Florida Keys Children's Shelter Community Based Counselor supervisor); a representative of health, mental health, substance abuse, social, or educational services; and the alternative sanctions coordinator from the circuit court.

6. **CINS Petition** means a document filed in circuit court to initiate proceeding to seek adjudication that a child is a child in need of services. The petition may be filed by an attorney representing the Department of Juvenile Justice or by the child's parent, guardian, or legal custodian.

7. **Early Sign-out** means leaving the school property prior to the end of the school day with permission from the principal or the principal's designee.

8. **Excused Absence** means that a student is absent:  
(a) due to sickness of, or injury to, the student, attested to orally or in writing by the student's parent or guardian, or, in the event the absence is of three days or more, by a

written statement of a licensed practicing physician, chiropractor, dentist, or other appropriate licensed health care or mental health professional;

(b) due to religious instruction for the student or religious holidays of the student's own faith to be observed by the student, when the absence is requested in writing by a parent or guardian at least three (3) school days in advance of the absence, as delineated in Rule 6A-1.09514, Florida Administrative Code.

©) due to a medical, chiropractic, dental, or other appointment with a licensed professional related to the physical or mental health of the student, when the appointment cannot be scheduled outside of school hours and when written documentation is provided by the parent or guardian prior to the scheduled appointment;

(d) due to attendance at an Individualized Educational Program (IEP) meeting at which the student's educational program is the topic;

(e) due to attendance in an administrative or judicial proceeding which involves the student as a witness or as the subject of the proceeding;

(f) due to a death in the immediate family of the student and such absence does not exceed seven (7) school days;

(g) due to placement in The Florida Keys Children's Shelter and such placement transition period does not exceed three (3) school days. (By the fourth day, Shelter personnel are required to enroll the student in the appropriate public school closest in geographic proximity to the Shelter.)

(h) with written permission of the principal or the principal's designee, for good cause shown, including insurmountable conditions as defined by rules of the state board of education in Rule 6A-1.09513, Florida Administrative Code.

(I) due to participation in an approved special event. The student must receive advance written permission from the school principal or the principal's designee. (Examples of special events include public functions; conferences; and regional, state and national competitions).

(j) due to having, or being suspected of having, a communicable disease or infestation which can be transmitted to other students or school staff. (Examples include, but are not limited to, fleas, head lice, ringworm, impetigo, and scabies.)

9. **Expulsion** means the removal by the School Board of the right and obligation of the student to attend a public school. Expulsion shall be for a period of time not to exceed the remainder of the term or school year and one additional year of attendance. Expulsions may be imposed with or without continuing educational services.

10. **Family in Need of Services (FINS)** means a family in which there is a child (a) who is a runaway; (b) who is persistently disobeying reasonable and lawful demands of the parent or legal custodian and is beyond the control of the parent or legal custodian; or ©) who is habitually truant from school or engaging in other serious behaviors that place the child at risk of future abuse, neglect, or abandonment, or at risk of entering the juvenile justice system as described in 984.03(25), Florida Statutes

11. **Habitual Truant** is a student who has fifteen (15) unexcused absences within ninety

(90) calendar days and (a) the absences are with or without the knowledge of the student's parent or legal guardian, and (b) the student is subject to the compulsory school attendance law and is not exempt from such law.

12. **Homebound Service** means the provision of an instructional program to students who are identified as homebound or hospitalized. A homebound or hospitalized student is a student who has a medically diagnosed physical or mental condition which is a chronic illness or is a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital and restricts activities for an extended period of time. A student is eligible for a special program for homebound or hospitalized if eligibility criteria as specified in Rule 6A-6.03020(3), Florida Administrative Code are met.

13. **Home Schooling** means the sequentially progressive instruction of a student directed by his or her parent or guardian in order to satisfy the requirements of s. 232.01 and 232.0201, Florida Statutes.

14. **In-School Suspension** means the temporary removal of a student from the student's regular school program and placement in an alternative program under the supervision of school district personnel, for a period not to exceed ten (10) school days. Each school day or part of a school day during which the student is suspended in-school shall constitute an excused absence.

15. **Ninety-Calendar-Day-Period** means, in reference to truancy, a 90 calendar day period measured backward from the date of the last unexcused absence or absence for which the reason is unknown.

16. **Out-Of-School Suspension** means the temporary removal of a student from all classes of instruction on public school grounds and other school-sponsored activities, except as authorized by the principal or the principal's designee, for a period not to exceed ten (10) school days. Each school day or part of a school day during which the student is suspended out-of-school shall constitute an unexcused absence.

17. **Primary Teacher** means the teacher(s) at the school site to whom the student is assigned. At the elementary school level, the primary teacher is the classroom teacher. At the middle school level, the primary teacher is the home room teacher. At the high school level, the primary teachers are the teachers of record for each period or block course in which the student is enrolled.

18. **Private Tutoring Program** means a program that meets the requirements of s. 232.0202, Florida Statutes.

19. **Regular School Attendance** means the actual attendance of a student during the school day as defined by law and regulations of the state board of education.

20. **School Day** means that period of time as defined in Section 228.041(13), F.S.

21. **Student Service Team** is the Child Study Team referred to in Chapter 232.17, Florida Statutes, and means a school based team of professionals assembled to address the academic, social, behavioral, and physical needs of the students when those needs cannot be met through traditional methods, and which require a multidisciplinary study.

22. **Tardy** means that the student is in attendance but was not at the assigned class activity, program, or event at the time of the commencement of the class activity, program, or event.

23. **Unexcused Absence** means any absence that is not an excused absence, and includes (a) absences due to suspensions out-of-school; (b) absences due to vacations, personal services (e.g., trip to salon, shopping, dance lessons), local non-school event, program, or sporting activity; (c) absences due to older students providing day care services for siblings; (d) unless lawfully exempted, absences due to non-compliance with immunization requirements.

**C. Compulsory School Attendance.** Section 232.01, Florida Statutes, provides that all children who have attained the age of six years or who will have attained the age of six years by February 1 of any school year, or who are older than six years of age but who have not yet attained the age of 16 years, except as hereinafter provided, are required to attend school regularly during the entire school term.

1. Students under 16 years of age may not be withdrawn from school for any reason unless: (a) the student is expelled through school board action; (b) the student is specifically exempted by Florida law from attending a public school; or (c) the student is transferring his or her enrollment to another school, home education program, or private tutoring program in accordance with Florida law.

2. A student who attains the age of 16 years during the school year is not subject to compulsory school attendance beyond the date upon which he or she attains that age if the student files a formal declaration of intent to terminate school enrollment with the School Board. The declaration must acknowledge that terminating school enrollment is likely to reduce the student's earning potential and must be signed by the child and the child's parent or legal guardian. The declaration must be made on **Form A**. The principal or principal's designee must notify the parent or legal guardian of the receipt of the child's declaration of intent to terminate school enrollment.

3. A student who attains the age of 18 years during the school year is not subject to the legal sanctions for compulsory school attendance beyond the date upon which he or she attains age 18.

4. Students who become or have become married and students who are pregnant shall not be prohibited from attending school. These students and students who are parents shall receive the same educational instruction or its equivalent as other students, but may voluntarily be

assigned to a class or program suited to their special needs. Consistent with Section 230.23166, Florida Statutes, pregnant or parenting teens shall be entitled to participate in a teenage parent program.

#### **D. Responsibilities**

##### **1. School/District Responsibilities For Insuring Attendance, Maintaining Records, Implementing Interventions, And Making Referrals.**

(a) The principal or the principal's designee at each school shall maintain an attendance record which shows the absence or attendance of each child enrolled for each school day of the year. Student attendance records shall be maintained in accordance with Section 232.021, F.S., Rule 6A-1.044, F.A.C., and in accordance with School Board policies and administrative procedures.

(b) The principal or the principal's designee shall be responsible for informing students and parents of their rights and responsibilities related to student attendance. One method to be used for notification is the appropriate dissemination of the Code of Student Conduct and through the distribution of **Form C**.

(c) The principal or the principal's designee will ensure that all school attendance reports are accurate and timely, and shall provide the necessary training opportunities for staff to accurately report attendance.

(d) Each classroom teacher shall be responsible for checking and accurately documenting and reporting the presence, absence, or tardiness of students assigned to that teacher's class, activity, or event. Reporting and documentation shall be done through the appropriate electronic program as designated by the principal.

(e) All schools will formalize procedures for early sign-outs, ensuring that all students are treated consistently. Early sign-outs shall not be permitted within the final thirty minutes of the school day unless the principal or principal's designee determines that an emergency exists.

(f) Each school shall formalize procedures for admitting students who have been tardy. These procedures will ensure that all students are treated consistently. Schools will provide appropriate interventions and consequences for students.

(g) The principal or principal's designee shall take appropriate action in a timely manner (by the end of the following school day) for each unexcused absence or absence for which the reason is unknown. As a minimum, the student's parent or guardian shall be contacted to determine the reason for the absence. Initial contact may be made through the following means as available and as applicable to the information specified in the student database for parental contact: Pinnacle auto-dialer, personal phone call, written notice sent with student to

home, or written notice mailed to parent. Each auto-dialed call for which there is no response from the parent must be followed up with a manual phone call.

(h) The principal or principal's designee will evaluate the reasons given and the circumstances relating to the student's absence to determine if the absence is an excused or unexcused absence.

(1) If the absence is excused, the student must be allowed to make up assigned work. The classroom teacher shall be responsible for providing make-up assignments for excused absences.

(2) If the absence is unexcused, and (a) the student is in grade nine through twelve or (b) the student is taking a course for credit, all assignments and work missed during the unexcused absence may not be made up; however, if the unexcused absence is due to an out-of-school suspension, the classroom teacher shall be responsible for providing make-up assignments and the student must make up the assigned work, including all specific homework assignments during the period of the suspension in accordance with Section 228.041(25)(a), Florida Statutes.

(I). If a student has five unexcused absences or absences for which the reason is unknown within a calendar month, or 10 unexcused absences within a 90-calendar-day period, the primary teacher must report to the principal or the principal's designee that the child may be exhibiting a pattern of nonattendance. This reporting is completed electronically through the use of Pinnacle software or TERMS Student database, as appropriate.

(j). Unless there is clear evidence that there is no pattern of nonattendance, the principal or the principal's designee shall refer the case to the Student Service Team to determine if there is a developing pattern of nonattendance. The Student Service Team may also review patterns of excessive excused absences or a combination of excused and unexcused absences.

(k). If the Student Service Team determines that early patterns of truancy are developing or if the Student Services Team finds that a pattern of nonattendance is developing, whether the absences are excused or not, a meeting with the parent or guardian must be scheduled to identify interventions to remediate the situation.

(1) A notice will be sent to the parent or guardian. This notice will include information related to the truancy and the date, time, and location of the parent conference to address this student's nonattendance issues. The notice shall be substantially in accordance with **Form B**. A copy of this notice will be sent to the Florida Keys Children's Shelter Community Based Counselor (CBC) assigned to the school.

(2) The parent/guardian conference will focus on remediation of the underlying causes of the student's nonattendance, and parents/guardians will also be provided with information regarding the potential consequences to both the student and the parent/guardian for continued nonattendance. **Form D** will be used to inform the

parent/guardian.

(l) If the initial meeting with the parent does not resolve the issue, the Student Service Team shall implement interventions which may include, but are not limited to:

- (1). Student counseling;
- (2). Frequent communication between the teacher and the family;
- (3). Changes in the learning environment;
- (4). Attendance contracts;
- (5). Referral to other agencies for family services;
- (6). Mentoring;
- (7). Tutoring;
- (8). Peer tutoring;
- (9). Class or schedule changes, or other changes in the learning environment;
- (10). Evaluation for alternative education programs
- (11). Other interventions, including, but not limited to, recommending to the Superintendent, through the school principal, that a truancy petition be filed..

(m) The Student Service Team's designated representative will be responsible for documenting parent contacts, parent conference and parent/student interventions in the student's cumulative file. **Form I** shall be used for this documentation.

(n) If the parent or legal guardian withdraws a student for the purpose of home education and the student is exhibiting a pattern of nonattendance, the principal or principal's designee shall notify the Monroe County District home education contact. The district home education contact will initiate proceedings, as appropriate, in accordance with Section 232.

(o) The principal or principal's designee will report the case to the Superintendent only when all reasonable efforts to resolve the nonattendance issues are exhausted.

(p) The Superintendent or the superintendent's designee may file a truancy petition if a child subject to compulsory school attendance will not comply with attempts to enforce school attendance. If the decision to file a truancy petition is exercised, the Superintendent or the Superintendent's designee shall give written notice in person or by return-receipt mail to the parent, guardian, or other person in charge of the child that criminal prosecution is being sought for nonattendance. **Form H** shall be used for providing this notice.

(q) Upon request by the parent or legal guardian for homebound instruction, the principal or the principal's designee will notify the director of Exceptional Student Education. The Exceptional Student Education office will provide the parent with information in accordance with Rule 6A-6.03020(3), Florida Administrative Code.

## **2. School/District Responsibilities Relating To Student Nonenrollment And Habitual Truancy.**

(a) Student Nonenrollment

(1) The principal or principal's designee will give written notice, in person or by return-receipt mail, to the parent or legal guardian when there appears to be no valid reason for the student's nonenrollment in school. **Form E** shall be used for providing this notice.

(2) If the notice of required enrollment and student attendance is ignored, the principal or the principal's designee shall report the case to the superintendent.

(3) If the superintendent determines that a truancy petition will be filed, or that a proceeding or prosecution should be commenced, the superintendent or superintendent's designee shall give written notice to the student's parent(s) or guardian(s), in person or by return-receipt mail, of such determination. **Form H** shall be used for providing this notice.

(b) Habitual Truancy

(1) A Child in Need of Service (CINS) habitual truancy referral is made to the Florida Keys Children's Shelter (FKCS) Community Based Counselor (CBC) assigned to the school. This written referral is made by the Student Services Team. **Form G** shall be used for this referral. If a CINS Case Staffing is convened, a representative of the school's Student Service Team attends the staffing as a committee member. The CINS Case Staffing Committee determines whether a CINS Petition will be filed in circuit court. CSC shall reach a timely decision to provide the child or family with needed services and treatment through the development of a plan for services.

(2) A notice will be sent to the parent or legal guardian of the habitually truant child. **Form B** shall be used for this notice and shall include information relating to the habitual truant status and subsequent referral to CINS. The notice will be signed by the principal or the principal's and sent by the Student Service Team.

(3) The Department of Juvenile Justice shall file a CINS Petition if certain conditions have been met and if the case manager or CINS Staffing Committee requests that a petition be filed. The petition shall be in writing, shall state the specific grounds by which the child is designated a child in need of services, and shall certify that one of the following conditions have been met: (a) the family and child have in good faith; or but unsuccessfully used the services and processes offered (b) the family or child have refused all services after reasonable efforts by DJJ to involve the family and child in services and treatment as delineated in 984.15, Florida Statutes.

(c) Department Of Highway Safety and Motor Vehicles Notification.

The school district, through Management Information Services, will electronically report to the Division of Highway Safety and Motor Vehicles (DHSMV) the name, date of birth, sex and social security numbers of each student ages 14 through 18 who accumulates 15 unexcused

absences in any 90-calendar-day period. DHSMV may suspend a student's existing driver's license or learners' driver's license, or may not issue a driver's license or learner's driver's license, to a student who has been reported to DHSMV pursuant to Section 322.091, Florida Statutes. Principals are responsible for maintaining electronic attendance records in an accurate and timely manner so as to insure accurate reporting to DHSMV.

(d) When a Monroe County School District child is placed in the Florida Keys Children's Shelter (FKCS) and there is a resulting change of school, the principal or the principal's designee of the receiving school will ensure that services appropriate to meeting the needs of the student are provided.

### **3. Florida Keys Children's Shelter Responsibilities Relating to Enrollment**

When a Monroe County School District child is placed in the Florida Keys Children's Shelter (FKCS), the shelter will notify the guidance counselor of the school in which the child is currently enrolled. Students in FKCS placement transition will be withdrawn from their current school and enrolled in the appropriate school closest in geographic proximity to the shelter by the fourth day after initial placement in the shelter.

**4. Students' Rights and Responsibilities Relating to Attendance.** Students enrolled in public schools are required to attend school unless the absence has been excused. Additionally, each student enrolled in the public schools in Monroe County has:

(a) An age-appropriate responsibility to attend school regularly and to be on campus by the specified starting time of the school day.

(b) A responsibility, in an age-appropriate manner, to ask his or her parent or guardian to notify the school when the student is going to be or is absent.

(c) Has, in an age-appropriate manner, a responsibility to ask teachers for, and to complete, make-up assignments.

(d) Shall complete academic assignments while on in-school suspension and shall submit completed assignments as directed by the student's teacher.

(e) Who becomes or has become married and/or who is pregnant has the right to attend school and shall not be prohibited from attending school. The student, and a student who is a parent, shall receive the same educational instruction or its equivalent as other students, but may voluntarily be assigned to a class or program suited to the student's special needs. Consistent with Florida Statute 230.23466, a pregnant or parenting student shall be entitled to participate in a teenage parent program. A pregnant student may attend alternative education programs or adult education programs, provided that the curriculum allows the student to continue to work toward a high school diploma.

(f) An opportunity, if the student's driver's license has been suspended or denied due to habitual truancy, to have the student's driving privileges reinstated or granted if the student accumulates 30 days of attendance with no unexcused absences. The student is responsible for obtaining the required verification of attendance and is responsible for submitting this documentation to the Department of Highway Safety and Motor Vehicles for the purpose of reinstating or obtaining a driver's license.

**5. Parents' Rights and Responsibilities Related to Absences, Truancy, Homebound Instruction and Home Schooling.** Each parent or guardian of a child of compulsory school attendance age:

(a) Is responsible for the child's enrollment in school and school attendance as required by law.

(b) Has a right to be informed of the enrollment and attendance responsibilities, and of potential consequences for both parents or guardians and students as a result of nonenrollment, nonattendance, and habitual truancy of the student.

(c) Is required to report a student's absence in accordance with the procedures established by the student's school. Except where otherwise permitted by the school principal, parents must report the absence the day before, the day of, or within two school days following the absence or the absence will be considered unexcused.

(d) Is required to inform the school of the circumstances relating to each absence of the student.

(e) Upon request from the school, provide documentation of illness from an appropriate licensed health care or mental health professional or public health unit.

(f) Has a responsibility to notify the school and request information on homebound instruction if the student is expected to miss at least 15 consecutive school days due to illness, medical condition, or social/emotional reasons, or if the student is expected to be absent intermittently throughout the school year for the same reasons.

(g) Has a right to be notified if the student misses school and the parent or guardian has not reported the absence to the school.

(h) Is responsible, if the student is to be home schooled, for requesting information concerning home schooling, notifying the school principal or principal's designee that the student will be home schooled, and withdrawing the student from the school in accordance with the school's withdrawal procedures.

**E. Potential Consequences Related To Non-Enrollment And Truancy Of Students.**

(1) The potential consequences for a student who does not attend school as required by law may include:

(a) Contacting the student's parent(s) or guardian(s) and to schedule a conference concerning the student's non-attendance.

(b) Implementing truancy interventions by the Student Service Team as required by law.

(c) Adverse grades and penalties for course work and class assignments.

(d) Suspension or denial of driving privileges if the student is between the ages of 14 and 18 years.

(e) The filing of a truancy petition in circuit court. If the court determines that the student missed any of the alleged days, the court may order the student to attend school and may order the student to participate in alternative classes and community service, crisis counseling, community mental health services, vocational/job training, and other appropriate activities.

(f) The filing of a Child In Need of Services (CINS) petition in circuit court.

(2) The potential consequences for a parent or guardian of a student may include:

(a) Criminal prosecution for non-compliance with compulsory school attendance laws.

(b) The filing of a truancy petition in Circuit Court. The Court may order the parent or guardian to ensure the student attends school and may order the parent or guardian to participate in parent aide services, services provided by community agencies, community mental health services, vocational, job training and employment services.

(c) The filing of a Child in Need of Service (CINS) petition and/or a Family In Need of Service (FINS) petition in Circuit Court.

## **F. Appeal and Hearing Procedures.**

1. **Appeals.** A parent, guardian, or student who has attained the age of 16 years (the "appealing party"), may appeal the decision of the principal or the Student Services Team relating to interventions, referrals, and decisions made in accordance with Sections D1. and D2. above.

(a) The appeal shall be initiated by the appealing party on **Form F**, and submitted to the Human Resources Director for an informal review. The Human Resources Director shall be the reviewing officer, and shall schedule a review to be held within ten school days of the receipt of the completed **Form F**. The person initiating the appeal shall be notified in writing of the date, time, and location of the review, the procedures to be followed in the review, and the

rights of the person to participate in the review. This notification shall be sent on **Form F**.

(b) Within five school days following the hearing, the reviewing officer shall submit a report of the review to the principal and to the appealing party. The report shall contain a brief statement of the issue appealed, a summary of the appealing party's presentation at the review, and the decision of the reviewing officer. The reviewing officer's decision shall either (1) affirm the original decision of the principal or the Student Services Team, or (2) recommend a modification of the original decision, and explain the modification recommended.

(c) The principal or the appealing party may appeal the decision of the reviewing officer to the Superintendent within five school days after receipt of the decision. Such appeal shall be in writing, shall contain a copy of the reviewing officer's decision, and shall contain the reasons for the appeal. The Superintendent shall, after reviewing the appeal documents submitted and making any inquiries deemed appropriate, render a determination either (1) upholding the decision of the reviewing officer or (2) reversing the decision of the reviewing officer and directing the principal to take such action as the Superintendent deems appropriate in the circumstances. The Superintendent's determination shall be made within five school days of receipt of the written appeal.

(d) The principal or appealing party may appeal the Superintendent's determination to the School Board. The School Board, through its recording secretary, shall schedule the appeal for hearing at a public meeting, and shall hear the appeal in accordance with its' established procedures. The decision of the School Board shall be final.

## **2. Driver's License Hardship Waiver Hearing.**

(a) Florida law provides, in part, that a student is not eligible for driving privileges unless that student is enrolled in a public school and satisfies relevant attendance requirements or has received a hardship waiver. The law also provides that the Department of Highway Safety and Motor Vehicles (DHSMV) may not issue a driver's license or learner's driver's license to, or shall suspend the driver's license or learner's driver's license of, any student concerning whom the department receives notification of noncompliance with the public school attendance requirements.

(b) DHSMV shall notify each student for whom the department has received notification of noncompliance with the school's attendance requirements, and the student's parent or guardian, of the department's intent to suspend the student's driving privileges. The student, or the parent or guardian of the student, has 15 calendar days after the date of receipt of this notice to provide proof of compliance with the school's attendance requirements as provided under subsection (1) or to request a hardship waiver hearing under subsection (2).

(1) **Verification Of Compliance And Reinstatement.** The school board, through the appropriate school principal, shall provide a student with written verification that the student is in compliance with the school's attendance requirements if the principal determines

that the student has been in compliance for 30 days prior to the request for verification of compliance. This written verification shall be on **Form J**. Upon receiving written verification that the student is in compliance with the school's attendance requirements, DHSMV shall reinstate the student's driving privilege

(2) Hardship Waiver and Appeal.

(a) A student, or the parent or guardian of a student, has 15 calendar days after the date of receipt of the notice of intent to suspend from DHSMV to request a hardship waiver hearing before the school principal or the principal's designee for the purpose of reviewing the pending suspension of driving privileges. The principal or principal's designee receiving the request shall notify the department of the request for a waiver hearing within 24 hours after receiving the request, and shall also notify the school board, through the office of the Superintendent, of the request for a waiver hearing. (Principals are responsible for ensuring the appropriate code is entered in the electronic database within 24 hours (work days only) of receiving the request. Educational Technology Services will electronically notify the DHSMV of a student's hearing request.) The hearing must be conducted within 30 calendar days after the principal or the principal's designee receives the request.

(b) The principal or the principal's designee, shall waive the attendance requirements provision of the driver's license law (subsection(1) of 322.091, Florida Statutes) for any student under the school's jurisdiction for whom a personal or family hardship requires that the student have a driver's license for his or her own, or the student's family's, employment or medical care. The student or the student's parent or guardian may present other evidence that indicates compliance with the requirements of the school attendance requirements at the waiver hearing. The principal or the principal's designee shall take into consideration the recommendations of teachers, other school officials, guidance counselors, or academic advisers before waiving the attendance requirements provision of subsection (1) of 322.091, Florida Statutes.

(c) The principal or the principal's designee shall notify DHSMV of the outcome of a student's hardship waiver hearing within 24 hours after conducting the hearing, and shall also notify the school board, through the office of the Superintendent, of the outcome of the hearing. (Principals are responsible for ensuring the appropriate code is entered in the electronic database within 24 hours (work days only) of the hearing's completion. Educational Technology Services will electronically notify the DHSMV of the outcome of the hearing.)

(3). Any person denied a hardship waiver by a principal or the principal's designee may appeal the decision to the school board through the office of the Superintendent. The school board shall notify DHSMV if the hardship waiver is subsequently granted.

**G. Related Forms**

1. Form A: Student Declaration Of Intent To Terminate School Enrollment.

2. Form B: Notice To Parent/Guardian Of Conference Or Referral.
3. Form C: Notice Of Rights And Responsibilities Regarding School Attendance.
4. Form D: Notice Of Potential Consequences For Non-Enrollment/Non-Attendance.
5. Form E: Notice Of Non-Enrollment.
6. Form F: Notice Of Appeal Of Decision Regarding Student.
7. Form G: CINS Habitual Truancy Referral.
8. Form H: Notice Of Filing Of Truancy Petition.
9. Form I: Notice Of Review Of Appeal.
10. Form J: Certification Of Attendance.

(Final Draft, 01.16.02)