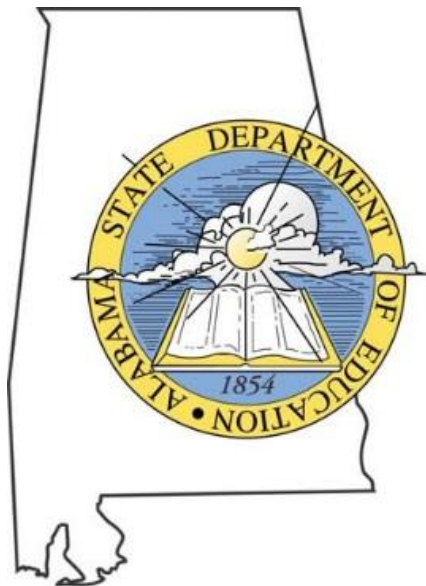


# **ALABAMA ATTENDANCE MANUAL**



**Revised 2015**

**Michael Sentance  
State Superintendent of Education**

**Alabama State Department of Education  
Prevention and Support Services Section  
Gordon Persons Building  
Montgomery, Alabama 36130-2101**

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## FOREWORD

Dynamic schools and school systems are anchored by student engagement. In order for a student to be engaged, he/she must attend school on a consistent basis. **PLAN 2020** sets forth support structures to assist schools in increasing student attendance. PLAN 2020 and applicable correspondence may be viewed on the state Web site, [www.alsde.edu](http://www.alsde.edu). This manual was revised by your colleagues across school districts and communities in Alabama to provide updated guidance to those at the school and system levels to ensure clear expectations for student attendance and reporting and supporting services/interventions that have a positive impact on attendance.

Student absenteeism continues to be one of the greatest barriers to a child's success in school. Working together to increase student attendance will result in enhanced academic achievement and increased Alabama graduates. Any manual is only as effective as those responsible for its implementation. Therefore, I challenge each of you to become knowledgeable of the information provided herein and to consistently enforce its contents with integrity.

Let's always remember that it is our duty to do what's right for students. Ensuring that Alabama's children are attending school daily will set our state on the course for continued success.

Michael Sentance  
State Superintendent of Education

# INTRODUCTION

The material presented in this publication is the first step in the development of local attendance policies and procedures. This manual represents an attempt to organize information from various sources such as state laws, State Board of Education policies, committee recommendations, and legal opinions of the Attorney General, interpretations of school laws by the State Superintendent of Education, and local education agency policies and procedures.

This **2015 Alabama Attendance Manual** provides suggested guidance for involving the role of the Attendance Officer/Supervisor as an integral component in this process. The manual also serves as a guide to facilitate student success by increasing awareness of the importance of attending school. Additionally, this document will assist the Attendance Officer/Supervisor: (1) to understand the role within the model of a comprehensive learning supports system and (2) to share relevant knowledge required to efficiently operate within the local education agency (LEA).

***Disclaimer: This material is primarily for reference. It should be complemented by local board policies and procedures. It does not substitute for the advice of local board counsel. Where statutes are cited, please refer to the full text for clarification. This manual does not address non-public schools, including private, church, parochial, and religious schools, offering educational instruction in grades k-12, as well as home-schooled students.***

***Authority: Alabama Act No: 2014-245***

## 2014-15 Attendance Committee

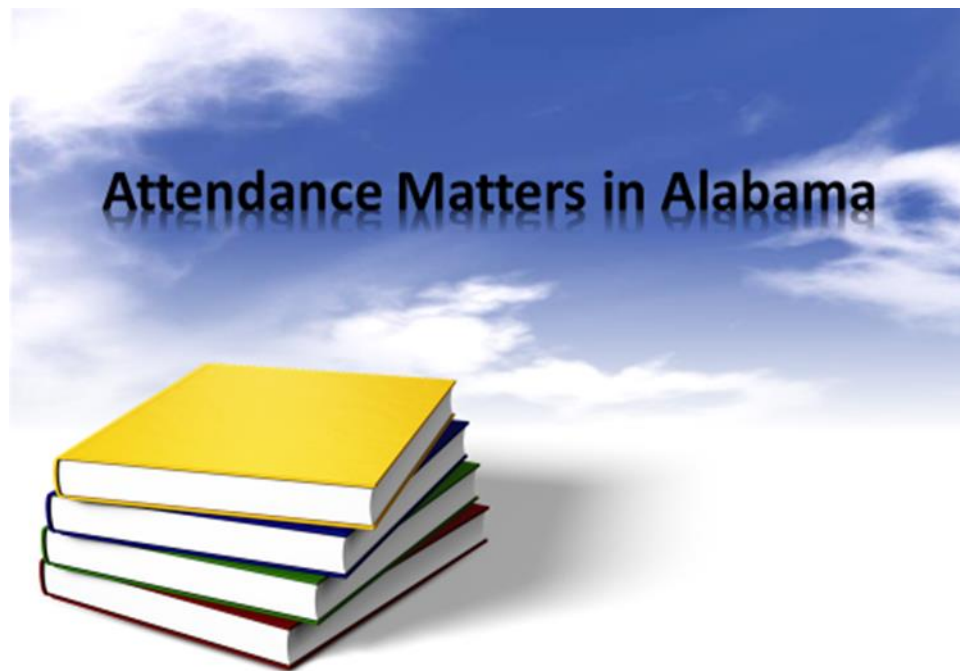
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Alabama State Department of Education, Philip C. Cleveland, Ed.D., Interim State Superintendent of Education

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"Attendance is to school what rebounding is to basketball – it is hard work, requires effort and persistence, and it often goes unrewarded and unrecognized, but schools can't be successful without it."

Mel Riddile, NASSP

## ATTENDANCE

Attendance is often a key barometer of a student's connection with schooling. The majority of students who eventually drop out first stop attending school on a regular basis. In the year before dropping out, it is common for students to attend school less than 70 percent of the time. Many times chronic attendance problems start in elementary school and a pattern of non-compliant behavior begins.

Research shows that attendance is eight times more predictive of failure than prior test scores. It has clearly been identified through data analysis that attendance is a major, if not the biggest, factor impacting our students academically and behaviorally. The *Juvenile Justice Act of 2008* requires educators to align and monitor appropriate interventions before processing a student through the court system. Interventions such as the Pre-Early Warning Conference and The Parent Project (refer to Appendix A) have proven to support student success.

The Attendance Officer is an integral member of the Response to Intervention (RtI) infrastructure designed for all Alabama schools in support of student success. This process that involves a “problem solving team” allows the Attendance Officer an opportunity to share pertinent information about identified students at risk of school failure due to poor attendance.

### **NINTH-GRADE ABSENCES DRAMATICALLY REDUCE GRADUATION RATES**

ABSENCES	CHANCE OF GRADUATING ON TIME
0-4	87%
5-9	63%
10-14	41%
15-19	21%
20-24	9%
25-29	5%
30-34	2%
35-40	1%

This chart correlates for ninth-grade students the number of student absences on the left side with the percent of chance they will graduate on time shown on the right side. This data was compiled by the Johns Hopkins University, Everyone Graduates Center. After presenting this information at a student seminar, it was reported that as the students were returning to the buses, one student said, "I never thought about how being absent from school may have an influence on me not graduating in four years." Hearing and seeing the information in print provides a concrete awareness for students and parents as they make responsible decisions.

Attendance and the connection to truancy are major components for a public awareness campaign as students and parents usually do not see the impact of excessive absences until it has a cumulative NEGATIVE impact. Remembering that poor attendance is a symptom of a problem emphasizes the fact that attendance is often the key indicator to warrant immediate and appropriate interventions.

The Alabama Graduation Tracking System (AGTS) was designed to assist in addressing these issues early in a systematic, directive, and timely manner. The Six Step Implementation Process Manual for this early warning system is free to every school system in Alabama. Refer to Appendix B, Introduction/Implementation Process for the K12 Graduation Tracking System, and at [www.alsde.edu](http://www.alsde.edu), Learning Supports, Prevention and Support Services Section.

## **THE SYSTEM/SCHOOL ATTENDANCE OFFICER**

The System/School Attendance Officer is a vital member of the education community and the entire process for supporting students attending school. Each school system in Alabama is required to employ at least one Attendance Officer whose responsibility is to secure the enrollment and attendance of all mandatory school-age children within his/her attendance district. Due to the size of some systems, the Attendance Officer may also hold additional duties within the school system. *Ala. Code§16-28-19(1975)*

In performing duties as described in the *Ala. Code*, Attendance Officers must investigate all reported cases of non-enrollment or non-attendance. When there is no valid reason for the non-enrollment or non-attendance, the Attendance Officer shall give the parent, guardian, or other person having charge or control of the child written notice requiring attendance of the child within three (3) days from the notice date. He/she is further required to bring criminal prosecution against the parent, guardian, or other person in those cases found to be without reason. *Ala. Code§16-28-16(1975)*

Finally, the Attendance Officer may take any school-age child into custody when the child is found away from home during school hours and not in the custody of the person having charge or control of the child. *Ala. Code§16-28-17(1975)*

Attendance Officers are required to keep accurate records of all notices served, cases prosecuted, and services performed. An annual report is to be made to the local board of education for which the Attendance Officer is employed. *Ala. Code§16-28-18(1975)*

It is highly encouraged/recommended that the Attendance Officer participate in regional attendance district meetings and attend the Alabama Association of Prevention and Support Services (AAPASS) annual conference. The sharing of best practices, and concerns at the local/regional/state levels support a strong network of professional opportunities for staff development and professional growth. Refer to the CLAS Web site for regional attendance district maps and contact information for AAPASS. Refer to Appendix C, Recommended Role of the Attendance Officer and Timeline of Responsibilities.

## **RECOMMENDED TIMELINE OF RESPONSIBILITIES**

### **JULY/AUGUST---Before the First Day of School**

- Secure a copy of the Alabama State Department of Education Attendance Manual and the Student Management System Data Code Manual and Users Guide.
- Secure a copy of the School's Continuous Improvement Plan/ASSIST.



- Secure a copy of the Student Handbook and System Code of Conduct.
- Know school system policy and procedures for attendance and Early Warning.
- Know the school system policy and procedure for credit recovery, summer school, and making up courses.
- Know the school system Promotion/Retention policy.
- Prepare and send a newspaper article or other type of media to bring awareness to the importance of attendance and be sure to outline the academic and economic consequences.
- Secure passwords and login information needed for INOW and INFOCUS access.
- Determine on the AAPASS state map which regional attendance district the LEA is assigned by checking “CLAS” Web site.
- Request or secure a projected calendar of AAPASS meeting dates.
- Know how to access GTS and generate needed reports from INOW such as attendance, comprehensive progress reports, student demographic information, and report cards.
- Be knowledgeable and acquire a list of resources available to assist school leaders, teachers, and parents with student attendance.
- Acquire the names and contact information of the school level personnel who oversee attendance at the schools.
- Review memorandum in the State Superintendent’s Corner on the state Web site for new information.
- Conduct training with school level attendance personnel on state and local attendance policies and procedures. Emphasize effective interventions prior to the official Early Warning Process to reduce truancy.
- Collaborate with local schools about implementing an incentive program at each school to recognize and encourage student attendance.

### **AUGUST/SEPTEMBER---After First Day of School**

- Ensure that an article regarding the data improvement and attendance rates is in the school bulletin, local newspaper, or Web site.
- Obtain the names and contact information of the Problem Solving Team leaders at each local school.
- Distribute schedule of Early Warning meeting dates, time, location, and expectations of first outcome.
- Review memorandum in the State Superintendent’s Corner on the state Web site for new information.
- Obtain a list of area social agencies and community organizations that support and assist the school system and schools’ achievement and attendance.

### **SEPTEMBER/MAY**

- Use INOW and INFOCUS to research individual students.

- Discuss individual students and possible interventions with the Problem Solving Team at the schools.
- Provide school RTI leadership with possible interventions and resources for students to be implemented as part of a student tiered instruction plan.
- Maintain documentation for Early Warning and Attendance program.
- Monthly radio/newspaper announcements about importance of attendance.
- Implement incentive programs at each school to recognize students, even most improved, and encourage student attendance.
- Review Memorandum in the State Superintendent's Corner on the state website for new information.
- Build relationships with the faculty at the local schools and with community agencies/leaders.
- Provide follow up to local schools on students involved in Early Warning process and Court petitions.
- Participate in regional attendance meetings and attend annual conferences for AAPASS.
- Submit to ALSDE best practices for increasing attendance rate. Refer to Appendix D, Best Practice Template.

#### A. EMPLOYMENT OF ATTENDANCE OFFICERS

The county board of education shall arrange the county, exclusive of cities, into one or more attendance systems and said board shall appoint an attendance officer for every system created and the board of education of each city having a city board of education shall appoint one or more attendance officers. City and county boards of education and county commissioners may jointly employ any person or persons to serve as an attendance officer.

*Authority: Ala. Code §16-28-19(1975)*

The Interagency Committee on Youth Truancy Task Force recommended the following ratio of attendance officers to students:

<b>Enrollment</b>	<b>Number of Attendance Officers</b>
Less than 5,000 students .....	One half-time attendance officer
5,000 students .....	One full-time attendance officer
5,000 + students .....	One additional attendance officer for each 5,000 students and multiples thereof

**NOTE:** The Alabama Association for Prevention, Attendance, and Support Services (AAPASS) recommends this guideline be followed consistently by all local education agencies of the state of Alabama.

**B. CERTIFICATE REQUIRED**

No person shall be employed in the public schools of the state as an attendance officer unless such person holds a certificate issued by the State Superintendent of Education.

*Authority: Ala. Code § 16-23-1(1975)*

**C. COMPENSATION**

Attendance officers shall be paid as other employees of the board of education, but no attendance officer shall receive any compensation until he shall have filed reports as required by the State Board of Education and by the local board of education employing him.

*Authority: Ala. Code § 16-28-20(1975)*

**D. ANNUAL REPORT REQUIRED**

The attendance office/officer shall keep an accurate record of all notices served, all cases prosecuted and all other services performed and shall make an annual report of the same to the county board of education or to the city board of education by whom he/she is employed

*Authority: Ala. Code § 16-28-18(1975)*

# **SCHOOL CALENDAR/ SCHOOL DAY**

## **GENERAL PROVISIONS/DEFINITIONS/SCHOOL CALENDAR/SCHOOL DAY**

### **A. SCHOLASTIC DAY**

The scholastic day shall not be less than six hours of actual teaching, exclusive of all recesses or intermission periods unless otherwise ordered by the county or city board of education. County and city boards of education and the Alabama Institute for Deaf and Blind shall be required to provide each teacher employed a minimum of 30 minutes of time free of instructional or supervisory responsibilities each teaching day. This provision shall not be interpreted to deprive any teacher of benefits exceeding the minimum requirements of this act.

*Authority: Ala. Code §16-1-1(1975)*

### **B. SCHOLASTIC WEEK**

The scholastic week shall consist of five school days each week.

*Authority: Ala. Code §16-1-1(1975)*

### **C. SCHOLASTIC MONTH**

The scholastic month shall constitute 20 school days.

*Authority: Ala. Code §16-1-1(1975)*

### **D. SCHOLASTIC YEAR**

The scholastic year shall begin with the 1st day of July and end with the 30th day of June each year.

*Authority: Ala. Code §16-1-1(1975)*

NOTE: Under the provisions set forth in the Alabama Accountability Act of 2013, a local school system may pursue a flexibility contract with the State Department of Education to waive the parameters noted in Items A-D.

*Authority: Ala. Code §16-6D-4(1975) through §16-6D-6(1975)*

### **E. FISCAL YEAR**

The fiscal year is from October 1 to September 30, inclusive.

*Authority: Ala. Code §16-1-1(1975) and §16-13-1(1975)*

### **F. SCHOOL TERM**

The local board of education shall provide a school term of at least 180 full instructional days or the hourly equivalent of no less than 1,080 instructional hours.

*Authority: Ala. Code §16-13-231(1975) as  
amended by Alabama Act No: 2015-430  
Alabama Administrative Code 290-3-1-.02(2)(a)(1)*

## **FULL-DAY ATTENDANCE**

### **A. FULL-DAY ATTENDANCE REQUIRED**

Generally, all students are to remain in school for the full instructional day.

*Authority: State Superintendent of Education  
Interpretation, August 24, 1989*

### **B. FULL-DAY ATTENDANCE EXCEPTIONS**

1. A student shall remain in school for the full scholastic day except when the student is earning high school or college credit through cooperative education, clinical experiences, college-level course work, or through cooperative arrangements with a postsecondary institution.
2. Exceptions may be granted for students enrolled in bona fide career technical programs and for students enrolled in college-level course work through cooperative arrangements between the high school and postsecondary institution. This exception includes students who are IDEA eligible and/or 504 protected if coordinated through the high school as a part of the student's educational program.
3. A fifth-year senior or a student eligible to graduate during the current scholastic year may attend only the number of class periods necessary to take the courses needed to complete requirements for his/her diploma, but must have the approval of the local board of education. [Special circumstances may warrant a special schedule with principal approval. *Authority: Alabama Administrative Code 290-3-1-.02(8.1)*]
4. The local board may establish a policy to grant exceptions in extreme situations or hardship.

*Authority: State Superintendent of Education  
Interpretation, August 24, 1989*



# **ADMISSION TO PUBLIC SCHOOL**

## ADMISSION TO PUBLIC SCHOOL

### A. ENTRANCE

#### 1. ADMISSION

Admission to public school shall be on an individual basis on the application of the parents, legal custodian, or guardian of the child to the local board of education at the beginning of each school year, under such rules and regulations as the board may prescribe.

*Authority: Ala. Code §16-28-3(1975)*

#### 2. ATTENDANCE ZONES/DISTRICTS

The county or city superintendent shall recommend a plan for identifying local attendance districts and shall submit this plan for approval and adoption by the county or city board of education. Students shall be assigned to the schools within the attendance district according to local board policies, court order or applicable state laws, and/or State Board of Education mandates.

*Authority: Ala. Code §§16-9-17(1975), 16-28-19(1975), 16-8-34(1975)*

### B. AGE

#### 1. 1. REQUIRED TO ATTEND

Every child between the ages of six and 17 years shall be required to attend a public school, private school, church school, or be instructed by a competent private tutor. Admission to public school shall be on an individual basis on the application of the parents, legal custodian, or guardian of the child to the local board of education at the beginning of each school year, under such rules and regulations as the board may prescribe. The parent, legal custodian, or guardian of a child who is six years of age, may opt out of enrolling their child in school at the age of six years by notifying the local school board of education, in writing that the child will not be enrolled in school until he or she is seven years of age.

*Authority: Ala. Code §16-28-1, §16-28-3 and §16-28-7(1975)  
as amended by Alabama Act No: 2014-245*

#### 2. MINIMUM AGE FOR ADMISSION

a. Beginning with the 2016-2017 school year, Act 2016-297 entitles a child to turn **six years old on or before December 31 to start first grade**. This extends the timeframe from the current date of on or before September 1 **for first grade only** – it does **NOT** extend the timeframe for enrollment in kindergarten.

*Authority: Act 2016-297 (HB168)*



- b. A child whose sixth birthday falls on or before February 2, with the approval of the local board of education, be admitted at the beginning of the second semester in school systems having semiannual promotions of pupils.

*Authority: Ala. Code §16-28-4(1975)*

- c. A child whose fifth birthday falls on or before September 1 (2)\* or the date on which school begins in the enrolling district is entitled to admission to the Kindergarten program at the beginning of the school year or as soon as practicable thereafter.

*Authority: Ala. Code §16-28-4(1975)*  
*Interpretation based on \*Report of*  
*Attorney General of Alabama*  
*October-December 1963,*  
*Volume 113, page 20*

- d. Kindergarten or Grade 1 students who were enrolled in an Alabama private school, church school, or were being tutored in accordance with the *Ala. Code (1975)* and who seek admission to Kindergarten or Grade 1 in the public schools must meet the age requirements for admittance.

*Authority: Ala. Code §16-28-4(1975)*

\*An opinion of the Attorney General states in effect that under the common law one's age is computed by including the day of birth so that a given age is attained the day before the birthday anniversary.

### 3. AGE REQUIREMENTS-KINDERGARTEN AND GRADE 1 OUT-OF-STATE TRANSFERS

- a. An underage child who transfers from the first grade of a school in another state may be admitted, but must have the approval of the local board of education.

*Authority: Ala. Code §16-28-4(1975)*

- b. An underage child who has moved into this state and has completed a mandated kindergarten program in another state shall be entitled to admission to the public elementary school regardless of age.

*Authority: Ala. Code §16-28-4(1975)*

- c. An underage child who transfers to Alabama from the public school Kindergarten in another state may be admitted, but must have prior approval of the local board of education.

*Authority: Ala. Code §16-28-4(1975)*

- d. The age requirements apply to the provision of special education and related services for preschool children with disabilities by the child's third birth date. Public agencies may not use school admission cutoff dates to deny special education services for eligible preschool children. However, these children may not attend the regular kindergarten program, unless they meet the age requirements.

*Authority: Alabama Administrative Code: 290-8-9-.04(3(a))*

#### 4. THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT

The McKinney-Vento program is designed to address the problems that homeless children and youth face in enrolling, attending, and succeeding in school. Under this program, State Education Agencies (SEAs) must ensure that each homeless child and youth has equal access to the same free, appropriate public education, including a public preschool education, as other children and youth. Homeless children and youth should have access to educational and other services they need to enable them to meet the same challenging State student academic achievement standards to which all students are held. In addition, homeless students may not be separated from the school environment. States and districts are required to review and undertake steps to revise laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youth.

This federal law ensures that the educational needs of homeless children and youth are met through immediate enrollment, comparable services, and supplemental services. All homeless children and youth must have equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths and afforded the opportunity to meet the same challenging state student academic achievement standards to which all students are held.

*Authority: McKinney-Vento Homeless Assistance Act 42 U.S.C 11431 et seq.  
Alabama Administrative Code 290-3-1-.02(7(c) through 290-3-1-.02(7)(i)(iv)*

#### C. DOCUMENTATION REQUIRED FOR ADMISSION

##### 1. IMMUNIZATION CERTIFICATES/MEDICAL OR RELIGIOUS EXEMPTION

The boards of education shall require each pupil otherwise entitled to admittance into an Alabama public school to present a certificate of immunization, medical or religious exemption upon initial entrance into school.

*Authority: Ala. Code §16-30-3 and -4(1975)*

##### 2. SOCIAL SECURITY NUMBER/TEMPORARY NUMBER

a. Each child enrolled in an Alabama public school Grades Kindergarten through Grade 12 shall have a social security number and a valid social security card which shall be presented to school official(s) at the time of pre-registration/registration for verification and returned to child/parent/guardian/custodian. For each person who is otherwise entitled to admittance but does not have a social security number, the local superintendent or agency shall assign a temporary number in accordance with the directions as specified by the Alabama State Department of Education.

- (1) A student may not be denied registration who does not have a social security number or who has not completed an application. Every effort should be made to get each student's social security number.
- (2) A copy of the social security card is not required. It is sufficient to verify the card, copy the number onto a registration form, and put in the permanent record when a parent/and or guardian does not want the card copied.
- (3) A temporary number should be assigned to students whose parents and/or guardians object to releasing such information. This number is valid for ten

years or until the student exits the local system. A new number should be assigned upon entering the new system or the tenth year.

b. The temporary identification number shall be uniquely assigned as follows:

- (1) Must be nine numeric digits (the same number of digits as the social security number).
- (2) Reading left to right, position 1 must be a 9.
- (3) Position 2 must be the last digit of the calendar year; for example, this is 2008 and, therefore, position 2 is 8.
- (4) Positions 3, 4, and 5 represent the unique 3-digit system number assigned by the State Department of Education; for example, Montgomery County is 051 and Huntsville City is 159.
- (5) Positions 6, 7, 8, and 9 represent a sequential number beginning with 0001 each January 1. This allows 9,999 temporary numbers to be assigned each year by each local education agency.

*Authority: Alabama Administrative Code 290-3-1-.02(4) (b) (2)*  
*State Superintendent of Education Interpretation, Memorandum, June 26, 2014*

### 3. PROOF OF AGE: KINDERGARTEN AND GRADE 1

The local board may prescribe reasonable rules and regulations governing the admission to public schools of a child. A local board may promulgate a rule which requires a parent to present a birth certificate as a pre-condition to the child being admitted to the school. A school may not refuse to admit a child merely because a parent is unable to obtain a birth certificate. If it is determined that a child does not have a birth certificate or such certificate cannot easily be obtained in time for the child to be admitted to school at the normal time, the school may accept other evidence of proof of the age of the child such as a sworn affidavit from the parent. In short, a school may require proof of a child's age to be made in a reasonable manner, but may not use the inability of the parent to obtain a birth certificate as a reason for excluding a child from attendance at school.

*Authority: State Superintendent of Education Interpretation, August 31, 1993*

### 4. ADDITIONAL REQUIREMENTS

Additional documentation required by local education agencies for school entrance should be clearly and concisely delineated.

### 5. READMISSION

If a person is found to have violated the local board of education policies concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, the person may not be readmitted to the public schools until any criminal charges or offenses arising from the conduct have been disposed of by appropriate authorities and the person has satisfied all other requirements imposed by the local school system as a condition for readmission.

*Authority: Ala. Code §16-1-24.1(c) (1975)*

Any person determined to be guilty of an offense involving drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person may be readmitted to the

public schools of this state upon such conditions as the local board of education shall prescribe for preservation of the safety or security of students and employees of the local school board, which may include, but are not limited to, psychiatric or psychological evaluation and counseling.

*Authority: Ala. Code §16-1-24.1(d) (1975)*

## **ALTERNATIVE EDUCATION PROGRAMS**

### **A. PLACEMENT**

#### **1. NOTICE BY THE COURT**

- a. Notwithstanding subsection (a) of Section 12-15-133, written notice that a child enrolled in a school, Kindergarten to Grade 12, has been found delinquent of an act which if committed by an adult would be a Class A or B felony or any other crime, at the discretion of the juvenile court, shall be provided within seven days to the superintendent of the school district of attendance, or, if the child attends a private school, to the principal of the school. The juvenile court shall provide the notice using whatever method it deems appropriate or otherwise as decided by the Administrative Office of Courts. The prosecutor may recommend to the juvenile court that notice be given to the school for any delinquent act. Written notice shall include only the offenses, enumerated by the appropriate code section and brief description, found to have been committed by the child and the disposition of the case involving the child. Where applicable, this notice shall be expeditiously transmitted by the district superintendent to the principal at the school of attendance. The principal shall disseminate the information to those counselors directly supervising or reporting on the behavior or progress of the child. In addition, the principal may disseminate the information to any teacher, administrator, or other school employee directly supervising or reporting on the behavior or progress of the child whom the principal believes needs the information to work with the pupil in appropriate fashion or to protect other students and staff.

*Authority: Ala. Code §12-15-217(1975)*

#### **2. BY THE SCHOOL SYSTEM**

- a. Any city, county, or other local public school board shall, consistent with §16-28-12, prescribe rules and regulations with respect to behavior and discipline of pupils enrolled in the schools under its jurisdiction and, in order to enforce such rules and regulations, may remove, isolate, or separate pupils whose presence in the class may be detrimental to the best interest and welfare of the pupils of such class as a whole.

*Authority: Ala. Code § 16-1-14(1975)*

- b. A local board of education may prescribe special courses in citizenship, health, morals, or any other subject it may consider necessary to meet the needs of special groups of pupils and may prescribe individual tutoring, counseling, or group instruction and may assign special teachers and special classrooms or other places for such purposes and may schedule such courses either during or after regular school hours or at any time administratively feasible.

*Authority: Ala. Code § 16-1-16(1975)*

### **B. READMISSION TO SCHOOL**

## 1. AFTER COMPLETION OF SENTENCE

Any person determined to be guilty of an offense involving drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person may be readmitted to the public schools of this state upon such conditions as the local board of education shall prescribe for preservation of the safety or security of students and employees of the local school board, which may include, but are not limited to, psychiatric or psychological evaluation and counseling.

*Authority: Ala. Code §16-1-24.1(d) (1975)*

## 2. AFTER CONVICTION, BUT NOT SENTENCED TO IMPRISONMENT

Prior to the enactment of the *Alabama Juvenile Justice Act of 2008*, the *Ala. Code*, 1975, required that several broad categories of children be placed in alternative schools by operation of law. See *Ala. Code*, 1975, § 12-15-71(k) – (o) (2008). The 2008 Act deleted those sections, thereby restoring the discretion of local school boards to determine the appropriate educational setting and placement of students on an individualized basis, as required by federal law. See 20 U.S.C. §1414(d) (2008); 20 U.S.C. §1412(a)(5)(B) (2008).

*Authority: Ala. Code §12-15-215(1975)*

## C. STUDENT RECEIVING SPECIAL EDUCATION SERVICES

The decision to assign a student to an alternative school shall include a review and consideration of the exceptional status pursuant to *Ala. Code (1975), Title 16, Chapter 39* if applicable, and any appropriate federal and state statutory and case law.

Nothing in these rules prohibits an agency from reporting an alleged crime committed by a child with a disability to appropriate authorities or prevents State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a child with a disability.

*Authority: Alabama Administrative Code: 290-8-9-.09 (6) (a)*

School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:

1. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the SEA or an LEA,
2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the SEA or an LEA, or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the SEA or an LEA. Refer to Appendix E, *Ala. Code 290-8-9-.09*.

# **EXCLUSION FROM PUBLIC SCHOOL**

## **SCHOOL EXCLUSION**

The following children, when issued certificates of exemption by the county superintendent of education, where they reside in territory under the control and supervision of the county board of education, or the city superintendent of schools, where they reside in territory under the control and supervision of a city board of education, shall not be required to attend a public school:

### **A. COMPLETED COURSE OF STUDY THROUGH HIGH SCHOOL**

Children who have completed the course of study of the public schools through high school shall not be required to attend school or to be instructed by a private tutor.

*Authority: Ala. Code §16-28-6(1975)*

### **B. LEGALLY EMPLOYED**

Children who are legally and regularly employed under the provisions of the child labor laws shall not be required to attend school or to be instructed by a private tutor.

*Authority: Ala. Code §16-28-6(1975)*

### **C. INSTRUCTED BY PRIVATE TUTOR**

Children being instructed by a private tutor meeting the requirements as specified in the *Ala. Code (1975)* and any applicable State Board policies shall not be required to attend public or private schools.

*Authority: Ala. Code §16-28-5(1975)*

### **D. VIOLATION OF POLICIES RELATED TO DRUGS, ALCOHOL, WEAPONS, PHYSICAL HARM OR THREATENED HARM**

The principal shall notify appropriate law enforcement officials when any person violates local board of education policies concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person . . . . If that person is a student enrolled in any public school . . . the local school system shall immediately suspend that person from attending regular classes and schedule a hearing at the earliest possible date, which shall not be later than five school days. The decision to suspend or initiate criminal charges . . . shall include a review and consideration of the student's exceptional status, if applicable, under Chapter 39, or appropriate federal statutory or case law.

*Authority: Ala. Code §16-1-24.1, 16-1-24.3(1975) Alabama Administrative Code 290-8-9-.09*

### **E. PRESENCE OF COMMUNICABLE OR CONTAGIOUS DISEASE**

The county or city board of education, upon receipt of a report from the medical officer, may suspend said child from attendance of any public school if said medical examiner is of the opinion that said communicable or contagious disease or any other disease will endanger the health of the child attending school.

*Authority: Ala. Code §16-29-1(1975)*



## F. SUSPENDED OR EXPELLED

- Students who have been suspended or expelled in accordance with established due process procedures may be excluded from school. Exceptional status requires a review of any applicable federal and state laws, case laws, and State Board of Education policies.

*Authority: Ala. Code §16-1-14(1975)*

- Students who, after due process has been accorded, have been found to have brought a firearm to school or have in their possession a firearm in a school building, on school grounds, on school buses, or at any other school-sponsored functions shall be expelled for a period of not less than one year (subject to a case-by-case exception).

*Authority: Ala. Code §16-1-24.3(1975) United States Department of Education Title 18, U.S.C., §921, October 31, 1995*

- Students may not be deprived of an equal and adequate education resulting from the removal, isolation, or separation of the student for disciplinary problems.

*Authority: Ala. Code §16-1-14(1975)*

- Students suspended long term or who are IDEA eligible may be expelled but may not have services discontinued.

*Authority: Alabama Administrative Code 290-8-9-.09*

- A local board of education may permit any pupil to carry a pocket pager, cellular telephone, or other electronic communication device while on school property and may permit any pupil to use a pocket pager, cellular telephone, or other electronic communication device, which such use is expressly and specifically permitted by the school administrator, teacher, or employee who is acting in a supervisory capacity at the time of the use.

Any pupil found in violation of this section shall be subject to suspension by the board of education.

Each local board of education may adopt a local policy that pertains to pocket pagers, cellular telephones, and other electronic communication devices.

*Authority: Ala. Code §16-1-27(1975)*

- Students who violate local board of education policies concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person shall immediately be suspended from attending regular classes and shall be given a hearing not later than five school days. The decision to suspend a student shall include a review and consideration of the student's exceptional status, if applicable, under *Ala. Code (1975), Title 16, Chapter 39*, or appropriate federal statutory or case law.

*Authority: Ala. Code §16-1-24.1, 16-1-24.3(1975) Alabama Administrative Code 290-8-9-.09*

**Note:** This form is **not required** by the Alabama State Department of Education. However, it is an example of the type of information that may be needed prior to granting school exemptions.

SAMPLE

REQUEST FOR SCHOOL EXEMPTION

School System \_\_\_\_\_ Date \_\_\_\_\_

To be completed by principal:

School \_\_\_\_\_ Grade \_\_\_\_\_

Name \_\_\_\_\_ Sex \_\_\_\_\_

Birthdate \_\_\_\_\_ Age \_\_\_\_\_

Parents or  
Guardian \_\_\_\_\_ Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

Date Enrolled \_\_\_\_\_ Days Present \_\_\_\_\_

Days Absent \_\_\_\_\_

REASON FOR REQUEST:

To be completed by Attendance Worker:

VERIFICATION:

\_\_\_\_\_  
Principal

Attendance Officer

Superintendent/Designee

**SAMPLE**

**SCHOOL SYSTEM WITHDRAWAL FORM**

Today's Date: \_\_\_\_\_ Withdrawal Date (if not the same): \_\_\_\_\_

Student's Full Name: \_\_\_\_\_ Grade Enrolled: \_\_\_\_\_

Current Address: \_\_\_\_\_

Parent/Guardian's Signature: \_\_\_\_\_

**REASON FOR WITHDRAWAL**

Providing the following information is strictly voluntary; but appreciated as it supports an accurate account of our students. Thank you and best of luck.

Please check:

\_\_\_\_\_ Non-public/Private school

\_\_\_\_\_ Church school

\_\_\_\_\_ Homeschool

\_\_\_\_\_ Out-of-state move

\_\_\_\_\_ Other \_\_\_\_\_

\*Students 17 years of age must engage in the Student Exit Interview and Process.

# **PRIVATE TUTORS**

# PRIVATE TUTORS

## A. DEFINITION/REQUIREMENTS

A private tutor means and includes only instruction by a person who holds a certificate issued by the State Superintendent of Education and who offers instruction in the several branches of study required to be taught in the public schools of this state, for at least three hours a day for 140 days each calendar year, between the hours of 8 a.m. and 4 p.m., and who uses the English language in giving instruction.

*Authority: Ala. Code §16-28-5(1975)*

## B. ENROLLMENT AND REPORTING

1. A private tutor shall, prior to beginning the instruction, file with the county or city superintendent of education, where his place of instruction is in territory under the control and supervision of a county board, or the city superintendent of schools, where his place of instruction is in territory under the city board of education, a statement showing the child or children to be instructed, the subjects to be taught and the period of time such instruction is proposed to be given.

*Authority: Ala. Code §16-28-5(1975)*

2. A private tutor shall keep a register of work, showing daily the hours used for instruction and the presence or absence of any child being instructed.

*Authority: Ala. Code §16-28-5(1975)*

3. A private tutor shall report at least weekly the names and addresses of all children of mandatory school attendance age who were absent without being excused or whose absence was not satisfactorily explained.

*Authority: Ala. Code §16-28-7(1975)*

4. A private tutor shall make such reports as the State Board of Education may require.

*Authority: Ala. Code §16-28-5(1975)*



## C. SUGGESTED FORM FOR STUDENTS INSTRUCTED BY A PRIVATE TUTOR

### SAMPLE

System \_\_\_\_\_ Name of Child's Previous School \_\_\_\_\_

Full Name of the Private Tutor \_\_\_\_\_

Alabama Professional Educator Certificate Number \_\_\_\_\_

Elementary \_\_\_\_\_ Secondary \_\_\_\_\_

Name, age, and grade of the student(s) who will receive instruction:

Name	Age	Grade
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

State the time of day the student(s) will receive instruction: From \_\_\_\_\_ To \_\_\_\_\_

On what days of the week: Mon. Tue. \_\_\_ Wed. \_\_\_ Thur. Fri. \_\_\_

How many days per year? \_\_\_\_\_ THE TUTOR MUST: (1) Keep a daily lesson plan.  
(2) Keep a register of attendance.

Should child or children cease to receive instruction from the tutor, the parent must notify the local superintendent for placement in a school.

\_\_\_\_\_  
Name of Parent (Please Print)

\_\_\_\_\_  
Name of Superintendent (Please Print)

\_\_\_\_\_  
Signature of Parent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Superintendent

\_\_\_\_\_  
Date

# **NON-ENROLLMENT**

## **NON-ENROLLMENT**

### **A. LIST OF STUDENTS**

The county or city superintendent shall upon the receipt of the report from teachers and private tutors showing the enrollment of children of mandatory school attendance age, compare and study reports with the list which has been compiled of the children who should attend each school and ascertain what children required to attend school are not enrolled.

*Authority: Ala. Code §16-28-11(1975)*

### **B. HOW LIST PREPARED**

The information required for making lists of children of the compulsory attendance ages shall be prepared by county and city superintendents of education with the assistance of attendance officers.

*Authority: Ala. Code §16-28-10(1975)*

### **C. INVESTIGATION REQUIRED**

It shall be the duty of the county superintendent of education or the city superintendent of schools, as the case may be, to require the attendance officer to investigate all cases of non-enrollment.

*Authority: Ala. Code §16-28-16(1975)*

### **D. CRIMINAL PROSECUTION**

1. In the event the investigation discloses that the non-enrollment was without valid excuse or good reason and intentional, the attendance officer shall be required to bring criminal prosecution against the parent, guardian, or other person having control of the child.

*Authority: Ala. Code §16-28-16(1975)*

2. Where no valid reason for non-enrollment is found, the attendance officer shall give a written notice to the parent, guardian, or other person having control of the child. Where the parent, guardian, or person in charge or control of the child is not at his or her regular residence, the attendance officer may leave the written notice with a person over 12 years of age residing at the usual place of residence, with instructions to hand the notice to the parent, guardian, or other person having control of the child.

*Authority: Ala. Code §16-28-16 (1975)*

3. Each child who is enrolled in a public school shall be subject to the attendance and truancy provisions of this article except that any parent or parents, guardian or guardians who voluntarily enrolls their child in public school, who feel that it is in the best interest of that child shall have the right to withdraw the child at any time prior to the current



minimum compulsory attendance age.

*Authority: Ala. Code §16-28-16(b) (1975)*

4. Prosecution may be begun by the local superintendent, an attendance officer, the principal teacher, the private tutor, the probation officer or a duly authorized agent of the State Superintendent of Education or the Department of Human Resources.

*Authority: Ala. Code §16-28-22(1975)*



# **NON-ATTENDANCE**

## **NON-ATTENDANCE**

### **A. ATTENDANCE REQUIRED**

Every child between the ages of six and 17 years shall be required to attend a public school, private school, church school, or be instructed by a competent private tutor for the entire length of the school term in every scholastic year except that, prior to attaining his or her 16th birthday every child attending a church school as defined in Section 16-28-1 is exempt from the requirements of this section, provided such child complies with enrollment and reporting procedure specified in Section 16-28-7. Admission to public school shall be on an individual basis on the application of the parents, legal custodian, or guardian of the child to the local board of education at the beginning of each school year, under such rules and regulations as the board may prescribe. The parent, legal custodian, or guardian of a child who is six years of age, may opt out of enrolling their child in school at the age of six years by notifying the local school board of education, in writing that the child will not be enrolled in school until he or she is seven years of age.

*Authority: Ala. Code §16-28-3(1975)*

### **B. ABSENCES**

#### **1. EXPLANATION REQUIRED**

- a. Every parent, guardian, or other person having control or charge of any child required to attend public school, private school, or church school, shall as soon as practical explain the cause of any absence of the child under his control or charge which was without permission of the teacher.

*Authority: Ala. Code §16-28-15(1975)*

- b. Failure to furnish such explanation shall be admissible as evidence of such child being a truant with the consent and connivance of the person in control or charge of the child, unless such person can show to the reasonable satisfaction of the court that he had no knowledge of such absence and that he had been diligent in his efforts to secure the attendance of such child.

*Authority: Ala. Code §16-28-15(1975)*

- c. A good cause or valid excuse, as used in this section, exists when on account of sickness or other condition attendance was impossible or entirely inadvisable or impracticable or when, by virtue of the extraordinary circumstances, the absence is generally recognized as excusable.

*Authority: Ala. Code §16-28-13(1975)*

#### **2. EXAMPLES OF EXCUSED ABSENCES**

- a. Illness.
- b. Death in immediate family.
- c. Inclement weather which would be dangerous to the life and health of the child as determined by the principal.
- d. Legal quarantine.
- e. Emergency conditions as determined by the principal.

f. Prior permission of the principal upon request of the parent or legal guardian.

### 3. UNEXCUSED ABSENCES

Any absences not excused shall be considered unexcused.

## C. INVESTIGATING NON-ATTENDANCE

1. The superintendent shall require the attendance officer to investigate all cases of non-attendance.

*Authority: Ala. Code §16-28-16(1975)*

2. In the event that the investigation discloses that the non-attendance was without valid excuse or good reason and intentional, the attendance officer shall bring criminal prosecution against the parent, guardian, or other person having control of the child.

*Authority: Ala. Code §16-28-16(1975)*

## D. PROSECUTION

1. Where no valid reason for non-attendance is found, the attendance officer shall give written notice to the parent, guardian, or other person having control of the child. Where the parent, guardian, or person in charge or control of the child is not at his or her regular residence, the attendance officer may leave the written notice with a person over 12 years of age residing at the usual place of residence with instructions to hand such notice to parent, guardian, or other person having control of the child.

*Authority: Ala. Code §16-28-16(1975)*

2. The written notice shall require the attendance of the child at the school within three days from date of the notice.

*Authority: Ala. Code §16-28-16(1975)*

3. Prosecution may be begun by the local superintendent, an attendance officer, principal teacher, private tutor, probation officer, or an authorized agent of the State Superintendent of Education or the Department of Human Resources.

*Authority: Ala. Code §16-28-22(1975)*

4. When the student is an habitual truant, or because of irregular attendance or misconduct has become a menace to the best interest of the school which he is attending or should attend, and the parent, guardian, or other person files a written statement in court stating that he is unable to control such child, the attendance officer must file a complaint in juvenile court against said student.

*Authority: Ala. Code §16-28-14(1975)*

5. No parent, guardian, or other person having control or charge of any child shall be convicted for failure to have said child enrolled in school or for failure to send a child to

school or for failure to require such child to regularly attend such school or tutor, or for failure to compel such child to properly conduct himself as a pupil, if such parent, guardian, or other person having control or charge of such child can establish to the reasonable satisfaction of the court the following:

- a. That the principal teacher in charge of said school which he attends or should attend or the tutor who instructs or should instruct said child gave permission for the child to be absent; or
- b. That such parent, guardian, or other person is unable to provide necessary books and clothes in order that the child may attend school in compliance with law, and that such parent, guardian, or other person had prior to the opening of the school, or immediately after the beginning of such dependency, reported such dependent condition to the juvenile court of the county and offered to turn the child over to the State Department of Human Resources as a dependent child; or
- c. That such parent, guardian, or other person has made a bona fide effort to control such child and is unable to do so, and files in court a written statement that he is unable to control such child; or
- d. That there exists a good cause or valid excuse for such absence; or
- e. That such parent, guardian, or other person has made a bone fide, diligent effort to secure the regular attendance of such child and that the absence was without his knowledge, connivance, or consent.

*Authority: Ala. Code §16-28-13(1975)*

#### **E. TAKING CHILD INTO CUSTODY**

1. It shall be the duty of the attendance officer, probation officer, or other officer authorized to execute writs of arrest to take into custody without warrant any child required to attend school or be instructed by a private tutor who is found away from home and not in the custody of the person having charge or control of such child during school hours and who has been reported by any person authorized to begin truancy proceedings or prosecutions.

*Authority: Ala. Code §16-28-17(1975)*

2. When the attendance officer has taken a child into custody, the officer shall take the child to the person having charge or control of the child or to the principal teacher, or the child's private tutor.

*Authority: Ala. Code §16-28-17(1975)*

3. If such child is a habitual truant, he shall be brought before the juvenile court for such disposition as the judge of said court finds proper from the facts.

*Authority: Ala. Code §16-28-17(1975)*

# **ATTENDANCE REPORTING**

## ATTENDANCE REPORTING

### A. RECORDING ATTENDANCE

1. The principal, teacher of each public school and each private tutor shall keep an attendance register showing the enrollment of the school and every absence of each enrolled child from school for a half day or more during each school day of the year.

*Authority: Ala. Code §16-28-8(1975) State  
Superintendent of Education  
Interpretation, June 3, 1988*

- a. The attendance roll must be checked daily and each absence recorded.

*Authority: Ala. Code § 16-28-7, 16-28-8(1975)  
State Superintendent of Education  
Interpretation, June 3, 1988*

- b. Attendance must be recorded in compliance with applicable federal/state legislation, State Board of Education mandates, State Department of Education requirements, and local board of education policies.

*Authority: Ala. Code §§ 16-28-7, 16-28-8(1975)  
State Superintendent of Education  
Interpretation, February 8, 1990*

- c. Students must be in attendance one-half of the instructional day to be counted and reported present.

*Authority: Ala. Code § 16-28-8(1975)  
State Superintendent of Education  
Interpretation, August 30, 1983*

- d. Students shall be enrolled at such time as they enter the school for enrollment and attendance purposes. No student should be enrolled on the basis of prior attendance or preregistration.

- e. Students should be withdrawn from membership on the day following the student's last day of attendance.

- f. Withdrawal is official when one or more of the following occurs:

- (1) The parent, guardian, or other person having care or control of the student notifies the school that he or she is leaving the school permanently.
- (2) The school official determines that the individual has moved or left school permanently.

*Authority: Acting State Superintendent of Education  
September 5, 1995*

2. The registry of attendance of pupils kept by any public school, in compliance with the provisions of law or any rule and regulation promulgated by the State Board of Education shall be admissible as evidence of the existence or nonexistence of the facts it is required to show.

*Authority: Ala. Code §16-28-23(1975)*

## **B. WEEKLY UNEXCUSED REPORT**

The principal or his/her designee shall submit electronically to the local superintendent the names of all children between the ages of six and seventeen who were absent without being excused or whose absence was not satisfactorily explained.

*Authority: Ala. Code §16-28-7(1975)*

### **SAMPLE**

#### **WEEKLY UNEXCUSED STUDENT ABSENTEE REPORT**

SCHOOL \_\_\_\_\_

WEEK OF \_\_\_\_\_ TO \_\_\_\_\_

STUDENT NAME	GRADE	NO. OF UNEXCUSED ABSENCES*	PARENT/GUARDIAN	ADDRESS	PHONE NO.

Date Received \_\_\_\_\_

Principal

\*All absences not excused as specified in the  
Teacher's/Attendance Register should be entered in this column.

Date

*Ala. Code §16-28-7(1975)*



### C. REPORT CARDS

Student report cards should reflect the total number of days students are absent from school and/or classes; therefore, accurate attendance must be placed on each student's report card. It is recommended that each system develop a standardized procedure for reporting attendance on report cards.



# **TEMPORARY CLOSING OF SCHOOLS**

## TEMPORARY CLOSING OF SCHOOLS

### A. REPORTING

In the event of a natural disaster or an epidemic, it may be necessary to temporarily close a given school. When the school resumes classes, the calendar dates will reflect the date school is actually in session. At the designated time, the principal should forward the attendance report to the superintendent. Any anticipated delay in attendance reporting should be reported to the State Department of Education.

*Authority: State Superintendent of Education  
Interpretation, Memorandum, February 26, 2015*

### B. SCHOLASTIC DAY

A scholastic day shall not be less than six hours unless otherwise ordered by the county or city board of education.

*Authority: Ala. Code §16-60-5-7(1975)*



### C. MINIMUM NUMBER OF DAYS MISSED

Any days missed must be made up to account for the minimum requirement of 180 full instructional days or the hourly equivalent of no less than 1,080 instructional hours. In extreme circumstances involving natural occurrences, health-related occurrences, or other extenuating circumstances that result in the cancellation of an instructional day, a local board of education may submit a plan for the approval of the State Superintendent of Education to replace cancelled instructional days by adjusting the school calendar to extend the hours of actual teaching time on specified instructional days.

*Authority: Ala. Code §16-13-231(1975) as amended by Alabama Act No: 2015-430  
Alabama Administrative Code 290-3-1-.02(2) (a) (1)*

# **DROPOUTS**

## DROPOUTS

The state of Alabama utilizes the United States Department of Education: National Center for Education Statistics (NCES), Common Core of Data (CCD) definition of a dropout. According to the NCES a dropout is defined as an individual who:

- Was enrolled in school at some time during the previous year and was not enrolled at the beginning of the current school year.
- Has not graduated from high school or completed an accredited state or system approved education program.
- Administratively withdrawn without enrolling in another accredited state or system approved program or another public school system.
- Has not been accounted for by October 1st and will count as a dropout in his or her assigned cohort.

*Authority: Alabama State Department of Education Student Management System  
Data Code Manual and Users Guide, May 11, 2015*

The following situations **are not** considered to be a dropout:

- Transfer to another public school district, private school, virtual program/school, or accredited state or system approved education program.
- Temporary absence due to suspension or school approved education program.
- Summer graduates who follow their cohort and complete graduation requirements during the summer following completion of the senior year.
- Students who through credit advancement complete graduation requirements in less than four years.
- Students who are flagged as withdrawn in the summer with the proper withdrawal code will be considered as withdrawals and not as dropouts unless the withdrawal code is entered as one of the “D” codes in INOW. Documentation of withdrawal to another program must be uploaded in the cohort portal.
- Earned a diploma.
- Left the United States and provided information as to his/her whereabouts---must be documented evidence that student left the U.S. (such as a statement from a parent).
- Transferred to and is in membership in: another public school within the same school system or a public school system in or out of state.
- Transferred to and is in membership in: private elementary or secondary school, in or out of state.
- Transferred to and is in membership in: Church School/Home School.
- Transferred to and is in membership in: Private Tutor.
- Transferred to and is in membership in: Accepted State Accredited Online Program.
- Transferred to and is in membership in: 2 or 4 year college.

- Student is deceased (documentation is required such as obituary, death certificate, or copy of newspaper clipping).
- Is in system and not in school and is temporarily absent because of illness which has been verified as legitimate.
- Is in system and not in school and has long-term absence because of illness and is receiving educational services (e.g.; residential drug treatment center, severe physical or emotional illness).
- Absent because of disciplinary action due to suspension where expulsion period not yet over.
- Is in an alternative education setting (e.g.; hospital/homebound instruction, special education residential, or correctional institution) and the program is administered by an agency considered a special school system or an extension of a regular school system.
- Is in an alternative education setting (e.g.; hospital/homebound instruction, special education residential, or correctional institution) and the program is an off-campus offering of a regular school system.
- Currently enrolled students who are found to be residing outside of the school's district and are withdrawn and out of district residency has been verified. Enrollment code WB1 should be used and documentation reflecting out of district residency should be uploaded in the Cohort Portal.
- Students who enroll in a program such as Job Corps which grants a diploma. Not all Job Corp programs award a diploma. Documentation will be required.
- Students who are court ordered to attend a GED or other program. Copy of court order must be uploaded in cohort portal.
- Students who are identified as deceased prior to graduation. Copy of proper documentation must be uploaded in the cohort portal.

The following situations **are** considered to be dropouts:

- Has not completed an approved program and withdrew or was a “no show.”
- Moved out of system or out of state and is not known to be in school.
- Has not graduated, has not completed an approved program, educational status subsequent to leaving school is unknown.
- Withdrew/no show/left school after passing age for which system must provide free public education.
- Enrolled in an adult education in a postsecondary school and did not complete the program by the summer of the senior year.
- Is in an institution that does not offer a secondary educational program.
- Is in system and not in school and is temporarily absent because of illness which has not been verified as legitimate.
- Absent because of disciplinary action and suspended or expelled and period of disciplinary action has expired; student did not return.

- Absent because of disciplinary action resulting in expulsion; no option to return.
- Is in an alternative education setting (e.g., hospital/homebound instruction, special education residential, or correctional institution) and the program is **not approved or administered by a school system**; program is classified as an adult education program.
- Has not completed an approved program, left school, and has not received his/her GED certificate on or before the following October 1st.

## STUDENT EXIT INTERVIEW

A student age 17 and older is eligible to withdraw from a public school prior to graduation when both of the following circumstances exist:

- Written consent is granted by the child's parent or legal guardian.
- An exit interview is conducted where the student and student's parents or legal guardian meet with designated school staff and are advised of the negative effects of withdrawal such as unemployment, decreased future earning potential, driver license revocation and the student and parent or legal guardian must also be provided with GED information and discuss other classes or opportunities available to the student.

*Authority: Ala. Code §16-28-3.1(1975)*

Refer to Appendix F, Student Exit Interview Process, or view at [www.alsde.edu](http://www.alsde.edu), Alabama Dropout Prevention Act, Alabama Act No: 2009-564. "A Companion, Student Exit Interview Implementation Guide."

## SAMPLE

## Student Exit Interview

School System: \_\_\_\_\_ Date: \_\_\_\_\_

School: \_\_\_\_\_

Student Name: \_\_\_\_\_

First Middle Last

Student Grade: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Student ID Number: \_\_\_\_\_

### Participants of the Student Exit Interview:

\_\_\_\_ Discussed the student's reason(s) for dropping out of school.

Relationship With Fellow Students	Student-Staff Relations
Academic Difficulties/Credit Loss	Dislike of School Experience
Behavior Problems	Employment
Physical Illness	Needed at Home
Marriage	Parental Influence
	Language Difficulty
	Entered Military Service
	Attendance Issues
	Other

_____	Discussed intervention strategies previously provided by school faculty/staff. (Describe strategies below.)
_____	Provided information regarding the negative impacts of not receiving a high school diploma, which seriously affects future employment and earning potential.
_____	Explained other negative consequences such as losing his/her driver's license.
_____	Discussed other options and opportunities provided through school programs or classes. (Describe options below.)
_____	Provided information for other available community programs. (Identify below.)
_____	Explained other possible educational opportunities for students such as private school, church school, private tutor, or community college.
_____	Explanations of intervention strategies, other options provided, and available community programs.

GED/Community College information was provided to student.	Yes	___No	
Will student take the GED?	Yes	___No	Uncertain

If yes, where does he/she plan to attend? \_\_\_\_\_

I acknowledge that I have been advised of the importance of  
of staying in school and staying in school to receive my high  
receive school diploma.

**I acknowledge that I have been advised of the importance staying in school and keeping my child in school to his/her high school diploma.**

Student Signature: \_\_\_\_\_

Parent/Guardian Name: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Telephone: \_\_\_\_\_

Telephone: \_\_\_\_\_

### Interview Participants:

Name: _____	Position: _____	Signature: _____
Name: _____	Position: _____	Signature: _____
Name: _____	Position: _____	Signature: _____
Name: _____	Position: _____	Signature: _____

For a student who failed to return to school or did not officially withdraw, describe attempts to contact the student and his/her parent or guardian.

Principal	Name	Signature	Date
-----------	------	-----------	------

I acknowledge that an exit interview was conducted and the student and the student's parent or legal guardian have been advised that withdrawal from school shall likely reduce the student's future earning potential and increase the student's likelihood of being unemployed in the future.

Principal	Name	Signature	Date
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Principal	Name	Signature	Date
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# **ATTENDANCE/PROMOTION/ RETENTION**

## **ATTENDANCE RELATED TO PROMOTION/RETENTION**

### **Q. How is admission to public schools determined?**

- A.** Admission to public school shall be on an individual basis on the application of the parents, legal custodian, or guardian of the child to the local board of education at the beginning of each school year, under such rules and regulations as the board may prescribe.

*Authority: Ala. Code §16-28-3(1975)*

### **Q. Who is required to attend school?**

- A.** Every child between the ages of six and 17 years shall be required to attend a public school, private school, church school, or be instructed by a competent private tutor for the entire length of the school term in every scholastic year except that, prior to attaining his or her 16th birthday every child attending a church school as defined in Section 16-28-1 is exempt from the requirements of this section, provided such child complies with enrollment and reporting procedure specified in Section 16-28-7. Admission to public school shall be on an individual basis on the application of the parents, legal custodian, or guardian of the child to the local board of education at the beginning of each school year, under such rules and regulations as the board may prescribe. The parent, legal custodian, or guardian of a child who is six years of age, may opt out of enrolling their child in school at the age of six years by notifying the local school board of education, in writing that the child will not be enrolled in school until he or she is seven years of age.

*Authority: Ala. Code §16-28-1, §16-28-3 and §16-28-7(1975)  
as amended by Alabama Act No: 2014-245*

### **Q. What is the minimum age for admission to public schools?**

- A**
- a. A child who is six years of age on or before December 31 or the date on which school begins in the enrolling district shall be entitled to admission to the public elementary schools at the opening of such schools for that school year or as soon as practicable thereafter.
  - b. A child who becomes six years old on or before February 1 may, with the approval of the local board of education, be admitted at the beginning of the second semester in school systems having semiannual promotions of pupils.
  - c. A child who is five years of age on or before September 1 (2)\* or the date on which school begins in the enrolling district is entitled to admission to the kindergarten program at the beginning of the school year or as soon as practicable thereafter.
  - d. Kindergarten or Grade 1 students who were enrolled in an Alabama private school, church school, or were being tutored in accordance with the *Ala. Code (1975)* and who seek admission to kindergarten or Grade 1 in the public schools must meet the age requirements for admittance as of September 1 (2)\* or the opening date of school in the enrolling district.

*Authority: Ala. Code §16-28-4(1975)*

*\*Report of Attorney General of Alabama October-December 1963, Volume 113, and page 20*

\*An opinion of the Attorney General states in effect that under the common law one's age is computed by including the day of birth so that a given age is attained the day before the birthday anniversary.

**Q. What are the requirements for Kindergarten and Grade 1 out-of-state transfers?**

- A.**
- a. An underage child who transfers from the first grade of a school in another state may be admitted, but must have the approval of the local board of education.
  - b. An underage child who has moved into this state and has completed a mandated kindergarten program in another state shall be entitled to admission to the public elementary school.
  - c. An underage child who transfers to Alabama from the public school kindergarten in another state may be admitted, but must have prior approval of the local board of education.

*Authority: Ala. Code §16-28-4(1975)*

**Q. How are attendance districts adopted?**

- A.** The county or city superintendent, as the case may be, shall recommend a plan for the laying out of local attendance districts and shall submit this plan for approval and adoption by the county or city board of education. Students shall be assigned to the schools within the attendance district according to local board policies, court order or applicable state laws, and/or State Board of Education mandates.

*Authority: Ala. Code §16-9-17, 16-28-19, 16-8-34(1975)*

**Non-Attendance**

**Q. What state regulations relate to required school and absences from state schools?**

**A. A. Attendance Required**

Children between the ages of six and 17 years are required to attend a public school, private school, church school, or be instructed by a competent private tutor for the entire length of the school term in every scholastic year except that every child attending a church school as defined by Alabama law is exempt from this requirement, provided such child has met the requirements as specified for enrollment and reporting.

NOTE: Alabama Code §16-28-1, as amended by Alabama Act No: 2014-245 changed the definitions of private school and church school to include reference to home programs offering instruction in grades K-12.

**B. Absences**

**1. Explanation Required**

- a) Every parent, guardian, or other person having control or charge of any child required to attend public school, private school, or church school, shall as soon as practical explain the cause of any absence of the child under his control or charge which was without permission of the teacher.
- b) Failure to furnish such explanation shall be admissible as evidence of such child being a truant with the consent and connivance of the person in control or charge of the child, unless such person can show to the

reasonable satisfaction of the court that he had no knowledge of such absence and that he had been diligent in his efforts to secure the attendance of such child.

*Authority: Ala. Code §16-28-15(1975)*

## 2. Examples of Excused Absences

- a) Illness.
- b) Death in immediate family.
- c) Inclement weather which would be dangerous to the life and health of the child as determined by the principal.
- d) Legal quarantine.
- e) Emergency conditions as determined by the principal.
- f) Prior permission of the principal upon request of the parent or legal guardian.

## 3. Unexcused Absences

Any absences not excused shall be considered unexcused.

*Authority: Ala. Code §16-28-13, §16-28-15(1975)*

# TRUANCY

## **TRUANCY**

Decades of research have identified the link between truancy and serious offenses, both violent and non-violent in later life. Truancy affects not only the student and school, but also society as a whole. Related to substance abuse, gang activity, and criminal activities, truancy is a proven risk factor for delinquent behavior. Students who are truant are structuring their lives for educational failure as well as potential social isolation, violence, marital problems, employment problems, adult criminal behavior and incarceration.

### **SUPPORT FOR PRE-EARLY WARNING INTERVENTIONS**

- A. It is important that policies and procedures for implementing school truancy prevention programs include a systematic, directive, and timely process to reflect support for students and families prior to the juvenile court referral for truancy process. Appropriate interventions prior to the required early warning procedures are necessary to facilitate students staying on track and, hopefully, avoiding a petition to court. Refer to Appendix G and H Early Warning Flow Chart, Attendance, to be utilized during the development of the intervention process. Refer to Appendix I, sample Pre-Early Warning School Conference Form as the academic, social, and behavioral issues impacting a student's ability to attend school on a regular basis are identified and aligned with appropriate interventions.

Additional information such as research articles, PowerPoints, and pyramids of interventions of tiered support for attendance are stored within Learning Support Services, Prevention and Support Services Section tab, on the Alabama State Department of Education Web site.

SAMPLE

**FOR UNEXCUSED/TRUANCY ABSENCES ONLY**

## Pre -Early Warning School Conference Form

*The purpose of this conference is to address student academic, social, and/or behavioral issues that are impacting the student's ability to regularly attend school.*

Parent/Guardian: \_\_\_\_\_ Student: \_\_\_\_\_

School: \_\_\_\_\_ Date of Conference \_\_\_\_\_

**Please check problem areas below.**

<input type="checkbox"/> Documentation of Absences	<input type="checkbox"/> Student Employment Interfering with School
<input type="checkbox"/> Student Refusal to Attend	<input type="checkbox"/> Needed at Home
<input type="checkbox"/> Failure to Attend Due to Physical/Mental Illness	<input type="checkbox"/> Relationship with Fellow Students and/or School Staff
<input type="checkbox"/> Teen Pregnancy	<input type="checkbox"/> Transportation
<input type="checkbox"/> Teen Mom/Dad: Childcare Issues	
<input type="checkbox"/> Harassment/Bullying at school	<input type="checkbox"/> Academic Difficulties/Credit Loss
<input type="checkbox"/> Dislike of School Experience	<input type="checkbox"/> Other

**Please indicate if you are interested in attending a *Loving Solutions®/ Parent Project®* workshop.**

\_\_\_ Yes, I'm interested in attending a *Loving Solutions®/ Parent Project®* workshop.

\_\_\_ No, I'm not interested in attending a *Loving Solutions®/ Parent Project®* workshop at this time.

**Goals for Improvement**

**Goal 1:**

**Goal 2:**

**Goal 3:**

I acknowledge that I have been advised of the policy of the Board of Education as mandated by the Alabama Compulsory Attendance Laws and set forth in the Early Warning Truancy Petition Program governing attendance. I understand that further truancy by my child will result in mandatory attendance of the Early Warning Truancy Program and may result in a petition being filed with the Juvenile Court.  
*Legal Reference: Laws of Alabama Relating to Education, Title 16-28-12, 16-28-14, 16-26, 15, 16-28-17.*

**Parent /Guardian Signature:** \_\_\_\_\_ **Date** \_\_\_\_\_

**Student Signature:** \_\_\_\_\_ **Date** \_\_\_\_\_

**School Representative Signature:** \_\_\_\_\_ **Date** \_\_\_\_\_

\_\_\_ **Parent was notified to attend the school conference but did not participate.**

\_\_\_ **Second attempt to contact or meet with parents.**

**School Representative:** \_\_\_\_\_ **Date** \_\_\_\_\_

**THE COMPLETED FORM MUST BE SUBMITTED FOR EACH STUDENT ASSIGNED TO EARLY WARNING. NO STUDENT/PARENT WILL BE SCHEDULED TO EARLY WARNING (FOR UNEXCUSED ABSENCES) WITHOUT THIS DOCUMENTATION.**

*\*School Level Intervention*

## B. PARENTAL NOTIFICATION OF COMPULSORY SCHOOL ATTENDANCE LAWS

### 1. RECOMMENDATION:

It is important that parents be advised of attendance laws, regulations, and policies. This letter to parents on Alabama school attendance laws may be used. However, other methods of parental notification of attendance policies and laws may be used (e.g., handbooks). Parental receipt of attendance notification should be maintained on file at the local school.

### SAMPLE

Dear Parents:

Alabama law requires all children between the ages of six and seventeen to attend school. If any child fails to attend school without legal excuse, that child and the person having custody of that child will be referred to the juvenile court.

Any child who is prosecuted for truancy may be placed in a juvenile facility or in long-term residential care. Any custodial adult who is prosecuted for failing to require a child to attend school may be jailed for up to one year or fined up to \$500 or both.

A free public education is one of the greatest benefits available to the children of our State. Please ensure that your child achieves his or her full potential by attending school regularly.

Sincerely,

I have read the above letter and am fully aware of my responsibility to see that my child attends school daily and of the penalty for my failure to do so.

\_\_\_\_\_  
Signature of Parent or Guardian

\_\_\_\_\_  
Signature of Parent or Guardian

\_\_\_\_\_  
Date



## C. TRUANCY REPORTING

### Truancy Definition.

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

1. First truancy/unexcused absence (warning)
  - (i) Parent/guardian shall be notified by the school principal or his/her designee that the student was truant and the date of the truancy.
  - (ii) Parent/guardian shall also be provided with a copy of Alabama's compulsory school attendance laws and advised of the penalties that can be applied and the procedures that shall be followed in the event that other unexcused absences occur.
2. No earlier than the fifth unexcused absence (conference)
  - (i) The parent, guardian, or person having control of the child shall (1) attend a conference with the attendance officer and principal or his/her designee and/or (2) participate in the early warning program provided by the juvenile court.
  - (ii) Attendance at one of these conferences shall be mandatory except where prior arrangements have been made or an emergency exists.
  - (iii) Failure to appear at the school conference and/or to appear at the early warning program shall result in the filing of a complaint/petition against the parent under *Ala. Code 1975, §16-28-12(c)* (failure to cooperate), or a truancy against the child, whichever is appropriate.
3. No earlier than seventh unexcused absence, but within ten (10) school days (court)
  - (i) File complaint/petition against the child and/or parent/guardian, if appropriate.
4. Child under probation
  - (i) The school attendance officer should be notified by the juvenile probation officer of all children in the school system under probation supervision by the juvenile court as consistent with state statute, *Ala Code. (1975)*.
  - (ii) Where a child under probation is truant, the school attendance officer should immediately notify the juvenile probation officer.
5. Any local education agency may adopt a policy more rigorous than the State policy.

*Authority: Alabama Administrative Code 290-3-1-.02(7)(c)*

## D. TRUANCY REFERRAL PROCEDURE

RECOMMENDATION: The Interagency Committee on Youth Truancy Task Force recommends the following Truancy Referral Procedure. However, the juvenile judge and the local education authorities should establish procedures to be followed when entering a complaint/petition in the courts.

### SAMPLE

#### **Truancy Referral Procedure**

The following procedures shall be used in making truancy referrals to the Juvenile Court of \_\_\_\_\_ County:

##### Juvenile Truancy Referrals:

Where a child has been truant from school, the school attendance officer shall file a truancy information sheet and a complaint with the juvenile court intake office.

The juvenile court intake office is located at \_\_\_\_\_

\_\_\_\_\_ Telephone No. \_\_\_\_\_

The juvenile court intake officer will review the complaint with the school attendance officer and will prepare a juvenile intake petition for the school attendance officer's signature.

##### Recommended Policies and Procedures for Court/School Truancy Prevention Program:

The juvenile probation department will advise the school attendance officer of the status of all truancy complaints and the disposition of such cases.

##### Adult Proceedings:

Prior to filing any action against a parent or guardian of a truant child, the school attendance officer must give the parent or guardian written legal notice of the laws of Alabama regarding compulsory school attendance and the range of penalties which may be invoked against the parent or guardian. The parent or guardian must be advised that the child must attend school within three days and that, after this period, any additional unexcused absence will result in the filing of a petition alleging contributing to the delinquency of a minor.

Where action is to be taken against a parent or guardian, the school attendance officer will complete an adult truancy charge sheet and will swear out a formal complaint before the juvenile intake officer. If probable cause is determined, the intake officer will issue a warrant of arrest for the parent/guardian.

If you have any questions concerning the filing of truancy cases in the Juvenile Court of

\_\_\_\_\_ County, please call the juvenile intake office.

## E. COMPLAINT INFORMATION

When it becomes necessary to file a complaint with the juvenile courts, a form such as the sample below may be required by the court.

### SAMPLE

State of Alabama Unified Judicial System Form JU-2 Rev. 01/09	<h2 style="margin: 0;">COMPLAINT</h2>	Case Number _____
<p style="text-align: center;"><b>IN THE JUVENILE COURT OF _____ COUNTY, ALABAMA</b></p> <p><b>In the Matter of a Child:</b></p> <p>Child's Name _____ Nickname _____</p> <p>Address _____</p> <p>Lives With _____ Relationship _____ Phone _____</p> <p>Date of Birth _____ Place of Birth _____ Verified By _____ Race _____ Sex _____</p> <p>Height _____ Weight _____ Eye Color _____ Hair Color _____ Social Security Number* _____</p> <p>School _____ Grade _____ Employer _____</p> <p>Child's Father _____ Home Phone _____ Work Phone _____</p> <p>Address _____</p> <p>Child's Mother _____ Home Phone _____ Work Phone _____</p> <p>Address _____</p> <p>Custodian _____ Home Phone _____ Work Phone _____</p> <p>Address _____</p> <p>Alleged Violation or Incident _____</p> <p>Date Occurred _____ Category: <input type="checkbox"/> Delinquent <input type="checkbox"/> Dependent <input type="checkbox"/> Child In Need of Supervision (CHINS)</p> <p>Law Enforcement Agency Involved (Name) _____ (Case Number) _____</p> <p>Documents attached and incorporated into this Complaint by reference: (check all that apply)</p> <p><input type="checkbox"/> Incident/Offense Report <input type="checkbox"/> Supplemental I/O Report <input type="checkbox"/> Arrest Report <input type="checkbox"/> Traffic Ticket/Complaint (UTTC)</p> <p><input type="checkbox"/> Additional pages <input type="checkbox"/> Other (describe) _____</p> <p>Facts and Circumstances: (For a delinquency or CHINS complaint, include the date, time, place, co-defendants and ages, victim information, approximate value of property taken/damaged/received, and description of the specific offense committed. For a dependency complaint, identify the abuse, neglect or inadequate care suffered by the child, the extent of any injury, the name and relationship of the person responsible for the abuse, neglect or inadequate care of the child.)</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Complainant's Name (Printed) _____ Phone(s) _____</p> <p>Address or Agency _____</p> <p><b>I swear or affirm that I have knowledge of the facts set forth in this Complaint or am informed of them and believe that they are true. Further, I agree to sign a formal petition and testify in court if necessary to substantiate this complaint.</b></p> <p>Complainant's Signature _____ Date _____</p> <p>SWORN TO AND SUBSCRIBED BEFORE ME: _____</p> <p style="text-align: right;">Date _____ Intake Officer or Notary Public _____</p> <p>COMPLAINT RECEIVED: _____</p> <p style="text-align: right;">Date _____ Time _____ Intake Officer _____</p> <p>ACTION TAKEN:</p> <p>Rule 12, ARJP; Ala. Code §§12-15-118(1), 12-15-120(A) (2009)</p>		

\*Social Security Number is optional. All other fields must be completed, even if the information is unknown to you ("unknown" or "?") or does not apply to this complaint ("n/a").

NOTICE OF NON-COMPLIANCE

RECOMMENDATION: The NOTICE OF NON-COMPLIANCE with Alabama Compulsory Attendance Law as found in the *Recommended Policies and Procedures for Court/School Truancy Prevention Programs* is an example of notification.

SAMPLE

**NOTICE OF NON-COMPLIANCE WITH  
ALABAMA COMPULSORY ATTENDANCE LAW**

School System \_\_\_\_\_ School \_\_\_\_\_

To \_\_\_\_\_ Parent/Guardian of \_\_\_\_\_

**TAKE NOTICE**, pursuant to the *Ala. Code, §16-28-16(1975)* that:

1. No valid reason for non-enrollment or non-attendance of your child/children at school has been found. State law, *Ala. Code §16-28-3(1975)*, requires all children between the ages of six and 17 to attend school. It is your responsibility under the law to ensure the attendance of your child/children.
2. Your child/children must attend school within three days from the date of this notice.
3. If your child/children miss(es) one more day of school without valid excuse or good reason and intentionally, I am required by state law and school board policy to bring criminal prosecution against you.
4. If criminal prosecution occurs, you will be charged with violation of the *Ala. Code §16-28-12(1975)* contributing or causing the delinquency or dependency of a minor. This offense is punishable by a fine of up to \$100 or a sentence to hard labor for the county for a period not to exceed 90 days or both.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attendance Supervisor

## F. TRUANCY CHARGE SHEET-ADULT

When action is to be taken against a parent or guardian, the School Attendance Officer will complete an **Adult Truancy Charge Sheet** provided by the court similar to the one below.

### SAMPLE

#### TRUANCY CHARGE SHEET - ADULT

1. Name of person charged with failing to assure that the child or children attended school: \_\_\_\_\_
2. Relation to the child? Parent \_\_\_\_\_ Other \_\_\_\_\_
3. Name of child or children who failed to attend school:  
Name \_\_\_\_\_ Age \_\_\_\_\_ Sex \_\_\_\_\_  
Name \_\_\_\_\_ Age \_\_\_\_\_ Sex \_\_\_\_\_
4. Mother's Name: \_\_\_\_\_ Phone (H) \_\_\_\_\_ (W) \_\_\_\_\_  
Address: \_\_\_\_\_
5. Father's Name: \_\_\_\_\_ Phone (H) \_\_\_\_\_ (X) \_\_\_\_\_  
Address: \_\_\_\_\_
6. Guardian's Name: \_\_\_\_\_ Phone (H) \_\_\_\_\_ (Y) \_\_\_\_\_  
Address: \_\_\_\_\_
7. Child(ren) lives with: Mother \_\_\_\_\_ Father \_\_\_\_\_ Both \_\_\_\_\_ Other \_\_\_\_\_
8. What school does the child(ren) attend:  
Name: \_\_\_\_\_ School \_\_\_\_\_ Grade \_\_\_\_\_  
Name: \_\_\_\_\_ School \_\_\_\_\_ Grade \_\_\_\_\_
9. Name of person in charge of records for the school(s):  
School \_\_\_\_\_ Name \_\_\_\_\_  
School \_\_\_\_\_ Name \_\_\_\_\_
10. Number of unexcused absences this school year:  
Name \_\_\_\_\_ No. of Unexcused Absences: \_\_\_\_\_  
Name \_\_\_\_\_ No. of Unexcused Absences: \_\_\_\_\_
11. Has the person to be charged been given notice of noncompliance with the compulsory school attendance law? Yes \_\_\_\_\_ No \_\_\_\_\_  
Date served \_\_\_\_\_ Place of service \_\_\_\_\_  
Response to notice: \_\_\_\_\_
12. Is there a history of failing to attend school for this child or children? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, explain: \_\_\_\_\_
13. Has this person been charged before? Yes \_\_\_\_\_ No \_\_\_\_\_
14. Additional comments: \_\_\_\_\_
15. Witness List: \_\_\_\_\_  
School \_\_\_\_\_ Attendance \_\_\_\_\_ Officer: \_\_\_\_\_  
Principal: \_\_\_\_\_  
Other: \_\_\_\_\_  
Summons approved by: \_\_\_\_\_  
Date Prepared: \_\_\_\_\_ School Attendance Officer: \_\_\_\_\_  
School System \_\_\_\_\_ School \_\_\_\_\_

## 16. TRUANCY CHARGE SHEET- JUVENILE

When action is to be taken against a juvenile, the School Attendance Officer will complete a **Juvenile Truancy Charge Sheet** provided by the court similar to the one below.

<b>TRUANCY CHARGE SHEET - JUVENILE</b>	
1. Name of Child: _____	
2. Child lives with: Mother _____ Father _____ Both _____ Other _____	
3. Mother's Name: _____ Phone (H) _____ Address: _____ (W) _____	
4. Father's Name: _____ Phone (H) _____ Address: _____ (W) _____	
5. Guardian's Name: _____ Phone (H) _____ Address: _____ (W) _____	
6. What school does the child attend? School _____ Grade: _____	
7. Name of person in charge of attendance records for the school: Name: _____ School: _____	
8. Number of unexcused absences this school year: _____	
9. Is there a history of failing to attend school for this child? Yes _____ No: _____ If yes, explain: _____	
10. Has a complaint for truancy been filed before? Yes _____ No _____	
11. Are charges being filed against the parent(s) or guardian for failing to assure the child attend school? Yes _____ No _____	
12. Has the person to be charged been given a notice of non-compliance with the compulsory school attendance law? Yes _____ No _____ Date of service: _____ Place of service _____ Response to Notice: _____	
13. Has this person been charged before? Yes _____ No _____	
14. Additional comments: _____	
15. Witness list: _____	
Date Prepared: _____ School Attendance Officer: _____ School: _____ School System: _____ _____	

## 17. MONITORING ATTENDANCE

RECOMMENDATION: The courts may order that a student's attendance be monitored. It may be helpful to utilize a form such as the following:

<div style="margin-bottom: 5px;">_____ Board of Education</div> <div style="margin-bottom: 5px;">ADDRESS</div> <div style="margin-bottom: 10px;">City, State, Zip</div> <div style="margin-bottom: 10px;">Telephone _____</div> <div style="margin-bottom: 10px;">Date _____</div> <div style="margin-bottom: 10px;">Dear _____,</div> <div style="margin-bottom: 10px; padding-left: 40px;">(Principal)</div> <div style="margin-bottom: 10px;">The Juvenile Court has ordered the _____ Board of Education to</div> <div style="margin-bottom: 10px;">furnish a weekly school attendance record of _____</div> <div style="margin-bottom: 10px; text-align: center;">(Name of Student)</div> <div style="margin-bottom: 10px;">_____</div> <div style="margin-bottom: 10px; text-align: center;">(School)</div> <div style="margin-bottom: 10px;">for _____ consecutive weeks following the Court Order of</div> <div style="margin-bottom: 10px;">_____ unless there are further orders from the court.</div> <div style="margin-bottom: 10px; text-align: center;">(Date)</div> <div style="margin-bottom: 10px;">These reports shall be prepared on Friday of each week and forwarded to the Central Office. Attendance Records Forms are enclosed for your convenience in reporting.</div> <div style="margin-bottom: 10px;">Sincerely,</div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"><div style="width: 45%; text-align: center;">_____ Office of the Superintendent</div><div style="width: 45%; text-align: center;">_____ Attendance Supervisor</div></div>
---

# **MISSING CHILDREN**



## MISSING CHILDREN

In the event a teacher, parent, student, or other school employee thinks he/she recognizes a child from a "missing children" poster, he/she should follow the procedures below in reporting missing children.

### REPORTING MISSING CHILDREN

- a. Report suspicion **immediately** to the school principal.
- b. **Do not** attempt to investigate the matter. **Do not contact the persons listed on record as parent or guardian.**
- c. The principal or his/her designee should notify the school attendance supervisor. If time appears to be a factor, contact the Alabama Law Enforcement Agency, Center for Missing and Exploited Children (includes Amber Alert, Blue Alert, Emergency Missing Child Alert) at 1-800-228-7688.
- d. Once advised of the recognition, the principal or designee should have school records pertaining to the child. The Bureau will begin an investigation and will contact the school for coordinated assistance.
- e. In the event it is necessary to make a report at night or on a weekend, the toll-free number, 1-800-228-7688, is operational 24 hours a day, seven days a week for reporting a missing child or providing information about a missing child.
- f. Remember, the abduction of a child is a felony - even by natural parents who do not have legal custody. **When reporting to the Bureau, the person making the report is not required to identify himself. Merely discussing a suspicion may be all that is necessary.**

*Authority: Ala. Code §26-19-9(1975)*



## MEGAN'S LAW

### A. FEDERAL LAW

The laws commonly known as Megan's Law are basically amendments to the *Jacob Wettering Crimes Against Children Act, 42 U.S.C., §14071*. It sets out guidelines for registering sexually violent offenders or those who commit criminal offenses against minors. Under this statute, states must obtain fingerprints and a photograph of the offender. Such information is then forwarded to the FBI. States must inform offenders that they have 10 days to report a change of address to the appropriate state agency in his/her new location. Offenders must register for a least 10 years from release from prison, parole, or probation for the violation. The state must release relevant information about individual offenders that is necessary to protect the public.

*Authority: Jacob Wettering Crimes Against Children Act of 1994  
Amended: 42 U.S.C. §13071*

### B. ALA. CODE (1975)

If any person, except a delinquent child, as defined in Section 12-15-1, residing in Alabama, has heretofore been convicted, or shall be convicted in any state or municipal court in Alabama, or federal court, or so convicted in another state in any court having jurisdiction similar to the jurisdiction of state and municipal courts in Alabama for any of the offenses hereinafter enumerated, such person shall, upon his or her release from legal custody, register with the sheriff of the county of his or her legal residence within seven days following such release or within 30 days after September 7, 1967, in case such person was released prior to such date.

Any person having been so convicted shall upon moving his legal residence from one county to another register with the sheriff of the county to which he has moved within seven days after such removal. It shall be unlawful for a convicted sex offender as described in this article to fail or refuse to register as required in this section and failure to do so is a Class C felony.

*Authority: Ala. Code §13A-11-200(1975)*

### C. INTERNET RESOURCES

The Internet has become a very valuable resource that cannot be overlooked. One area where the speed with which information can be accessed could save lives is missing and exploited children. The ability to know who is in the community or to instantly publish photographs of missing children across the country cannot be accomplished through any other media.

The following World Wide Web addresses are only two of the many available to educators:

1. National Center for Missing and Exploited Children:  
<http://www.missingkids.com/home>
2. Alabama Criminal Sex Offenders:  
<http://app.alea.gov/Community/wfSexOffenderSearch.aspx>

# **CHILD LABOR**

## **CHILD LABOR**

Every School Attendance Officer shall report to the Alabama Department of Labor all violations of the laws pertaining to Child Labor. School Attendance Officers shall have the same right of access to and inspection of establishments where minors are or may be employed or detained as is given by law to the department. A report of every entry and inspection of those establishments shall be made to the department. School Attendance Officers, when authorized by the department, may institute prosecutions.

*Authority: Ala. Code §25-8-53(1975)*

### **A. ELIGIBILITY TO WORK FORMS**

The head administrator, counselor, or, if home schooled an instructor of the school which the minor attends, shall issue Eligibility to Work forms. No person employed by any person, entity, franchise, corporation, or division of a corporation employing minors may issue an Eligibility to Work form.

An Eligibility to Work form shall allow the employment of a person 14 or 15 years of age who is doing satisfactory school work to work only outside school hours or during vacation periods, and only in occupations not prohibited by this chapter for persons of these ages.

*Authority: Ala. Code §25-8-46(1975)*

#### **1. Child Labor Certificates Required**

(a) No person under 16 years of age shall engage in any occupation mentioned in Section 25-8-39 unless he or she has secured and has with him or her an eligibility to work form as provided in this chapter.

(b) No person, entity, franchise, corporation, or division of a corporation shall employ, permit, or suffer to work any person 14 or 15 years of age in any occupation, except in agricultural service, unless the person, entity, franchise, corporation, or division of a corporation procures and keeps on file for the inspection by the officials charged with the enforcement of this chapter, an eligibility to work form for every person 14 or 15 years of age and a complete list of those persons 14 or 15 years of age employed therein.

(c) Any person, entity, franchise, corporation, or division of a corporation that wishes to employ, permit, or suffer to work any minor 14 or 15 years of age in any occupation, except in agricultural service, shall obtain a Class I Child Labor Certificate from the department for each location where a person, entity, franchise, corporation, or division of a corporation wishes to employ a minor 14 or 15 years of age. Such employment shall be in accordance with all other sections of this chapter.

(d) The certificate shall allow the employment of minors 14 or 15 years of age to work only outside of school hours or during vacation periods and only in occupations not prohibited by this chapter for persons of these ages.

(e) The employment of a minor 14 or 15 years of age shall be revoked or suspended by the department if the minor's regular school attendance and performance record is not satisfactory to the head administrator or, if home schooled an instructor, of the school which the minor

attends. The revocation or suspension shall be processed by the department upon notification by the school.

(f) Any person, entity, franchise, corporation, or division of a corporation that wishes to employ, permit, or suffer to work any minor 16 or 17 years of age in any occupation, except in agricultural service, shall obtain a Class II Child Labor Certificate from the department for each location where a person, entity, franchise, corporation, or division of a corporation wishes to employ a minor 16 or 17 years of age. Such employment shall be in accordance with all other sections of this chapter.

(g) The department shall issue Class I and Class II Child Labor Certificates to any person, entity, franchise, corporation, or division of a corporation that applies to the department. The fee for a Class I or Class II Child Labor Certificate shall be fifteen dollars (\$15). The certificates shall be issued annually.

(h)

(1) The application for the child labor certificate shall contain all of the following information specific to the location of the minor's employment:

a. The name, address, and telephone number of the person, entity, franchise, corporation, or division of a corporation that wishes to employ, permit, or suffer to work any minor.

b. The type of business or entity, the federal employer identification number, the names of all incorporators, owners, members, or partners of the business or entity.

c. Any other information as required by department regulation.

(2) The Class I and Class II Child Labor Certificates shall contain all of the following information:

a. The name of the employer.

b. The type of business the employer maintains.

c. Any other information as required by department regulation.

(3) If a person, entity, franchise, corporation, or division of a corporation, employs a minor between 14 and 17 years of age without a proper child labor certificate, the person, entity, franchise, corporation or division of a corporation shall pay a penalty of fifty dollars (\$50) and then shall obtain a certificate in the proper manner.

*Authority: Ala. Code §25-8-45(1975)*

## **B. TIME RESTRICTIONS**

(a) No person 14 or 15 years of age shall be employed, permitted, or suffered to work in any gainful occupation for more than six days in any one week, or for more than 40 hours in any one week, or for more than eight hours in any one day, or before 7:00 a.m. or after 9:00 p.m. during school summer vacation. During the time school is in regular session, no person 14 or

15 years of age shall be employed, permitted, or suffered to work in any gainful occupation for more than six days in any one week, or for more than eight hours on a non-school day, or more than three hours on a school day, or for more than 18 hours in any school week, and not before 7:00 a.m. or after 7:00 p.m.

(b) No person 16, 17, or 18 years of age, who is enrolled in any public or private primary or secondary school system, shall work between 10:00 p.m. and 5:00 a.m. on any night preceding a school day. The appropriate county or city superintendent of schools, or where there is no superintendent, the school headmaster, may grant exemptions to the above time restrictions. Exemptions shall be granted only when the individual circumstances are found to be in the best interests of the minor. Information of any exemptions granted shall be transmitted to a child labor inspector on a form authorized by him or her.

*Authority: Ala. Code §25-8-36(1975)*

### **C. EMPLOYMENT DURING SCHOOL HOURS**

1. No person under 16 years of age shall be employed, permitted, or suffered to work in any occupation during the hours in which the public schools of the district in which the person resides are in session, unless the minor has completed the course of study required for secondary schools. Persons 14 or 15 years of age, when school attendance has been waived, may, upon recommendation of the local superintendent of education and approval by the child labor inspector, be permitted to work in a non-hazardous occupation.
2. Employment authorized by this section shall not be for more than eight hours in any one day, or for more than 40 hours in any one week, or for more than six days in any one week, and not before 7:00 a.m. or after 9:00 p.m.

*Authority: Ala. Code §25-8-37(1975)*

**ATTENDANCE/DRIVER LICENSE/  
LEARNER PERMIT**

## **ATTENDANCE/DRIVER LICENSE/LEARNER PERMIT**

### **A. DENIAL OF DRIVER LICENSE OR LEARNER LICENSE**

1. The Alabama Law Enforcement Agency shall deny a driver license or a learner license for the operation of a motor vehicle to any person under the age of 19 who does not, at the time of application, present a diploma or other certificate of graduation issued to the person from a secondary high school of this state or any other state, or documentation that the person:
  - a. Is enrolled and making satisfactory progress in a course leading to a General Educational Development (GED) certificate from a state-approved institution or organization, or has obtained the certificate;
  - b. Is enrolled in a secondary school of this state or any other state and has not at the time of application accumulated disciplinary points while a student in school that would extend the age of eligibility for the student to apply for a driver license;
  - c. Is participating in a job-training program approved by the State Superintendent of Education;
  - d. Is gainfully and substantially employed;
  - e. Is a parent with the care and custody of a minor or unborn child;
  - f. Has a physician certify that the parents of the person depend on him/her as their sole source of transportation; or
  - g. Is exempted from this requirement due to circumstances beyond his or her control.

*Authority: Ala. Code §16-28-40(1975)*

### **B. LOCAL EDUCATION AGENCY (LEA) RESPONSIBILITIES**

1. The school system shall provide adequate information to each student concerning the rights, penalties, and guidelines provided in this legislation.
2. The superintendent or his designee shall, upon request of the student, provide and complete Part I of the Student Enrollment/Exclusion Status form to indicate enrollment status for any student 15 to 19 years of age. Enrollment status means the student is:
  - a. Enrolled in a public school;
  - b. Enrolled in a General Educational Development (GED) program;
  - c. Enrolled in a job-training program approved by the State Superintendent of Education; or
  - d. Exempted for circumstances beyond the control of the applicant as defined by the State Department of Education guidelines.
3. The superintendent or his designee shall use the Student Enrollment/Exclusion Status form to notify the Alabama Law Enforcement Agency of:
  - a) Students who have requested enrollment status and are not enrolled.



- b) Students who are 16 to 19 years of age with more than 10 consecutive or 15 cumulative days of unexcused absences during a single semester.
- c) The superintendent or his designee shall advise a student of any report sent to the Alabama Law Enforcement Agency related to the student.
- d) The local school board shall write and approve a policy related to this act that is consistent with the State Department of Education guidelines.
- e) The school system shall implement an appeals policy which:
  - (1) Provides for the student to appeal within 15 days of the issuance of enrollment status.
  - (2) The appeal shall:
    - a) Be written.
    - b) Include a statement of reasons for the appeal.
    - c) Be sent to the appropriate school principal.
  - (3) Shall follow the adopted procedures for long-term suspension or expulsion. (Note: Local education agencies may adopt a different appeals process so long as it provides minimal due process.)

*Ala. Code §16-28-40(1975) Alabama Administrative Code 290-3-1-.02(7)(b)(1)*

- 4. Circumstances beyond the control of the student include the following:
  - a. Students who are mentally or physically unable to attend school.
  - b. Students who are regularly and legally employed under the provision of the Child Labor Law.
  - c. Does not include suspension or expulsion from school or imprisonment as an exemption.
  - d. The school system superintendent or designee is the sole judge of whether or not the evidence presented meets the legal requirements of “circumstances that are beyond the control” of the student.

*Authority: Ala. Code §16-28-40(1975)*

#### **C. POSSESSION OF PISTOL/LEARNER PERMIT/DRIVER LICENSE**

- 1. Any person over the age of 14 who is convicted of the crime of possession of a pistol on the premises of a public school, or a public school bus, or both, shall be denied issuance of a driver’s permit or license for the operation of a motor vehicle for 180 days from the date a person is eligible and applies for a permit or license for the operation of a motor vehicle. The court shall notify the Alabama Law Enforcement Agency.

*Authority: Ala. Code §16-28-40(1975)*

2. Any student determined to have brought to school or have in his/her possession a firearm in a school, on school grounds, on school buses, or at other school-sponsored functions, shall be expelled for a period of one year. Notwithstanding the foregoing, city and county boards of education and local superintendent of education of each board may modify the expulsion requirement for a student on a case-by-case basis. Students who are expelled for violation of this section shall not be allowed to attend regular school classes in any public school in the state during the expulsion period.

*Authority: Ala. Code §16-1-24.3(1975)*

However, IDEA eligible students must continue to receive services.

**The web address for the Alabama Law Enforcement Agency link for Driver License forms is:**

<http://www.alea.gov/Home/wfContentTable.aspx?ID=30&PLH1=plhDriverLicense-Forms>

**The web address/link for the Enrollment/Exclusion form is:**

<http://www.alea.gov/Documents/Forms/EnrollmentExclusion-DL-1-93.pdf>



## ENROLLMENT/EXCLUSION FORM

To Implement Sections 16-28-40 through 16-28-45, Ala. Code, 1975

Follow instructions on the back of this form. Print or type all information.

### I. APPLICANT\*

Driver License No.: \_\_\_\_\_ Social Security No.: \_\_\_\_\_ Sex: \_\_\_\_\_  
Male/Female  
Legal Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Last First MI MM/DD/YY  
Address: \_\_\_\_\_  
Street City State Zip

### II. ENROLLMENT\* SCHOOL OR GED OR JOB TRAINING PROGRAM

Name: \_\_\_\_\_ Check one: ☐ GED Program  
(School or in GED or Job Training Program) ☐ Job Training Program  
Address \_\_\_\_\_ Secondary Program  
Street City State Zip  
Telephone No.: \_\_\_\_\_ Signature: \_\_\_\_\_  
Title: \_\_\_\_\_

Enter the actual date of compliance or noncompliance in the blank located to the left of the appropriate statement.

#### IN COMPLIANCE

The applicant:

\_\_\_\_\_ Is enrolled.  
Date  
\_\_\_\_\_ Withdrew due to circumstances  
Date beyond his or her control.\*  
\_\_\_\_\_ Has obtained a GED Certificate.  
Date  
\_\_\_\_\_ The applicant was previously  
Date reported as being noncompliant.  
As of this date, the student has  
complied.

#### NOT IN COMPLIANCE

The applicant:

\_\_\_\_\_ Is not enrolled.  
Date  
\_\_\_\_\_ Has accumulated more than 10  
Date consecutive or 15 cumulative  
unexcused absences during a single  
semester. **(Only for students  
enrolled in secondary school)**  
\_\_\_\_\_ Is not making satisfactory progress.  
Date **(Only for GED students)**

### III. EXCLUSION

The applicant: Enter the actual date in the blank located to the left of the appropriate statement.

\_\_\_\_\_ Is a parent with the care and custody of  
a minor or unborn child.  
\_\_\_\_\_ Is the sole source transportation for  
the parent(s).

\_\_\_\_\_  
Physician/Health Department  
\_\_\_\_\_  
Street  
\_\_\_\_\_  
City State Zip Phone  
\_\_\_\_\_  
Physician's Signature

Enter the beginning date of employment.

The applicant is gainfully and substantially employed.  
Defined on the back of this form.  
Revised 5/1/95

\_\_\_\_\_  
Place of Employment  
\_\_\_\_\_  
Street  
\_\_\_\_\_  
City State Zip Phone  
\_\_\_\_\_  
Employer's Signature

## LEGISLATIVE AUTHORITY

“The Department of Public Safety shall deny a driver’s license or a learner’s license for the operation of a motor vehicle to any person under the age of 19 who does not, at the time of application, present a diploma or other certificate of graduation issued to the person from a secondary high school of this state, or any other state, or documentation that the person: (1) is enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED) from a state-approved institution or organization, or has obtained the certificate; (2) is enrolled in a secondary school of this state or any other state; (3) is participating in a job training program approved by the State Superintendent of Education; (4) is gainfully and substantially employed; (5) is a parent with the care and custody of a minor or unborn child; (6) has a physician certify that the parents of the person depend on him or her as their sole source of transportation; or (7) is exempted from this requirement due to circumstances beyond his or her control as provided in this chapter.” Ala. Code §16-28-40 (1975)

## GENERAL INFORMATION/INSTRUCTIONS

1. Individuals under the age of 19 applying for, renewing, or seeking reinstatement of a driver’s license or learner’s permit to operate a motor vehicle must present to the area driver’s license examiner a diploma or other certificate of graduation, a GED Certificate, or an Enrollment/Exclusion Form.
2. Print or type all information.
3. Part I must be completed for all reports. Note: *The driver’s license number may not be available. This is the only information in Part I which may be left blank.*
4. The attendance officer or chief attendance administrator, upon request, shall provide documentation of enrollment status (complete Part I and Part II) for any student 15 years of age or older who is properly enrolled in a school under the jurisdiction of the official. The applicant should submit this form to the area Driver’s License Examiner.
5. Whenever a student 17 years of age or older withdraws from school without meeting the exclusionary conditions of this legislation, the attendance officer or chief attendance administrator should complete Part I and Part II of this form and submit to the Department of Public Safety, Driver Improvement, P.O. Box 1471, Montgomery, Alabama 36102-1471. *No other report should be submitted unless the individual changes categories from noncompliance to compliance.*
6. Appeals relative to secondary school enrollment status should be filed with the local school principal in accordance with local board of education policies.
7. Exclusion status for individuals claiming an exemption from this legislation should be completed by the designated person as identified in Part III of this form. The applicant is responsible for securing proper documentation for presentation to the Department of Public Safety.

## DEFINITIONS

1. Applicant—An individual between the ages of 15 and 19 applying for, renewing, or seeking reinstatement of a driver’s license or a learner’s permit for the operation of a motor vehicle.
2. Circumstances beyond the control of applicant—Valid reasons for exemption from this legislation and apply to the following:
  - a. Students who are mentally or physically unable to attend school.
  - b. Students who are regularly and legally employed under the provisions of the Child Labor Law.
  - c. Students who, because of the distance they reside from school and the lack of public transportation, are compelled to walk more than two miles to attend a public school. (Does not include suspension or expulsion from school or imprisonment.)
3. Enrollment—The status of an individual who is:
  - a. Enrolled in a school.
  - b. Enrolled in a GED program.
  - c. Enrolled in a job training program approved by the State Superintendent of Education.

## **WEB RESOURCES**

## **RESOURCES**

### **RELATED WEB RESOURCES**

- *Alabama Law Enforcement Agency* <http://www.alea.gov/>
- *Alabama Learning Exchange (ALEX)* <http://alex.state.al.us/>
- *Attendance Works* [www.attendanceworks.org](http://www.attendanceworks.org)
- *Ala. Code, (1975)* <http://www.legislature.state.al.us/> [then click on the Ala. Code tab]
- *National Center for Missing and Exploited Children* <http://www.missingkids.com/>
- *Opinions of the Attorney General of Alabama* <http://www.ago.state.al.us/Opinions.aspx>
- *State Board of Education Administrative Code*  
<http://www.alabamaadministrativecode.state.al.us/docs/ed/index.html>
- *State of Alabama Web Page* <http://www.alabama.gov>
- *The Official Website Of The Alabama Legislature* <http://www.legislature.state.al.us/>
- *United States Department of Homeland Security* <http://www.dhs.gov>
- *United States Department of Justice* [www.justice.gov](http://www.justice.gov)
- [www.clasleaders.org](http://www.clasleaders.org) (Check under affiliates tab for Alabama Association of Prevention, Attendance, and Support Services (AAPASS)).
- *Every School Day Counts* [everyschooldaycounts.org](http://everyschooldaycounts.org)
- *Alabama State Department of Education* [www.alsde.edu](http://www.alsde.edu)

**LAWS AND REGULATIONS  
RELATED TO SCHOOL  
ATTENDANCE**

## **The Ala. Code 1975 School Attendance Laws**

- **Article 1 General Provisions.**

- Section 16-28-1 Definitions.
  - Section 16-28-2 Purposes of article.
  - Section 16-28-2.1 Adoption of standards for mandatory attendance policy; parents held accountable; enforcement.
  - Section 16-28-2.2 Establishment of program by local boards to inform parents of educational responsibilities.
  - Section 16-28-3 Ages of children required to attend school; exemption for church school students.
  - Section 16-28-3.1 Guidelines and procedures for withdrawal from school; dropout prevention program.
  - Section 16-28-4 Minimum age at which child may enter. [See Alabama Administrative Code 290-8-9-.04(3)(a)]
  - Section 16-28-5 Private tutor.
  - Section 16-28-6 Children exempt from attending public school.
  - Section 16-28-7 Report of enrollment.
  - Section 16-28-8 Reports required must be furnished.
  - Section 16-28-9 List of children who should attend school - Required.
  - Section 16-28-10 List of children who should attend school - How lists prepared.
  - Section 16-28-11 Enrollment report and list of potential students compared.
  - Section 16-28-12 Person in loco parentis responsible for child's school attendance and behavior; noncompliance; local boards to promulgate written behavior policy, contents, annual distribution, receipt to be documented; school officials required to report noncompliance; failure to report suspected violation; district attorneys vigorously to enforce provisions.
  - Section 16-28-13 Burden of proof on person in loco parentis.
  - Section 16-28-14 Habitual truant.
  - Section 16-28-15 Absence must be explained.
  - Section 16-28-16 Cases of non-enrollment and non-attendance; withdrawal of enrollment.
  - Section 16-28-17 When child may be taken into custody.
  - Section 16-28-18 Record kept by attendance officer.
  - Section 16-28-19 Attendance districts and employment of attendance officer. (County Board of Education)
  - Section 16-12-18 Employment of attendance officers; enforcement of attendance laws. (City Board of Education)
  - Section 16-23-1 Certain public school employees must hold certificate. (Attendance Officer)
  - Section 16-8-34 Compulsory school attendance districts.
  - Section 16-9-17 Building program; local attendance district boundaries.
  - Section 16-28-20 Compensation of Attendance Officers.
  - Section 16-28-21 Juvenile court jurisdiction.
  - Section 16-28-22 Prosecutions.
  - Section 16-28-23 Attendance register and rules and regulations as evidence.
- House Joint Resolution 226, Alabama Act No. 2015-251. Alabama Commission on Truant, At-risk, and Delinquent Youth. Reference Appendix J.
  - Alabama Select Commission on High School Graduation and Student Dropouts, Alabama Act No. 2009-229. Reference Appendix K.



- **Article 2 Conditioning of Driving Privileges upon School Attendance.**
  - Section 16-28-40 License applicant under 19 to provide documentation of school enrollment, etc.; duties of school attendance official; withdrawal from school; conviction for certain pistol offenses.
  - Section 16-28-41 Written guidelines to be provided.
  - Section 16-28-42 Adoption of regulations.
  - Section 16-28-43 Article not to deny rights of exceptional children.
  - Section 16-28-44 Article not to deny constitutional rights of children.
  - Section 16-28-45 Construction with other attendance and vehicle laws.

## **The Ala. Code 1975**

### **School Calendar/School Day Laws**

#### **GENERAL PROVISIONS.**

- Section 16-1-1 Definitions. (Scholastic Week, Month, Year, Fiscal Year)
- Section 16-13-1 Fiscal year, School Term
- Section 16-13-231 Purposes and plan of apportionment. (School Term)

#### **Alabama State Board of Education Administrative Code**

#### **School Calendar/School Day Laws**

- 290-3-1-.02(2)(a)(1)(2) School Term, School Day
- 290-8-9-.04(3)(a) Eligibility and Consent for Special Education Services
- 290-3-1-.02(7)(a)(d) through 290-3-1-.02(7)(j)(iv) McKinney-Vento Homeless Assistance Act 42 U.S.C. 11421 *et seq.*

## **The Ala. Code 1975**

### **Immunization Documentation**

- Section 16-30-1 Immunization or testing for certain diseases.
- Section 16-30-2 Responsibilities of parents.
- Section 16-30-3 Exceptions to chapter.
- Section 16-30-4 Presentation of certificate upon initial entrance into school.
- Section 16-30-5 Rules and regulations.

**Alabama Administrative Code** 290-3-1-.02(4)(b)(2) Temporary identification number

**Act of Alabama, No. 2011-535** Certified Birth Certificate

## **The Ala. Code 1975**

### **Alternative Education Programs**

- Section 12-15-217 Notice of delinquent acts (Court Placement)
- Section 16-1-14 Removal, isolation, or separation of pupils creating disciplinary problems; state approval necessary for rules implementing such measures; deprivation of right to equal and adequate education may not result. (System Placement)
- Section 16-1-16 Special courses, tutoring, counseling, etc., for special groups of pupils. (System Placement)

- Section 12-15-215 Disposition of delinquent children or children in need of supervision generally. (Convicted, but not sentenced to imprisonment)
- Section 16-38-1 Acceptance of provisions of federal Vocational Rehabilitation Act.
- Section 16-38-2 Rehabilitation of persons disabled in industry or otherwise.
- Section 16-38-3 Restoration of crippled children.
- Section 16-38-4 Treasurer /Custodian of federal funds for rehabilitation.
- Section 16-38-5 Duties of superintendent as to rehabilitation work.
- Section 16-38-6 State Board of Education's authority to cooperate with federal Rehabilitation Agency.
- Section 16-38-7 Institutions and boards may cooperate in rehabilitation work.
- Section 16-38-8 Use of funds.
- Section 16-38-9 Annual report to Governor on rehabilitation.
- **Alabama Administrative Code 290-8-9-.09(2)(e)** (Special Education Students)

### ***The Ala. Code 1975*** **Exclusion from Public Education Schools**

- Section 16-1-24.1 Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.
- Section 16-1-24.3 Local boards of education to implement policies requiring expulsion of students who possess firearms in school areas.
- Section 16-1-14 Removal, isolation, or separation of pupils creating disciplinary problems; state approval necessary for rules implementing such measures; deprivation of right to equal and adequate education may not result.
- Section 16-1-27 Use of electronic communication devices on school property.
- Section 16-29-1 Required; scope; suspension of infected child.
- Section 16-29-2 When examination made.
- Section 16-29-3 Certificate of examination furnished pupil.
- Section 16-29-4 County health officers furnished with certain equipment.
- Section 16-29-5 Tests.
- Section 16-29-6 County board of health to cooperate.
- **Alabama Administrative Code 290-8-9-.09** (Violation of drug, alcohol, weapons, physical harm to person, or threaten physical harm to a person)
- **United States Department of Education Title 18, U.S.C., Section 921, October 31, 1995** (Firearms)

### ***The Ala. Code 1975*** **Missing Children**

- Section 26-19-1 Definitions
- Section 26-19-9 Board of Education to compile and distribute list of missing school children.
- Section 26-19-10 Public school systems to notify Department of Education and ACMEC when missing school child found.

## **The *Ala. Code 1975***

### **Child Labor**

- Section 25-8-53 School attendance officers.
- Section 25-8-45 Eligibility to work form – When required: Child Labor Certificates
- Section 25-8-46 Eligibility to work form - Issuance; scope. (Work Permit)
- Section 25-8-36 Time restrictions.
- Section 25-8-37 Employment during schools hours; employment of persons 14 or 15 years of age upon waiver of school attendance.

# **GLOSSARY**

## GLOSSARY

The following terms are operationally defined for the purpose of effective implementation of the Alabama Attendance Manual as related to increasing promotion/graduation rates, reduction of truancy and to reduce the number of students not completing high school.

**Accountability & Attendance Rate** – attendance based on the average daily attendance (ADA) reported on the 9<sup>th</sup> month report for the entire academic school year.

**Attendance** – students arrive at school/class every day and on time in order to benefit from instructional programs offered.

**Attendance Contracts** – addresses the reason for the absences and a way to help improve attendance.

**Attendance Rate** -an additional academic indicator for schools without a Grade 12 used to calculate attendance rate as described for Alabama Accountability.

**Average Daily Attendance (ADA)** -the percentage of a school's student population that attends on a typical day.

**Average Daily Membership (ADM)** – a count taken of the number of students enrolled in a school at different times of the year to satisfy local, state, and federal requirements.

**Chronic Absenteeism** – missing a certain percentage (10% or more) or number of days (excused and unexcused absences) and suspensions.

**Community Awareness/Mobilization** -includes a broad array of community strategies designed to increase the development of broad, community-based crime prevention partnerships; increase public awareness of and support to increase the capacity of diverse communities to deal with social and emotional issues.

**Directive** –a systematic plan that requires all stakeholders (students, school staff) to enact an agreed upon protocol of responses to student failure.

**Dropout** –a student who leaves school without graduating.

**Early Checkout** –leaving school before the end of the regular school day.

**Early Warning Indicator/System** -system for *early alert* identification of absences, (excused and unexcused), behavior and course/grade attainment in addition to other pertinent information to other pertinent demographics for use by local schools through the STI-INFOCUS- the Graduation Tracking System (GTS).

**Early Warning Process** –a program designed to intervene and avoid the necessity of truancy and behavior cases from becoming official cases with the juvenile court system. This program identifies those students who are truant and brings to their attention, as well as their parents, the laws pertaining to mandatory school attendance and the consequences associated with failure to follow these laws.

**Enrolled**—students currently on the roll who have completed the registration process.

**Excused Absence** – an absence for which a valid cause may be presented such as: illness, death in the family, inclement weather, legal quarantine, principal permission, etc.

**Factors** -sorting function of the GTS that allows schools to identify individual students or a group of students by number of at-risk indicators.

**Indicators** – categories of at-risk factors used to identify individual students or a group of students who are off-track for on-time graduation.

**Intervention** – a systematic response that provide students with additional time and support for learning as soon as they experience difficulty rather than relying on remediation at the conclusion of a course or grade.

**Juvenile Diversion** -a program that offers alternative sanctions to 1st time juvenile offenders ages 7-17 and their families.

**Parent Notification** -response to parents or guardians about compulsory attendance laws related to proper parental supervision of a minor child.

**Pyramid of Intervention** -a graphic of interventions (process, program and/or practice) categorized as Tier 1, Tier 2, or Tier 3 for public display and implementation.

**Registered** – “no show” students or those who have been "rolled up" from previous year.

**Remediation** -a systematic response to student failure that occurs after a grading period has ended such as: summer school, retention, and remedial courses.

**Student Exit Interview** – an exit interview conducted with a student who withdraws from school prior to graduating and with the student's parent or legal guardian for the purpose of providing information regarding the detrimental impacts of early withdrawal from school and to provide options and available resources as interventions.

**Systematic Response** -processes created that ensure consistent responses are enacted to respond to students at-risk according to a school-wide plan rather than according to the discretion of individual teachers.

**Tardy** – arriving at school/class after the specified starting time.

**Tier 1 Interventions** -high quality, evidence-based with a concentration on academic, social, and behavioral strategies to be applied to **all** students.

**Tier 2 Interventions** -high quality, evidence-based academic, social, and behavioral strategies applied to target groups of students with a more intense focus on specific at-risk behaviors.

**Tier 3 Interventions** -high quality, evidence-based academic, social, and behavioral strategies applied to individual students with a more intense focus on specific at-risk behaviors.

**Timely** – a systematic response that allows for an immediate identification of students who need additional time and support.

**Truancy** -unexcused absence or skipping school/class for a day or portion thereof.

**Truancy Petition** – a request that the Court assumes jurisdiction over a student/parent and issues an order compelling school attendance of a student.

**Truancy Prevention** – is designed to promote regular school attendance through one of more strategies including an increase in parental involvement, the participation of law enforcement, the use of mentors, court alternatives, or other related strategies.

**Unexcused Absences** – an absence where no valid cause can be established.

**Wraparound/Case Management** – is a system of care that "wraps" a comprehensive array of individualized services and support around youth and their families to keep delinquent youth at home and out of institutions whenever possible. Treatment services are usually provided by multiple agencies working together as part of a collaborative interagency agreement, and each youth's treatment plan is determined by an interdisciplinary team consisting of a caseworker, family and community members, and several social services and mental health professionals. Individual case management is a less intense form of the wraparound approach where individual caseworkers guide youth through the existing social services or juvenile justice system and ensure that they receive appropriate services.

# **APPENDIX**



## **APPENDIX A**

Parent Project Implementation Guide

<https://www.alsde.edu/sec/pss/Discipline/PARENT%20PROJECT%20IMPLEMENTATION%20GUIDE.pdf>

## **APPENDIX B**

Implementation Process for the K-12 Graduation Tracking System (GTS)

[http://www.alsde.edu/sec/pss/Graduation%20Tracking/Into%20Implementation%20Process%20for%20the%20K.12%20GTS%20May%202013%20\(Final\).pdf](http://www.alsde.edu/sec/pss/Graduation%20Tracking/Into%20Implementation%20Process%20for%20the%20K.12%20GTS%20May%202013%20(Final).pdf)

## **APPENDIX C**

### **RECOMMENDED ROLE OF THE ATTENDANCE OFFICER AND TIMELINE OF RESPONSIBILITIES**

#### **JULY/AUGUST---Before the First Day of School**

- Secure a copy of the State Department of Education Attendance Manual and the Student Management System Data Code Manual and Users Guide.
- Secure a copy of the School's Continuous Improvement Plan/ASSIST.
- Secure a copy of the Student Handbook and System Code of Conduct.
- Know school system policy and procedures for attendance and Early Warning.
- Know the school system policy and procedure for credit recovery, summer school, and making up courses.
- Know the school system Promotion/Retention policy.
- Prepare and send a newspaper article or other type of media to bring awareness to the importance of attendance and be sure to outline the academic and economic consequences.
- Secure passwords and login information needed for INOW and INFOCUS access.
- Determine on the AAPASS state map which regional attendance district the LEA is assigned by checking "CLAS" Web site.
- Request or secure a projected calendar of AAPASS meeting dates.
- Know how to access GTS and generate needed reports from INOW such as attendance, comprehensive progress reports, student demographic information, and report cards.
- Be knowledgeable and acquire a list of resources available to assist school leaders, teachers, and parents with student attendance.
- Acquire the names and contact information of the school level personnel who oversee attendance at the schools.
- Review memorandum in the State Superintendent's Corner on the state Web site for new information.

- Conduct training with school level attendance personnel on state and local attendance policies and procedures. Emphasize effective interventions prior to the official Early Warning Process to reduce truancy.
- Collaborate with local schools about implementing an incentive program at each school to recognize and encourage student attendance.

#### **AUGUST/SEPTEMBER---After First Day of School**

- Ensure that an article regarding the data improvement and attendance rates is in the school bulletin, local newspaper, or Web site.
- Obtain the names and contact information of the Problem Solving Team leaders at each local school.
- Distribute schedule of Early Warning meeting dates, time, location, and expectations of first outcome.
- Review memorandum in the State Superintendent's Corner on the state Web site for new information.
- Obtain a list of area social agencies and community organizations that support and assist the school system and schools' achievement and attendance.

#### **SEPTEMBER/MAY**

- Use INOW and INFOCUS to research individual students.
- Discuss individual students and possible interventions with the Problem Solving Team at the schools.
- Provide school RTI leadership with possible interventions and resources for students to be implemented as part of a student tiered instruction plan.
- Maintain documentation for Early Warning and Attendance program.
- Monthly radio/newspaper announcements about importance of attendance.
- Implement incentive programs at each school to recognize students, even most improved, and encourage student attendance.
- Review Memorandum in the State Superintendent's Corner on the state website for new information.
- Build relationships with the faculty at the local schools and with community agencies/leaders.
- Provide follow up to local schools on students involved in Early Warning process and Court petitions.
- Participate in regional attendance meetings and attend annual conferences for AAPASS.
- Submit to ALSDE best practices for increasing attendance rate. Refer to Appendix D, Best Practice Template.

## APPENDIX D

### BEST PRACTICES FOR STUDENT SUCCESS: BUILDING CAPACITY

<b>Best Practice Categories (circle one)</b>	<b>Description Brief Description (e.g., Target Audience, Program Focus, and Results-Based Evidence)</b>	<b>Location and Contact</b>
<b>Academic/Behavior Interventions</b>  <b>Adult Advocates And Student Social/ Behavioral Support</b>  <b>College/Career Readiness Programs</b>  <b>Community Link</b>  <b>Early Warning</b>  <b>Innovative Pathways</b>  <b>Parental Engagement</b>  <b>Transitional Programs</b>		

Please submit to [along@alsde.edu](mailto:along@alsde.edu).

**These processes, practices, and programs supporting student success will be compiled and shared with LEAs on the ALSDE Web site.**

## APPENDIX E

### *ALA. CODE*

**290-8-9-.09 Discipline Procedures.** When the IEP Team, including the parents, agrees to a change in placement for disciplinary reasons, there is no requirement to implement the following discipline provisions.

**(1) Authority of School Personnel.**

(a) School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct.

(b) School personnel under this section may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten (10) consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement).

(c) After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, during any subsequent days of removal the public agency must provide services to the child with a disability who is removed from the child's current placement. The child must continue to receive educational services, so as to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP, and receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

(d) For disciplinary changes in placement that would exceed ten (10) consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability pursuant to this rule, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities. When there is a change of placement, the child must continue to receive educational services, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. The educational services may be provided in an interim alternative setting.

(e) A public agency is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for ten (10) school days or less in that school year, if it provides services to a child without disabilities who is similarly removed.

(f) After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, if the current removal is for not more than ten (10) consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

**(2) Change of Placement Because of Disciplinary Removals.** The child's IEP Team determines the interim alternative educational setting for services.

(a) For purposes of removals of a child with a disability from the child's current educational placement, a change of placement occurs if the removal is for more than ten (10) consecutive school days, including partial school days of a half day or more, or the child has been subjected to a series of removals that constitute a pattern because the series of removals total more than ten (10) school days in a school year, because the child's behavior is substantially similar to the child's behavior in previous incidents of misconduct that resulted in the series of removals, and because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another. The public agency (a minimum of an administrator and the student's special education teacher) determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

(b) Notification. On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA must notify the parents of that decision, and provide the parents the procedural safeguards notice.

(c) Manifestation Determination.

1. Within ten (10) school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child's IEP Team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability, or if the conduct in question was the direct result of the LEA's failure to implement the IEP.

2. The conduct must be determined to be a manifestation of the child's disability if the LEA, the parent, and relevant members of the child's IEP Team determine that either condition in paragraph one is met.

3. If the LEA, the parent, and relevant members of the child's IEP Team determine that there was a failure to implement the IEP, the LEA must take immediate steps to remedy those deficiencies.

(d) Determination that Behavior was a Manifestation. If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team must:

1. Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment during the previous 18 months before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child, or

2. If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior, and

3. Except as provided in Special Circumstances, return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.

(e) Special Circumstances. School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:

1. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the SEA or an LEA,

2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the SEA or an LEA, or

3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the SEA or an LEA.

(f) Definitions. For purposes of this section, the following definitions apply:

1. Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the *Controlled Substances Act* (21 U.S.C. 812(c)).
2. Illegal drug means a controlled substance, but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.
3. Serious bodily injury has the meaning given the term “serious bodily injury” under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.
4. Weapon has the meaning given the term “dangerous weapon” under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

(3) **Appeal.** The parent of a child with a disability who disagrees with any decision regarding disciplinary placement or manifestation determination under these rules, or an LEA that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others, may appeal the decision by requesting a hearing. The hearing is requested by filing a due process hearing request.

(a) Authority of Hearing Officer. A hearing officer hears, and makes a determination regarding an appeal under this section. In making the determination, the hearing officer may return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation of disciplinary requirements, or that the child’s behavior was a manifestation of the child’s disability, or order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others. This process may be repeated if the LEA believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.

(b) Expedited Due Process Hearing. Whenever a hearing is requested under this rule, the parents or the LEA involved in the dispute must have an opportunity for a due process hearing.

1. The SEA is responsible for arranging the expedited due process hearing, which must occur within 20 school days of the date the hearing request is received. The hearing officer must make a determination within ten (10) school days after the hearing.
2. Unless the parents and LEA agree in writing to waive the resolution meeting, or agree to use the mediation process, a resolution meeting must occur within seven days of receiving notice of the due process hearing request, and
3. The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the due process hearing request.
4. The decisions on expedited due process hearings are appealable consistent with the due process hearing rules.

(4) **Placement During Appeals.** When an appeal has been made by either the parent or the LEA under this rule, the child must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period specified in this rule, whichever occurs first, unless the parent and the SEA or LEA agree otherwise.

(5) **Protections for Children Not Determined Eligible for Special Education And Related Services.**

(a) A child who has not been determined to be eligible for special education and related services under these rules and who has engaged in behavior that violated a code of student conduct, may assert any of the protections provided for in these rules if the public agency had knowledge, as specified below, that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

(b) A public agency must be deemed to have knowledge that a child is a child with a disability if before the behavior that precipitated the disciplinary action occurred:

1. The parent of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services,
2. The parent of the child requested an evaluation of the child pursuant to these rules, or
3. The teacher of the child, or other personnel of the LEA, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education of the agency or to other supervisory personnel of the agency.

(c) Exception. A public agency would not be deemed to have knowledge under paragraph (b) of this section if the parent of the child has not allowed an evaluation of the child, or has refused services under these rules, or the child has been evaluated and determined to not be a child with a disability under these rules.

(d) Conditions that apply if no basis of knowledge.

1. If a public agency does not have knowledge that a child is a child with a disability (in accordance with paragraphs (b) and (c) of this section) prior to taking disciplinary measures against the child, the child may be subjected to the disciplinary measures applied to children without disabilities who engage in comparable behaviors consistent with paragraph 2. that follows.
2. If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner. Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.
3. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the public agency and information provided by the parents, the agency must provide special education and related services in accordance with these rules.

**(6) Referral to and Action by Law Enforcement and Judicial Authorities.**

(a) Rule of Construction. Nothing in these rules prohibits an agency from reporting an alleged crime committed by a child with a disability to appropriate authorities or prevents State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

(b) Whenever law enforcement or judicial authorities are contacted by a public agency personnel reporting an alleged crime committed by a child with a disability, the IEP Team must, within two weeks of the child's return to a school setting:

1. Conduct a functional behavioral assessment, unless the LEA has conducted a functional behavioral assessment during the previous 18 months before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child, or
2. If a behavioral intervention plan already has been developed, review the behavioral intervention plan and modify it, as necessary, to address the behavior.

(c) Transmittal of Records.

1. An agency reporting an alleged crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.
2. An agency reporting an alleged crime under this section may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by FERPA.

(7) **Bus Suspension.** Whether a bus suspension would count as a day of suspension would depend on whether the bus transportation is a part of the child's IEP. If the bus transportation is a part of the child's IEP, a bus suspension would be treated as a suspension unless the public agency provides the bus service in some other way because that transportation is necessary for the child to obtain access to the location where all other services will be delivered. If the bus transportation is not a part of the child's IEP, a bus suspension would not be a suspension. In those cases, the child and his or her parents would have the same obligations to get the child to and from school as a nondisabled child who had been suspended from the bus. However, education agencies must address whether the behavior on the bus is similar to behavior in a classroom that is addressed in an IEP and whether bus behavior should be addressed in the IEP or in a behavioral intervention plan for the child.

(8) **In-School Suspension.** A day of in-school suspension is not a removal from a child's educational program for disciplinary reasons as long as the child is afforded the opportunity to continue to appropriately participate in the general education curriculum, continue to receive the services specified on the child's IEP, and continue to participate with nondisabled children to the extent they would have in his or her current placement.

**Author:** Joseph B. Morton

**Statutory Authority:** Code of Ala. 1975, Title 16, Chapter 39; 20 U.S.C. 1400 et seq.; 34 CFR §300.

**History: New Rule:** Filed September 9, 1999; effective October 14, 1999. **Amended:** Filed December 14, 2000; effective January 18, 2001. **Repealed and New Rule:** Filed August 11, 2005; effective September 15, 2005. **Repealed and New Rule:** Filed June 14, 2007; effective July 19, 2007.

## APPENDIX F

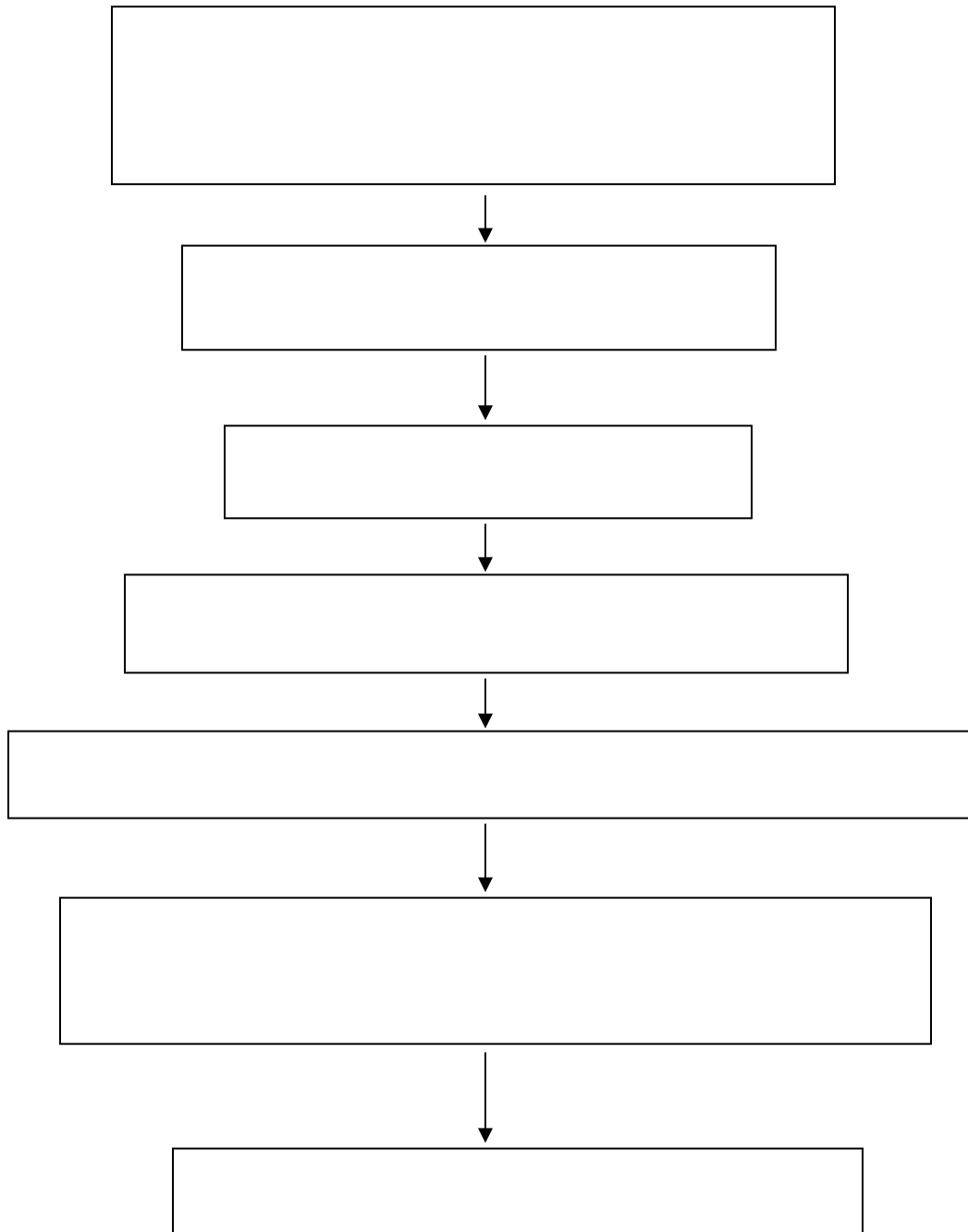
Student Exit Interview Process

<http://www.alsde.edu/sec/pss/Dropout%20Prevention/Exit%20Interview%20Document--KAW--7-15-2010-FINAL2.pdf>



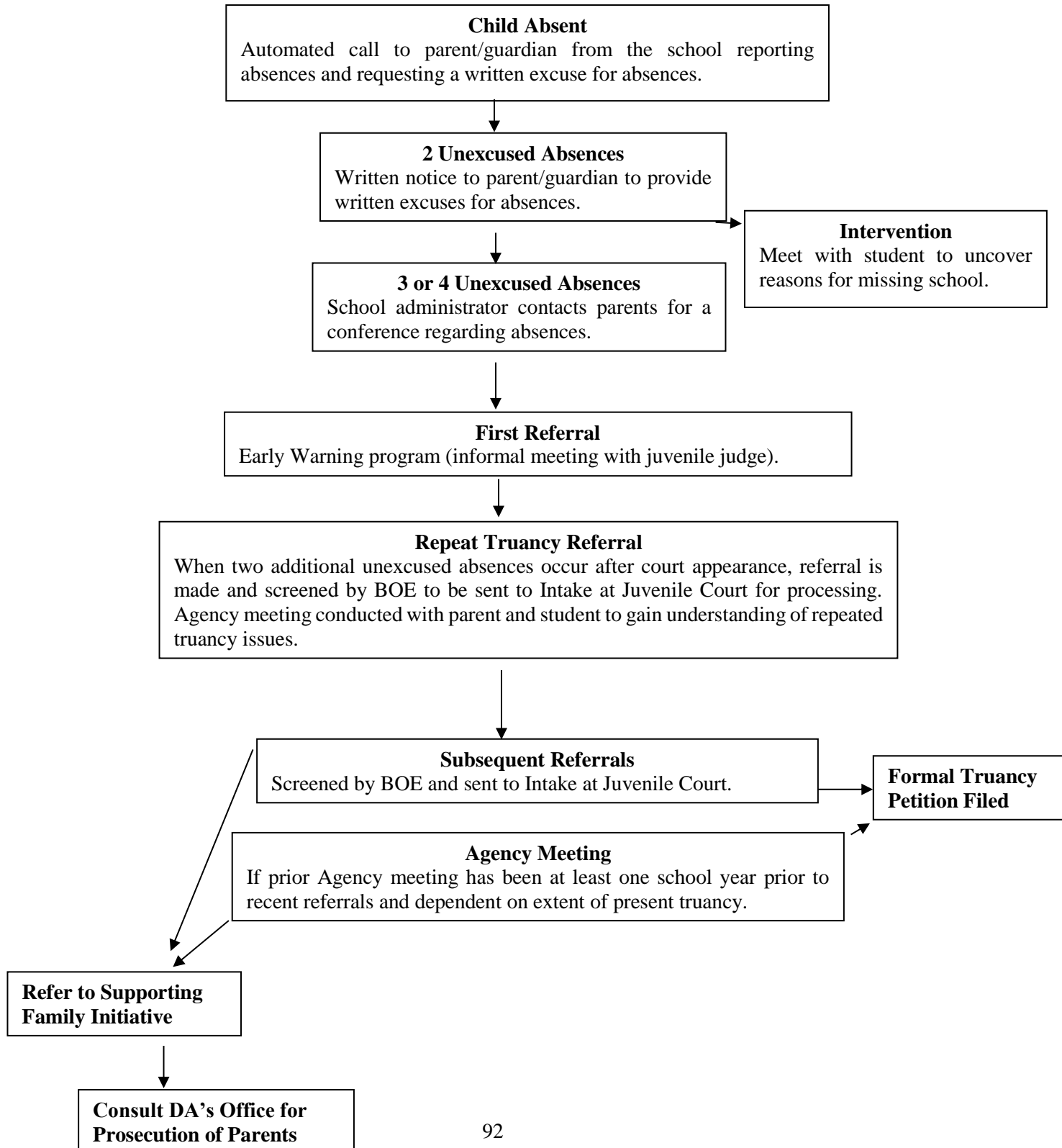
## APPENDIX G

### EARLY WARNING Flow Chart - Worksheet Attendance



## APPENDIX H

### EARLY WARNING Flow Chart Attendance



## APPENDIX I

### FOR UNEXCUSED/TRUANCY ABSENCES ONLY

### Pre -Early Warning School Conference Form

*The purpose of this conference is to address student academic, social, and/or behavioral issues that are impacting the student's ability to regularly attend school.*

Parent/Guardian: \_\_\_\_\_ Student: \_\_\_\_\_  
School: \_\_\_\_\_ Date of Conference \_\_\_\_\_

**Please check problem areas below.**

<input type="checkbox"/> Documentation of Absences	<input type="checkbox"/> Student Employment Interfering with School
<input type="checkbox"/> Student Refusal to Attend	<input type="checkbox"/> Needed at Home
<input type="checkbox"/> Failure to Attend Due to Physical/Mental Illness	<input type="checkbox"/> Relationship with Fellow Students and/or School Staff
<input type="checkbox"/> Teen Pregnancy	<input type="checkbox"/> Transportation
<input type="checkbox"/> Teen Mom/Dad: Childcare Issues	<input type="checkbox"/> Academic Difficulties/Credit Loss
<input type="checkbox"/> Harassment/Bullying at school	<input type="checkbox"/> Other
<input type="checkbox"/> Dislike of School Experience	

**Please indicate if you are interested in attending a *Loving Solutions®/ Parent Project®* workshop.**

\_\_\_ Yes, I'm interested in attending a *Loving Solutions®/ Parent Project®* workshop.

\_\_\_ No, I'm not interested in attending a *Loving Solutions®/ Parent Project®* workshop at this time.

**Goals for Improvement**

**Goal 1:**

**Goal 2:**

**Goal 3:**

I acknowledge that I have been advised of the policy of the Board of Education as mandated by the Alabama Compulsory Attendance Laws and set forth in the Early Warning Truancy Petition Program governing attendance. I understand that further truancy by my child will result in mandatory attendance of the Early Warning Truancy Program and may result in a petition being filed with the Juvenile Court. *Legal Reference: Laws of Alabama Relating to Education, Title 16-28-12, 16-28-14, 16-26, 15, 16-28-17.*

**Parent /Guardian Signature:** \_\_\_\_\_ **Date** \_\_\_\_\_

**Student Signature:** \_\_\_\_\_ **Date** \_\_\_\_\_

**School Representative Signature:** \_\_\_\_\_ **Date** \_\_\_\_\_

\_\_\_ **Parent was notified to attend the school conference but did not participate.**

\_\_\_ **Second attempt to contact or meet with parents.**

**School Representative:** \_\_\_\_\_ **Date** \_\_\_\_\_

**THE COMPLETED FORM MUST BE SUBMITTED FOR EACH STUDENT ASSIGNED TO EARLY WARNING. NO STUDENT/PARENT WILL BE SCHEDULED TO EARLY WARNING (FOR UNEXCUSED ABSENCES) WITHOUT THIS DOCUMENTATION.**

*\*School Level Intervention*

