

Student Attendance

The Standing Rock Sioux Tribal Education Department believes there is a positive relationship between school attendance and student success. It further believes that school attendance is a responsibility shared by students, parents, schools and community.

The Tribal Education Department, along with the Standing Rock Education Consortium, in accordance with Tribal Code, requires that all students between six and nineteen years of age (and those students enrolled in 5 yr. old kindergarten) attend school regularly during the full period and hours, religious and cultural holidays excepted, that the school in which the child is enrolled is in session until the end of the school term, quarter or semester of the school year in which the student becomes 19 years of age, unless they have an acceptable excuse, meet attendance exceptions outlined in School Policy and Tribal Code, or have graduated from High School. It is the responsibility of each school's attendance officer to determine if an absence is excused, unexcused, or truant.

A student will be considered excused for school attendance if the student is considered temporarily not in proper physical or mental condition to attend school, but can be expected to return upon termination or abatement of the illness or condition. The school attendance officer may request that the parent/guardian obtain a written statement documenting the existing condition.

A student may be excused in writing by the parent/guardian prior to an absence occurring. Under this provision, absences through prior parent request cannot exceed 10 days in a school year.

A student who has reached the age of 16 years and meets the criteria established by North or South Dakota Law may also be excused from school attendance to participate in programs leading to high school graduation or high school equivalency.

No student shall be denied credit in a course solely because of an excused or unexcused absence.

Legal Reference: Standing Rock Sioux Tribe – Code of Education

Adoption date: August 2010

Student Attendance Procedures

School Attendance Officer

The building principal or designee shall serve as the school attendance officer for each Standing Rock Reservation School. The school attendance officer shall be responsible for all attendance matters relating to school attendance and truancy. The school attendance officer of each school shall determine daily which students enrolled in the school are absent from school and whether their absences are excused.

The school attendance officer or designee in each school shall inform the parent/guardian of a student's truancy and direct the parent/guardian to return the student to school no later than the next day on which school is in session or to provide an excuse for the student's absence.

The school attendance officer or designee shall furnish student attendance information to the school Superintendent for the purpose of providing the appropriate agencies and the state with required records. Building principals shall annually determine how many students enrolled in their schools were absent in the previous year and whether the absences were excused. This information will be provided to the Board of education by the Superintendent.

Student Absences

The primary responsibility for regular school attendance of a student rests with the student's parent/guardian.

Excused Absences

All excused absences require that parent/guardian verification be provided to the school attendance officer or designee in advance of the absence or prior to re-admittance to school.

Excused Absence with Prior Parent Request

A parent/guardian may request that a student be excused from school attendance prior to an absence occurring. The request shall be in writing and the student may be excused by the parent/guardian under this provision for not more than 10 days in the school year. Absences include but are not limited to the following:

- Appointments that cannot be scheduled outside of the school day.
- A court appearance or other legal procedure that requires the student's presence.
- A death in the immediate family or funerals for relatives or close friends.
- Attendance at special events of educational value such as college visits, job fairs, etc.

Excused Absences without Prior Consent

The school attendance officer or designee is authorized to approve an excused absence for any student for the following reasons:

- Evidence that the student is not in proper physical or mental condition to attend school. The school may request the parent/guardian to obtain a written statement from a physician, dentist, chiropractor, optometrist, or psychologist (counselor), or cultural/spiritual leader. Such excuse shall be in writing and shall state the period of time, which shall not exceed 30 days. Absences beyond 30 days require another written statement.
- An emergency in the family or other crisis that requires the absence of the student because of family responsibilities.
- Religious/Cultural holidays.
- A quarantine imposed by the public health department.
- Approved school activities during class time.
- Special circumstances that show good cause and which are approved by the school attendance officer or designee.

A student's truancy, discipline or school achievement problems, or disabilities may not be reason for the school attendance officer or designee to excuse a student from attending school.

Truancy

A student is considered truant if absent from part or all of one or more school days during which the school has not been notified of the legal cause of such absence by the parent/guardian of the absent student. It also means intermittent attendance carried on for the purpose of defeating the intent of the compulsory attendance code. Written notification of legal cause of absence shall be submitted by the parent/guardian prior to the absence, the day of, or upon the return to school.

Parents/guardians shall be notified when a student has an unexcused absence. Notices shall be made by personal contact, mail, or telephone call of which a written record is kept. Notice by personal contact or telephone shall be attempted prior to notice by mail.

The parent/guardian shall be directed to return the student to school no later than the next day school is in session or provide an excuse of absence.

Consequences for truancy shall be determined by the building principal or designee and published in the student handbook. These may include assignment to detention or a supervised, directed study program that occurs outside the regular school day.

Habitual Truancy

A student is considered a habitual truant if absent from school without an acceptable excuse for part or all of five days on which school is held during a semester.

The parent/guardian of a student who is a habitual truant shall be notified by mail when the student initially becomes a habitual truant. The notice shall include the following:

- A statement of the parent's/guardian's responsibilities under the Tribal Education code to cause the child to attend school regularly.
- A statement that the parent guardian or child may request program or curriculum modifications for the child and that the child may be eligible for enrollment in a program for children at risk.
- A request that the parent/guardian meet with appropriate personnel to discuss the child's truancy. The notice must include the name of the school personnel with whom the parent guardian should meet, a date, time, and place for the meeting, and the name, address, and telephone number of a person to contact to arrange a different date, time or place. The date for the meeting must be within 5 school days after the date that the habitual truant notice has been sent to the student's parent/guardian. The meeting may be extended for an additional 5 school days with the consent of the student's parent/guardian.
- A statement of the penalties under Tribal Code that may be imposed on the parent / guardian if he/she fails to cause the child to attend school regularly as required by Law/ Code.

Before any proceedings may be brought against a student for habitual truancy or against the student's parent/guardian for failure to send children to school, the school attendance officer must provide evidence that appropriate school personnel have, within the school year during which the truancy occurred, addressed all the following:

- Met with the student's parent/guardian to discuss the student's truancy or Attempted to meet with the student's parent/guardian and received no response or were refused. This does not apply if the required parent meeting is not held within 10 school days after the date the habitual truancy letter was sent.
- Evaluated the student to determine whether learning/emotional problems may be a cause of the student's truancy and, if so, have taken steps to overcome the learning problems. The student need not be evaluated if tests administered to the student within the previous year indicate that the student is performing at his/her grade level.
- Conducted an evaluation to determine whether social problems may be the cause of the student's truancy and, if so, taken appropriate action or made appropriate referrals to community agencies.
- Items 2, 3, and 4 above do not apply if the school attendance officer provides evidence that the appropriate school personnel were unable to carry out the activity due to the student's absences from school.

The Standing Rock Sioux Tribal Education's Truancy Plan shall be followed when addressing habitual truants including taking students into custody. It will be required that the truancy plan be reviewed and, if necessary, revised every two years.

Tardiness

Guidelines and criteria previously described for determining if an absence is excused or unexcused apply to students who are tardy. A determination as to the classification of a tardy is the responsibility of the school attendance officer or designee. A pattern of tardiness on the part of any student shall be brought to the attention of the student's parent/guardian. If it appears that the student is negligent with being at school/class on time, appropriate disciplinary action shall be taken.

Depending on the frequency and the amount of school missed, tardiness may be classified as an unexcused absence and therefore reportable as truancy or habitual truancy. Guidelines regarding tardiness are established at each level and are laid out in the Student Handbook.

Suspensions from School

Suspensions from school are unexcused absences. During a period of suspension, a student shall not be on the school campus or attend any school activity. When a parent/guardian has a meeting with an administrator, the student may be present.

Students will be afforded opportunities to complete missed assignments and examinations.

MAKE-UP ASSIGNMENTS, EXAMINATIONS, GRADING AND CREDIT

All students with excused and unexcused absences shall be given the opportunity to make up examinations and work missed in accordance with the guidelines outlined below. Credit in a course or subject shall not be denied solely because of a student's excused or unexcused absence from school. Schools are required to specify the conditions under which a student maybe permitted to take examinations missed during absences. They are also required to specify conditions under which a suspended student will be permitted to complete course work, and take any quarter, semester or grading period examinations. Teachers will be required to set a timeline for make-up work to be completed, not to exceed (3) days.

School guidelines are as follows:

Excused Absences

- Students who are absent from school for reasons that are determined to be excused by the school attendance officer or designee shall be given the opportunity to make-up work missed when they return to school. It is the student's or parent's responsibility to contact the teacher to make arrangements for making up work missed during an

absence from school. The respective teacher shall identify make-up work. If any question arises as to the appropriateness, feasibility of making up a particular assignment or timelines, the teacher shall discuss with the building principal the extent to which make-up work or substitute assignments are possible.

- Students who are absent from school with the prior written permission of their parent/guardian are also required to make up work missed during the absence. The arrangements for making up course work and examinations shall be the same as for other excused absences.
- Examinations missed during an excused absence shall be taken within a reasonable time from the date of the absence. Students can be expected to complete an examination upon the day of their return, especially if it was a one or two day absence.

Unexcused Absences and Suspensions

All students with unexcused absences and suspensions shall be given the opportunity to make up work and examinations missed in accordance with the following guidelines;

- Credit in a course or subject shall not be denied solely because of a student's unexcused absence or suspension from school.
- Students with unexcused absences or suspensions occurring during the time of major examinations (quarter, semester, or grading period) shall be permitted to take such examinations if course credit is at risk. The examination make-up date shall be determined by the teacher with approval of the principal. Students in this circumstance may be expected to make up the exam on the day of return.
- Students with unexcused absences or suspensions will be given (3) days to complete class work missed, examinations excepted, for each day or period of absence. If the work is not turned into the teacher within this established timeline, then the student may not receive credit for the work. Extensions may be granted by the principal.
- Students with unexcused absences or suspensions may be assigned a supervised, directed study program to make up assignments and make up examinations.

CONTAGIOUS DISEASE AND IMMUNIZATIONS

Students who have communicable diseases as defined by the Department of Public Health, and students who do not have their required immunizations or waivers for same may be excluded from school in accordance with state law and school policies. Students will not be permitted to return to school until medical clearance is provided. Communicable Diseases that commonly are associated with school exclusion include rubeola (red measles), parotitis (mumps), varicella (chicken pox), pertussis (whooping cough), rubella (German measles) or Hepatitis. The presence of head lice, although not a communicable disease, may also result in exclusion from school.

NINETEEN YEAR OLD STUDENTS

When a student attains the age of nineteen years, the rights accorded to the parents transfer from the parent to the student. Students are no longer required by law to attend school. However, all students who choose to continue in school must follow attendance policies. All written and verbal communication regarding attendance policy violations will continue to include parents unless the student specifically requests their exclusion in writing to the principal.

STUDENT PARTICIPATION IN PROGRAM LEADING TO HIGH SCHOOL DIPLOMA

Upon the student's request of the school board and with the written approval of the student's parent/guardian, any student in grades 9 through 12, and a child at risk, may attend, in lieu of high school or on a part time basis, a college that provides a program leading to the student's high school graduation. (Tribal Education Code 503.1.14)

Upon the student's request of the school board and with written approval of the student's parent/guardian, any student in the above named age group, shall be excused from regular school attendance to attend a program leading to a high school equivalency diploma if the student began the program while place in a secured correctional facility, a secured child caring institution (treatment), or a secured juvenile detention facility.

MEDICAL EXCUSE FROM ATTENDING CLASSES

Students who have a medical reason to be excused from specific classes shall obtain a written statement from their physician. The statement shall include the reason for the request and the period of time the student is to be excused. It is suggested that the parents use the school document titled Medical Excuse Form. The statement shall include restricted activities, as well as any appropriate accommodations or alternative activities. Attendance by the student through partial participation will be expected and encouraged. However, if the teacher, in consultation with the principal, believes that another educational facility setting in the school would be more appropriate during the class period, then the student may be reassigned.

The student statement will be maintained in the student's file with a copy provided to the teacher.

Students in grades 6 through 12

Students who are excused by a physician for more than 10 days in a quarter grading period may receive a Withdrawal, incomplete, or grade that will be computed as part of the student's grade point average. Students who receive a Withdrawal will be required to retake the class if required for graduation. Students who receive an Incomplete will be required to complete the course work within the designated timeline and subsequently receive a grade. The principal and teacher will determine which option will apply.

Principals have the authority to waive courses for seniors who have a medical condition and excuse that may prevent them from graduating. Other means to obtain the necessary credit(s) will be pursued prior to a waiver being granted.

HOMEBOUND INSTRUCTION FOR ABSENT STUDENTS

Students who are unable to attend school due to a persistent health condition that will result in 30 consecutive days of absence, or frequent absences of a shorter duration that cumulatively will extend beyond 30 days in a school semester may qualify for homebound instruction. Written verification by a physician will be required but does not guarantee homebound instruction. The homebound decision for a student with a disability shall be made by the IEP team and, for students without a disability, by the building principal in consultation with the school nurse and superintendent.

PARENT RESPONSIBILITIES

It is the responsibility of the parent/guardian to ensure the student's regular school attendance. Parent/Guardian is expected to provide a written explanation of a student's absence in advance of the absence or upon the student's return to school.

STUDENT RESPONSIBILITIES

Students are required to attend all classes unless they have obtained approval by the building principal or designee, or have parental permission as approved by the school attendance officer or designee.

It is the student's or parent/guardian's responsibility to make appropriate arrangements with the teacher to make up all assignments, including examinations, in accordance with the previously noted guidelines.

TEACHER RESPONSIBILITIES

Teachers are responsible to submit attendance reports to the attendance officer or designee.

Teachers are required to emphasize the importance of good attendance. They are to develop classroom procedures and grading requirements that reflect this policy. They are also not permitted to deny credit in a course or subject solely because of a student's absence from school.

APPEALS TO THIS POLICY

Appeals to administrative decisions pertaining to this policy shall initially be reviewed at the school by the principal. If the parent/guardian or student disagrees, the superintendent shall be contacted.

WITHDRAWAL FROM SCHOOL

If a student decides to be withdrawn from school for whatever reason, and decides to attend another school, it is the sole responsibility of the parent/guardian to obtain the required documents of enrollment in to the new school. If the existing school of attendance does not receive the appropriate documents of enrollment from the new school within 10 school days, the student is to be considered truant, and appropriate measures will be taken.

TRUANCY PLAN

Procedure

- A. Procedures to be followed for notifying the parents or guardians of the unexcused absences of habitual truants under Tribal Education Code and for meeting and conferring with such parents or guardians.

The school attendance officer:

Shall notify the parent or guardian of a child who is a habitual truant, by mail, when the child initially becomes a truant. These letters will go out after the student has accumulated (3) unexcused absences, (5) unexcused absences and after 10 unexcused absences, the letter will go out registered or certified. The notice shall include all of the following:

1. A statement of the parent or guardian's responsibility, under Tribal Education Code, to cause the student to attend regularly.
 2. A request that the parent or guardian meet with the appropriate school personnel to discuss the child's truancy. The notice shall include the name of the school personnel with whom the parent or guardian should meet, a date time, and place for the meeting and the name, address, and telephone number of the person to contact to arrange a different date, time or place.
 3. A statement of the penalties, under Tribal Code, that may be imposed on the parent or guardian if he or she fails to send child to school.
 4. The notice should include the dates of the student's unexcused absences, along with the number of days absent.
- B. Plans and procedures for identifying truant children of all ages and returning them to school, including the identity of school personnel to whom a truant child shall be returned
1. A parent, a guardian, or an adult student may request an excused absence from the principal or his/her designee.
 2. Truancy means any absences of part or all of one or more days from school during which the school attendance officer, principal, or teacher has not been notified of the legal cause of such absence by the parent or guardian of the absent pupil, and

also means intermittent attendance carried on for the purpose of defeating the intent of Tribal Education Code section 504.

3. Truant students shall be returned to the school principal or his or designee.
4. The school principal or his/her designee shall be responsible for the administration of the Truancy Plan.

C. Methods to increase and maintain public awareness of and involvement in responding to truancy within the school.

- Publications of policies, procedures, articles, etc. on truancy in the school handbook and in the school newsletter.
- Active public relations campaigns stressing the importance of school attendance.
- Encouraging positive reinforcers for good attendance.
- Meeting with representatives of the Tribal and non-tribal business community to promote hiring policies which require graduation from high school.

D. The immediate response to be made by school personnel when a truant child is returned to school.

1. A meeting be held with the parent or guardian or adult student to comply with policy and Tribal Education Code.

Discuss possible options available to the student such as:

- Attendance in another school
- Children at risk program
- Work study or work training program (WECEP, Job Corp.)
- Student assistant program
- Homebound instruction when student qualifies
- Contracting with educational services provider

2. Document all of the above in the student's records.

E. Methods to involve the truant child's parent or guardian in dealing with and solving the child's truancy problem.

The school has fully complied with policy and the Tribal Education Code in reference to parent notification of truancy. The school and social services agencies will consider offering the following services to solve the child's truancy problem:

- Parent education programs for parents and truants
- Family support groups.

- Family based services
 - Staff development for school personnel on family services
 - Cultural/Spiritually based programs that may assist in the problem.
- F. The School Attendance/Truancy Committee shall meet annually to review and renew the School's truancy plan.

REFERRAL TO LAW ENFORCEMENT/SRO

Once all of the above steps are completed by the school and the school taken the truancy issue as far as they can without success, the case will be referred over to the School Resource Officer/ Law Enforcement.

Documents needed for referral

- A copy of the documented parent/guardian contacts that were made either in person or by phone in reference to the child's truancy.
- A copy of all 3 letters that were sent out to the parent/guardian explaining the student's truancy problem. This will include the (3) day letter, (5) day letter and the final notice referring to Law Enforcement, (10) day letter.
- A copy of the student's demographic sheet that includes all the students' personal information.
- A copy of the printout showing the student's current attendance.

These documents will be placed into a packet form by the school attendance officer or designee and turned over to the School Resource Officer for referral to Tribal Court.

Law Enforcement /Court Process

1. Once the Police Officer/SRO has collected all the evidence and documents in reference to the student's truancy, he or she has an option to refer to Juvenile Court or investigate to determine what the causes of the truancy might be.
2. If the Officer has found sufficient evidence to determine the case be turned over to the court, a Police Report will be generated and turned over to the Presenting Officer of the Juvenile Court with all supporting documents.
3. Once sufficient evidence on the truancy case has been determined, there are a number of options that can occur at this point in reference to the court:
 - If the student is 12 years of age or older, the student will be charged with Truancy and referred to Juvenile Court, this may also include parents being charged with Child Neglect (failure to send your child to school).

- If the student is under the age of 12, the parent/guardian will be charged with Child Neglect-failure to send child to school, with the referral going to the Adult Tribal Court.
- At any point during the investigation process it may be determined that there are other factors that need attention. It is possible that a CHINS petition (Child in Need of Supervision) may be filed with court and CPS (Child Protection Services)

It is possible that in many situations that a combination of, and/or all of the above may be filed in court.

Penalties

All penalties are determined by the Tribal Court.

Truancy in and itself, is a Status Offense, and the student cannot be Detained in a facility for truancy alone.

If one of the penalties include being court ordered to attend school, and the student misses school without being excused, this now becomes a violation of a court order and becomes an arrestable offense, where the student can be arrested and detained.

Responsibilities

It is the responsibility of the parent/guardian and the student to attend the court hearing. All parties involved will be subpoenaed by the court. If any party is unable to make the court appearance on the date given, is their responsibility to contact the court in advance. If any party fails to appear, those individuals will be held in contempt of court.

HABITUAL TRUANT

Sample Procedure and Notice Statement

When a child becomes a “habitual truant” (absent without an acceptable excuse for any part of 5 out of 10 consecutive days in a semester. Or any part of 10 days in a semester), the attendance officer or designee shall send, by registered or certified mail, the following statement to the child’s parent or guardian. The statement shall be mailed no later than the end of the second day after the child becomes a “habitual truant”.

Notice of Habitual Truancy

Date:

Students Name:

Date: of Birth:

Section 504 of the Standing Rock Sioux Tribe Education Code requires you have to have your child attend school regularly until graduation from High School, or until the end of the semester in which he/she turns 18 years of age, or until he/she is excused from attendance by the School Board. Your child has been absent without an acceptable excuse for at least part of 5 out of 10 consecutive days, or at least part of 10 days this semester and is now a habitual truant.

School policy allows you to request certain changes in your child’s school program or curriculum. In addition, your child may be eligible for inclusion in the schools Children At Risk program.

I am requesting a meeting with you to discuss your child’s truancy as required by School Policy. The meeting is scheduled as follows:

Date:

School Personal involved:

Time:

Place

If you need to arrange a different date, time, or place, contact:

Name:

Phone:

Address:

Please contact me as soon as possible to confirm this appointment.
Failure to comply with this meeting request will result in a referral to Law Enforcement/SRO