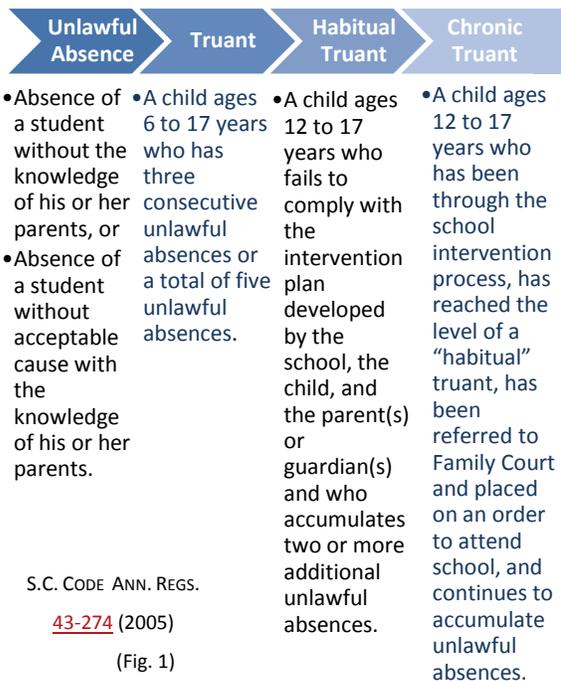


## State Policy Approaches to Reducing Truancy

By Dinah Frey

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### South Carolina Absence Sequence



### When does "absence" become "truancy"?

Truancy is the failure to attend school without a valid or acceptable excuse. While all states set the ages (compulsory ages) between which students are required to attend an educational program, most states do not set the threshold for how many absences it takes before students are considered truant. Nor do they always clearly define how much of a school day has to be missed before it is considered an absence. For example, 30 minutes or more of missed instructional time in California, regardless of grade level, is considered an absence. Minnesota, however, sets the threshold for elementary students as a whole day for an absence, while one or more missed class periods in middle, junior and high schools results in the recording of an absence.

*Habitual truant* definitions vary among states. In Connecticut, it takes 20 unexcused absences to trigger the designation. In Florida, a habitual truant is a student of compulsory attendance age who has 15 unexcused absences within 90 calendar days with or without the knowledge or consent of the

student's parent. In Arizona, it's five truant days within the school year.

Some states also clearly identify the number of absences it takes for a student to be considered a *chronic truant*. California, for example, specifies that *chronic truants* are those compulsory age students who miss 10% or more of the school days in one school year between the first day of enrollment and the current date. Figure 1 displays a diagram of South Carolina's absence sequence, including *chronic truant*.

For more details on truancy and habitual truancy guidelines, see the ECS StateNote, Truancy and Habitual Truancy.

### ***Distinguishing between early grades and upper grades***

Habitual and chronic early absence adversely impact student learning from the time it begins through the entire education of the child. The February 2010 issue of *The Progress of Education Reform* highlighted [Chronic Early Absence](#), noting, “While chronic absence is not a problem everywhere, it can reach surprisingly high levels even in the early grades.” Research findings highlighted in the issue found that students with high absenteeism (missing 10% or more of a school year) in kindergarten had lower performance in 1st- and even 5th-grade reading and math, than those students with less than 3.3% absenteeism.

However, elementary-aged absences are normally treated differently than middle- or high school-level absences. For younger students, habitual absenteeism is usually more the parent/guardian’s responsibility than the child’s — so states use fines and civil charges or similar penalties to hold parents and guardians accountable for their children’s attendance. Some states are careful to distinguish between younger children and older students. For example, South Carolina law stipulates that children under age 12 cannot be “habitual” or “chronic” truants. Utah also reserves the label of “habitual truant” for those over 12 years of age. Colorado’s compulsory age range is 6-17 years, but habitual truancy applies to students 7-16 years of age.

### ***Consequences for parents and secondary-level students***

Typically, **parents and guardians** are considered responsible for ensuring their children attend school. When students are truant, parents can be subject to sanctions such as:

- School-based conference
- Community service
- Parenting classes
- Family counseling sessions
- Misdemeanor charges
  - Fines
  - Jail time
- Fourth-degree felony (Puerto Rico)
- Suspension of state-issued recreation license or driver’s license
- Home evaluation
- Revocation of welfare benefits
  - Some policies allow states to develop programs that condition eligibility for public assistance grants on the attendance and/or progress towards graduation at school of any minors receiving the grants or dependants of those who are receiving the grants.

**Secondary-level students** and parents can receive sanctions concurrently if they are both found to be responsible for noncompliance with compulsory attendance laws. Or, in cases where parents have unsuccessfully attempted to ensure a student attends school, the student may be the sole violator of compulsory education laws and therefore subject to sanctions.

*Consequences for truancies in upper grades include:*

- Fines (e.g., Illinois, California)
- Civil charges (e.g., Delaware)
- Extended-day programs and summer school (e.g., Virginia, California)
- Treatment (e.g., Virginia)
- Revocation of work or recreation permit (e.g., Delaware)
- Sanctions on driving privileges (no pass, no drive)
- Sanctions on extra-curricular activities participation (no pass, no play).

### **No Pass, No Drive**

No pass, no drive policies allow for denial or revocation of a student's driver's license based on lack of attendance, unacceptable academic performance and/or poor behavior. There are 27 states with no pass, no drive policies. In such states, school districts may inform the Department of Motor Vehicles of students who do not meet the attendance conditions. Or students may need a clearance signature from the school signifying acceptable attendance, grades and/or behavior before receiving a driver's license or permit. While no pass, no drive policy appears to be a relatively low-cost lever for improving attendance, little evidence exists to document its effectiveness. Opponents might question what the graduation rate would have been had the policy not been in place. For the students who remain in school, it is difficult to determine if their motivation for doing so is keeping their licenses.

States' conditions for revoking driving privileges of minors:

- School attendance (habitual truancy) only – 17 states
- Behavior – three states (Kansas, Louisiana, Oregon)
- School attendance and academic performance – four states (Kentucky, Mississippi, North Carolina, West Virginia)
- School attendance and behavior – two states (Illinois, Indiana)
- School attendance, academic performance and behavior – one state (Tennessee).

More information on no pass, no drive can be found in the ECS StateNote, [Sanctions on Driving Privileges](#).

### **No Pass, No Play**

No pass, no play policies affect student eligibility for extracurricular activities and interscholastic sports based on attendance, academic performance and/or poor behavior. There are 16 states with statewide no pass, no play policies. Within no pass, no play policies, there are many variances among eligibility requirements of grade point averages, attendance rates and behaviors. One commonality is that all of the policies include academic performance in the eligibility conditions. State-level periods of ineligibility range from three weeks in Texas to two semesters in Alabama.

States' criteria for eligibility for extracurricular activities and interscholastic sports:

- Academic performance only – 11 states
- Academic performance and behavior – one state (Florida)
- School attendance and academic performance – three states (Louisiana, New Mexico and West Virginia)
- School attendance, academic performance and behavior – one state (Kentucky)

More information on no pass, no play can be found in the ECS StateNote, [No Pass, No Play](#).

## **Holding schools accountable for encouraging and enforcing attendance**

### **Mandatory truancy reporting**

The No Child Left Behind Act (NCLB) requires all states to collect and report on state test results for reading and math as well as one "other" indicator. For the majority of states, this other indicator is attendance.<sup>1</sup> While 35 states and the District of Columbia use attendance as the "other" academic indicator for measuring adequate yearly progress (AYP) for elementary and middle schools, attendance rates do not always reflect truancy, because attendance rates include excused **and** unexcused absences. Truancy rates are reported to the federal government, but are not required by NCLB to be reported on in state, district and school report cards or used when measuring AYP.

Washington is the only state to use *unexcused* absence rate in calculating AYP. As explained in [Washington's Consolidated State Application Accountability Workbook](#), "AYP will be met if a school/district attains an unexcused absence rate of 1 percent or less. Schools/districts with unexcused absence rates greater than 1 percent must

show a reduction from the prior year to meet AYP. By 2014 all districts will attain an unexcused absence rate of 1 percent or less.”

At the high school level only, attendance may be used for reporting to the public and/or determining school performance. Seventeen states report high school attendance to the public. Twenty-four states use attendance as an indicator to determine school performance. For more information on high school accountability, see the ECS StateNote, [High School-Level Accountability](#).

### **Absence and truancy notification**

Forty-three states include procedures for notifying responsible parties of student absences in state education statutes. Notification is designed to reduce truancy by informing parents when their children are not attending school and notifying parents of the pending consequences if they continue to allow their children to miss school without a valid excuse. Thirteen states require notification at the first unexcused absence, while others wait for a truancy classification or up to eleven absences in one school year (Mississippi) before contacting responsible parties.

Parent notification of unexcused absences is not mandated by all states. Maryland, North Dakota and Idaho must notify legal personnel (district or county attorneys, law enforcement, superintendents), but are not required to notify the parents.

#### *Who is notified of unexcused absences or truancy?*

- Initial notification is to parents or guardians – 34 states
- Second notification is to parents or guardians – five states (Iowa, Maine, Missouri (St. Louis only), Tennessee and Vermont)
- Students also receive notice – five states (New Jersey, Ohio, Virginia, Washington and West Virginia)
- Initial notification is to attorney – two states (Idaho and Iowa)
- Initial notification is to superintendent or administrator – five states (Maine, Maryland, North Dakota, Tennessee and Vermont)

More details about state absence and truancy notification practices can be found in the Appendix to this StateNote.

### ***How are schools being more proactive to end truancy?***

#### **Early intervention**

Early intervention can address truant behavior before it becomes chronic. Louisiana has taken innovative steps to address truancy early on, establishing:

- *Truancy Assessment and Service Centers (TASC)*  
Tailored for children in grades K-5, but available pre-k to 6, TASCs provide truants with early intervention and assessment as well as coordinated preventive interventions. To provide services that tackle truancy, TASCs work with families, schools, social service organizations, law enforcement agencies, district attorneys and courts. The purpose of TASCs is to end the behaviors that cause truancy and lead to continued school academic and behavioral problems, eventual school dropout and delinquent behavior development.
- *Dropout Early Warning System (DEWS)*  
This electronic program uses three triggers to alert school personnel when students become at high risk for dropping out of school. The indicators — poor attendance, low or failing grades and disciplinary problems — quickly inform staff when appropriate interventions are necessary.

States are taking steps to provide more support for parents and students who struggle with truancy and are therefore more at risk to become dropouts. The following chart shows a number of states that require truancy meetings and/or additional services for students and families.

State	Meeting Only	Additional Services and/or Meeting
Arkansas	X	
California	X	
Connecticut		X
Florida		X
Indiana*		X
Iowa		X
Louisiana		X
Maine		X
Maryland		X
Minnesota**	X	
Nebraska		X
New Mexico		X
New York		X
North Carolina		X
Ohio		X
South Carolina		X
Utah	X	
Virginia	X	
Washington		X
West Virginia		X
Wisconsin		X

**Additional services may include:**

- Mediation
- Educational counseling
- Educational evaluation
- Evaluation of social problems
- Developing an attendance plan or contract
- Home visitation
- Referrals to community services
- Child study team meeting
- Investigation of the truancy problem
- Alternative education program
- Supplemental education services
- Mentoring.

\*Home visitation only

\*\*Parents and guardians have the “right” to a meeting, but it is not required.

## Appendix

State Absence and Truancy Notification Practices					
State	Statute	When	How	To Whom	By Whom
Alabama	ALA. CODE § 16-28-16	Non-enrollment or non-attendance	Written	Parent or guardian	Attendance officer
Arizona	ARIZ. REV. STAT. § 15-807	K-8 students absent without parent or guardian notification	Phone	Parent or guardian	School
Arkansas	ARK. CODE ANN. § 6-18-222	½ of permitted unexcused absences/semester	Phone or mail Mail	Parent or guardian Community truancy board	
California	CAL EDUC. CODE § 48260.5, 48262, 482623.5	Classification as truant Truancy Mediation	Phone or e-mail First-class mail or other means	Parent or guardian District Attorney Probation officer	District Attendance review board
Connecticut	CONN. GEN. STAT. ANN. § 10-198a	Absence of K-8 students without parent or guardian notification Classification of truant (before 4 <sup>th</sup> unexcused absence)	Phone Meeting	Parent or guardian Parent or guardian	School personnel or volunteers School personnel
Florida	FLA. STAT ch. 1003.26	Unexcused absence Non-enrollment in school		Parent or guardian Parent or guardian	Principal or principal’s designee School representative

**State Absence and Truancy Notification Practices**

State	Statute	When	How	To Whom	By Whom
Idaho		5 unexcused absences in a month (or 10 in 90 days)		Child study team	Principal
	IDAHO CODE § 33-207	Habitual truant	Written	Prosecuting attorney	School board
	105 ILL. COMP. STAT. ANN. 5/26-3b & 5;26-7	Absence without parent or guardian notification Failure to send child to school	Phone By person or mail	Parent or guardian Parent or guardian Teacher/principal	Employee or volunteer Truancy officer
Indiana	IND. CODE ANN. § 20-33-2-27 and 20-33-2-39	Child is illegally out of school	Personal notice or certified mail	Parent or guardian	Superintendent, attendance officer or designee
Iowa	IOWA CODE ANN. § 299.5a	Mediation following truancy	Referral	County Attorney	Truancy officer
		Truancy officer referral	Send notice of referral	Parent or guardian	County Attorney
Kansas	KAN. STAT. ANN. § 72-1113	Child is not attending school as required by law	Personal delivery or first-class mail	Parent or guardian	Designated employee
Kentucky	KY. REV. STAT. ANN. § 159.180	Violation of compulsory attendance laws	Certified mail, return receipt requested, or by personal service	Parent or guardian	Director of pupil personnel
Louisiana	LA. REV. STAT. ANN. § 17:230	Non-enrollment or unexcused absence	Written notice in person or by registered mail	Parent, guardian or tutor	Visiting teacher or supervisor of child welfare and attendance
Maine	ME. REV. STAT. ANN. tit. 20-A, § 5051-A	Habitual truant		Superintendent	Principal
		Unsuccessful attempts by superintendent	Written notice in person or by registered mail	Parent or guardian	Superintendent or designee
Maryland	MD. CODE ANN., EDUC., § 7-302	Irregular unlawful attendance, habitual truant	Report	Superintendent, or the supervisor of pupil personnel	Principal or head teacher
Massachusetts	MASS. GEN. LAWS ch. 76, § 1A	Unexcused or unverified absence	Phone	Parent or guardian	School personnel
Michigan	MICH. COMP. LAWS ANN. § 380.1586	Repeatedly absent without valid excuse	Registered mail*	Parent or guardian	Attendance officer
Minnesota	MINN. STAT. ANN. § 260A.03 & 120A.30	Classification as continuing truant	First-class mail or other reasonable means	Parent or guardian	Attendance officer
Mississippi	MISS. CODE ANN. § 37-13-91	Before twelfth unexcused absence in one year	Written	Parent or guardian	Attendance officer
Missouri (St. Louis only)	MO. ANN. STAT. § 167.034	Fifteenth absence in one year	Written	Division of family services, children's division	School district
				Parent or guardian	Children's division
Montana	MONT. CODE ANN. § 20-5-106	Child truant from school	Written	Parent or guardian	Attendance officer
Nebraska	NEB. REV. STAT. § 79-209	Maximum of five absences in a quarter	Meeting	Parent or guardian	Attendance officer, social worker or principal
		Absent more than 20 days in one year	File report	County Attorney	Attendance officer
Nevada	NEV. REV. STAT. ANN. 392.130	Unapproved absence/truancy	Written notice (Department form)	Parent or guardian	Teacher, attendance officer or school official

### State Absence and Truancy Notification Practices

State	Statute	When	How	To Whom	By Whom
New Jersey	N.J. STAT. ANN. § 18A:38-29	Habitually truant or illegally absent from school	Written	Child Parent or guardian	Attendance officer
New Mexico	N.M. STAT. ANN. § 22-12-7	Habitually truant	Written notice by certified mail or personal service	Parent	Local school board or governing body
North Carolina	N.C. GEN. STAT. § 115C-378	After three unexcused absences		Parent or guardian	Principal or principal's designee
		Before six unexcused absences	Mail	Parent or guardian	Principal or principal's designee
North Dakota	N.D. CENT. CODE § 15.1-20-03	Unexcused or unverified absence		Administrator	Teacher
			Referral	Law enforcement agency	Administrator
Ohio	OHIO REV. CODE ANN. § 3321.19	Classification of truant	Written	Child Parent or guardian	Attendance officer
		Failure of parent or guardian to cause child to attend school	"Send notice"	Parent or guardian	Attendance officer
Oklahoma	OKLA. STAT. ANN. tit. 70, § 10-106	Absence without parent or guardian notification		Guardian or responsible person	Principal or head teacher
		Truancy	Written or oral and documented warning to the last-known address	Parent or guardian	Attendance officer
Oregon	OR. REV. STAT. § 339.080	Person failed to send child to school	Formal written notice in person or by registered or certified mail	Parent or other person	Attendance supervisor
				Superintendent or principal	Attendance supervisor
Pennsylvania	24 PA. CONS. STAT. § 13-1354	Three consecutive unexcused absences	Written notice	Parent or guardian	District superintendent, attendance officer, or secretary of the board
Rhode Island	R.I. GEN. LAWS § 16-19-10	Absence without parent or guardian notification of children in grades K-9	Phone	Parent or guardian	School personnel or volunteers
South Carolina	S.C. CODE ANN § 59-65-90	Three consecutive unlawful absences or five total unlawful absences	Develop plan	Parent or guardian Student	School officials
South Dakota SD, continued	S.D. CODIFIED LAWS § 13-27-16 and 13-27-20	Irregular attendance or no attendance	"Warn"	Parents	School board
			Report	Truancy officer	School board
Tennessee	TENN. CODE ANN. § 49-6-3007	Withdrawal from school or absent five days without adequate excuse Failure to comply with notice within three days	File truancy complaint	Circuit court judge	Truancy officer, teacher, school officer, or any citizen
				Director of schools	Principal or teacher
			Written notice	Parent or guardian	Director of schools
Texas	Tex. Educ. Code Ann. § 25.095 & 25.0951	Unexcused absence on three days or parts of days within four weeks	Report Notice**	Appropriate judge Parent	Director of schools School district
		Ten unexcused absences in six months	File complaint or referral	Court	School district
Utah	UTAH CODE ANN. § 53A-11-101.5, 53A-11-101.7	Five unexcused absences in a school year or	***Personal service or certified mail	Parent	School administrator, designee or truancy specialist
		Truant	Mailed to or served on parent	School-age minor over 12 years of age	School administrator or truancy specialist
		Habitual truant	Mailed to or served on parent	School-age minor over 12 years of age	School administrator or truancy specialist
Vermont	Vt. STAT. ANN. tit. 16, § 1126 and 1127	Absent from school without cause		Superintendent or school directors and truant officer	Teacher or principal

State Absence and Truancy Notification Practices						
State	Statute	When	How	To Whom	By Whom	
Virginia			Written	Person in control of child	Truant officer	
		Failure to attend school after notice	Complaint	Town grand juror or county attorney	Truant officer	
	VA. CODE ANN. § 22.1-258	Absence without parent or guardian notification	Phone	Parent	Principal, designee, school personnel or attendance officer	
Washington		Five unexcused absences	Direct contact in person or by phone to develop plan	Parent Pupil	Principal, designee or attendance officer	
	WASH. REV. CODE ANN. § 28A.225.020	After one unexcused absence in one month	Written or phone notice	Parent or guardian	School official	
West Virginia		Two unexcused absences in one month	Meeting	Parent or guardian Child	School official	
	W. VA. CODE ANN. §18-8-4, 18-8-5	Five unexcused absences in one year	Written and conference	Parent or guardian	Attendance director or assistant	
Wisconsin		Five unexcused absences in one half of the instructional term	Meeting	Parent or guardian Pupil	Principal, administrative head or other chief administrator	
	WIS. STAT. ANN. § 118.16	Truant	Personal contact, mail or phone	Parent or guardian	Attendance officer	
Wyoming		Habitual truant	Registered or certified mail	Parent or guardian	Attendance officer	
	WYO. STAT. ANN. § 21-4-104	Unexcused absence	Written	Parent or guardian	Attendance officer	
	WYO. STAT. ANN. § 21-4-107	Habitual truant		District attorney	Board or attendance officer	

\* §380.1586 "...The superintendent of schools... may request the attendance officer to notify the parent...."

\*\*§25.095 "The fact that a parent did not receive a notice ... does not create a defense to prosecution...."

\*\*\*§ 53A-11-101.5 "A school administrator, a designee of a school administrator, or a truancy specialist **may** issue a notice of compulsory education violation to a parent...."

*This StateNote was compiled by Dinah Frey, ECS Clearinghouse Intern.*

<sup>1</sup> U.S. Department of Education, *No Child Left Behind Act*, <http://www2.ed.gov/policy/elsec/leg/esea02/index.html> (accessed January 19, 2011).

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