



Joaquin Elementary School

Where Learning Begins and Never Ends

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Parents/Guardians,

Joaquin ISD in accordance with Sec.25.085 of the Texas Education Code (Compulsory Attendance) and Sec.65.003 of the Family Code (Truant Conduct) has joined with other school districts in Shelby County to develop and implement a truancy plan. The Shelby County Truancy Plan has as its purpose to insure the regular attendance of all school children and to provide for truancy prevention measures to insure that this occurs. Joaquin ISD monitors attendance and, as described in the Shelby County Truancy Plan, will institute prevention measures after three unexcused absences. One of the measures considered is assistance from The Deep East Texas Council of Government's STAR Program. The STAR program provides several services including monitoring and counseling.

Sec. 65.003. TRUANT CONDUCT. (a) A child engages in truant conduct if the child is required to attend school under Section [25.085](#), Education Code, and fails to attend school on 10 or more days or parts of days within a six-month period in the same school year.

(b) Truant conduct may be prosecuted only as a civil case in a truancy court.

(c) It is an affirmative defense to an allegation of truant conduct that one or more of the absences required to be proven have been excused by a school official or by the court or that one or more of the absences were involuntary, but only if there is an insufficient number of unexcused or voluntary absences remaining to constitute truant conduct. The burden is on the child to show by a preponderance of the evidence that the absence has been or should be excused or that the absence was involuntary. A decision by the court to excuse an absence for purposes of this subsection does not affect the ability of the school district to determine whether to excuse the absence for another purpose.

Bert Coan
Assistant Principal
District Truancy
Joaquin Elementary

Shelby County Truancy Plan



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Shelby County Truancy Plan

School Responsibilities

Requirements per HB 2398:

1. Preventative measures:
 - 1.1 Beginning of school year
 - 1.1.1 Send notice to parent(s)/guardian if student is absent ten (10) or more days or parts of days without excuse within six (6) months
 - 1.1.1.1 Parent/guardian is subject to prosecution
 - 1.1.1.2 Student is subject to referral to truancy court
 - 1.2 Each District will determine the most appropriate method for notifying parents of absences from school
 - 1.2.1 Automated phone call system
 - 1.2.2 Campus staff contacting parent/guardian
2. Three (3) unexcused absences in a four (4) week period
 - 2.1 Warning letter sent to parent/guardian
 - 2.2 Sample letter attached
3. School district must request conference between school officials and parent/guardian
 - 3.1 Make available copy of warning letter for parent/guardian signature – evidence parent was aware of truancy
 - 3.2 Inform student's parent/guardian:
 - 3.2.1 of unexcused absences
 - 3.2.2 duty to monitor attendance
 - 3.2.3 duty to require student to attend school
 - 3.2.4 student is subject to truancy prevention measures
 - 3.2.5 Truancy Conference Confirmation form attached
4. Truancy prevention measures implemented by Truancy Prevention Facilitator (forms attached)
 - 4.1 Prevention measures to document actions taken
 - 4.2 Impose a Behavior Improvement Plan
5. Parameters for accepting parent/guardian notes
 - 5.1 Limit of five (5) parent/guardian notes per semester
 - 5.1.1 Exceptions: doctor, funeral, court, probation, Child Protective Services, counseling, etc.
 - 5.2 Notes must be received within three (3) days of student returning to school

Shelby County Truancy Plan School Responsibilities

6. Student fails to attend without excuse on ten (10) or more days or parts of days within a six (6) month period.
 - 6.1 Shall refer to Truancy Court within ten (10) school days of the student's tenth (10th) absence
 - 6.2 School may file against parent/guardian for contributing to non-attendance
 - 6.2.1 in justice court
 - 6.2.2 in municipal court or
 - 6.2.3 in county court
 - 6.2.4 punishable by fine only
 - 6.2.4.1 \$100 to \$500 for fifth (5th) or subsequent offences
 - 6.3 School must present evidence
 - 6.3.1 documentation of warning notices
 - 6.3.2 Parent/Guardian Conference Confirmation
 - 6.3.3 Truancy Prevention Measures
 - 6.3.4 Implementation of Behavior Improvement Plan/Contract
 - 6.3.5 other information demonstrating attempts
 - 6.4 Exception for referring
 - 6.4.1 school is applying truancy prevention measures and
 - 6.4.2 school determines truancy prevention measures are successful and
 - 6.4.3 delay is in the best interest of the student
7. School may file against a student between the ages of 12 and 19 in Truancy Court
 - 7.1 civil processing only
 - 7.2 justice of municipal court
 - 7.3 truancy prevention measures are not working
 - 7.4 school must present evidence
 - 7.4.1 documentation of warning notices
 - 7.4.2 Parent/Guardian Conference Confirmation
 - 7.4.3 Truancy Prevention Measures
 - 7.4.4 Implementation of Behavior Improvement Plan/Contract
 - 7.4.5 other information demonstrating attempts
8. Students that fall into the following categories will not be filed on for truancy. Instead, they will be referred for additional resources available.
 - 8.1 pregnancy
 - 8.2 being in a State foster care program
 - 8.3 homelessness
 - 8.4 being the principal income earner for the student's family

Shelby County Truancy Plan ***School Responsibilities***

- 9. Non-traditional Alternative Campuses
 - 9.1 applies to AEP
 - 9.2 majority of students covered by item 8
 - 9.3 individualized plans developed by Campus Administrator for students that are not covered by item 8

- 10. Court Referral Documentation
 - 10.1 school certifies Truancy Prevention Measures (TMP) were applied
 - 10.2 school certified TMP failed
 - 10.3 certify student is eligible for or receives special education services

- 11. Tracking and sharing truancy information with schools
 - 11.1 absences are recorded and maintained in District student information systems
 - 11.2 attendance/truancy plans will be shared via TRex system for students who withdraw from one school and enroll in another school

- 12. Submitting Referral to Court
 - 12.1 School Referral Cover Sheet
 - 12.2 Court Non-Filing Document
 - 12.3 Parent/Guardian Conference Confirmation
 - 12.4 TPM form
 - 12.5 Behavior Improvement Plan
 - 12.6 additional documentation, if applicable

_____ **Independent School District**

State Warning Law

To the parent(s) or guardian of _____ Date: _____

Section 25.085 of the Texas Education Code requires that children between the ages of six (6) and nineteen (19) to attend school. According to Section 25.095 of the Texas Education Code, a school district is required to notify a parent in writing if their child is absent three (3) days, or parts of days without an acceptable written excuse. According to our records, your child has three (3) absences that are marked as unexcused. As a parent, legal guardian, or person standing in parental relation to the child, you are responsible for ensuring that your child attends school regularly.

If, after this warning, you fail to require your child to attend school as required by law, you commit the offense of contributing to a child’s truancy. Each day your child remains out of school after you receive this warning constitutes a separate offense. A criminal complaint is filed against the parent/guardian when a student is absent without an acceptable written excuse for ten (10) days or parts of days within a six (6) month period. Those convicted on contributing to a child’s truancy will be subject to a fine or each offence and may be required, among other penalties, to attend a class to help them work with their child to ensure he/she attends school. Furthermore, your child, age 12 and over, is also subject to Truancy Court if absent without an acceptable written excuse for ten (10) days or parts of days in a six (6) month period. They may be fined, have driving privileges revoked, or referred to the Juvenile Court system.

It is crucial to note that in order for your child to receive high school credit, they are required to be in attendance at least 90% of the days the class meets. At this time, we will begin truancy prevention measures for your child. **We are making a formal request to meet with you, in person, regarding this matter.** Please call our office at _____ to schedule an appointment with _____ at your earliest convenience.

If you have any questions or have reason to believe that the number of, or the status of absences listed is incorrect, please contact our Attendance Clerk _____ or _____ (email), as soon as possible.

Your child’s success in school is important to us. We hope that this warning will provide the encouragement you need to make sure your child attends school as required by the laws of the State of Texas.

Sincerely,

School Administrator

Truancy Conference Confirmation with Parent(s)/Guardian

I, _____ parent(s)/guardian of
_____, have been made aware of the following:

1. My student's absences
2. My duty to monitor my student's school attendance and require my student to attend school
3. My student is subject to truancy prevention measures
4. Myself and my student, age 12-19 years, are subject to Truancy Court after ten (10) unexcused absences in a six (6) month period.

Parent(s)/Guardian Signature

Date

**HB 2398 requires a school district to begin application of a Behavior Improvement Plan when a student fails to attend school without excuse on three (3) or more days or parts of days within a four (4) week period.

Shelby County Truancy Prevention Measures

Student: _____

Parent(s)/Guardian: _____

Address: _____

Phone/Email: _____

Prevention Measures

1. Student/Parent(s)/Guardian has been informed of attendance policies in the student handbook made available through the school website or by paper version (available upon request).

2. Contacts to parent(s)/guardian by phone/email/in person:

Date: _____

Date: _____

Date: _____

Date: _____

Date: _____

3. Contacts to student by phone and/or in person:

Date: _____

Date: _____

Date: _____

Date: _____

Date: _____

4. Home Visits:

Date: _____

Date: _____

Date: _____

5. Other Measures, i.e., referrals, counseling:

Date: _____

Date: _____

Date: _____

Date: _____

6. Please see attached documentation for any additional attendance logs, contact information, etc.

'The above listed truancy prevention measures were adopted on September 1, 2015 as put forth in HB 2398'.

School's Staff Signature _____
Student's Name: _____

Date _____
Date: _____

***Behavior Improvement Plan
Action Plan for Student***

1. Goal #1: Attend School Daily

1.1 Steps/behaviors to reach goal: _____

1.2 Updates/Review: _____

2. Goal #2: _____

2.1 Steps/behaviors to reach goal: _____

2.2 Updates/Review: _____

3. Possible penalties for additional absences: school requirements, loss of credit/retainment and/or referral to Truancy Court

Other: _____

4. Set-up next appointment with student

Student's Signature

Date

'The above listed truancy prevention measures were adopted on September 1, 2015 as put forth in HB 2398'.

School's Staff Signature

Date

**Truancy Court Referral Statements
And Certifications In Re**

- This student's truancy is not the result of: (a) pregnancy; (b) being in the State foster program; (c) homelessness or (d) being the principle income earner for the student's family.

This student is/ is not eligible for (or receives) special education services under Subchapter A of Section 29 of the Education Code.

- The undersigned hereby certifies that the school applied the "truancy prevention measures" adopted under Subsection (a) or (a-4) of the Education Code, Section 25.0915.
- The undersigned hereby certifies the adopted truancy prevention measures failed to meaningfully address the student's attendance.

Truancy Coordinator's Signature

Date

Decline to File Forms



Notice to Truancy Court and Name of School District of Prosecutorial Decision Not To File Petition In Re

Upon review of all relevant documents submitted with the _____, 2016, _____ Independent School District referral to the Truancy Court In Re _____, the Truancy Court Prosecutor declined to file a petition.

Reason(s):

- Prosecutorial discretion;
- No determination by the school that the truancy is not the result of: (a) pregnancy; (b) being in the State foster program; (c) homelessness or (d) being the principle income earner for the student's family.
- Referral does not specify whether the student is eligible for (or receives) special education services under Subchapter A of Section 29 of the Education Code.
- Referral not accompanied by statement from the student's school certifying that the school applied the "truancy prevention measures" adopted under Subsection (a) or (a-4) of the Education Code, Section 25.0915.
- Referral not accompanied by a statement from the student's school certifying that the truancy prevention measures failed to meaningfully address the student's school attendance.

Respectfully submitted,

Court Procedures

