

**TOWN OF WESTLAKE
WESTLAKE ACADEMY
BOARD OF TRUSTEES POLICY**

Policy No. 3.02:

Date Board Adopted: August 3, 2009

Date Board Amended: August 15, 2018

Effective Date: August 15, 2018

Policy Category: Parent, Student and Faculty Relations and Expectations

Policy Name: Attendance

Policy Goal: To encourage attendance and outline student and parent requirements

Policy Description:

Regular and consistent attendance is required to achieve academic success at Westlake Academy. Poor attendance is a major contributing factor toward receiving unsatisfactory grades and results in an additional commitment of after school hours to complete make-up assignments and review of class lecture notes.

Compulsory Attendance

Students who are at least six years of age, or who have been previously enrolled in first grade, and who have not yet reached their 19th birthday shall attend school for the entire period the program is offered, unless exempted as indicated below. On enrollment in prekindergarten or kindergarten, a student shall attend school. *Education Code 25.085(a)–(c)*

Westlake Academy requires cooperation from parents in the matter of school attendance and punctuality. Parents should:

- Ensure your child arrives and is picked up on time each day. Families who do not pick up their students by the time specified in the Parent/Student Handbook may be subject to any or all of a late pick-up fee the following consequences: after the second offense.
 - A fee, as identified in the Parent/Student Handbook, for each late pick-up beginning with the third offense;
 - Court referral for truancy in accordance with applicable state law; and
 - Administrative withdrawal from Westlake Academy for persistent late arrivals or pick-ups, which is defined as ten (10) or more occurrences within any consecutive period of 30 calendar days.
- Schedule routine medical and dental appointments after school hours when possible. When a student must miss a portion of a school day for a medical or dental appointment, the student may receive attendance credit for the

day as long as the student attends a portion of the school day and the parent provides a note from the doctor's office with the date and time of the student's appointment.

- Schedule family vacations during the school's vacation days and notify the school prior to any planned absence.
- ~~Parents should inform~~ Inform the office before 10:00 am of any absences.

A student is exempt from compulsory attendance requirements if :

~~1. The student is eligible to participate in a district's special education program under Education Code 29.003 and cannot be appropriately served by the resident district.~~

2. ~~The~~ the student has a temporary and remediable physical or mental condition that makes attendance infeasible and the student has a certificate from a qualified physician specifying the temporary condition, indicating the prescribed treatment, and covering the anticipated period of absence for the purpose of receiving and recuperating from remedial treatment.

Education Code 25.086

Attendance Accounting Method

The Head of School is authorized to establish alternate attendance-taking times for students who are scheduled to be off campus during the regular attendance-taking time for a school-related purpose.

Voluntary Enrollment of Students 19 and Over

A person who voluntarily enrolls in school or voluntarily attends school after the person's 19th birthday shall attend school each school day for the entire period the program of instruction is offered. A board may adopt a policy requiring the student who is under 21 years of age to attend school until the end of the school year.

After the third unexcused absence of a person who voluntarily enrolls, ~~a district~~ the Academy shall issue a warning letter to the person that states the person's enrollment may be revoked for the remainder of the school year if the person has more than five unexcused absences in a semester.

~~A district~~ The Academy may revoke for the remainder of the school year the enrollment of a person who has more than five unexcused absences in a semester, except ~~a school district~~ the Academy may not revoke the enrollment of a person under this provision on a day on which the person is physically present at school.

A person whose enrollment is revoked for exceeding this limit may be considered an unauthorized person on school grounds for the purposes of Education Code 37.107 regarding trespassing.

~~As an alternative to revoking a person's enrollment, a school district may impose a behavior improvement plan described by Education Code 25.0915(a-1)(1).~~

Excused Absences

The Academy shall excuse a student from attending school consistent with the requirements of the Texas Education Code. A complete list of the circumstances for which attendance will be excused is provided in the Westlake Academy Parent/Student Handbook. A district shall excuse a student from attending school for the following purposes:

- ~~1. Observing religious holy days, including one day of travel to and from the site where the student will observe the holy days, if necessary.~~
- ~~2. Attending a required court appearance, including one day of travel to and from the site where the court is located, if necessary.~~
- ~~3. Appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship, including one day of travel to and from the site of the governmental office, if necessary.~~
- ~~4. Taking part in a United States naturalization oath ceremony, including one day of travel to and from the site of the ceremony, if necessary.~~
- ~~5. Serving as an election clerk, including one day of travel to and from the site where the student will serve as an election clerk, if necessary.~~
- ~~6. A student in the conservatorship of the Department of Family and Protective Services (DFPS) shall be excused in order to participate, as determined and documented by DFPS, in an activity:~~
 - ~~A. Ordered by a court under Family Code Chapter 262 or 263, provided that it is not practicable to schedule the participation outside of school hours, or~~
 - ~~B. Required under a service plan under Family Code Chapter 263, Subchapter B. Education Code 25.087(b)(1); 19 TAC 129.21(j)(3)~~
- ~~7. A temporary absence resulting from an appointment with a health-care professional for the student or the student's child if the student commences classes or returns to school on the same day of the appointment. The student or parent must provide documentation of the appointment from the health-care professional. "Temporary absence" also includes an absence of a student diagnosed with autism spectrum disorder on the day of the student's appointment with a health-care practitioner to receive a generally recognized service for persons with autism spectrum disorder, including applied behavioral analysis, speech therapy, and occupational therapy. Education Code 25.08(b)(2), (b-3); 19 TAC 129.21(j)(3)~~
- ~~8. For students in the Diploma Program (11th or 12th grade), an absence to visit an institution of higher education accredited by a generally recognized accrediting organization for the purpose of determining the student's interest in attending the institution of higher education. Excused absences under this provision may not exceed two days and must be supported by documentation to verify the student's visit at the institution of higher education. Education Code 25.087(b-2); 19 TAC 129.21(j)(3)~~
- ~~9. A student whose parent, stepparent, or legal guardian is an active-duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides, shall be excused from school to visit with the student's parent, stepparent, or guardian. An~~

~~absence under this provision may not exceed five days in a school year. An excused absence under this provision must be taken not earlier than the 60th day before the date of deployment or not later than the 30th day after the date of return from deployment. Education Code 25.087(b-4)~~

~~10. A student who is 17 years of age or older may be excused from attending school to pursue enlistment in a branch of the armed services of the United States or the Texas National Guard, provided that: the absence is not for more than four days of school during the period the student is enrolled in high school; and the Academy verifies the student's activities related to pursuing enlistment in a branch of the armed services or the Texas National Guard. Education Code 25.087(b-5), (b-6)~~

~~11. A student in grades 6 through 12 may be excused for the purpose of sounding "Taps" at a military honors funeral held in this state for a deceased veteran.~~

~~12.~~

Education Code 25.087 ~~.(c)~~

Documenting Attendance & Make-Up Work

A student whose absence is excused for a reason described above shall not be penalized for that absence and shall be counted as if the student attended school for purposes of calculating the average daily attendance of students. The student shall be allowed a reasonable time to make up school work missed on the days. If the student satisfactorily completes the work, the days of absence shall be counted as days of compulsory attendance. *Education Code 25.087(d)*

Notice to Parents

The Academy shall notify a student's parent in writing at the beginning of the school year that, if the student is absent from school on ten or more days or parts of days within a six-month period in the same school year, the student's parent is subject to prosecution under Education Code Section 25.093, and the student is subject to referral to a truancy court for truant conduct under Family Code Section 65.003(a).

Notice of Absences

The Academy shall notify a student's parent if the student has been absent from school, without excuse under Education Code Section 25.087, on three days or parts of days within a four-week period. The notice must:

1. Inform the parent that:
 - a. It is the parent's duty to monitor the student's school attendance and require the student to attend school; and
 - b. The student is subject to truancy prevention measures under Education Code Section 25.0915; and
2. Request a conference between school officials and the parent to discuss the absences.

The fact that a parent did not receive the notices described above is not a defense for the parent's failure to require a child to attend school nor for the student's failure to attend school. *Education Code 25.095*

Parent Contributing to Non-Attendance

A parent or person standing in parental relation commits an offense if:

1. A warning notice is issued;
2. The parent with criminal negligence fails to require the child to attend school as required by law; and
3. The child has absences for the amount of time specified under Family Code Section 65.003(a).

The attendance officer or other appropriate school official shall file a complaint against the parent in an appropriate court, as permitted under *Education Code Section 25.093*.

Affirmative Defense - Parent

It is an affirmative defense to prosecution that one or more of the absences required to be proven was excused by a school official or should be excused by the court. A decision by the court to excuse an absence for this purpose does not affect the ability of the Academy to determine whether to excuse the absence for another purpose. *Education Code 25.093*

Student Liability

A child engages in truant conduct if the child is required to attend school under the compulsory attendance laws and fails to attend school on ten or more days or parts of days within a six-month period in the same school year. Truant conduct may be prosecuted only as a civil case in a truancy court. *Family Code 65.003(a), (b)*

“Child” means a person who is 12 years of age or older and younger than 19 years of age. *Family Code 65.002(1)*

Affirmative Defense - Student

It is an affirmative defense to an allegation of truant conduct that one or more of the absences required to be proven was 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 was or should be excused or that the absence was involuntary. A decision by the court to excuse an absence does not affect the ability of the district Academy to determine whether to excuse the absence for another purpose. *Family Code 65.003(c)*

Truancy Prevention Measures

If a student fails to attend school without excuse on three or more days or parts of days within a four-week period, but does not fail to attend school for the time described below,

the ~~district~~ Academy shall initiate truancy prevention measures on the student.
Education Code 25.0915(a-4)

Referral to Truancy Court

If a student fails to attend school without excuse on ten or more days or parts of days within a six-month period in the same school year, the Academy shall within ten school days of the student's tenth absence refer the student to a truancy court for truant conduct under *Family Code 65.003(a)*. *Education Code 25.0951*

Withdrawal of Student

In order to continue enrollment from year to year at the Academy, the student or parent must complete the Academy's annual registration process. A student who is not registered ~~by the deadline identified by the Academy and remains unregistered after documented attempts to contact the student/parent by May 31,~~ will be considered withdrawn from the Academy for the upcoming school year. Additionally, a student who is absent for five consecutive school days without notice and efforts by administrators to contact the student or parent are unsuccessful will be considered withdrawn from the Academy.

Additional procedural information as it relates to attendance shall be recorded and published in the Parent/Student Handbook on an annual basis.

Dates Amended

10/05/15

08/10/16