

Truancy Reporting Requirement

Tennessee Code/TITLE 49 EDUCATION /CHAPTER 6 ELEMENTARY AND SECONDARY EDUCATION /PART 30 ATTENDANCE

49-6-3007. Attendance and truancy reports - Enforcement of compulsory attendance.

(a) On or before the beginning of the school term each year, the director of schools of each school district shall furnish to the principal teacher in each school, or cause to be furnished, through any duly elected attendance teacher, as herein provided, the names of children depending on their schools for instruction, together with the names of the parents or guardians of the children, the lists to be taken from the census enumeration on file in the office of the director of schools, or from any other available and reliable sources.

(b) It is the duty of every principal or teacher of a public school to report to the director of schools, immediately after the opening of school, the names of all children on the list furnished to the director of schools who have not appeared for enrollment.

(c) It is the duty of the principals and teachers of all schools, public, private, denominational or parochial, to report in writing to the director of schools of the system in which the school is located the names, ages and residences of all pupils in attendance at their schools and classes within thirty (30) days after the beginning of the school year, and to make such other reports of attendance in their schools or classes, including transfers of pupils, as may be required by rule or regulation of the local board of education and of the state board of education. Notwithstanding the provisions of subsection (g), the provisions of this subsection shall apply to any child less than six (6) years of age who is enrolled in any school to which the provisions of this subsection are applicable.

(d) All public, private and parochial schools shall keep daily reports of attendance, verified by the teacher making such record, which shall be open to inspection at all reasonable times, to the director of schools of the system in which the school is located or to the director of schools' duly authorized representative. Notwithstanding the provisions of subsection (g), the provisions of this subsection shall apply to any child less than six (6) years of age who is enrolled in any school to which the provisions of this subsection are applicable.

(e) (1) It is the duty of the principal or teacher of every public, private or parochial school to report promptly to the director of schools, or the director of schools' designated representative, the names of all children who have withdrawn from school, or who have been absent five (5) days (this means an aggregate of five (5) days during the school year and not necessarily five (5) consecutive days) without adequate excuse. Each successive accumulation of five (5) unexcused absences by a student shall also be reported.

(2) Such director of schools shall thereupon serve, or cause to be served, upon the parent, guardian or other person in Tennessee in parental relation to such children unlawfully

absent from school, written notice that attendance of such children at school is required. A new notice shall be sent after each successive accumulation of five (5) unexcused absences.

(3) If it appears that, within three (3) days after receipt of the notice, any child, parent, guardian or other person in parental relation has failed to comply with the provisions of this part, the director of schools, in the name of the local school system, shall report the facts of such unlawful attendance to the sheriff, constable, city police officer, district attorney general, or the foreman of the grand jury, who shall proceed against the parent, guardian or other person in parental relation in accordance with the provisions of this part, unless the parent, guardian or person having charge and control of the child shall at once place the child in some day school as aforementioned.

(f) The director of schools of any local school system, after written notice to the parent or guardian of a child, shall report any child who is habitually and unlawfully absent from school to the appropriate judge having juvenile jurisdiction in that county, each case to be dealt with in such manner as the judge may determine to be in the best interest of the child, consistent with the provisions of §§ 37-1-132, 37-1-168 and 37-1-169 and in the event the child is adjudicated to be unruly, the judge may assess a fine of up to fifty dollars (\$50.00) or five (5) hours of community service, in the discretion of the judge, against the parents or legal guardians of children in kindergarten through grade twelve (K-12) if the child is absent more than five (5) days during any school year.

(g) Except as otherwise provided by § 49-6-3001 or § 49-6-3005, the provisions of this section shall be applicable to children less than six (6) years of age and their parent, guardian, or other person in a parental relation when such parent, guardian, or other person in a parental relation has enrolled the child in any school which receives funding based on average daily membership; provided, that a child may be withdrawn within six (6) weeks of initial enrollment without penalty.

(h) For the purposes of this part, for recording and coding student absences from school because of disciplinary actions, the following definitions shall apply:

(1) "Expulsion" is defined as removal from attendance for more than ten (10) consecutive days or more than fifteen (15) days in a month of school attendance. Multiple suspensions that occur consecutively shall constitute expulsion. The school district shall not be eligible to receive funding for an expelled student;

(2) "Remand" is defined as assignment to an alternative school. The student so assigned shall be included in ADA/ADM and will continue to be counted as present for funding purposes. The department of education shall establish a set of codes to be used for reporting reasons for students on remand to an alternative school; and

(3) "Suspension" is defined as dismissed from attendance at school for any reason not exceeding ten (10) consecutive days. Multiple suspensions shall not run consecutively

nor shall multiple suspensions be applied to avoid expulsion from school. The school district shall remain eligible to receive funding for a suspended student.

(i) (1) An LEA may enter into an agreement with the local law enforcement agency serving the area of the LEA and the appropriate local government in that area to assist in the enforcement of compulsory attendance upon complying with the following conditions:

(A) Creation by the local school board of an advisory council to assist the board in formulating the agreement. The board shall include representatives of teachers, parents, administrators, and other community representatives;

(B) Receipt of input from neighborhood groups and other interested parties;

(C) At least one (1) public hearing on the proposed plan prior to its adoption by the board;

(D) Provisions for training teachers, principals, social workers, and other personnel involved in the schools in truancy issues;

(E) Provisions for assuring the training of involved law enforcement personnel in provisions of the truancy law, including categories of students to which the law does not apply, such as private school students or home school students; and

(F) Inclusion in the agreement of safeguards to protect students from discriminatory or selective enforcement and to protect the civil rights of students and parents.

If such an agreement is entered into, then it shall be the duty of the principal or teacher of every public school to report promptly to the director of schools, or the director of schools' designated representative, the names of all children who have been absent two (2) days (this means an aggregate of two (2) days during the school year and not necessarily two (2) consecutive days) without adequate excuse and shall continue to report each subsequent absence without adequate excuse.

(2) Such director of schools shall thereupon serve, or cause to be served, upon the parent, guardian or other person in Tennessee in parental relation to such children unlawfully absent from school, written notice that attendance of such children at school is required, and of the provisions of this subsection.

(3) Under the provisions of such an agreement, and for purposes of this section and § 37-1-102(b)(23)(A)(i), a student who has been absent an aggregate three (3) days without adequate excuse may be deemed habitually truant.

(4) The director of schools or director of schools' representative may issue a list of such "truant" students to the local law enforcement agency for the purpose of allowing the law enforcement agency to take such student into temporary custody when such student is

found away from the school premises during school hours, in a public place, in any public or private conveyance, or in any public place of business open to the public, without adequate excuse, unless accompanied by a parent, foster parent or legal guardian. The agreement shall further specify that the law enforcement officer's sole function shall be to deliver the child to:

(A) The parent, foster parent, legal guardian, or other person having control or custody of the child;

(B) The principal of the school in which the child is enrolled;

(C) A truancy center established by the LEA; or

(D) The juvenile court, if there has been a local interagency agreement entered into by the juvenile court and the local law enforcement agency.

(5) The powers conferred under such agreements may be exercised without warrant and without subsequent legal proceedings.

(6) The provisions of this subsection shall not apply to students enrolled in home or non-public schools in accordance with the provisions of §§ 49-6-3050 or 49-50-801.

(7) Upon issuance of a standing order by the juvenile court, LEA officials shall be allowed to release student record information to local law enforcement agencies and to juvenile justice system officials to assist such officials in effectively serving the student whose record is released. Officials and authorities receiving such information shall not disclose the information to any other party without prior written consent of the parent.

[Acts 1947, ch. 87, §§ 11-13, 19; C. Supp. 1950, §§ 2442.11-2442.13, 2442.19; Acts 1974, ch. 654, §§ 94-97, 102; T.C.A. (orig. ed.), §§ 49-1716 - 49-1718, 49-1726; Acts 1994, ch. 756, § 1; 1994, ch. 910, §§ 1, 2; 1995, ch. 149, § 1; 1995, ch. 333, § 1; 1996, ch. 1035, §§ 1, 2; 1996, ch. 1079, § 144; 1997, ch. 392, §§ 4, 8; 2000, ch. 704, § 1; 2000, ch. 814, § 1; 2002, ch. 823, §§ 1, 2.]