



## WYOMING LEGISLATIVE SERVICE OFFICE

# ISSUE BRIEF

## Absenteeism and Truancy

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by

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### PURPOSE

To provide the Select Committee on Tribal Relations with background on school absenteeism in Wyoming generally and for Native Americans, including potential discussion areas and challenges.

### OVERVIEW

Wyoming compulsory attendance statutes specify when attendance is required and actions to be taken to address unexcused absences. The laws place primary enforcement responsibility on each school district and describe when enforcement responsibility shifts to the district attorney. The laws are unclear, however, about interactions among school districts, district attorneys, Tribes and departments of Family Services. The laws are unclear about whether to treat truancy as a crime or a status offense and fail to distinguish between whether a child is an habitual truant because his parents are preventing him from attending school or because he by his own

choice, disobeying his parent or guardian, is skipping school.

This issue brief describes current approaches to absenteeism and truancy in Wyoming law, the Tribal Law and Order Code and several school districts. Then the issue brief examines whether a child's unexcused absences result from the acts of the child or the child's parent and what laws apply. Next the issue brief discusses several conflicting areas in the current approaches. Appendix A offers amendments to clarify definitions and responsibilities and to cross-reference among the governing statutes.

### CURRENT APPROACHES

Wyoming requires students to attend school for at least nine years, through at least age sixteen or completion of the tenth grade.<sup>1</sup> School districts must, except in certain circumstances, operate their schools for a minimum of 175 days each school year to meet the definition of pupil-teacher contact time as

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<sup>1</sup> W.S. 21-4-102. (The statute provides exceptions for home-based education and for physical and mental health situations.)

defined by the State Board of Education.<sup>2</sup> The minimum pupil-teacher contact time for the different grade levels is:

- (i) Kindergarten. A minimum of 450 hours.
- (ii) Elementary. A minimum of 900 hours.
- (iii) Middle School/Junior High. A minimum of 1050 hours.
- (iv) Secondary. A minimum of 1100 hours.<sup>3</sup>

Wyoming statutes contain several requirements that address school attendance violations as a criminal offense. There are possible consequences for parents of truant students including a criminal penalty and potential for prosecution for educational neglect. Consequences for students are meted out through in-school warnings and the Juvenile Justice Act. School districts are directly involved in attendance enforcement and are included in required truancy notification procedures. Nevertheless, some students are chronically absent from school, which has an impact on student success.

The Tribal Law and Order Code addresses absenteeism from the perspective of educational neglect. Fremont County Schools, including schools in and around the Wind River Indian Reservation, generally report high levels of absenteeism among Native American students.

The Wyoming Legislature's Select Committee on Tribal Relations has been working with school districts, the Fremont County Attorney and other concerned individuals to ascertain how to reduce the significant problems associated with absenteeism and truancy of Native American students. It has become apparent that there are conflicts and gaps among the statutes and rules for addressing the matter, as well as jurisdictional challenges that impede the process.

### ***Current Wyoming Laws***

Under Wyoming compulsory attendance statutes, the primary responsibility for enforcement of school attendance rests with each school district, specifically with the attendance officer appointed by the district board of trustees.<sup>4</sup> School attendance officers are required to "counsel with students, parents, guardians or custodians and teachers; and to investigate the causes of unexcused absences."<sup>5</sup> A school attendance officer is required to notify the parent, guardian or custodian of a student with an unexcused absence that school attendance is required by law.<sup>6</sup> This notice sets up the next step after a second unexcused absence that the attendance officer "reasonably believes was due to the willful neglect or failure of the parent, guardian, or custodian of the child," which is to file a complaint in district court against the parent, guardian or custodian for violating state compulsory attendance requirements.<sup>7</sup>

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<sup>2</sup> W.S. 21-2-304 and 21-4-301.

<sup>3</sup> Wyoming Board of Education Administrative Rules, Chapter 22, Section 5 "School Day."

<sup>4</sup> W.S. 21-4-103.

<sup>5</sup> W.S. 21-4-104(a)(i).

<sup>6</sup> W.S. 21-4-104(a)(ii).

<sup>7</sup> *Id.*

The penalty for a parent, guardian or custodian willfully failing, neglecting or refusing to comply with state compulsory attendance requirements is a misdemeanor, punishable by a fine of \$5.00 to \$25.00, imprisonment for no more than ten days, or both.<sup>8</sup>

The remedy for a family with a student who is an habitual truant is to go through proceedings in the interest of the child under the Juvenile Justice Act.<sup>9</sup> An habitual truant is defined as "any child with five (5) or more unexcused absences in any one (1) school year."<sup>10</sup> The procedure for starting proceedings under the Juvenile Justice Act begins with a school district's attendance officer or its board of trustees notifying the district attorney who shall initiate proceedings.<sup>11</sup>

Prosecuting a parent for failing, neglecting or refusing to comply with the compulsory attendance requirements implies that absence can be the result of neglect. Under Wyoming's Child Protective Services statutes, neglect is defined as "*a failure or refusal by those responsible for the child's welfare to provide adequate care, maintenance, supervision, education or medical, surgical or any other care necessary for the child's well being.*"<sup>12</sup> Reports of child neglect, under the Child Protective Services statutes, invoke procedures for the Wyoming Department of Family Services (DFS), as discussed below. The DFS

is not referred to in the compulsory attendance statutes.

The compulsory attendance statutes refer to the Juvenile Justice Act. Initiating proceedings in the interest of the child under the Juvenile Justice Act provides for hearings to adjudicate both whether a child has committed a criminally delinquent act and assigning an appropriate level of sanction therefor and the extent of a parent's liability for failure or neglecting to exercise reasonable control and authority.<sup>13</sup>

### ***Tribal Law and Order Code***

The Tribal Law and Order Code applies to Northern Arapaho and Eastern Shoshone students and their Northern Arapaho and Eastern Shoshone parents, guardians or other custodians on and off the Wind River Reservation.<sup>14</sup> The Code also addresses absenteeism by focusing on either those responsible for a child's welfare or the truant student.

The "Children's Code," a part of the Tribal Law and Order Code, defines "minor-in-need-of-care" in relevant part as "An Indian under the age of eighteen (18) who:...[h]as not been provided with adequate food, clothing, shelter, medical care, education or supervision by a parent, guardian or custodian necessary for health and well-being."<sup>15</sup> Additionally, "neglected" is defined in relevant part as "A failure or refusal, without good cause, by those

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<sup>8</sup> W.S. 21-4-105.

<sup>9</sup> W.S. 21-4-107.

<sup>10</sup> W.S. 21-4-101(a)(ii).

<sup>11</sup> W.S. 21-4-107.

<sup>12</sup> W.S. 14-3-202(a)(vii) (emphasis added).

<sup>13</sup> Juvenile Justice Act at W.S. 14-6-201 through 14-6-252, including parental liability at W.S. 14-6-244.

<sup>14</sup> *Law and Order Codes of the Shoshone and Arapaho Tribes*, Title I, Chapter 2 Jurisdiction.

<sup>15</sup> *Law and Order Codes of the Shoshone and Arapaho Tribes*, Title III, Section 3-1-6(20)(c).

responsible for a minor's welfare to provide reasonable adequate care of a minor including adequate provision of:...[e]ducation including the minor's regular and full-day attendance at school until the minor shall have reached eighteen (18) years of age."<sup>16</sup>

Enforcement of educational neglect is found in the "Code of Tribal Offenses," another part of the Tribal Law and Order Code, and is similar to the language found in the Wyoming Juvenile Justice Act that applies to a parent's responsibility to a child. The offense is the failure or refusal, without good cause, of a "person who is responsible for the welfare, as parent, non-custodial parent, guardian, custodian, stepparent, foster parent, or other person having physical custody or control of a child" to provide for the child's regular and full-day education.<sup>17</sup>

The "Code of Tribal Offenses" also enforces truancy as a status or noncriminal offense with the focus on the child as a minor in need of care or as a juvenile offender. The "Truancy" section provides that "no person under the age of eighteen (18) years of age shall be...[t]ruant from school or home," with "truant" meaning "to stay away without permission of those with authority to grant such permission."<sup>18</sup> The disposition of a person guilty of being truant shall be addressed in accordance with the Children's Code provisions for minors-in-

need-of care or the provisions for juvenile offenders.<sup>19</sup>

#### *Other Approaches to Address Attendance*

The Northern Arapaho Tribe Education Code, Section 503, addresses student attendance. It indicates the Arapaho Department of Education has the responsibility to develop in consultation with tribal elders, the school board, parents and others "enforcement methods which address this intractable problem [of truancy]. The Department shall develop innovative approaches which include a focus on the student and the student's family, friends, and community." This document does not provide any correctional guidance on any attendance violations. It also does not define what the attendance standards are.

The Eastern Shoshone Tribe does not have a separate education code. There is not a tribal education code that is shared between the two tribes, beyond references to education in the Children's Code of the Tribal Law and Order Code.

At its November 2018 interim meeting, the Committee was presented with the "Juvenile Assessment Center" and "Handle With Care" models.<sup>20</sup> These approaches aim to serve youth and families by understanding the underlying factors contributing to behaviors such as truancy and disruptive behavior in the home or at school and coordinating a trauma-informed

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<sup>16</sup> *Id.* at Title III, Section 3-1-6(21)(c).

<sup>17</sup> *Id.* at Title VII, Section 7-3-7(1)(c).

<sup>18</sup> *Id.* at Title VII, Section 7-7-3(1) and (2).

<sup>19</sup> *Id.* at Title VII, Section 7-7-3(3) (referring to Title III, Sections 3-4-14 and 3-5-16).

<sup>20</sup> Available at <https://wyoleg.gov/InterimCommittee/2018/STR-2018111313-01JuvenileAssessmentCenter-CJusticehandout.PDF>.

collaboration between law enforcement, schools and community providers.

***Fremont County School District Practices***

A great deal of control is given to individual school districts. The Fremont County School Districts follow varying practices in their approaches to absenteeism. In the spring of 2018, several Fremont County School District Superintendents responded to a brief LSO questionnaire about their policies and actions regarding unexcused absences. The compiled responses are at Appendix B.

**EDUCATIONAL NEGLECT OR TRUANCY?**

In general, the vernacular tends to suggest that "neglect" lies with the parent, while "truancy" lies with the student. It is unclear in Wyoming statutes and actual school district and district attorney practices whether truancy should be addressed as a criminal act or a status offense. Educational neglect appears always to be able to be considered as a contributing factor.

***Juvenile Justice Act, Child in Need of Supervision Act or Child Protection Act***

The Juvenile Justice Act, W.S. 14-6-201 through 14-6-252, focuses on prosecuting a child for committing a criminally delinquent act, imposing an appropriate sanction and possibly assigning liability to the parents for neglect. The Child in Need of Supervision Act, W.S. 14-6-401 through 14-6-440, which is not mentioned in the compulsory attendance statutes, focuses more on adjudicating the need to supervise a child with behavior challenges rather than addressing criminal offenses.

Specifically, the definition of a "child in need of supervision" is:

any child who has not reached his eighteenth birthday who is *habitually truant* or has run away from home or habitually disobeys reasonable and lawful demands of his parents, guardian, custodian or other proper authority or is ungovernable and beyond control. "Child in need of supervision" includes any child who has not reached his eighteenth birthday who has committed a status offense.<sup>21</sup>

Raising even more curiosity as to why the Child in Need of Supervision Act is not referred to in the compulsory attendance statutes is the Child in Need of Supervision Act requirement that "[i]n determining the action necessary to protect the interest of the public or the child with regard to a petition alleging a child in need of supervision, the prosecuting attorney shall consider the following:...[u]se of *truancy statute enforcement*."<sup>22</sup> There is not any further definition of what truancy statute enforcement is or other statutes to which the paragraph may be referring.

Exercising prosecutorial discretion, at least one Wyoming district attorney has responded that he seldom prosecutes truancy under the Juvenile Justice Act but instead usually proceeds under the Child in Need of Supervision Act for the best interest of the child.

<sup>21</sup> W.S. 14-6-402(a)(iv) (emphasis added).

<sup>22</sup> W.S. 14-6-411(b)(iv) (emphasis added).

### *Departments of Family Services*

The Wyoming DFS, Eastern Shoshone Department of Family Services and Northern Arapaho Department of Family Services address matters involving Wyoming's children, including instances of neglect. For complaints alleging a child is neglected, delinquent or in need of supervision, the DFS shall "provide the district attorney with any assistance he may require in making an investigation."<sup>23</sup> The Child Protective Services statutes describe the duties of the Wyoming DFS.<sup>24</sup> By contract, the Tribal Departments of Family Services are supposed to address child neglect for their respective populations. They have their own rules and procedures designed to meet their contract obligations with Wyoming DFS and their populations' needs.

The Child Protective Services statutes govern the DFS, and the definition for "neglect" in those statutes<sup>25</sup> includes neglect of educational needs. Additionally, among DFS duties are to:

(ii) Receive, assess, investigate or arrange for investigation and coordinate investigation or assessment of all reports of known or suspected child abuse or neglect;...

(iv) If the investigation or assessment discloses that abuse or neglect is present, initiate services with the family of the abused or neglected child to assist in resolving

problems that lead to or caused the child abuse or neglect;...

(viii) When the best interest of the child requires court action, contact the county and prosecuting attorney to initiate legal proceedings and assist the county and prosecuting attorney during the proceedings.<sup>26</sup>

Between the definition including educational neglect and the requirement to investigate neglect, one might think that the DFS is an integral part of addressing absenteeism and truancy. However the DFS agency rules for intakes and verifications of reports of suspected child abuse or neglect require the DFS to reject "[r]eports surrounding child truancy unless there is evidence the caretaker's behavior is preventing school attendance."<sup>27</sup> This aligns with the compulsory attendance statutes, which do not mention the DFS. The DFS would become involved in truancy matters only after a district attorney initiates proceedings under the Juvenile Justice Act.<sup>28</sup>

### **AREAS OF CONFLICT**

#### *Habitual Truant Definition and Prosecution*

The compulsory attendance statutes define "habitual truant" as "any child with five (5) or more unexcused absences in any one (1) school year."<sup>29</sup> Yet, the board of trustees in each school district within the state may "[d]efine 'unexcused absence' and 'habitual truancy' for

<sup>23</sup> W.S. 14-3-411, 14-6-211(a) and 14-6-411(a).

<sup>24</sup> W.S. 14-3-201 through 14-3-216.

<sup>25</sup> W.S. 14-3-202(a)(vii).

<sup>26</sup> W.S. 14-3-204(a).

<sup>27</sup> Wyoming Department of Family Services Administrative Rules, Chapter 2 " Reports of Suspected Child Abuse or Neglect", Section 2(f)(iv).

<sup>28</sup> W.S. 21-4-107.

<sup>29</sup> W.S. 21-4-101(a)(ii).

all students who are attending public schools and who have met compulsory attendance requirements, and establish rules and regulations regarding their attendance."<sup>30</sup> If a school board adopted any definition other than the one under W.S. 21-4-101(a)(ii), the board would be in conflict with the statute.

The Committee and feedback the Committee has received raises the question as to whether the definition of "habitual truant" at W.S. 21-4-101(a)(ii) is appropriate or adequate. Some feedback suggests that five days is not practical. In addition, the definition only defines the accumulated number of unexcused absences without consideration as to whose fault the truant acts are. The compulsory attendance statutes fail to provide for answers as to whether the child is an habitual truant because his parents are not allowing him to attend school or truant because he by his own choice and against the intentions of his parent or guardian is skipping school or whether the parent should be assessed the penalty because their child is an habitual truant even though the child is skipping school against the will of his parents.

Under W.S. 21-4-107 the district attorney shall initiate proceedings for habitual truancy in the interest of the child under the Juvenile Justice Act. The Juvenile Justice Act does not define "truancy" nor does it assess a penalty to be associated with it. The Child Protective Services statutes define "neglect" to include neglect of education. The Children in Need of Supervision Act includes provisions for addressing truancy. Under W.S. 21-4-107 the district attorney is not given the authority to

employ the Child Protection Act or Children in Need of Supervision Act. Amending the definitions, inserting authority into W.S. 21-4-107 to employ the Children in Need of Supervision Act or Child Protection Act and cross-referencing between Titles 21 and 14 would be appropriate considerations. Possible statutory changes are at **Appendix A**.

### *Jurisdiction*

Jurisdiction over students begins with the school and district. If a district determines a child to be an habitual truant then W.S. 21-4-107 requires the board or attendance officer to notify the district attorney, thus shifting the decisions regarding the child from the school to the district attorney. This also shifts the governing statutes from the compulsory attendance education statutes at W.S. 21-4-101 through 21-4-107 to the Juvenile Justice Act at W.S. 14-6-201 through 14-6-252. A shift to the Child Protection Act or Child in Need of Supervision Act is implied but not explicit. Making the connection explicit would be an appropriate consideration.

The Wyoming statutes and Tribal Law and Order Code are unclear of the policy dictating when the respective Department of Family Services becomes involved and who initiates this request. Clarifying the participation and duties of the respective Department of Family Services would be an appropriate consideration. Feedback during Committee meetings and discussions indicates that an approach that evaluates issues intertwined with truancy, such as welfare and social issues, may

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<sup>30</sup> W.S. 21-3-111(a)(xvi).

be more sustainable and help combat intergenerational patterns of not attending school. Some feedback suggested that the respective Department of Family Services and their case management approach might be better equipped than the court system. There are currently no provisions for communication between the district attendance officer or board of trustees and the respective Department of Family Services.

There also are not any clear guidelines that determine when it is appropriate to change jurisdictions between the districts and the Wind River Reservation. This might be the case for a child who is a resident of the Reservation but attends school off the Reservation. Current statutes require the school attendance officer to take habitual truancy to the district attorney, and currently the district attorney decides if he will refer or request input from either Tribe to determine if the child should have his hearing in Tribal court. Inserting statutes that guide the district attorney or district court judges in making the decision about when to involve either Tribe or when and how they should direct legal matters concerning children to the tribal court system would be an appropriate consideration. Also inserting language to require the schools off the Reservation to direct truancy concerns for Reservation children attending their school to the Tribal court system prosecutor would be an appropriate consideration. Possible statutory changes are at **Appendix A**.

### ***Compulsory Attendance Age***

The Wyoming compulsory attendance statutes require school attendance through at least age sixteen. The Tribal Law and Order Code requires attendance through at least age eighteen. Aligning the two requirements might be an appropriate consideration.





WYOMING LEGISLATIVE SERVICE OFFICE  
**ISSUE BRIEF**

**APPENDIX A**

**STATUTORY AMENDMENTS AND CROSS-REFERENCES**

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**STAFF COMMENT**

These statutory changes have not been through the LSO internal review process, and technical or substantive changes may be required even after committee discussion.

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**14-3-402. Definitions.**

(a) As used in this act:

(xii) "Neglected child" means a child:

(A) Who has been subjected to willful absenteeism as defined in W.S. 21-4-101(a)(vii).

**14-6-402. Definitions.**

(a) As used in this act:

(iv) "Child in need of supervision" means any child who has not reached his eighteenth birthday who is habitually truant as defined in W.S. 21-4-101(a)(ii) or has run away from home or habitually disobeys reasonable and lawful demands of his parents, guardian, custodian or other proper authority or is ungovernable and beyond control. "Child in need of supervision" includes any child who has not reached his eighteenth birthday who has committed a status offense;

**14-6-411. Complaints alleging child in need of supervision; investigation and determination by district attorney.**

(b) In determining the action necessary to protect the interest of the public or the child with regard to a petition alleging a child in need of supervision, the prosecuting attorney shall consider the following:

(iv) Use of ~~truancy~~ compulsory attendance statute enforcement under W.S. 21-4-101 through 21-4-107;

**21-3-111. Powers of boards of trustees.**

(a) The board of trustees in each school district within the state may:

(xvi) Define "unexcused absence" and the number of absences that constitute "habitual truancy" and "willful absenteeism" in accordance with W.S. 21-4-101 for all students who are attending public schools ~~and who have met compulsory attendance requirements~~, and establish rules and regulations regarding their attendance. For purposes of this paragraph, students participating in the annual state fair held under W.S. 11-10-101 as an exhibitor shall be considered as participating in a district cocurricular activity program and shall be defined by the board as an excused absence;

**21-4-101. Definitions.**

(a) For the purposes of this article:

(i) "Unexcused absence" means the absence, as defined in the policies of the local board of trustees pursuant to W.S. 21-3-111(a)(xvi), of any child required by this article to attend school when such absence is not excused to the satisfaction of the board of trustees by the parent, guardian, or other person having control of such child;

(ii) "Habitual truant" means any child ~~with five (5) or more who, disobeying reasonable and lawful demands of the child's parent, guardian, custodian or other proper authority, obtains more than the limit of~~ unexcused absences as defined in the policies of the local board of trustees pursuant to W.S. 21-3-111(a)(xvi) in any one (1) school year;

(vii) "Willful absenteeism" means exceeding the limit of unexcused absences as defined in the policies of the local board of trustees pursuant to W.S. 21-3-111(a)(xvi) in any one (1) school year when the excess absences are the result of a parent's, guardian's or custodian's willful failure, neglect or refusal to require a child's regular attendance at school."

**21-4-104. Duties of attendance officers.**

(a) Subject to the policy of the board of trustees, it shall be the duty of each attendance officer to:

(i) Counsel with students, parents, guardians or custodians and teachers; and to investigate the causes of unexcused absences, habitual truancy and willful absenteeism;

(ii) Give written notice to the parent, guardian, or custodian of any child having an unexcused absence that the attendance of such child at school is required by law under W.S. 21-4-102 and local board rules pursuant to W.S. 21-3-111(a)(xvi). If after such notice has been given, the child has ~~a second-continued~~ unexcused ~~absence, which~~ absences in violation of local board of trustees rules under W.S. 21-3-111(a)(xvi) then the attendance officer shall proceed in accordance with W.S. 21-4-107, if the attendance officer reasonably believes ~~was~~ the unexcused absences were due to: ~~the willful~~

~~(A) Neglect as defined in W.S. 14-3-202(a)(vii); or failure of the parent, guardian, or custodian of the child, then he shall make and file a complaint against such parent, guardian, or custodian of such child before the district court for the violation of W.S. 21-4-102.~~

(B) Willful absenteeism; or

(C) Habitual truancy.

**21-4-105. Penalty for failure of parent, guardian or custodian to comply with article.**

Any parent, guardian or custodian of any child to whom this article applies who willfully fails, neglects, or refuses to comply with the provisions of this article shall be guilty of a misdemeanor and shall be punished by a fine of not less than ~~five dollars (\$5.00)~~ fifty dollars (\$50.00) nor more than ~~twenty-five dollars (\$25.00)~~ one hundred fifty dollars (\$150.00) or by imprisonment in the county jail not more than ten (10) days or by both such fine and imprisonment.

OR

Any parent, guardian or custodian of any child to whom this article applies who willfully fails, neglects, or refuses to comply with the provisions of this article shall be guilty of a misdemeanor and shall be punished for each day of unexcused absence by a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00) or by imprisonment in the county jail not more than ten (10) days or by both such fine and imprisonment.

**21-4-107. Notice to district attorney of habitual truancy and willful absenteeism; duty of district attorney.**

(a) When the board of trustees of any school district shall determine that a child is an habitual truant or is subject to willful absenteeism as defined by this article the board or its attendance officer shall notify the district attorney who shall then initiate proceedings in the interest of the child under the ~~Juvenile Justice Act~~ Child in Need of Supervision Act at W.S. 14-6-401 through 14-6-440 or Child Protection Act at 14-3-401 through 14-3-441, as appropriate. If the parent or guardian is Native American and living on the Wind River Reservation and whose child attends school:

(i) On the Wind River Reservation, the attendance officer shall notify the Wind River Tribal Court so that proceedings may be initiated under the Tribal Law and Order Code;

(ii) At a Wyoming public school off the Wind River Reservation, the attendance officer shall notify the district attorney who shall then consult with the Wind River Tribal Court and initiate proceedings in the interest of the child under the Child in Need of Supervision Act or Child Protection Act, as appropriate.



WYOMING LEGISLATIVE SERVICE OFFICE

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## ISSUE BRIEF

APPENDIX B

COMPILED RESPONSES TO TRUANCY PRACTICES  
FROM FREMONT SCHOOL DISTRICTS

**Several Fremont County School District Superintendents returned answers to the following questions in the spring of 2018, and the answers are compiled here in this document.**

- (1) Does your district have an unexcused absence policy (see W.S. 21-4-101(a)(i))? If so, would you be willing to share a copy?
- (2) How does your district address unexcused absences and truancy?
- (3) Does your district appoint an attendance officer (see W.S. 21-4-103 and -104)? If so, how does the district go about doing so? Who is it?
  - a. What does your attendance officer do to comply with W.S. 21-4-101 through 21-4-107?
  - b. Is your attendance officer filing complaints with the district court as described in W.S. 21-4-104(a)(ii)? If not, why not? If so, what is the disposition of the cases?
  - c. Has your attendance officer notified the district attorney as described in W.S. 21-4-107 about habitual truancy? If not, why not? If so, has the district attorney initiated proceedings under the Juvenile Justice Act? What is the disposition of the cases?
- (4) How, if at all, do you involve the Tribal court?
- (5) How, if at all, do you involve Wyoming or either Tribe's Department of Family Services?

**Features of district unexcused absence policy.**

FCSD 1	FCSD 6	FCSD 14	FCSD 21	FCSD 25	St. Stephens
<p>Policy not provided, but district procedures follow in subsequent responses.</p>	<p>Four absences during any semester, the principal will send written notification to the student and parent to comply with attendance; 6 absences during the semester, principal will send written notice to the parent and notifying them of importance of attendance; 8 absences, parent and student given final written notice; meeting will be scheduled; documentation of meeting and student attendance record forwarded to the superintendent; 10 or more absences will be reported to Board of Trustees; superintendent may contact the county district attorney; Administrative recommendation to the Board may include retention of child; absences with medical note from licensed physician or school nurse excused</p>	<p>Elem School: • 5 Absences, attendance office contact home school coordinator who contacts parent/guardian, letter to Wind River Tribal Youth. • 8 Absences, principal holds meeting with parent/guardian, student, counselor, principal and teachers to address attendance concerns; home school coordinator hand delivers notice to parent/guardian requesting their involvement. • 10 Absences (and every 5 subsequent absences), same as 8, plus copy of parent/guardian letter sent to Wind River Tribal Youth. • 20 Absences, student consider for retention. Middle School and High School: Recognition that attendance EVERY day is important to student success. Distinction between excused and unexcused. In Middle School, at 5 unexcused absences a truancy referral is filed with Wind River Tribal Youth for investigation of Educational Neglect/Truancy. In High School, at 5 absences a letter is hand delivered to parent/guardian and a meeting between student and principal occurs. • 10 Absences at high school level results in a student being put on an education/tutor contract. More than 11 absences, if not made up by tutoring, results in lost credit for a class. • At Middle school level, more than 25 absences, student automatically retained.</p>	<p>All absences for which the appropriate parental notification and permission is not received at least before the start of the school day after an absence is considered unexcused. Any student who has 5 or more unexcused absences in any school year is considered a habitual truant. The district attendance officer shall address matters of 5 unexcused absences and beyond, according to law.</p>	<p>Students are expected to attend any schedule day of school. The length of the school day is irrelevant. The absence count will begin with the student’s first day of class. That a student is enrolled in the current school year. If a student is absent, the following procedure will be used: • 5 Absences. (Tier1) When a student reaches 5 non-school related absences (parent verified, suspended or truant), the parent/guardians will be notified by a letter from the school and the student will conference with a student support center staff member and/or administration. This is compliance with W.S. 21-4-101(a)(ii) which state; “habitual truant” means any child with 5 or more unexcused absences in any 1 school year.” • 8 Absences: (Tier 2) When a student reaches 8 non-school related absences, another letter from the school will be sent to the parents/guardians of the student and administration will call the parent/guardian explaining the consequences of accumulating more than 10 absences in a semester. A parent meeting may be called if deemed necessary to address issues related to attendance. • 11-15 Absences: (Tier3) Administration and counseling office will schedule a meeting with the student and their parent/guardian to develop a plan of action to improve attendance. At this point, parent verified absences will be recorded as “absent.” • 1—Up Absences: (Tier 3) when a student reaches 16 absences, a letter will be mailed to the county attorney/tribal attorney referencing possible educational neglect. A community agency referral (DFS) or interventions by those agencies will also be explored. The school will still continue to work with the family of the student and the student to improve attendance.</p>	<p><b>St. Stephens</b> For High School, any student who acquires 14 unexcused absences (full day absences) in a term will be dropped from the school rolls at the end of the fourteenth full day and will be asked to leave school until the beginning of the next school year. Students will not receive credit for any classes during that term. On the fifth and seventh unexcused absence, a letter informing the parents/guardians of the absence and a reminder of the attendance rule will be mailed out. When the student reaches the tenth unexcused absence, a written contract will be signed by the student stating they will have no further unexcused absences. A letter will also be sent home notifying the parents/guardians of the action taken. After the fourteenth unexcused absence, the student will be removed from school until the next school year; a letter will be sent to the parents/guardians informing them of the procedure followed. Any student who acquires 10 unexcused absences (full day absences) in a row will be dropped from the school rolls and will not receive credit for that term. Any student who acquires 20 full day absences (excused or unexcused) in a term will be dropped from the school rolls at the end of the twentieth full day and will be asked to leave school until the beginning of the next school year. Students will not receive credit for any classes during that term. Any student who acquires a total of 25 total cumulative absences in a term will be dropped from the school rolls and will not receive credit for that term. Cumulative absences are based on total time missed. For example, if a student misses periods 1 and 2 on Monday and periods 1 and 2 on Tuesday, it adds up to 1 full day missed. Once a student reaches 25 total days, based on time missed, they will be dropped and will not receive credit for that term. Letters will be sent home when students reach 7, 10, 15, and 20 total days missed, based on time. After 20 cumulative absences, students will be placed on an attendance contract. For K-8: 1. At 3 days absent or 9 tardies in any one quarter, parents will receive a letter concerning that student’s attendance. Included will be a statement concerning pending notification of truancy to local officials and BIE, as required by BIE. The Principal will meet with the parents. 2. At 5 days absent or 15 tardies, parents will receive a second letter. The parent and/or guardian must submit a written statement explaining the reason for the absences and/or tardies. A written contract will be signed by the student stating they will have no further unexcused absences. Phone calls concerning, and letters of, excessive absenteeism will be made/sent to the Northern Arapaho Department of Family Services, the Wind River Police Department, and the BIE as required by mandatory reporting. 3. At 9 days absent or 27 tardies, in addition to the letters and parent communication above, the team, which will include the student’s classroom teacher(s), the Principal and other concerned staff (school counselor, special education, etc.) will determine to either retain the student, and/or submit a petition to the court for resolution or seek an alternate remedy.</p>

**Attendance officer (W.S. 21-4-103 and -104)? How appoint? Who is it? Responsibilities?**

FCSD 1	FCSD 6	FCSD 14	FCSD 21	FCSD 25	St. Stephens
<p>Yes, the district has an attendance officer, paid for through grant funding as well as district general funds. The attendance officer is a Dropout Prevention Coordinator covering K-12th grade.</p>	<p>The district has appointed the building principals as the attendance officers as defined in W.S.21-4-104. The building principals follow district policy as it relates to procedures for attendance issues with students. District policy complies with W.S. 21-4-101 through 21-4-107. Parent contact to include home visits by the principal and school SRO most often resolves the attendance issues.</p>	<p>Fremont #14 has home school coordinators in each of their schools. The home school coordinator's role is a liaison between home and school. The home school coordinator along with the school work together to get those students who are absent into school. The home school coordinator calls home, delivers letters home, and makes home visits to those homes where absenteeism and truancy are a problem. The district also has a Student Resource Officer (SRO). The SRO is their last mechanism to use to go to a house or deliver a letter regarding habitual absenteeism. The SRO is also used when the Family Services is needed.</p>	<p>District attendance officer is the Administration or a designee, such as a school counselor or administrative assistant. The attendance officer shall counsel with the student, parent or guardian to attempt to improve attendance habits. Should an additional unexcused absence be recorded, the attendance officer shall provide written notice to the parent or guardian and shall also comply with requirements to notify the county attorney/tribal prosecutor.</p>	<p>The attendance officer is a Board designee, the building principal and or assistant principal, in conjunction with the SRO and/or school counselor and/or social worker all working collaboratively. Attendance officer counsels with students, parents, guardians, teachers, provides written notice, refers to County DFS, County or Tribal Attorney.</p>	<p>Our district does appoint an attendance officer at each building. The building secretaries receive the attendance records from the teachers and call parents if students are not in attendance. Then, the attendance officers, who are appointed by the administration, follow up in cases of multiple unexcused absences or if the secretary is unable to contact the family. At the elementary and middle school, the attendance officer is the Home-School Coordinator. At the high school, the attendance officer is the Dean of Students. To comply with W.S. 21-4-101 through 21-4-107, the attendance officers follow district policy that states that they will send letters to the parents/guardians and the governing agencies listed in our policy.</p>



**Filing complaints with District Court (W.S. 21-4-104(a)(ii))?**

FCSD 1	FCSD 6	FCSD 14	FCSD 21	FCSD 25	St. Stephens
<p>Yes, the Dropout Prevention Coordinator works closely with the district county attorney and his secretary. Most complaints are hand delivered in letter form to discuss the concerns in person with the district attorney's office, a copy is delivered to the local Department of Family Services supervisor. Our district attorney sends out a warning letter, and in the meantime the school works with the Department of Family Services (DFS) to make contact with the family on a voluntary basis to offer any services that may benefit the family and eliminate truancy. If the attendance improves it remains at this stage, if the student continues to be truant, the Dropout Prevention Coordinator contacts DFS to request an ED neglect case be open. The case then is no longer voluntary through DFS and the courts become involved.</p>	<p>Building principals refer habitually truant students to the office of the superintendent and the decision for referral to the district court is made by the superintendent.</p>	<p>See responses above.</p>	<p>The district files attendance issues with the Tribal Prosecutor's Office. Most of the time the Prosecutor's office and Tribal Court is backlogged.</p>	<p>Yes, very little, it is \$25 fine and has little to no impact on improving student attendance, it is viewed as a mockery, an unfilled unfunded mandate from the Legislature.</p>	<p>Since district is a BIE school, they file complaints with the BIA, DFS, and local law enforcement per our policy.</p>

**Notifying District Attorney (W.S. 21-4-107)? What actions do you see from DA (proceedings under Juvenile Justice Act)?**

<b>FCSD 1</b>	<b>FCSD 6</b>	<b>FCSD 14</b>	<b>FCSD 21</b>	<b>FCSD 25</b>	<b>St. Stephens</b>
<p>Yes. The district attorney has initiated proceedings within our school district under the Juvenile Justice Act. The Department of Family Services oversees the case and works with the school district to best support the student's education and family. An attorney and guardian ad litem is assigned to the parent/guardian and student. School staff, such as counselors, principals and/or the Dropout Prevention Coordinator are invited to court dates and MDT meetings to express concerns and ways to better support the student and family in an educational setting.</p>	<p>The district has not had any cases of a habitually truant student this year.</p>	<p>See responses above.</p>	<p>See above response.</p>	<p>Yes, the district attorney has, the disposition is that as above, a mockery and a waste of time for a \$25 fine. Again, an un-enforced unfunded mandate from the legislature.</p>	<p>District attendance officer has not notified the district attorney about habitual truancy, see the previous answer.</p>

**Involving Tribal Court?**

<b>FCSD 1</b>	<b>FCSD 6</b>	<b>FCSD 14</b>	<b>FCSD 21</b>	<b>FCSD 25</b>	<b>St. Stephens</b>
<p>There have not been any Tribal Court contacts, although having this support and information of a contact person would greatly help the enrolled students in our district, especially the 16-18-year-old population at risk of dropping out.</p>	<p>District has not involved Tribal Court.</p>	<p>See responses above.</p>	<p>Yes, see above response. When the courts were separate, the district involved either Tribal Court or CFR whichever had jurisdiction at the time.</p>	<p>If students are tribal members, the letters are sent to the Tribal Attorney instead of the District Attorney.</p>	<p>By reporting to the BIA, DFS, and local law enforcement, they are involving the Tribal court.</p>

**Involve Tribal or State Department of Family Services?**

<b>FCSD 1</b>	<b>FCSD 6</b>	<b>FCSD 14</b>	<b>FCSD 21</b>	<b>FCSD 25</b>	<b>St. Stephens</b>
<p>The local Department of Family Services oversees students within their district. The Dropout Prevention Coordinator works with NADFS and ESDFS if students are living within the reservation boundary or have a case currently open with the student of concern. The local DFS's work out where the truancy referrals go and notify the school on who is taking the case. Outside of the Department of Family Services, the Dropout Prevention Coordinator is in contact with Youth Services as well if a student is on probation through them and has truancy concerns.</p>	<p>In the past, cases involving habitual truancy that also might fall under educational neglect have been reported to the Wyoming or Tribe's Department of Family Services for assistance in resolving the matter. This is rare and in limited cases where there is concern of educational neglect.</p>	<p>See responses above.</p>	<p>The district involves either Shoshone or Arapaho DFS on regular basis.</p>	<p>If a student is a tribal member, tribal DFS is notified instead of the county DFS.</p>	<p>The district reports to Northern Arapaho DFS as per their policy. They have open and constant communication with the Northern Arapaho DFS agency.</p>