

STUDENT PERSONNEL
Series 500

Policy Title: TRUANCY

Code: 502.7

Any pupil who in the judgment of the Board of Trustees repeatedly has violated the attendance regulations established by the board; or any child whose parents or guardians have failed or refused to cause such child to be instructed as provided by Section 33-202 I.C. will be declared an habitual truant. Proceedings against parents or guardians shall be brought according to provisions of Section 33-207 I.C. by the school when the student is determined to be an habitual truant.

When a student reaches an average daily attendance of 80% or below in a semester, he/she is considered to be habitually truant. The principal will refer the student to the superintendent. After reviewing the student's attendance record, the superintendent may arrange a hearing before the Board of Trustees in accordance with Idaho Code 33-205, Denial of School Attendance, for habitual truancy.

Legislative Intent

The legislative scheme providing that a petition for the initial determination of whether a child is being adequately educated will be filed pursuant to the Youth Rehabilitation Act (YRA) is to ensure that a determination as to the adequacy of a child's education is made by a court of competent jurisdiction without the stigma of criminal proceedings attaching. Even more obvious is society's objective, as expressed by the legislature in the enactment of the compulsory education statutes and the YRA, to have Idaho's children educated so that they may be productive citizens not disadvantaged by lack of education adequate to meet the demands of modern life; the goal is not to label children "juvenile delinquents" by bringing them before the courts, but to achieve society's objective by positive and orderly resolution of the parties' differences within an impartial legal framework. Bayes v. State, 117 Idaho 96, 785 P. 2d 660 (Ct. App. 1989).

Opinions of Attorney General. Expulsion is not a prerequisite to proceeding under this section. OAG 83-12

Date of Adoption:
Readopted: July 2009
Revised: 7/16/12

Legal References:
Section 33-202, 205, 206, 207 I.C.

Related References: