

HABITUAL TRUANCY

Western Wayne School Board recognizes its obligations under I.C. 20-33-2-11 regarding the restriction of drivers' licenses and permits. Under Indiana law, a student is required to attend school for the number of days it is in session and it is unlawful for a parent to fail to ensure that their child attends school.

The Corporation defines habitual truancy as a student's willful refusal to attend school as required by the compulsory attendance law in any one of the following circumstances:

1. Refusal to attend school on a continuous basis (i.e., at least ten cumulative unexcused absences per school year or a single instance of unexcused absences lasting at least five days).
2. Habitual truancy is not evidenced by a single, isolated incident of one day of unexcused absence.
3. A judicial finding of truancy.

1. Habitual Truancy

- A. I.C. 20-33-2-11 provides that any person, while of the ages of 13 and 14, who is determined to be a habitual truant as defined above, cannot be issued an operator's license or learner's permit until the age of 18 subject to a hearing conducted pursuant to law and to periodic review in subsequent years.
- B. For a student who is 13 or 14 years old, the principal or his or her designee shall:
 - i. Review the student's attendance records and/or supporting documentation to determine if the student meets the definition of "habitually truant" above.
 - ii. Give written notice by certified mail, return receipt requested, or other similar method which confirms the recipient receives the mail, to the student and his/her parent or guardian indicating the student has been designated a habitual truant and the date, time and place of a meeting with the Superintendent's designee to review the facts concerning the designation as a habitual truant and how to address the problem moving forward.
 - iii. Notify the State Bureau of Motor Vehicles that the student is ineligible to obtain a driver's license or learner's permit.
- C. For any student age 13 through 17 who has been determined or designated a habitual truant under this Policy, the principal or his or her designee shall review the student's attendance

record no less than one time each school year to determine if the prohibition against receipt of an operator's license or learner's permit shall continue. The principal shall be guided by the following factors:

- i. At least 60 school days must have elapsed from the initial determination in order to have a significant sampling upon which to make a determination of improved attendance;
 - ii. The number of absences since the initial determination or designation and the reasons for each shall be reviewed. In the absence of clear and convincing circumstances, one defiant absence based on truancy (willful and in defiance of parental authority and awareness or of the Corporation's attendance officer) shall cause the principal to recommend that the student remain classified as a habitual truant.
 - b. The principal shall forward his/her recommendation to the Board for its review. If the prohibition against receipt of the license or permit is removed, the principal shall notify the State Bureau of Motor Vehicles that the student is eligible to receive a driver's license. The removal of the prohibition, however, shall not cause the number of truancy days to be erased for purposes of later determining that a student is a repeat habitual truant under this Policy.
- D. The Superintendent shall see that a uniform summary information form is developed which:
 - a. Indicates the date of the principal's designation of habitual truancy and of the determination of the Superintendent's designee, if any;
 - b. Indicates the date and result of the review of the attendance record of a habitual truant by the principals and Board; and
 - c. Is placed in and becomes a permanent part of the student's record file and which shall be included with any records sent to another school Corporation in which the student enrolls;
- E. If a student who has been designated and/or determined a habitual truant and remains ineligible to obtain a license/permit properly withdraws from this Corporation or transfers to another public or non-public school, the principal with authority to review such student's attendance record shall be deemed to lose such authority and to no longer be under a duty to conduct the review. Conversely, if such a student moves or transfers to this Corporation, the principal shall conduct the appropriate review.

2. Expulsion and Suspension

A. Issuance of License or Permit

1. I.C. 9-24-2-1 states: "The bureau shall suspend the driving privileges or invalidate the learner's permit of an individual less than eighteen (18) years of age who meets any of the following conditions:
 - (1) Is a habitual truant under I.C. 20-33-2-11.
 - (2) Is under at least a second suspension from school for the school year under I.C. 20-33-8-14 or 20-33-8-15.
 - (3) Is under an expulsion from school under I.C. 20-33-8-14, I.C. 20-33-8-15, or 20-33-8-16.
 - (4) Is considered a dropout under I.C. 20-33-2-28.5.
2. For the purposes of the issuance (as opposed to invalidation) of a license/permit, if a student receives six days or more of out-of-school suspension in any one school year or is expelled or excluded from school, the principal shall not sign any eligibility forms as in "b" below.
 - a. This Board interprets I.C. 9-24-2 to mean that a student less than 18 years of age who receives six days or more of out-of-school suspensions or is expelled from school may not be issued a license/permit until the end of the semester in which the person returns to school, or such action is reversed.
 - b. The principal shall not sign any eligibility form designed to accompany an individual application for the issuance of a license/permit for any student who received six days or more of out-of-school suspension until the end of the semester in which the person returns to school.
 - c. If the State Bureau of Motor Vehicles via a written communication to Indiana School Corporations indicates a different interpretation than expressed in here, the Corporation will follow said Bureau's interpretation.

B. Invalidation of License or Permit

1. I.C. 9-24-2-4 states: "If a person is less than eighteen (18) years of age and is a habitual truant, is under a suspension or an expulsion, or has withdrawn from school as described in I.C. 9-24-2-1, the bureau shall, upon notification by the

person's principal, suspend the person's driving privileges until the earliest of the following:

- (1) The person becomes eighteen (18) years of age.
 - (2) One hundred twenty (120) days after the person is suspended, or the end of a semester during which the persons returns to school, whichever is longer.
 - (3) The suspension, expulsion, or exclusion is reversed after the person has had a hearing under I.C. 20-33-8.
2. For purposes of the invalidation of a license/permit, the principal shall notify the State Bureau of Motor Vehicles in the following circumstances, with each notice indicating the last day of the semester in which the student returns to school:
 - a. The student receives six days or more of out-of-school suspension in any one school year;
 - b. The student is expelled from school for any reason established by state statute and/or this Corporation.
 3. Should the sixth day of out-of-school suspension or the expulsion, be reversed after the student has utilized the procedures under I.C. 20-33-8, the principal shall notify the State Bureau of Motor Vehicles directly in writing.
 4. Any student whose license/permit has been invalidated by the State Bureau of Motor Vehicles may appeal to the Bureau of Motor Vehicles pursuant to I.C. 9-24-2-4.
 5. Any notification to the State Bureau of Motor Vehicles shall state that the student is not eligible and the dates of such ineligibility but shall not state the cause.

3. New Students

For purposes of this Policy and procedures, the principal of a newly enrolled student shall obtain and review the attendance and discipline records from the student's previous school(s), and shall treat such records as if the conduct of the student recorded therein had occurred within this Corporation. Similarly, the principal shall recognize a previous school's designation or determination of truancy and habitual truancy, regardless of whether the previous school Corporation defines "habitual truant" differently than the Corporation, as well as any

suspension or expulsion for misconduct.

I.C. 20-33-2 *et. seq.*

Western Wayne Schools, Wayne County, Indiana

Adopted: October 9, 2019