

Troup County Student Attendance Protocol Reporting and Prosecution Guidelines

Georgia law requires all children of school age (meaning children in a public school, private school, or home school program between their sixth and sixteenth birthdays¹) to be in regular attendance (hereinafter referred to as “Mandatory Attendance”). Every parent, guardian, or other person residing within this state having control or charge of any child or children during the ages of Mandatory Attendance shall enroll and send such child or children to a public school, a private school, or a home study program that meets the requirements for a public school, a private school, or a home study program.² Mandatory Attendance shall not be required where the child has successfully completed all requirements for a high school diploma.

A student who misses school is not able to benefit from important academic instruction that he or she will need in order to be successful in school and ultimately to be a successful citizen. A parent, guardian or other person residing within this state having control or charge of a child who is subject to mandatory attendance (hereinafter referred to as the "Responsible Person") who fails to ensure such child's attendance at his or her school may be charged with a misdemeanor.³ In its discretion, a court having jurisdiction may subject the Responsible Person to a fine of not less than \$25.00 nor greater than \$100.00, imprisonment not to exceed thirty (30) days, community service, or any combination of such penalties, if found guilty of violating this statute. Each day's absence, after the school notifies the Responsible Person of five unexcused days of absence, shall be considered and punishable as a separate offense.

The Troup County Board of Education (referred to herein as the “TCBOE”) shall adopt a School Attendance Policy (referred to herein as the “Attendance Policy”) applicable to all of the schools within the Troup County School District (referred to herein as the “District”). While the TCBOE is responsible for developing the Attendance Policy, it shall comply with O.C.G.A. § 29-2-690.1 and will be subject to review by the Student Attendance and School Climate Committee (referred to herein as the “Committee”) as part of this Troup County Student Attendance Protocol (referred to herein as the “Protocol”) as provided in O.C.G.A. § 20-2-690.2. In developing the Attendance Policy, the TCBOE shall balance the need for individualized decisions with the need for fair and consistent treatment across demographics and within all schools in the District. A student may be excused from an absence from school only in accordance with the Attendance Policy.

The failure of any school to comply with the Attendance Policy shall not be a defense to any prosecution for a violation of O.C.G.A. § 20-2-690.1, so long as the minimum requirements of said statute are met.

The Protocol will be enforced as outlined below:

¹ O.C.G.A. § 20-2-690.1(a).

² O.C.G.A. § 20-2-690.1(b).

³ O.C.G.A. § 20-2-690.1(c).

1. At the beginning of each school year, but no later than September 1st of that school year, each Responsible Person, along with students who are 10 years or older, shall be provided with a written summary of possible consequences and penalties for failing to comply with the compulsory school attendance requirements under O.C.G.A. § 20-2-690.1 Each Responsible Person, along with students who are 10 years of age or older shall be required to sign a statement indicating receipt of such written summary of possible consequences and penalties. After two reasonable attempts by the school to secure such signature or signatures, the school shall be considered to be in compliance with this subsection if it sends a copy of the statement, via certified mail, return receipt requested, or first-class mail, to such parent, guardian, or other person who has control or charge of a child or children. The school shall retain signed copies of statements through the end of the school year.
2. Each school and each law enforcement agency shall designate a person who will serve as the "contact" for the truancy referral process within their organization. A current list of agency contacts (to include telephone numbers, fax numbers, physical addresses, and email addresses) will be maintained and distributed by the Troup County School System Director of Student Services. Each agency will be responsible for immediately reporting any changes to the Director of Student Services, who will forward the changes to all agencies.
3. The District is encouraged to adopt and implement uniform minimum proactive pre-referral requirements, which must be complied with by all schools in the district. It is recommended that the proactive requirements address tardies and early dismissals as well as absences given that tardies and early dismissals can also have a negative impact on student learning and may portend future attendance issues. The District shall comply with the statutory requirement for notification to the Responsible Person after the fifth unexcused absence, which said notification may be made orally or in writing. Except in exceptional circumstances documented in the child's record the District shall commence judicial proceedings after the 11th unexcused absence. If two (2) reasonable attempts to notify the Responsible Person of such absences produce no response, the school will send the notification to the Responsible Person via certified mail, return receipt requested, or first-class mail. Provided, however, that prior to any action to commence judicial proceedings to impose a penalty for violating O.C.G.A. § 20-2-690.1(c) on a Responsible Person, such notification shall be sent to the Responsible Person by certified mail, return receipt requested (referred to herein as the "Certified Mail Notification"). In the event that the Responsible Person was not provided a summary of consequences and penalties as provided in Paragraph 1 of this Protocol, then a copy of said summary shall be sent to the Responsible Person along with the Certified Mail Notification. All documentation will be kept on file at the school for the remainder of the school year.

4. Once the decision is made to commence judicial proceedings, provided that the Certified Mail Notification has been given as provided in Paragraph 3 of this Protocol, the school will request law enforcement to begin the process for obtaining a warrant and commencing judicial proceedings. The school will make this request in writing and will forward the request to the appropriate law enforcement agency within Troup County, together with the documentation described on Exhibit "A" attached hereto and incorporated herein, which said list may be amended from time to time as deemed appropriate by the Solicitor-General.
5. Provided that all of the documentation described on Exhibit "A" is complete, within three business days upon receiving a request from the school to obtain a warrant and commence judicial proceedings, the appropriate law enforcement agency will begin an immediate criminal investigation into the matter and, after consultation with the school and the Troup County Solicitor General's Office, make a determination as to whether there is a legal basis for criminal charges and, based upon the age of the student or other mitigating circumstances, whether the Responsible Person should be charged criminally or if a complaint should be filed under the Georgia Child in Need of Services Statute (O.C.G.A. 15-11- 390). (NOTE: Law enforcement officials and school officials must ensure that *all* requirements of O.C.G.A. 15-11-390 have been met before charging a juvenile under this statute.) Jurisdiction in criminal cases will be determined by the child's home address. In the event a law enforcement agency receives a warrant request for a child that resides outside the agency's jurisdiction, the law enforcement agency will forward the request to the appropriate law enforcement agency and will notify the requesting school. In the event that law enforcement receives a request to obtain a warrant and commence judicial proceedings that does not contain all of the documentation described on Exhibit "A", the request shall be returned to the school from which it was received.
6. The law enforcement officer shall prepare a case file for prosecution and shall forward the file to the appropriate prosecutor (Juvenile Court Prosecutor, Office of the Solicitor General, or School Board Attorney).
7. The prosecutor will work with school personnel to subpoena appropriate witnesses and documents for prosecution of the case.
8. If a student with excessive unexcused absences transfers to a different school or school system, the current school will forward that student's attendance record to the new school or school system.
9. To promote efficiency and effectiveness, the State Court Judge may designate the Juvenile Court Judge to sit as a State Court Judge in criminal charges brought under this Protocol.

MEMORANDUM OF UNDERSTANDING
TROUP COUNTY STUDENT ATTENDANCE PROTOCOL

We, the undersigned, do endorse the Troup County Student Attendance Protocol and agree to work in cooperation with partner agencies by working within the parameters set forth in this protocol:

To ensure coordination and cooperation among officials, agencies, and programs involved in compulsory attendance issues;

To reduce the number of unexcused absences from school; and

To increase the percentage of students present to take required tests administered under the state law.

No amendment to this protocol shall be valid unless it is in writing and signed by all parties.

Revised July 2, 2015

Revised August 2, 2016.

Revised in the month of July 2020.

Revised in the month of March 2024.

_____ Chief Judge John T. Simpson Coweta Judicial Circuit	_____ Date	_____ Sandra Taylor Solicitor General, Troup County	_____ Date
_____ Judge R. Michael Key Troup County Juvenile Court	_____ Date	_____ Dr. Brian Shumate Superintendent, Troup County School System	_____ Date
_____ Judge Wesley Leonard State Court of Troup County, Georgia	_____ Date	_____ Monique Kirby Chief Assistant District Attorney Coweta Judicial Circuit	_____ Date

Susan Webb, Director, Troup County
Department of Family and Children
Services

Date

James D. Woodruff, Sheriff
Troup County, Georgia

Date

Garrett Fiveash, Chief
LaGrange Police Department

Date

Jeff Sheppard, Chief
Hogansville Police Department

Date

Kevin Carter, Chief
West Point Police Department

Date

Chris Nunn
Juvenile Program Director
Department of Juvenile Justice

Date

Michelle Bowman
Court Administrator
Troup County Juvenile Court

Date

Jacqueline Jones
Director of Student Services
Troup County School System

Date

Mandy Hill
Executive Director
Troup Family Connection Authority

Date

Lynda Caldwell
Troup County Prosecutor
Troup County Juvenile Court

Date

Kayla Beckworth
Public Defender
Troup County Juvenile Court

Date

Meribeth Pillot, LPC CPCS
Regional Manager
Pathways Mental Health Center

Date

Leslie Leonard
County Nurse Manager
Troup County Health Department

Date

March 26, 2024 2:01 pm version

EXHIBIT “A”

1. Exact dates for absences (IC)
2. Any excuses sent in by the parent
3. Initial letter from school (signed protocol)
4. Any follow-up letters from the school
5. Any logs of school contact with parent
6. Contact information for any school official having contact with the parent whether on the phone or written contact
7. Information containing any homebound programs offered
8. School withdrawals by parent
9. Proof of a unexcused tardies, or unexcused early dismissals
10. Any other attendance related documentation may be included as well.