

Code: **JEA**  
Adopted: January 11, 2007  
Amended: January 8, 2015

## **Compulsory Attendance**

Except as otherwise provided by law, the State of Nevada requires every child “between the ages of 7 and 18 years” to attend a public school “during all the time the public school is in session in the school district in which the child resides.” (NRS 392.040(1)). The Lincoln County School District (LCSD) recognizes that consistent attendance at school and participation in the classroom is essential to students’ academic success and personal development. In order to satisfy state and district academic standards—and to develop habits of punctuality, self-discipline, and responsibility—students must attend and participate in their prescribed educational program.

Persons having legal control of a student ages 7-18 who has not completed the 12<sup>th</sup> grade are required to have the student attend school. At the time that a student reaches the age of 18 and chooses to stay in school and attend one of the two juvenile public high schools in LCSD, they agree to abide by all of the compulsory attendance laws that apply to all students younger than 18. Under the superintendent’s direction and supervision, attendance supervisors shall monitor and report any violation of the compulsory attendance law to the superintendent or designee. Failure to send a student and to maintain a student in regular attendance is a violation of NRS.392.

### 1. Exemptions from Compulsory School Attendance

Only those cases which qualify under NRS 392.050 through 392.110 will be exempted from compulsory school attendance.

### 2. Minimum Attendance for Promotion to Next Grade

Frequent absences from school disrupt the educational process. The benefits of instruction, once foregone, cannot entirely be regained. Recognizing that the process of education requires continuity of instruction, student participation, classroom learning experiences, and guided study, the LCSD Board of Trustees requires students to maintain a daily attendance rate of at least ninety percent (90%) per class during each quarter or grading period of each school year in order to earn credit and qualify for promotion to the next higher grade. This requirement is made under the authority of NRS 392.122 and is established in an effort to comply with the Nevada Department of Education’s “adequate achievement” standards for public schools. *See* NRS 385.365. This requirement is intended as a minimum and does not prohibit individual schools within the district from adhering to more stringent attendance standards.

Pursuant to NRS 392.122(1), the following absences may not be counted against a student’s attendance record and must be credited towards the required days of attendance:

- a. Absences caused by a student’s physical or mental incapacity to attend

school; and

- b. Absences of up to ten (10) days within one (1) school year with the approval of the teacher or principal of the school pursuant to the Nevada truancy statute (NRS 392.130), and only if the student has completed course work requirements.

Additional absences which the LCSD Board of Trustees has determined not to count against a student's attendance record are absences caused by a school activity that is (i) sponsored by the school or school district, (ii) part of a program of the school or school district, and (iii) personally supervised by an employee of the school district.

### 3. Truancy

Pursuant to NRS 392.130(1), a student is deemed truant "who is absent from school without the written approval of his teacher or the principal of the school." Exceptions to this standard are limited to the following:

- a. The student is physically or mentally unable to attend school and the student's parent or legal guardian notifies the teacher or principal of the absence within three days after the student returns to school. NRS 392.130(1) & (3).
- b. The student's parent or legal guardian requests in advance that the student be allowed to be absent from school. NRS 392.130(1).
- c. The teacher or principal of the school provides a written approval for the student's absence, either because an emergency exists or because the absence otherwise satisfies school policy. NRS 392.130(1).

Before a student may attend or otherwise participate in any school activities outside the classroom during regular classroom hours, approval from an authorized teacher or the principal must be given. NRS 392.130(1). Any unapproved absences for at least one period of a school day may be deemed a truancy. NRS 392.130(2). In the event of an unapproved absence, the principal shall cause to be delivered a written notice of truancy to the student's parent or legal guardian. NRS 392.130(4).

By law, any student "who has been declared a truant three or more times within one school year must be declared a habitual truant." NRS 392.140(1). If a student has once been declared a habitual truant and, in an immediately succeeding year, is absent from school without proper approval as outlined in NRS 392.130, the student may again be declared a habitual truant.

Principals are required to report by way of a written referral, any habitual truant either to the LCSD Attendance Advisory Board for an investigative hearing pursuant to NRS 392.147 and to review school attendance, or refer to any Lincoln County law enforcement officer also known as a School Resource Officer for issuance of a citation, if warranted.

*See NRS 392.144.*

Any student who has been declared a habitual truant may also be given administrative sanctions which include delaying the ability of a pupil to receive a driver's license and the suspension of the pupil's driver's license.

#### 4. Make-Up Work

Students deemed truant will not be allowed to make up class assignments or tests administered during their absence. They will receive a "Failing" or "F" grade for all such assignments or tests.

In all cases of approved absences, students will be allowed and encouraged to make up assignments and tests administered during their absence. It shall be the responsibility of the students to contact their teachers on the day of their return to school to arrange for the completion of make-up work. Teachers and their students shall agree upon a reasonable time limit for the completion of any make-up work.

Students whose daily attendance rate drops below their school's required minimum (i.e., at least 90%) in a given class during any quarter or grading period shall receive from their teacher or principal a notice of excessive absences. In such cases, the students shall be given an "Incomplete" or "I" grade until they have completed required make-up work or have otherwise demonstrated to their teacher that they have acquired the knowledge or gained the skills necessary to obtain credit for the class. Though attendance credit shall be given upon completion of satisfactory make-up work, students' grades may be reduced because of excessive absences.

Students shall have a maximum of four (4) weeks to complete assigned make-up work to remedy an "Incomplete" or "I" grade. If an "Incomplete" or "I" grade has not been remedied within the prescribed four-week period, the grade shall revert to a "Failing" or "F" grade. Students with prolonged health problems may be granted additional time from their principal for the completion of make-up work.

#### 5. Attendance Advisory Board

The establishment and responsibilities of the LCSD Attendance Advisory Board are governed by the provisions of NRS 392.126 to 392.160, inclusive. Generally, this board consists of the principal of the school, the superintendent, a school board member, Lincoln County District Attorney, and any Lincoln County law enforcement officer known as the School Resource Officer and is instructed to do the following upon receipt of a written referral from the principal:

- a. Review the attendance and truancy records of LCSD students and identify factors that contribute to truancy in the school district;
- b. Establish programs to reduce the truancy of students and annually evaluate the effectiveness of those programs;

- c. Inform parents and guardians of the policies and procedures adopted to reduce truancy in the school district;
- d. Consider administrative sanctions against a pupil who is a habitual truant upon receiving a written referral from the principal and by holding a hearing, which could include delaying the ability of a pupil to receive a driver's license and the suspension of the pupil's driver's license. (See NRS 392 Section 5)
- e. Issue an order imposing the following administrative sanctions against a pupil:
  - (1) If it is the first time that administrative sanctions have been issued pursuant to this section because the pupil is a habitual truant, and the pupil is 14 years of age or older, order the suspension of the driver's license of the pupil for at least 30 days but not more than 6 months. If the pupil does not possess a driver's license, the order must provide that the pupil is prohibited from applying for a driver's license for 30 days:
    - (a) Immediately following the date of the order if the pupil is eligible to apply for a driver's license; or
    - (b) After the date the pupil becomes eligible to apply for a driver's license if the pupil is not eligible to apply for a driver's license.
  - (2) If it is the second time or any subsequent time that administrative sanctions have been issued pursuant to this section because the pupil is a habitual truant, and the pupil is 14 years of age or older, order the suspension of the driver's license of the pupil for at least 60 days but not more than 1 year. If the pupil does not possess a driver's license, the order must provide that the pupil is prohibited from applying for a driver's license for 60 days immediately following:
    - (a) The date of the order if the pupil is eligible to apply for a driver's license; or
    - (b) The date the pupil becomes eligible to apply for a driver's license if the pupil is not eligible to apply for a driver's license.

Once determined, the order of administrative sanction will be implemented by the School Resource Officer which is any Lincoln County law enforcement officer as determined by the Lincoln County Sheriff's Department.

- f. The superintendent, not later than 30 days after receipt of the parent request for an appeal, holds a hearing to review the reason for the imposition of any administrative sanctions. Not later than 30 days after the hearing, the superintendent shall issue a written decision affirming, denying or modifying the decision to impose administrative sanctions and mail a copy of the decision to the parent or legal guardian of the pupil.

## 6. School Responsibilities

The principal of each school or designee shall do the following to ensure student attendance and to promote compliance with state and district attendance requirements:

- a. Inform parents, legal guardians, and students of their obligation to comply with the provisions governing the attendance and truancy of students as set forth in NRS 392.040 to 392.160, inclusive, as well as related policies and procedures adopted by the LCSD Board of Trustees;
- b. Attempt to contact parents or legal guardians whenever their student is absent without proper approval;
- c. Inform parents or legal guardians of any known or suspected truancy involving their student;
- d. Confer with parents or legal guardians to determine the causes and solutions of their student's lack of attendance, whenever such attendance has jeopardized the student's continued educational process;
- e. Provide attendance information on academic warning notices, progress reports, and/or report cards.
- f. Upon written request by a pupil who is between the ages of 14 and 18 years and who is enrolled in the school, provide the pupil a written statement signed by the principal or the designee:
  - (1) Verifying that the pupil has complied with the minimum attendance requirements established by the board of trustees of the school district pursuant to NRS 392.122; or
  - (2) If the pupil does not satisfy the attendance requirements indicating that the principal or the designee has determined that a hardship exists and it would be in the best interests of the pupil or his or her family for the pupil to be allowed to drive if the pupil otherwise satisfies the requirements of NRS 483.2521, 483.267 or 483.270, as applicable.
  - (3) The written statement provided to the pupil pursuant to subsection 1 may be used for the purposes of submitting materials that must accompany an application for a driver's license pursuant to NRS 483.2521 or an application for a restricted license pursuant to NRS 483.267 and 483.270.
  - (4) The LCSD board of trustees prescribes the use of the standard NV DMV form (DMV-301) for use by the principals or their designees.
- g. Refer chronic attendance problems to the LCSD Attendance Advisory Board by: (a) conducting periodic attendance reviews for students with numerous absences, (b) providing a written referral to the LCSD Advisory

Board members if the student has excessive absences or is declared a habitual truant, and (c) assisting in setting a date for a hearing and provide a written notice of information to the parent or legal guardian of the pupil.

- h. Participate in the LCSD Attendance Advisory Board hearing.

## 7. Parent or Guardian Responsibilities

Parents and legal guardians are requested to do the following to ensure student safety and to promote compliance with state and district attendance requirements:

- a. Notify the school each day a student is expected to be absent;
- b. Provide, within three (3) days after the student returns to school, an oral or written explanation of the student's absence if such an explanation was not provided on the day(s) of the student's absence;
- c. Notify the school in writing of any student health problems which may result in lengthy or chronic absences from school;
- d. Attend conferences relating to student attendance when requested by the school; and
- e. Notify the school in advance of any student absences which are expected to extend longer than three (3) days.
- f. The parent or legal guardian of a pupil may request a hearing before the superintendent to appeal the imposition of any administrative sanctions pursuant to this section.

END OF POLICY

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Legal Reference(s): NRS 392.040 through 392.160

Code: JEA-AR

**The following two notices will be used by schools in Lincoln County School District as sample notification to parents of absences and trancies.**

Date\_\_\_\_\_

Dear Parent:

According to the Lincoln County School District attendance policy your son/daughter \_\_\_\_\_ has accrued excessive absences and is in jeopardy of losing credit for the current academic quarter.

The Lincoln County School District Board of School Trustees has set a requirement of at least 90 percent attendance per class in order to earn credit and qualify for promotion to the next higher grade. This 90 percent compliance rate means that in a typical grading term a student would be allowed to miss no more than 5 days and still receive credit.

A copy of the attendance policy is enclosed, along with a current copy of your child's attendance. A parent conference is highly recommended. Please call the school at your earliest convenience to schedule a conference me.

Sincerely,

Principal

Date: \_\_\_\_\_

School: \_\_\_\_\_

To: \_\_\_\_\_

Subject: **NOTICE OF TRUANCY:** \_\_\_1<sup>st</sup> Truancy \_\_\_2<sup>nd</sup> Truancy \_\_\_3<sup>rd</sup> Truancy \_\_\_Continued Truancy

This letter is to inform you that \_\_\_\_\_ has been absent from school without a valid excuse on the following dates: \_\_\_\_\_.

The school is eager to work with you to determine the cause of the absence(s) and establish a pattern of regular school attendance for your child.

Unless otherwise provided by Nevada law, all children between the ages of 7 and 17 years must enroll and attend school. Children who are 5 or 6 years of age must attend if enrolled in school. Children who are between the age of 17 and their 18<sup>th</sup> birthday and enrolled in school are subject to the truancy provisions of the Nevada Revised Statutes.

Within three days after a child's return to school from an absence, a written notice must be provided to the school explaining why the child was physically or mentally unable to attend or the nature of the emergency. Failure to do so will result in the absence being declared a truancy.

Any child who has been declared truant three or more times within one school year must be declared a habitual truant. Nevada law requires that habitual truants be reported to law enforcement. A citation by a law enforcement agency for habitual truancy can result in fines of \$100 or more; required community service; suspension of the child's driver license or future privilege of obtaining a license; referral of the parent to law enforcement; and/or referral of the parent for educational neglect. These penalties cannot be appealed through the school.

Excessive absenteeism and / or truancy may result in failing grades, denial of credit, referral to an alternative education program and / or retention in the current grade.

Please call \_\_\_\_\_ at \_\_\_\_\_ if you have not already scheduled a time and date for a parent conference.

Sincerely,

Title \_\_\_\_\_

Distribution: Original - Parent      Copy - Student / School File





Reno/Sparks/Carson City (775) 684-4DMV (4368)  
 Las Vegas Area (702) 486-4DMV (4368)  
 Rural Nevada (877) 368-7828  
 Website: www.dmvnv.com

### Certification of Attendance (NRS 392)

This form is used for the purpose of a person under the age of 18 years old to obtain an instruction permit or driver's license. This form certifies that the person is either meeting or exempt from Nevada school attendance requirements. This form is also used by the schools to suspend a student's instruction permit or driver's license or deny future privileges if the student is declared as a habitual truant. This form is only valid 60 days from which it is signed and dated.

#### Student Information (MUST BE COMPLETED)

LAST NAME (print)	FIRST NAME	MIDDLE NAME
DATE OF BIRTH	DRIVER'S LICENSE/INSTRUCTION PERMIT # (if applicable)	STUDENT ID #
PRIMARY PHYSICAL ADDRESS		

#### SECTION 1 – SCHOOL USE ONLY. This section is for students who are meeting school attendance requirements.

I, \_\_\_\_\_, am the Principal or designated official of \_\_\_\_\_, hereby attest that \_\_\_\_\_ is in compliance with the minimum attendance requirements pursuant to NRS 392.122.

Principal or School Official's Full Name      Name of School  
 Student's Full Name  
 School Official's Printed Name      School Official's Signature and Date

#### SECTION 2 – This section is for students who have attended school but are exempt from school attendance requirements.

I, the undersigned, certify that \_\_\_\_\_, whose relationship to me is \_\_\_\_\_, is exempt from meeting Nevada school attendance requirements as prescribed in NRS 392.050-392.070.

Parent or Legal Resident's Printed Name      Parent or Legal Guardian's Signature and Date

I am exempt from meeting Nevada attendance requirements because I have received one of the following documents:  
 Diploma       Certificate of High School Equivalency (GED, HISET, or TASC)

When applying for an instruction permit or driver's license you must present this form and a copy of the document selected above.

Student's Printed Name      Student's Signature and Date

#### SECTION 3 – SCHOOL USE ONLY. This section is used by the school for the purpose of suspending or denying the driving privileges of a student that has been declared a habitual truant.

If the student is declared a habitual truant pursuant to NRS 392.140 then the student must surrender his/her license to the school principal or designee. If the student does not have a driver's license then the future privileges of the student will be denied until the student is deemed eligible for an instruction permit or driver's license.

Select the offense and duration of suspension below:

\_\_\_\_ **First Offense** -  Driver's license suspended for \_\_\_\_\_ days (minimum of 30 days but not more than six months)  
 Issuance delayed for 30 days

\_\_\_\_ **Second or Subsequent Offense** -  Driver's license suspended for \_\_\_\_\_ days (minimum of 60 days but not more than one year)  
 Issuance delayed for 60 days

This form must be sent no later than five days after issuing this order. please mail the completed form and student's driver's license to:

Driver's License Review  
 555 Wright Way  
 Carson City, NV 89711-0400

School Principal or School Designee's Printed Name, Agency and Phone Number      School Principal or School Designee's Signature and Date