

ISSUE: MY CHILD'S CASE WAS REFERRED TO FINS AND/OR MUNICIPAL COURT BECAUSE OF TRUANCY, ABSENCE, OR TARDY.



FFLIC

Need help advocating for your child?
Call FFLIC
504.708.8376.

HOW DID THE CASE GET TO FINS OR MUNICIPAL COURT?



Has the child been referred due to unexcused "absence" or "tardy"?

State law requires schools to refer to FINS or Municipal Court after the 5th unexcused absence or tardy in a semester or the 10th absence or tardy for schools not operating on semesters, (R.S. 17:221).

The school referred to FINS and/or Municipal Court

Schools can refer to either or both, and they vary in their practices, but there is guidance regarding which one a school might refer to.

Municipal Court

These are often students in grades PK–8 and the focus is the parent's behavior. Example: Not getting the student to the bus stop on time.

FINS

These are often students in grades 9–12. The student's behavior is the focus. Examples: Multiple fights, disrupting the class. If the school believes the behavior of the child is directly related to the behavior of the parent, a school may also refer to Municipal Court, where the parent's behavior is the focus.

Absence (being gone the entire day)

Refer to the school's attendance policy to determine if your child actually has five unexcused absences. The attendance policy will determine whether they are "excused" or "unexcused."

Tardy (missing part of a day)

The definition of "tardy" in Louisiana state law is confusing and allows schools to define it. What is clear is that a tardy DOES NOT include when a student is late transferring from one class to another during the course of the school day, (R.S. 17:233). Refer to the school's attendance policy to determine if your child actually has five unexcused tardies and look closely at the school's definition of "tardy" to determine if it is reasonable. The attendance policy will determine whether they are "excused" or "unexcused."

The police picked up my child because of truancy

The student will be brought to the YOC Truancy Center by law enforcement and the parent and school will be notified while intake is done and the student's attendance records are pulled. At this time the school will determine next steps. The school may decide to refer to FINS or Municipal Court. State law requires schools to refer to FINS or Municipal Court after the 5th unexcused absence or tardy in a semester. If a child has been dropped off to the truancy center 3 or more times, his/her parent will later receive a summons to appear in Municipal Court. The parent will pick up the child, or the truancy center will transport the child to the school or home depending on the time of day.

Yes, illness

A school may require a doctor's note for illness. It is important to have a relationship with your doctor's office so that you can simply call in and ask for a note even when a visit is not necessary. If the illness is a chronic illness, see NHLBI's "Guidance for Families, Schools, and Students."

Yes

If you were aware of the incidents, were they due to illness or a disability?

Did your child's school give you notice of the unexcused incidents?

A school should have done ALL of the following before referring to FINS/Municipal Court:

- 1) Made two warning calls or sent letters for each of the child's first two incidents (recommended but not required by law).
- 2) After 3rd incident the school is required by law to:
 - give you notice in writing of the unexcused incidents
 - hold a conference with you
 - have you sign a receipt of the notice of unexcused incidents, (17:233).

Yes, disability (other than chronic illness)

Laws requiring parents to send their children to school apply to all parents, even those with children with disabilities. It may be time to review the IEP or 504 Plan to see what is and isn't working. See the Advocacy Center's "Education rights of Children with disabilities in Louisiana: A guide for Parents"

No, neither

See the Whole Child Check-In.

No

If you were not aware of the absences, find out why this miscommunication occurred. If it was because the school did not provide notice, this will help you. If they did provide notice, but you did not receive it, this may still be helpful. Talk to a case manager/lawyer/advocate. Also, see the Whole-Child Check-In.

The Whole Child Check-In

What might be done to improve you and your child's well being? What remedies can you begin to put into place? Making these efforts will be helpful to your case. Provide documentation of what you are doing to change the situation.

PREPARE FOR YOUR MEETING/HEARING WITH FINS/COURT.

Gather additional supporting information of your child's positive impact on the community. Examples: Letters from a counselor, favorite teacher, coach, or pastor, list of child's activities, as well as positive letters about your parenting efforts (boss, counselor, teacher, or pastor). If your child has a disability or mental health challenge, bring copies of the IEP or 504 Plan to every hearing date. If your child is in the process of a special education referral, let the court/FINS know and bring a copy of your request to the school to refer the child to a School Building Level Committee.



LET KIDS BE KIDS

