

## 4.1—RESIDENCE REQUIREMENTS

### Definitions

“In loco parentis” means relating to the responsibility to undertake the care and control of another person in the absence of:

1. Supervision by the person's parent or legal guardian; and
2. Formal legal approval.

“Reside” means to be physically present and to maintain a permanent place of abode for an average of no fewer than four (4) calendar days and nights per week for a primary purpose other than school attendance.

“Resident” means a student whose parents, legal guardians, persons having lawful control of the student, or persons standing in loco parentis reside in the school district.

“Residential address” means the physical location where the student’s parents, legal guardians, persons having lawful control of the student, or persons standing in loco parentis reside. A student may use the residential address of a parent, legal guardian, person having lawful control of the student, or person standing in loco parentis only if the student resides at the same residential address and if the guardianship or other legal authority is not granted solely for educational needs or school attendance purposes.

The schools of the District shall be open and free through the completion of the secondary program to all persons between the ages of five (5) and twenty-one (21) years whose parents, legal guardians, persons having lawful control of the student, or person standing in loco parentis reside within the District and to all persons between those ages who have been legally transferred to the District for educational purposes.

Any person eighteen (18) years of age or older may establish a residence separate and apart from his or her parent, legal guardian, person having lawful control of the student, or a person standing in loco parentis for school attendance purposes.

In order for a person under the age of eighteen (18) years to establish a residence for the purpose of attending the District’s schools separate and apart from his or her parent, legal guardian, person having lawful control of the student, or a person standing in loco parentis, the student is required to reside in the District for a primary purpose other than that of school attendance; however, a student previously enrolled in the district whose parents move the student into another district or who is placed under the legal guardianship of a noncustodial parent living outside the district by a custodial parent on active military duty may continue to attend district schools. A foster child who was previously enrolled in a District school and who has had a change in placement to a residence outside the district, may continue to remain enrolled in his/her current school unless the presiding court rules otherwise.

Under instances prescribed in A.C.A. § 6-18-203, a child or ward of an employee of the district or of the education coop to which the district belongs may enroll in the district even though the employee and the employee’s child or ward reside outside the district.

Children whose parent or legal guardian relocates within the state due to a mobilization, deployment, or available military housing while on active duty in or serving in the reserve component of a branch of the

United States Armed Forces or National Guard may continue attending school in the school district the children were attending prior to the relocation or attend school in the school district where the children have relocated. A child may complete all remaining school years at the enrolled school district regardless of mobilization, deployment, or military status of the parent or guardian.

Cross References:       Policy 4.40—HOMELESS STUDENTS  
                              Policy 4.52—STUDENTS WHO ARE FOSTER CHILDREN

Legal References:       A.C.A. § 6-4-302  
                              A.C.A. § 6-18-202  
                              A.C.A. § 6-18-203  
                              A.C.A. § 6-28-108  
                              A.C.A. § 9-28-113

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## 4.2—ENTRANCE REQUIREMENTS

To enroll in a school in the District, the child must be a resident of the District as defined in District policy (4.1—RESIDENCE REQUIREMENTS), meet the criteria outlined in policy 4.40—HOMELESS STUDENTS or in policy 4.52—STUDENTS WHO ARE FOSTER CHILDREN, be accepted as a transfer student under the provisions of policy 4.4, or participate under a school choice option and submit the required paperwork as required by the choice option under Policy 4.5.

Students may enter kindergarten if they will attain the age of five (5) on or before August 1 of the year in which they are seeking initial enrollment. Any student who has been enrolled in a state-accredited or state-approved kindergarten program in another state for at least sixty (60) days, will become five (5) years old during the year in which he/she is enrolled in kindergarten, and meets the basic residency requirement for school attendance may be enrolled in kindergarten upon written request to the District. Any student who was enrolled in a state-accredited or state-approved kindergarten program in another state or in a kindergarten program equivalent in another country, becomes a resident of this state as a direct result of active military orders or a court-ordered change of custody, will become five (5) years of age during the year in which he or she is enrolled in kindergarten, and meets the basic residency requirement for school attendance may be enrolled in kindergarten upon a written request to the District.

Any child who will be six (6) years of age on or before October 1 of the school year of enrollment and who has not completed a state-accredited kindergarten program shall be evaluated by the district and may be placed in the first grade if the results of the evaluation justify placement in the first grade and the child's parent or legal guardian agrees with placement in the first grade; otherwise the child shall be placed in kindergarten.

Any child may enter first grade in a District school if the child will attain the age of six (6) years during the school year in which the child is seeking enrollment and the child has successfully completed a kindergarten program in a public school in Arkansas.

Any child who has been enrolled in the first grade in a state-accredited or state-approved elementary school in another state for a period of at least sixty (60) days, who will become age six (6) years during the school year in which he/she is enrolled in grade one (1), and who meets the basic residency requirements for school attendance may be enrolled in the first grade.

Students who move into the District from an accredited school shall be assigned to the same grade as they were attending in their previous school (mid-year transfers) or as they would have been assigned in their previous school. Private school students shall be evaluated by the District to determine their appropriate grade placement. Home school students enrolling or re-enrolling as a public school student shall be placed in accordance with policy 4.6—HOME SCHOOLING.

The district shall make no attempt to ascertain the immigration status, legal or illegal, of any student or his/her parent or legal guardian presenting for enrollment.

Prior to the child's admission to a District school:

1. The parent, legal guardian, person having lawful control of the student, or person standing in loco parentis shall furnish the child's social security number, or if they request, the district will assign

the child a nine (9) digit number designated by the Division of Elementary and Secondary education.

2. The parent, legal guardian, person having lawful control of the student, or person standing in loco parentis shall provide the district with one (1) of the following documents indicating the child's age:
  1. A birth certificate;
  2. A statement by the local registrar or a county recorder certifying the child's date of birth;
  3. An attested baptismal certificate;
  4. A passport;
  5. An affidavit of the date and place of birth by the child's parent, legal guardian, person having lawful control of the student, or person standing in loco parentis;
  6. United States military identification; or
  7. Previous school records.
3. The parent, legal guardian, person having lawful control of the student, or person standing in loco parentis shall indicate on school registration forms whether the child has been expelled from school in any other school district or is a party to an expulsion proceeding. Any person who has been expelled from any other school district shall receive a hearing before the Board at the time the student is seeking enrollment in the District. The Board reserves the right to not allow the enrollment of such students until the time of the person's expulsion has expired following the hearing before the Board.
4. In accordance with Policy 4.57—IMMUNIZATIONS, the child shall be age appropriately immunized or have an exemption issued by the Arkansas Department of Health.

### **Uniformed Services Member's Children**

For the purposes of this policy:

“Activated reserve components” means members of the reserve component of the uniformed services who have received a notice of intent to deploy or mobilize under Title 10 of the United States Code, Title 32 of the United States Code, or state mobilization to active duty.

“Active duty” means full-time duty status in the active, uniformed services of the United States, including without limitation members of The National Guard and Reserve on active duty orders under 10 U.S.C. chapters 1209 and 1211 or 42 U.S.C. § 204.

“Deployment” means a period of time extending from six (6) months before a member of the uniformed services' departure from their home station on military orders through six (6) months after return to his or her home station.

"Dual status military technician" means a federal civilian employee who is:

- a. Employed under 5 U.S.C. § 3101 or 32 U.S.C. § 709(b);
- b. Required as a condition of his or her employment to maintain membership in the Selected Reserve; and
- c. Assigned to a civilian position as a technician in the organizing, administering, instructing, or training of the Selected Reserve or in the maintenance and repair of supplies or equipment issued to the Selected Reserve of the United States Armed Forces.

“Eligible child” means the children of:

- Active duty members of the uniformed services;
- Members of the active and activated reserve components of the uniformed services;
- Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one (1) year after medical discharge or retirement; and
- Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one (1) year after death;
- Dual status military technicians; and
- Traditional members of the National Guard and reserve components of the armed forces who are relocating to the state for employment or to serve as a member of an Arkansas-based reserve component unit.

"Traditional member of the National Guard or federal reserves" means an active member of the Selected Reserve subject to mobilization and deployment for which he or she attends monthly and annual training periods.

“Transition” means the:

- Formal and physical process of transitioning from public school to public school; or
- Period of time in which a student moves from a sending district to a receiving district.

“Uniformed services” means the United States Army, United States Navy, United States Air Force, United States Marine Corps, United States Space Force, United States Coast Guard, the National Oceanic and Atmospheric Administration Commissioned Officer Corps, the United States Commissioned Corps of the Public Health Services, and the state and federal reserve components of each of these bodies.

“Veteran” means an individual who served in the uniformed services and who was discharged or released from the uniformed services under conditions other than dishonorable.

The superintendent shall designate an individual as the District’s military education coordinator, who shall serve as the primary point of contact for an eligible child and for the eligible child’s parent, legal guardian, person having lawful control of the eligible child, or person standing in loco parentis. The individual the superintendent designates as the District’s military education coordinator shall have specialized knowledge regarding the educational needs of children of military families and the obstacles that children of military families face in obtaining an education.

An eligible child as defined in this policy shall:

1. Be allowed to continue his/her enrollment at the grade level commensurate with his/her grade level he/she was in at the time of transition from his/her previous school, regardless of age;
2. Be eligible for enrollment in the next highest grade level, regardless of age if the student has satisfactorily completed the prerequisite grade level in his/her previous school;
3. Enter the District's school on the validated level from his/her previous accredited school when transferring into the District after the start of the school year;
4. Be enrolled in courses and programs the same as or similar to the ones the student was enrolled in his/her previous school to the extent that space is available. This does not prohibit the District from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the courses/and/or programs;

5. Be provided services comparable to those the student with disabilities received in his/her previous school based on his/her previous Individualized Education Program (IEP). This does not preclude the District school from performing subsequent evaluations to ensure appropriate placement of the student;
6. Make reasonable accommodations and modifications to address the needs of an incoming student with disabilities, subject to an existing 504 or Title II Plan, necessary to provide the student with equal access to education. This does not preclude the District school from performing subsequent evaluations to ensure appropriate placement of the student;
7. Be enrolled by an individual who has been given the special power of attorney for the student's guardianship. The individual shall have the power to take all other actions requiring parental participation and/or consent;
8. Be eligible to continue attending District schools if he/she has been placed under the legal guardianship of a noncustodial parent living outside the district by a custodial parent on active military duty.

Following the receipt of advanced notice of the enrollment of an eligible student from a military family, the District shall treat the notice as a provisional enrollment and provide the student with materials regarding:

- a. Academic courses;
- b. Electives;
- c. Sports; and
- d. Other relevant information regarding the public school.

In the event that official copies of an eligible child's education records are not available at the time the eligible child is transferring, then the District shall:

- o Pre-register and place an eligible child based on the eligible child's unofficial education records pending receipt of the eligible child's official records; and
- o Request the eligible child's official education records from the sending district.

To facilitate a smooth transition between the student's previous coursework and the curriculum best suited to ensure educational success in the student's new school, the District may enroll an inbound transitioning eligible student in digital coursework, if available, at the request of the military family.

### **International Exchange Sstudents**

"Host family" means the individual or family with whom an international exchange student is placed by an international student exchange visitor placement organization under the International Student Exchange Visitor Placement Organization Registration Act, § 6-18-1701 et seq.

"International exchange student" means a student who is placed with a host family by an international student exchange visitor placement organization under the International Student Exchange Visitor Placement Organization Registration Act, § 6-18-1701 et seq.

Before an international exchange student may attend a District school, the District requires all international student exchange visitor placement organizations that are placing international exchange students within the District to:

- Be certified by the Council on Standards for International Educational Travel;
- Provide documented proof of the international exchange student's English proficiency; and
- Notify the District at least three (3) weeks before the beginning of the academic semester the international exchange student plans to enroll in the District.

The District shall admit for enrollment and attendance an international exchange student who has been placed with a host family who resides within the District boundaries. The international exchange student shall attend the school in the District based on the attendance zone where the host family resides.

Upon an international exchange student's arrival, the international exchange student may be required to submit to quarantine to prevent the spread of infectious diseases as may be necessary, which shall not exceed seven (7) days unless otherwise recommended by the Arkansas Department of Health or the Centers for Disease Control and Prevention.

International exchange students are expected to follow the District handbook and student code of conduct as the District has the authority to expel a student for violations of the school district's written student discipline policies or if the international exchange student presents a danger to the District's students or employees.

Statewide assessment results achieved by an international exchange student enrolled in the District shall be included in the District's results on the statewide assessments.

The District shall provide English-language services to international exchange students as necessary.

Cross References:      4.1—RESIDENCE REQUIREMENTS  
                                  4.4—STUDENT TRANSFERS  
                                  4.5—SCHOOL CHOICE  
                                  4.6—HOME SCHOOLING  
                                  4.34—COMMUNICABLE DISEASES AND PARASITES  
                                  4.40—HOMELESS STUDENTS  
                                  4.52—STUDENTS WHO ARE FOSTER CHILDREN  
                                  4.57—IMMUNIZATIONS

Legal References:      A.C.A. § 6-4-302  
                                  A.C.A. § 6-15-504  
                                  A.C.A. § 6-18-201 (c)  
                                  A.C.A. § 6-18-207  
                                  A.C.A. § 6-18-208  
                                  A.C.A. § 6-18-234  
                                  A.C.A. § 6-18-510  
                                  A.C.A. § 6-18-702  
                                  A.C.A. § 6-28-101 et seq.  
                                  A.C.A. § 9-28-113  
                                  DESE Rules Governing Student Discipline and School Safety  
                                  Plyler v Doe 457 US 202,221 (1982)

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### **4.3—COMPULSORY ATTENDANCE REQUIREMENTS**

Every parent, legal guardian, person having lawful control of the child, or person standing in loco parentis of any child age five (5) through seventeen (17) years on or before August 1 of that year who resides, as defined by policy (4.1—RESIDENCE REQUIREMENTS), within the District shall enroll the child and ensure the attendance of the child at a District school with the following exceptions:

1. The child is enrolled in private or parochial school.
2. The child is being home-schooled and the conditions of policy (4.6—HOME SCHOOLING) have been met.
3. The child will not be age six (6) on or before August 1 of that particular school year and the parent, legal guardian, person having lawful control of the child, or person standing in loco parentis of the child elects not to have him/her attend kindergarten. A kindergarten waiver form prescribed by regulation of the Division of Elementary and Secondary Education must be signed and on file with the District administrative office.
4. The child has received a high school diploma or its equivalent as determined by the State Board of Education.
5. The child is age sixteen (16) or above and is enrolled in a post-secondary vocational-technical institution, a community college, or a two-year or four-year institution of higher education.
6. The child is age sixteen (16) or seventeen (17) and has met the requirements to enroll in an adult education program as defined by A.C.A. § 6-18-201 (b).

Legal References:       A.C.A. § 6-18-201  
                              A.C.A. § 6-18-207

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## 4.7—ABSENCES

If any student's Individual Education Program (IEP) or 504 Plan conflicts with this policy, the requirements of the student's IEP or 504 Plan take precedence.

Education is more than the grades students receive in their courses. Important as that is, students' regular attendance at school is essential to their social and cultural development and helps prepare them to accept responsibilities they will face as an adult. Interactions with other students and participation in the instruction within the classroom enrich the learning environment and promote a continuity of instruction which results in higher student achievement.

Absences for students enrolled in digital courses shall be determined by the online attendance and time the student is working on the course rather than the student's physical presence at school. Students who are scheduled to have a dedicated period for a digital class shall not be considered absent if the student logs the correct amount of time and completes any required assignments; however, a student who fails to be physically present for an assigned period may be disciplined in accordance with the District's truancy policy.

Students shall not be absent, as defined in this policy more than ten (10) days in a semester.

Students who arrive after 10:00 a.m. or check out prior to 1:00 p.m. will be counted absent for a (½) half day. This applies to Midland Elementary School.

Students who miss half or more of individual class periods will be counted absent from those classes. Loss of credit and other consequences related to full and half day absences will result. This applies to Midland High School.

When students miss three (3), five (5), and eight (8) days in a semester, parents, legal guardians, persons with lawful control of the student, or persons standing in loco parentis will be notified. Notification shall be by telephone by the end of the school day in which such absence occurred or by regular mail with a return address sent no later than the following school day.

Whenever a student exceeds the allowable number of absences in a semester, the District shall notify the prosecuting authority and the parent, legal guardian, person having lawful control of the student, or persons standing in loco parentis shall be subject to a civil penalty as prescribed by law. Students exceeding the allowable number of absences in a course in a semester may not receive credit for that course. If the student fails to receive credit for a sufficient number of courses and after consultation with persons having knowledge of the circumstances of the absences, the student may be denied promotion or graduation at the discretion of the principal. Unexcused absences, however, shall not be a reason for expulsion or dismissal of a student.

It is the Arkansas General Assembly's intention that students having excessive absences be given assistance in obtaining credit for their courses. Therefore, at any time prior to when a student exceeds the number of allowable absences (unless unable to do so due to unforeseen circumstances) permitted by this policy, the student, or his/her parent, legal guardian, person with lawful control of the student, or person standing in loco parentis may petition the school or district's administration for special arrangements to

address the student's absences. If formal arrangements are granted, they shall be formalized into a written agreement which will include the conditions of the agreement and the consequences for failing to fulfill the agreement's requirements. The agreement shall be signed by the student, the student's parent; legal guardian; or person standing in loco parentis, and the school or district administrator or designee.

Students who attend in-school suspension shall not be counted absent for those days.

**To participate in an extracurricular activity, students must be present at school for 4 periods (50% of the student's scheduled day) on the day of the event unless there is an extenuating circumstance, or they have a doctor's excuse.**

**Excused and Unexcused Absences:** For the purpose of notifying parents of absences, such absences may not be categorized as excused or unexcused. Students are permitted to miss the allowable number of days as stated previously in this policy. Any days missed exceeding the policy's allowable days will be considered unexcused unless professional documentation can be provided. Examples are notes from doctors, dentists, funerals, court, appointment with a government agency, etc., see additional absences section below. Work may be made up for all absences.

**Additional Absences:** Additional absences that are not charged against the allowable number of absences are those where the student was on official school business or when the absence was due to one of the following reasons and the student brings a written statement upon his/her return to school from the parent, guardian, person in loco parentis, or appropriate government agency stating such reason:

1. Participation in an FFA, FHA, or 4-H sanctioned activity;
2. Participation in the election poll workers program for high school students.
3. Absences granted to allow a student to visit his/her parent or legal guardian who is a member of the military and been called to active duty, is on leave from active duty, or has returned from deployment to a combat zone or combat support posting. The number of allowable days shall be at the discretion of the superintendent or designee.
4. Absences granted, at the Superintendent's discretion, to seventeen (17) year-old students who join the Arkansas National Guard while in eleventh grade to complete basic combat training between grades eleven (11) and (12).
5. For purposes pre-approved by the school administration such as visiting prospective colleges, to obey a subpoena, or to attend at an appointment with a government agency;
6. Due to the student having been sent home from school due to illness.
7. Students who serve as pages for a member of the General Assembly shall be considered on instructional assignment and shall not be considered absent from school for the day the student is serving as a page.
8. Absences due to conditions related to pregnancy or parenting, including without limitation:
  - a. Labor, delivery, and recovery;
  - b. Prenatal and postnatal medical appointments and other medically necessary, pregnancy-related absences;
  - c. The illness or medical appointment of a child belonging to a parent who is enrolled at a District school;
  - d. A legal appointment related to pregnancy or parenting, including without limitation:
    - i. Adoption;
    - ii. Custody; and

- iii. Visitation;
- e. A reasonable amount of time to accommodate a lactating student’s need to express breast milk or to breastfeed the student’s child on the District’s campus; and
- f. At least ten (10) school days of absences for both a parenting mother and a parenting father after the birth of a child.

Students who serve as pages for a member of the General Assembly shall be considered on instructional assignment and shall not be considered absent from school for the day the student is serving as a page.

Up to one (1) time during each scheduled election, a student shall not be considered absent from school for the time the student accompanies the student's parent when the parent is exercising the parent’s right to vote in a scheduled election.

In order for the absence to be considered excused, the student must:

- a. Bring a written statement to the principal or designee upon the student’s return to school from the student’s parent, legal guardian, or treating physician stating the reason for the student’s absence; ~~or~~
- b. If the student is attending the District’s courses digitally, upload a written statement from the student’s parent, ~~or~~ legal guardian, or treating physician stating the reason for the student’s absence through the District’s digital course management platform for review by the principal or designee; or
- c. Provide documentation as proof of a student's participation in an activity or program scheduled and approved by the 4-H program that is provided by a 4-H county extension agent, 4-H educator, or other appropriate entity associated with the 4-H activity or program.

A written statement presented or uploaded for an absence having occurred more than five (5) school days prior to its presentation or upload will not be accepted.

**Required Notifications:** The District shall notify the Department of Finance and Administration whenever a student fourteen (14) years of age or older is no longer in school. The Department of Finance and Administration is required to suspend the former student’s operator’s license unless he/she meets certain requirements specified in the statute.

Cross References:      4.8—MAKE-UP WORK  
                                  4.57—IMMUNIZATIONS  
                                  5.11—DIGITAL LEARNING COURSES  
                                  5.29—WELLNESS POLICY

Legal References:      A.C.A. § 6-4-302  
                                  A.C.A. § 6-18-209  
                                  A.C.A. § 6-18-213  
                                  A.C.A. § 6-18-220  
                                  A.C.A. § 6-18-222  
                                  A.C.A. § 6-18-229  
                                  A.C.A. § 6-18-231  
                                  A.C.A. § 6-18-234  
                                  A.C.A. § 6-18-235

A.C.A. § 6-18-507(g)

A.C.A. § 6-18-702

A.C.A. § 6-28-114

A.C.A. § 7-4-116

A.C.A. § 9-28-113(f)

A.C.A. § 27-16-701

Division of Elementary and Secondary Education Rules Governing Distance and Digital Learning

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## 4.8—MAKE-UP WORK

Students who miss school due to an excused absence shall be allowed to make up the work they missed during their absence under the following rules:

1. High school students are responsible for asking the teachers of the classes they missed what assignments they need to make up.
2. Teachers are responsible for providing the missed assignments when asked by a returning high school student.
3. High school students are required to ask for their assignments on their first day back at school or their first class day after their return.
4. Make-up tests are to be rescheduled at the discretion of the teacher, but must be aligned with the schedule of the missed work to be made up.
5. Students shall have one class day to make up their work for each class day they are absent.
6. Make-up work which is not turned in within the make-up schedule for that assignment may receive a reduced grade.
7. High school students are responsible for turning in their make-up work.
8. Students who are absent on the day their make-up work is due must turn in their work the day they return to school whether or not the class for which the work is due meets the day of their return.
9. As required/permitted by the student's Individual Education Program or 504 Plan.
10. Elementary teachers will provide all missed work to elementary students upon the student's return.

Work for students serving an out-of-school suspension or expulsion shall be in accordance with the District's programs, measures, or alternative means and methods to continue student engagement and access to education during the student's period of suspension or expulsion.

In lieu of the timeline above, assignments for students who are excluded from school by the Arkansas Department of Health during a disease outbreak are to be made up as set forth in Policy 4.57—**IMMUNIZATIONS**.

In addition to the make-up work process above, at the conclusion of a pregnancy-related or parenting-related period of absence, a student may choose from various options to make up missed work, including without limitation:

- A. Retaking a semester at the District school where the student is enrolled;
- B. Participating in an online course credit recovery program;
- C. Being granted six (6) weeks to continue at the same pace and finish the semester at a later date, provided that the student may:
  - a. Complete the student's coursework within the current school year; or
  - b. Attend previously scheduled summer school classes made available by the District Where the student is enrolled; and
- D. Receiving home-based instruction services.

Cross References:      4.7—ABSENCES  
                                 4.30—SUSPENSION FROM SCHOOL  
                                 4.31—EXPULSION

#### 4.57—IMMUNIZATIONS

Legal References:     A.C.A. § 6-16-1406  
                          A.C.A. § 6-18-234  
                          A.C.A. § 6-18-502  
                          DESE Rules Governing Student Discipline and School Safety

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## 4.9—TARDIES

Promptness is an important character trait that District staff are encouraged to model and help develop in our schools' students. At the same time, promptness is the responsibility of each student. Students who are late to class show a disregard for both the teacher and their classmates which compromises potential student achievement.

Tardies are defined as arriving to school late or checking out early. Students are expected to be on time. A tardy slip will be issued to the student for admittance to their class or documented upon early checkout. **Once a student has been tardy 10 times per semester, the tardies are considered excessive and can be turned over to juvenile court.**

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