

TITLE 18. MANDATORY SCHOOL ATTENDANCE & TRUANCY

18 M.P.T.L. § 1

§ 1. Mandatory School Attendance

a. Children and youth of the Mashantucket Pequot Tribe ("Tribe") are the greatest asset of the Tribe and need to acquire skills and experience to lead and govern the Tribe, to make meaningful contributions to the tribal community, and to achieve their full human potential. Accordingly, the purpose of this Law is to set forth the requirements for school attendance and the process for identifying and providing services to children and families when children fail to attend school.

b. All children of school age shall be enrolled in an accredited public or private or approved alternative school program and shall attend every day that school is regularly in session. For purposes of this Law, "truant" means a child age five through eighteen inclusive (excluding an emancipated minor), who is enrolled in a public or private school and has four unexcused absences from school in any one month or ten unexcused absences from school in any school year.

c. Five incidents of unexcused tardiness will be considered as one unexcused absence from school. Fines will be administered accordingly.

18 M.P.T.L. § 2

§ 2. Parental Responsibility

a. It is the responsibility of each parent and/or legal guardian of the child to ensure that his/her child attends school in accordance with the requirements of this Law and the laws of the state in which he/she resides.

b. As a condition of receiving services and benefits from the Tribe, the parent or legal guardian of the child shall sign a release of school information at the beginning of each school year allowing the MPTN Education Department access to school attendance records as determined by the MPTN Education Department.

18 M.P.T.L. § 3

§ 3. Applicability

a. This Law shall apply to all children of age to start kindergarten through and including age 18 residing on the Mashantucket Pequot Reservation, including dependents of members of the Mashantucket Pequot Tribe or of their spouses or significant others, and to all children who receive services and benefits from the Tribe whether residing on or off tribal lands.

b. This Law shall not apply to any child receiving equivalent educational instruction in a qualified home school program, per MPTN Education Department requirements.

c. This Law shall exclude emancipated minors who have provided documentation of their emancipated status to the MPTN Education Department.

18 M.P.T.L. § 4

§ 4. Duties of the MPTN Education Department

a. The Executive Director of the MPTN Education Department shall have the following authority and duties:

(1) verify that all children subject to this law attend school as required herein;

(2) make inquiries pertaining to the attendance of any child subject to the provisions of this law, to his/her parent or legal guardian and/or to the school in which the child is enrolled; and

b. Whenever a child fails to attend school, the MPTN Education Department shall:

(1) inquire as to the circumstances of the absence, and the child and his/her parent or legal guardian shall explain to the MPTN Education Department the reason for the child's failure to attend school;

(2) make a report of the truancy incident, and send a copy of that report to the child's parent or legal guardian.

c. It shall be the duty and obligation of each child and every parent or legal guardian to provide whatever information is reasonably requested by the MPTN Education Department as to the circumstances, activities, and whereabouts of his/her child or other information relating to the child's school attendance.

18 M.P.T.L. § 5

§ 5. MPTN Education Department Policies and Procedures Concerning Mandatory School Attendance and Truancy

a. The MPTN Education Department shall adopt and implement policies and procedures concerning truants. Such policies and procedures shall include, but need not be limited to, the following:

(1) notifying the parent or legal guardian of a child enrolled in a grade from kindergarten through grade 12, inclusive, in writing on an annual basis of the obligations of the parent or legal guardian pursuant to this Law;

(2) obtaining from the parent or legal guardian of a child a release of information pursuant to Sections 2(b) and 4(c) of this Law, and a home,

cell and work telephone number and e-mail address or other means of contacting such parent or legal guardian during the school day;

(3) establishing a system of monitoring individual unexcused absences of children in grade kindergarten through grade twelve, which shall provide that whenever a child in any such grade fails to report to school on a regularly scheduled school day and no indication has been received by the school that the child's parent or legal guardian is aware of the child's absence, an extensive and thorough effort to notify the parent or legal guardian shall be made by the MPTN Education Department;

(4) coordinate service and referrals of children to the Department of Child Protective Services or other tribal departments providing child and family services, when needed (necessary). Inform the parent that if they fail to attend the meeting with the MPTN Education Department, Child Protective Services must be involved;

(5) holding a meeting with the parent or legal guardian of each child who is truant, and appropriate school personnel to review and evaluate the reasons for the child being truant, provided such meeting shall be scheduled not later than four school days after the child's third unexcused absence in a month, or tenth unexcused absence in a school year. Any two absences in a month will require another meeting with parent or guardian. The Executive Director of MPTN Education Department must inform the parent of this Truancy Law.

b. If the parent or legal guardian of a child who is truant fails to attend two meetings scheduled pursuant to Section 5(a) of this Law, or if such parent or legal guardian otherwise fails to cooperate with the MPTN Education Department in attempting to solve the truancy problem, the MPTN Education Department's policies and procedures shall require the Executive Director of Education to file a written complaint within ten school days of the scheduled meeting with Probation alleging their belief that the acts or omissions of the child are such that his/her family is a family with service needs. Child Protective Services will facilitate a meeting between the MPTN Education Department and the parents.

18 M.P.T.L. § 6

§ 6. Notice of Truancy and Fines

a. Whenever a child is truant, the Tribal Police shall personally serve a written notice to the parent or legal guardian of the child of such truancy and that such truancy violates tribal law. The first notice to the parent or legal guardian of the child shall serve as a warning of this violation and shall require the parent legal guardian of the child to attend a meeting pursuant to Section 5(a) of this Law. The notice shall also inform the parent or legal guardian of the child that a subsequent notice of an unexcused absence will result in the parent or legal guardian of the child being penalized a mandatory fine of \$5 per child per day of unexcused absence from school, and in addition, those children 12 years or older will be directed to the MPTN Education Department to make up the missed hours through private tutoring to correct the educational deficit that occurred due to extensive unexcused absences.

b. A subsequent notice of an unexcused absence within a school year shall result in the fines and penalties described above.

c. The first six absences within a school year shall result in the imposition of a fine of not less than \$5 per child per day of unexcused absence from school. Pursuant to Section 5(b) of this Law, the MPTN Education Department shall file a written complaint in accordance with applicable tribal child welfare and juvenile laws alleging the belief that the acts or omissions of the child are such that his/her family is a family with services needs or the child is a youth in crisis.

d. After the first six unexcused absences, the fine will be not less than \$10 per child per day of unexcused absence from school. In addition the MPTN Education Department will report to the Education Committee to meet with the parent and child.

e. After two additional unexcused absences, the fine will be not less than \$20 per child per day of unexcused absence from school. In addition the Education Committee will report to Child Protective Services for mediation with the parent and child.

f. The MPTN Education Department shall send a copy of all notices of truancy fines to the Finance Department to ensure payment of fines, the proceeds from which fines shall be used to cover expenses relating to any parenting classes, tutoring, counseling or truancy prevention programs required by this Law.

g. Any truant child may not participate in the Tribe's Summer Youth Work Program for the summer following the school year in which the child was truant.

h. The Department of Finance shall be authorized to deduct the amount of said fine from any income that may be due and payable to the parent or legal guardian of the child including, but not limited to, salary, incentive payments and any other periodic payment. No deduction authorized under this Law shall exceed 25% of the parent's or legal guardian's disposable weekly income.

i. Any truant child 16 years of age or older shall be personally responsible to pay all truancy fines. This requirement shall not excuse the parent or legal guardian of the child from the obligation to pay any such fines in the first instance unless the fines are paid first by the truant child. In the event the parent or legal guardian of the child pays any such fines, the truant child shall be obligated to reimburse the parent or legal guardian of the child for any such payment. Any future tribal income due and payable to the truant child shall be subject to the obligation to pay outstanding fines or reimbursement at a rate not to exceed 25% of the child's disposable weekly income and the Department of Finance shall ensure that such reimbursement is made accordingly.

§ 7. Appeals

a. Any parent or legal guardian of the child who has received a written notice of a fine or penalty from the Chair of the Education Committee may, within ten working days of receipt of the notice, contest such fine or penalty in writing to the Chair of the Education Committee. The fine or penalty shall be upheld except when the parent or legal guardian of the child provides satisfactory information or proof of extraordinary circumstances occasioning the truancy. The Chair of the Education Committee shall make a written determination of their findings concerning the imposition of the truancy fine and shall send such determination to the parent or legal guardian of the child within ten working days of receipt of the notice of contest.

b. The parent or legal guardian of the child may within ten working days of determination appeal the truancy fine to the Tribal Court. The Tribal Court shall have jurisdiction over all truancy appeals. The filing of an appeal shall not bar or toll the payment of the fine.

c. A parent or legal guardian may not use as a legal defense against the imposition of any fine or penalty allowed hereunder the following:

(1) that the child is acting without the knowledge or authority of his or her parent or legal guardian;

(2) that the parent or legal guardian claims to be unaware of the truancy condition;

(3) that the parent or legal guardian claims to be unable to control his or her child;

(4) if the child was seen or found outside of his/her residence and apart from the company of the parent or legal guardian during regular school hours, illness of the child will not be accepted as a defense against the imposition of the penalties or fines hereunder.

§ 8. Failure to Comply

Failure to comply with any part of this Law may subject the child or parent or legal guardian of the child to additional fines, penalties and referrals for remedial services, intervention or sanctions.