

When Students Don't Meet Attendance Requirements

When students don't engage in their learning by completing their Daily Plan (K5), completing the items listed on their Weekly Work Schedule (6-12), and/or attending their required live Class Connects as explained above, IDVA's team of teachers, counselors, and administrators will work to quickly get students back on track, using a variety of resources to do so. If those efforts are unsuccessful, students may enter the chronic absence process which can lead to suspension, expulsion, or withdrawal from IDVA.

Suspensions, Expulsions, and Denial of Attendance

[Suspension Procedure](#)

IDVA will comply with Idaho Code 33-205.

[Expulsion & Denial of Enrollment Procedure](#): IDVA will comply with Idaho Code 33-205.

Under IDVA Board Policy 902.1, the Board of Directors of Idaho Virtual Academy grants authority to declare habitual truancy, expulsion, and/or denial of enrollment with or without condition, to an Attendance Review Committee under the direction of an assigned administrator.

- A. **Notice:** Written notice sent to the parent/guardian email address on file with the school shall state the grounds for the proposed expulsion or denial of enrollment and the time and place where such parent(s)/guardian(s) may appear to contest the action of the Attendance Review Committee (ARC) to deny school attendance. The notice will state the rights of the pupil to be represented by counsel, submit any evidence and/or produce any witnesses on their own behalf, and cross-examine any adult witnesses who may appear against them. If the notice to the parent/guardian has been sent to the parent's/guardian's email address on file with the school, the parent/guardian will be deemed to have been provided notice pursuant to Idaho Code § 33-205 and have waived the right to a due process hearing.
- B. **Hearing:** The ARC shall have a full and fair formal hearing on the allegations set forth in the written notice.

This hearing shall occur within a reasonable period of time. The student and/or parent(s)/guardian(s) may request a delay in order to be prepared for the hearing. The hearing shall be held within 30 days of the notice of intent to expel, unless there are extenuating circumstances or a request for an extension of time has been granted to the student/family.

During this hearing the student shall have the right to be represented by counsel, submit any evidence and/or produce any witnesses on their own behalf, and cross-examine any adult witnesses who may appear against them.
- C. **Procedure:** After proper notice as set forth above, the following procedure shall be used.
 - a. **Opening Statements:** Both sides shall have the opportunity for opening remarks or statements.
 - b. **Burden of Proof:** The IDVA has the burden of establishing grounds for the expulsion of the student based on the allegations set forth in the written notice.
 - c. **Cross examination:** The student or their counsel may cross-examine adult witnesses.
 - d. **Student's Case:** The student or their counsel has an opportunity to present evidence and/or witnesses.
 - e. **Closing Remarks:** Both sides have the opportunity to provide closing remarks.
 - f. **Decision:** At the close of the hearing, the ARC will retire to deliberate the case and upon reaching a decision will issue findings of fact and conclusion supporting their decision. The ARC will issue the approved findings, conclusions, and decision. A copy of the decision shall be delivered to the student/parent(s)/guardian(s).
 - g. **If a parent/guardian wishes to appeal a decision, they may contact the board clerk within five (5) business days to request a Board hearing.**
 - h. **Truancy:** Any student who is suspended on more than one occasion in a six (6) month period for inadequate attendance; or whose "attendance" at school violates the attendance regulations of the Board as detailed in board policy and board approved student handbooks; or whose attendance is of a sporadic and inadequate nature without justification or extraordinary circumstances may be determined by the Board of Directors to be a habitual truant and may be expelled after notice and a hearing as set forth above.
 - i. **Special Education Students:** Students enrolled in special education or on a 504 Plan will not be suspended or expelled without consideration by a manifestation determination as outlined in the Idaho Special Education Manual (found on the Idaho State Department of Education website in the Special Education department section) to assure the provisions of FAPE are consistent with the requirements of the IDEA and Section 504.

- j. Reenrollment: Any student who has been expelled from the Idaho Virtual Academy may appeal to be reenrolled in the school, after the terms/time limit of the expulsion has been completed by the student, pursuant to the procedures outlined in Idaho Code §33-502. Approval must be granted by the Executive Director and the Board of Directors. The Board will notify the parent(s)/guardian(s) of the student in question, in writing by email to the parent/guardian email address on file with the school of the date and time of the reinstatement hearing. The hearing will be a virtual conference with a quorum of the Board of Directors in attendance.

IDVA Board Policy Manual Reference: Please visit IDVA’s current Board Policy manual found on our [website](#). Click on the Board Policy Manual (PDF) link on the website, and then click on the name of the topic in the Table of Contents to go directly to that item.

- 902.1 Attendance & Truancy
- 904.2 Student Suspension
- 904.3 Expulsions and Denial of Attendance of Enrolled IDVA Students

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