

VIGO COUNTY SCHOOL CORPORATION  
TERRE HAUTE, INDIANA

File: JHFD-E

**WARNING LETTER OF HABITUAL TRUANCY**

Date \_\_\_\_\_

To: \_\_\_\_\_, Parents/Custodians of \_\_\_\_\_

From: \_\_\_\_\_, Principal \_\_\_\_\_ School

Please be reminded that School Board Policy defines a habitual truant as a student who willfully refuses to attend school in defiance of parental authority in any one of the following circumstances:

1. Truancy for 3 days in a semester; or
2. Truancy for 4 days in any two-semester period.

Also, please be reminded that, under state law, a 13 or 14 year old student who is determined to be a habitual truant may not be issued a driver's license or learner's permit until the age of 18.

As of this date, our records indicate your child has the following number of absences in defiance of parental authority.

\_\_\_\_\_ truancies in the present semester;

\_\_\_\_\_ truancies in the present and past semester.

Because the quality of education is greatly reduced by such absences, it is very important that we arrange a meeting with you to review your child's attendance record and to discuss methods of seeking improved attendance. Please contact

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
(Name) (Position) (Phone)

during the week between the hours of \_\_\_\_\_ a.m. and \_\_\_\_\_ p.m.  
We are looking forward to seeing you.

\_\_\_\_\_  
(Principal)

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**SUPERINTENDENT'S REVIEW**  
**REGARDING STUDENT'S DESIGNATION AS A HABITUAL TRUANT**

Date \_\_\_\_\_

To: \_\_\_\_\_, Student  
\_\_\_\_\_, Parent(s), Guardian or Custodian

From: \_\_\_\_\_, Superintendent for the Vigo  
County School Corporation

After review of the attendance record of the student named above,  
\_\_\_\_\_, the principal found that the student's  
attendance record has **improved //or// failed to improve** to the degree  
required by Board policy for removal of the habitual truant designa-  
tion. The principal **recommends //or// does not recommend** that the  
designation as a habitual truant be removed and that the student  
**be eligible //or// continue to be ineligible** to be issued an opera-  
tor's license or learner's permit.

On \_\_\_\_\_, the Superintendent decided to:  
(Date)

- \_\_\_\_\_ 1. accept the principal's recommendation.
- \_\_\_\_\_ 2. return the matter to the principal for further  
investigation.
- \_\_\_\_\_ 3. reverse the principal's recommendation and determine  
that the student \_\_\_\_\_.

\_\_\_\_\_  
(Superintendent)

cc: Principal



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**PRINCIPAL'S RECOMMENDATION FOLLOWING REVIEW  
OF STUDENT'S DESIGNATION AS A HABITUAL TRUANT**

Date \_\_\_\_\_

To: \_\_\_\_\_, Student  
\_\_\_\_\_, Parent(s), Guardian or Custodian  
From: \_\_\_\_\_, Principal

On \_\_\_\_\_, I designated the student named above as a  
(Date)  
habitual truant. Validly adopted school Board policy provides for  
periodic review of the attendance record of a student who is  
designated a habitual truant to determine whether the designation  
should continue. In order to have the designation as a habitual  
truant removed, validly adopted School Board policy requires that at  
least 60 school days must have elapsed in order to have a significant  
sampling upon which to make a determination of improved attendance;  
and the number of absences since the initial designation and the  
reasons for each shall be reviewed. One absence based on truancy  
shall cause the principal to recommend that the aforementioned  
prohibition shall continue.

You are notified, therefore, that the review described above was  
conducted by me and was limited to the student's attendance record.  
The student's attendance record for the \_\_\_\_\_  
is as follows: (Specify time period)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
I find, therefore, that the student's attendance record has improved  
//or// failed to improve to the degree required by Board policy for  
removal of the habitual truant designation. I recommend //or// do  
not recommend that the designation as a habitual truant be removed  
and that the student be eligible //or// continue to be ineligible to  
be issued an operator's license or learner's permit.

If you desire to discuss my recommendation with the Superintendent, a  
written request must be received by the Superintendent at the  
following address:

961 Lafayette Avenue, Terre Haute, IN 47804

Please contact me if you have any questions.

\_\_\_\_\_, Principal



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**NOTICE THAT STUDENT IS DESIGNATED A HABITUAL  
TRUANT AND NOTICE OF RIGHT TO A HEARING**

Date \_\_\_\_\_

To: \_\_\_\_\_, Student  
\_\_\_\_\_, Parent(s), Guardian or Custodian  
From: \_\_\_\_\_, Principal

1. **Designation As A Habitual Truant** - The student named above qualifies as a "habitual truant", as that term is defined by validly adopted School Board policy. I, therefore, hereby designate the student name above as a habitual truant.
2. **What I Means To Be Designated A Habitual Truant** - A student who is designated a habitual truant may not be issued an operator's license or learner's permit to drive a motor vehicle or motor-cycle until:
  - a. the student is at least eighteen (18) years of age, or
  - b. the Superintendent determines in a periodic review that the student's attendance record has improved to the degree required by Board policy.
3. **Right To A Hearing** - One or all of you have the right to request a hearing on my designation of the student named above as a habitual truant. If you request a hearing, the Superintendent will appoint an impartial hearing examiner to determine whether the student should continue to be designated a habitual truant.  
  
If you fail to request a hearing within **10 calendar days**, your right to a hearing is given up or waived, unless you can demonstrate good cause why it should not be waived.
4. **How You Can Request A Hearing** - If one or all of you desire a hearing, you must put your request **in writing** and deliver it **in person** or by **certified mail** to: Hearing Examiner, 961 Lafayette Avenue, Terre Haute, IN 47804.
5. **Identity Of Witnesses** - If you request a hearing, I intend to have the following persons testify:

|       |       |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

I will provide you with the names of any additional witnesses before the hearing.



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6. **Right To Examine Records And Affidavits Of Witnesses** - The student's records and any affidavits to be used at the hearing may be examined by you or your representative. Additionally, you, your counsel, or other representative may examine the affidavit or statement of any witness.
7. **Right To Present Witnesses** - You may present witnesses to testify on your behalf. If these witnesses will not testify voluntarily, you may ask the hearing examiner to issue a subpoena compelling their appearance and testimony at the hearing.
8. **Description Of Procedure To Be Used If Hearing Is Requested**
  - a. If you request a hearing, the Superintendent will appoint a hearing examiner who will notify you of the date, time, and place of the hearing. The hearing will be held within a period of five (5) school days after your request. You will receive at least two (2) school days notice of the date and time for the hearing.
  - b. You may be represented by an attorney or any other person in preparation for the hearing and at the hearing. An attorney may also represent me.
  - c. The hearing would not be open to the public. Witnesses would be in the room only while testifying. Testimony would be under oath. The student is allowed to attend the complete hearing unless temporarily excluded by agreement between the hearing examiner and parents during discussion of his/her psychological or emotional problems.
  - d. Sequence of events at the hearing would be:
    - (1) Opening statement by hearing examiner.
    - (2) Opening statement of the principal's position, if desired.
    - (3) Opening statement of the student's position, if desired.
    - (4) Presentation of witnesses and evidence by the principal with right of student to cross-examine witnesses.
    - (5) Presentation of student's witnesses and evidence, if any, with right of the principal to cross-examine student's witnesses.
    - (6) Rebuttal or additional information on behalf of the principal.
    - (7) Rebuttal or additional information on behalf of student, if any.
    - (8) Hearing examiner's clarification questions, if any.
    - (9) Closing remarks by each side and the hearing examiner.
  - e. The record of the hearing will be made by **Tape Recorder** .



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- f. The student need not testify at the hearing. If the student elects to testify, the student may be cross-examined by me or my representative.
  
- g. After the hearing, the hearing examiner will send written findings and his or her conclusion to you.

\_\_\_\_\_, Hearing Examiner

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, Zip)

\_\_\_\_\_  
(Telephone Number)

VIGO COUNTY SCHOOL CORPORATION  
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1989  
Form HT-3

**NOTICE OF HEARING**

Date \_\_\_\_\_

To: \_\_\_\_\_, Student  
\_\_\_\_\_, Parent(s), Guardian or Custodian

From: \_\_\_\_\_, Hearing Examiner

In response to your request for a hearing, the Superintendent has appointed me to serve as an impartial hearing examiner to determine whether the student named above should continue to be designated a habitual truant. A hearing is scheduled:

for \_\_\_\_\_ .M. on \_\_\_\_\_, 19\_\_\_\_  
(Day of Week) (Date)

at \_\_\_\_\_.  
(Location)

Please re-read the "Notice That Student Is Designated A Habitual Truant and Notice of Right to a Hearing" so that you will better understand your rights as well as the procedures which are to be used at the hearing. In addition, if you wish to exercise any pre-hearing rights which are detailed in that Notice, please contact me as soon as possible so that I can make appropriate arrangements.

If you will be represented at the hearing by an attorney or representative, I request that this attorney or representative contact me as soon as possible so that I can advise them as to the nature of this proceeding and the manner in which the hearing will be conducted. Please contact me at 462-4224 if you have any questions.

\_\_\_\_\_  
(Hearing Examiner)

cc: Principal



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The principal, called the following witnesses (specify name and title):

\_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_

and offered the following evidence in written form:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The student or his/her attorney or representative called the following witnesses (specify name and title):

\_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_

and offered the following evidence in written form:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

On the basis of the evidence presented, I make the following findings:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Additionally, I find that the student \_\_\_\_\_  
(should//should not)  
continue to be designated a habitual truant as defined by a validly  
adopted policy of this School Corporation.

\_\_\_\_\_  
(Hearing Examiner)

