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_____, 20____

Dear Parent,

Please let this letter serve as notice that a referral has been made to the City Attorney's Office that your child is having truancy problems. I am not prepared to file charges at this time, but feel that it is important to explain how truancy matters are handled in the City of Perkins. These requirements originate under the Oklahoma Compulsory Education Law (70 O.S. §§10-105 and 10-106). Every child is required to attend school from age 5 through age 18. A 5 year old may be excused if the custodial parent notifies the school in writing, delivered by certified mail, that the parent is electing to withhold the child from kindergarten until the next school year. With a child 16 years to 18 years of age, who has not graduated from high school, the parents and school can reach an agreement to excuse the child from school if it is in the best interests of the child and/or the community. Such agreement must be in writing.

It is also important to understand how truancy is defined. Truancy consists of any unexcused absence of the child for a school day or any part of a school day. In other words, a child being late to any class (i.e. a "tardy") is a truancy. The determination of what is an excused or unexcused absence is made by the school district. Therefore, if you have any questions regarding your school's policy on what is excused or not, you must discuss that with the school.

Once a child has had either four (4) unexcused absences within a 4-week period or ten (10) unexcused absences within a semester, the school is required to notify the Payne County District Attorney's office. In that instance the District Attorney's office may file a criminal charge against the parent for Violation of Compulsory Education Act, (70 O.S. §1-105). This criminal charge may be punished by a fine of \$25.00 to \$50.00 and/or up to 5 days in jail for a first offense. The punishment may increase for subsequent offenses up to a fine of \$100.00 to \$250.00 and or up to 15 days in jail. Each day of unexcused absence constitutes a separate offense. In the alternative, the District Attorney's office can file a criminal charge of Causing, Aiding, Abetting or Encouraging Minor to Be Deprived or in Need of Supervision, (21 O.S. § 858.1). This criminal charge may be punished by imprisonment in the County jail for up to one year and/or up to \$1,000.00 fine. The District Attorney is also authorized to file a juvenile action against the child for being In Need of Supervision (10A O.S. §2-1-103(8)(c)). In lieu, of filing a criminal charge in District Court, the City of Perkins may file a similar criminal charge in Municipal Court carrying similar monetary punishment. Parents need to be aware that they probably will be held criminally liable if their child does not attend school as required by law.

Please understand, it is not the intention of anyone associated with the City of Perkins to add to exacerbate any family problems or otherwise harass you. However, we do want to help your child get the education that he or she deserves and which is required by law so he or she has a better opportunity to become a productive member of society. **IF YOU TAKE CARE OF THE ATTENDANCE ISSUE NOW, NO FURTHER ACTION WILL BE TAKEN BY THIS OFFICE.**

Please contact my office (624-0783) if you have any questions or concerns regarding this matter.

Sincerely yours,

MATT DEVLIN, P.C.

BY: _____

MATT DEVLIN
City Attorney
Perkins, Oklahoma