

**COBB COUNTY STUDENT ATTENDANCE AND CLIMATE COMMITTEE**  
**PROTOCOL**  
**FOR STUDENTS IN COBB COUNTY AND MARIETTA CITY SCHOOL DISTRICTS**

**Introduction and Purpose**

“Research shows that school absences take a toll on grades and performance on standardized tests. Beyond test scores, irregular attendance can be a predictor of high school drop-out, which has been linked to poor labor market prospects, diminished health, and increased involvement in the criminal justice system. Students who are chronically absent are at higher risk for these outcomes.”<sup>1</sup>

Georgia law mandates that all children between the ages of six (6) and sixteen (16) are subject to compulsory school attendance until the completion of a high school diploma.<sup>2</sup> Additionally, five-year-old (5) children who have been enrolled for twenty (20) school days or more in the public schools are subject to compulsory attendance.<sup>3</sup> Children who have not completed a secondary educational program and who are not enrolled in school are ineligible for learner’s permits and driver’s licenses pursuant to O.C.G.A. § 40-5-22.<sup>4</sup>

Every parent, guardian, or other person having control or charge of a child or children (hereinafter referred to as “parent/guardian”) during the ages of mandatory attendance shall enroll and send such child or children to a public school, a private school, or a home study program that meets the requirements for a public school, a private school, or a home study program; and such child shall be responsible for enrolling in and attending a public school, a private school, or a home study program that meets the requirements of a public school, a private school, or a home study program.<sup>5</sup>

Failure of a child subject to mandatory attendance to enroll in and attend school may result in a complaint for truancy/child in need of services as provided in the Juvenile Code, Chapter 11 of Title 15,<sup>6</sup> unless the child’s failure to enroll and attend is caused by the child’s parent, guardian,

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<sup>1</sup> The White House, Chronic Absenteeism and Disrupted Learning Required an All-Hands-on-Deck Approach, September 13, 2023, <https://www.whitehouse.gov/cea/written-materials/2023/09/13/chronic-absenteeism-and-disrupted-learning-require-an-all-hands-on-deck-approach/>.

<sup>2</sup> O.C.G.A. § 20-2-690.1(a).

<sup>3</sup> O.C.G.A. § 20-2-150(c).

<sup>4</sup> O.C.G.A. § 40-5-22 (“the department shall not issue an instruction permit or driver’s license to a person who is younger than 18 years of age unless at the time such minor submits an application for an instruction permit or driver’s license the applicant presents acceptable proof that he or she has received a high school diploma, a state approved high school equivalency (HSE) diploma, a special diploma, or a certificate of high school completion or has terminated his or her secondary education and is enrolled in postsecondary school, is pursuing a state approved high school equivalency (HSE) diploma, or the records of the department indicate that said applicant” is enrolled in and not under expulsion from public or private high school; or is enrolled in a home education program that satisfies the reporting requirements of all state laws governing such program”).

<sup>5</sup> O.C.G.A. § 20-2-690.1(b).

<sup>6</sup> A child is considered truant if he or she has (ten) 10 or more days of unexcused absences from school in the current academic year. Student(s) accused of truancy can be referred to juvenile court and alleged to be in need of services. If adjudicated, the court can enter any of the following dispositional orders or a combination thereof: warn and

or other person, in which case the parent, guardian, or other person alone shall be responsible.<sup>7</sup> In such cases, the parent/guardian could be prosecuted for the misdemeanor crime of violation of the Georgia compulsory attendance statute, O.C.G.A. § 20-2-690.1, or a referral could be made to the Cobb County Division of Family and Children Services (DFCS) and/or to the juvenile court alleging educational neglect/dependency.<sup>8</sup>

The Chief Judge of the Superior Court of Cobb County, Georgia, has convened the Cobb County Student Attendance and School Climate Protocol Committee (hereinafter “SACC” or Committee”) to adopt a written attendance protocol for each school system within its geographic boundaries outlining in detail the methods of determining the causes of failing to comply with compulsory attendance and appropriately addressing the issue with children and their parents or guardians; to review data, which may include school climate ratings established pursuant to O.C.G.A. § 20-14-33, and make recommendations for each school in the county school system and any independent school systems regarding policies related to school climate for the purpose of promoting positive gains in student achievement scores, student and teacher morale, community support, and student and teacher attendance, while decreasing student suspension, expulsions, dropouts, and other negative aspects of the total school environment; to review and make recommendations regarding policies related to tardiness; to detail the procedures to be used in identifying, reporting, investigating, and prosecuting cases of alleged violations of O.C.G.A. § 20-2-690.1, relating to

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reprimand, order the child to comply with court-prescribed conditions, place the child on supervised or unsupervised probation, require community service, attendance at programs, suspend the child’s license until the age of eighteen (18), impose a fine if the child violated an ordinance or bylaw of a county, city, town, or consolidated government not to exceed the fine which may be imposed against an adult for the same offense, enter any order authorized for the disposition of a dependent child (a child adjudicated as abused or neglected), including but not limited to: entering protective orders (enforceable by contempt) requiring the parent, guardian, or legal custodian to comply with compulsory attendance laws or transferring temporary legal custody to another individual or public agency authorized by law to receive and provide care for such child, such as the Division of Family and Children Services (DFCS), or enter any order authorized for disposition of a delinquent child except placement in a secure residential or nonresidential facility. O.C.G.A. §§ 15-11-318(6) (truancy definition); 15-11-442 (CHINS disposition); 15-11-212 (dependency disposition); 15-11-601 (delinquency disposition).

<sup>7</sup> O.C.G.A. § 20-2-690.1(b).

<sup>8</sup> Georgia’s compulsory attendance law, O.C.G.A. § 20-2-690.1(c), states that any parent, guardian, or other person residing in Georgia who has control or charge of a child or children between the ages of six (6) and sixteen (16) who fails to send the child or children to school in accordance with the compulsory attendance law shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than \$25.00 and not greater than \$100.00, imprisonment not to exceed thirty (30) days, community service, or any combination of such penalties, at the discretion of the court. A parent will be deemed to have violated the compulsory attendance law once the child has five (5) unexcused absences. Each day’s absence from school after the child’s school system notifies the parent, guardian, or other person who has control or charge of the child of five (5) unexcused absences for a child shall constitute a separate offense.

Pursuant to the Juvenile Code, neglect is defined as the failure to provide proper parental care or control, subsistence, *education as required by law*, or other care or control necessary for a child’s physical, mental, or emotional health or morals; the failure to provide a child with adequate supervision necessary for such child’s well-being; or the abandonment of a child by his or her parent, guardian, or legal custodian. O.C.G.A. § 15-11-2(48) (emphasis added); O.C.G.A. § 15-11-2(22). A child who has been abused or neglected and is in need of the protection of the court, has been placed for care or adoption in violation of the law, or is without his or her parent, guardian, or legal custodian is a dependent child. O.C.G.A. § 15-11-2(22).

mandatory attendance, and to ensure ongoing coordination and cooperation among officials, agencies, and programs involved in compulsory attendance issues, and to ensure the provisions of O.C.G.A. § 20-2-690.2 are implemented.<sup>9</sup>

### Definitions

Child in need of services/truant: A child adjudicated to be in need of care, guidance, counseling, structure, supervision, treatment, or rehabilitation and who is adjudicated to be subject to compulsory school attendance and who is habitually and without good and sufficient cause truant, as defined in O.C.G.A. § 15-11-381(6).<sup>10</sup>

Community Based Risk Reduction Panel (CCRRP): a multiagency, multidisciplinary panel established by the juvenile court in accordance with O.C.G.A. §§ 15-11-38 and 15-11-39 for the purpose of utilizing available community resources in assessment and intervention in cases of delinquency, dependency, or children in need of services.

Cobb County Community Risk Reduction Panel Conference (CCRRP Conference): A multiagency, multidisciplinary panel conference where the student, parent/guardian/other person having control or charge of the student, school personnel, and CCRRP representatives meet to address student attendance and academic concerns and collaborate to design a case plan to address the presented concerns. The conference is designed to foster a collaborative environment in which school officials, community agencies, families, and students are empowered to create solutions to meet the unique concerns presented and to assist the student parent/guardian/other person having control or charge of the student with accessing available community resources to assist in alleviating factors contributing to absenteeism and designing a plan to address absenteeism. Failure to attend the CCRRP Conference or abide by the case plan developed at the CCRRP Conference may result in a referral to the Cobb County Division of Family and Children Services (DFCS), referral to juvenile court, or a warrant request.<sup>11</sup>

Dependent child: a child who has been abused or neglected and is in need of the protection of the court, has been placed for care or adoption in violation of the law, or is without his or her parent, guardian, or legal custodian.<sup>12</sup>

Excused absence: The reasons for the student being absent meet the established criteria set forth by law and local school board policy and state board rule or are deemed by the local school board of education to have merit based on the circumstances.<sup>13</sup> Examples of excused absences include: personal illness or attendance endangers the student's health or health of others, serious illness in the student's immediate family, court order or order by a government agency, religious holidays,

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<sup>9</sup> O.C.G.A. § 20-2-690.2.

<sup>10</sup> O.C.G.A. § 15-11-2(11); 15-11-381(6).

<sup>11</sup> See generally, O.C.G.A. §§ 15-11-38 and 15-11-39.

<sup>12</sup> O.C.G.A. § 15-11-2(22).

<sup>13</sup> Cobb County School District, District Administrative Rule, JB Student Attendance, JB-5, and JB- R Student Attendance located at <https://sbcobbstor.blob.core.windows.net/media/WWWCobb/medialib/jb-r.b1eba336521.pdf>; Marietta City Schools, Board Policy JB: Student Attendance located at <https://simbli.eboardsolutions.com/Policy/ViewPolicy.aspx?S=4110&revid=CHuRuQTZDomUJSfgAuoFEg==&ptid=amIgTZiB9plushNj16WXhfiOQ==&secid=p6v70fD4K8ukRv6vtplusTtSg==&PG=6&IRP=0&isPndg=false>.

conditions rendering attendance impossible or hazardous to student health or safety, voting or registering to vote, serving as a page in the Georgia General Assembly, foster care student attending court proceedings related to foster care, Student Teen Election Participant (STEP) program, military parent on leave from overseas deployment for up to five day visit, or to attend military sponsored events.<sup>14</sup>

Juvenile court: the court with jurisdiction over cases involving children alleged delinquent, in need of services, or dependent.

Magistrate court: Reviews warrant applications for adults to determine whether there is probable cause to issue a warrant. Where probable cause is found, binds case over to court with proper jurisdiction.

Neglect: the failure to provide proper parental care or control, subsistence, education as required by law, or other care or control necessary for a child's physical, mental, or emotional health or morals; the failure to provide a child with adequate supervision necessary for such child's well-being; or the abandonment of a child by his or her parent, guardian, or legal custodian.<sup>15</sup>

School climate: the overall quality of school life. In a positive school climate, students and adults feel socially, emotionally, and physically safe; engage with each other and respect each other; share a vision for the school and work together to make it happen – each person contributes to the operations of the school and the care of its physical environment and models and nurtures attitudes that emphasize the benefits and satisfaction gained from learning.<sup>16</sup>

State court: Adjudicates adult misdemeanor prosecutions.

Truant: Having ten (10) or more days of unexcused absences from school in the current academic year.<sup>17</sup>

Truant: Any child subject to compulsory attendance who during the school calendar year has more than five (5) days of unexcused absences.<sup>18</sup>

### **Ensuring Coordination and Cooperation Among Officials, Agencies, and Programs Involved in Compulsory Attendance Issues**

Cobb County, Cobb County School District, Marietta City Schools, and other state and local agencies operating in Cobb County that focus on issues pertaining to children already enjoy

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<sup>14</sup> Ga. Dept. of Ed. Reg. Student Attendance 160-5-1-.10; Cobb County School District, District Administrative Rule, JB-R Student Attendance.

<sup>15</sup> O.C.G.A. § 15-11-2(48).

<sup>16</sup> See National School Climate Center, *What is School Climate?* located at <https://schoolclimate.org/school-climate/> (last accessed 05/02/2024).

<sup>17</sup> O.C.G.A. § 15-11-381(6); 15-11-2(11)(A)(i).

<sup>18</sup> Ga. Dept. of Ed. Reg. Student Attendance 160-5-1-.10(1)(e); Cobb County School District, District Administrative Rule, JB-R Student Attendance (effective December 28, 2022); Marietta City Schools Board Policy JB: Student Attendance (effective September 21, 2022); O.C.G.A. § 20-2-690.1.

thriving, working relationships. To build on those relationships and ensure ongoing coordination and cooperation among them, the parties to this Protocol agree to the following:

The SACC shall meet two (2) times per year to review data and evaluate each agencies' compliance with the Protocol, to review the effectiveness of the Protocol, to make appropriate modifications, and to review and revise, if necessary, recommendations relating to school climate.<sup>19</sup> The SACC has determined the meetings will be held during the following months: January and July.

The SACC shall write a summary of possible consequences and penalties for failing to comply with the compulsory attendance laws, which shall include possible dispositions for children in need of services and possible denial of a driver's license for a child in accordance with O.C.G.A. § 40-5-22, which must then be distributed by schools in accordance with O.C.G.A. § 20-2-690.1.<sup>20</sup>

Chief Judge of Cobb County Superior Court: shall establish the Committee, ensure all members of the Committee are notified of their responsibility to the Committee, call the first meeting of the Committee where the Committee shall elect a chairperson and may elect other officers, serve as a member of the Committee and participate in meetings, ensure that the Committee meets at least twice annually to evaluate compliance with the Protocol, effectiveness of the Protocol, and to make appropriate modifications to the Protocol, and to review and revise, if necessary, recommendations relating to school climate, and designate a representative to serve on the Committee.<sup>21</sup>

Chief Judge Ann Harris of the Cobb County Superior Court has ensured all members of the Committee have been notified of their responsibility to the Committee and has called a meeting of the Committee.

The Cobb County Superior Court Chief Judge will serve as a representative on the Committee.

For the purpose of performing the statutory duties outlined in O.C.G.A. § 20-2-690.2, the Chief Judge has nominated and the Committee has elected the following persons to serve as officers of the SACC, all of whom are members of the SACC, for the term beginning on the effective date of this Protocol and ending at the July 2026 meeting upon the appointment of each officer's elected successor: Juvenile Court Judge Wayne Grannis to serve as chairperson, Presiding Juvenile Court Judge Amber Patterson to serve as vice-chairperson, and Juvenile Court Judicial Staff Attorney Jill Roth to serve as secretary.

The SACC officers shall perform the usual duties of their respective offices and the following duties:

The SACC chairperson shall provide notice of SACC meetings and subcommittee meetings, appoint appropriate subcommittees to serve during his or her term as chairperson, and plan and supervise meetings of the SACC. The chairperson shall perform all executive and administrative duties necessary to the organization and functioning of the SACC.

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<sup>19</sup> O.C.G.A. § 20-2-690.2(g).

<sup>20</sup> O.C.G.A. § 20-2-690.2(e)(3).

<sup>21</sup> See generally O.C.G.A. § 20-2-690.2(a), (c)(1), (g).

The chairperson may schedule SACC subcommittee meetings to be convened at such time and place and with such program and order of business as may be fixed by the chairperson. All subcommittees shall be appointed or removed by the chairperson. Any member of the SACC appointed by the SACC chairperson may serve as chairperson of an appointed subcommittee.

SACC subcommittees may provide reports and recommendations to the SACC at scheduled SACC meetings.

Notice of subcommittee meetings shall be given by email to each SACC member's professional email address as such appears with his or her respective organization, at least five (5) days prior to the time and place of the meeting.

Except for administrative decisions made by the officers of the SACC, all actions of the SACC shall be by a majority vote of the members of the committee present at a meeting convened by the Chief Judge of the Superior Court. A committee member may send a proxy – other than his/her designated representative – to participate and vote in any committee or subcommittee meeting as needed.

Parliamentary procedure at all meetings of the SACC shall be governed by Roberts Rules of Order, Newly Revised, and by this Protocol. Six members shall constitute a quorum of the SACC. No minimum quorum shall be necessary for subcommittees to transact business; a quorum for subcommittee meetings shall consist of those members present for the meeting.

If deemed prudent and necessary, the committee and any subcommittees may conduct any meeting by any electronic means that allows for discussion, debate, and voting, other than by text messaging or email.

The SACC vice-chairperson shall assist the chairperson and, in the absence or disability of the chairperson, shall perform the duties of the chairperson.

The SACC secretary shall record and keep minutes of all meetings of the SACC, present minutes to the SACC for approval, maintain permanent records until such time that the permanent records are transferred to the elected or appointed successor of the secretary, and perform other duties as may be prescribed by the chairperson.

Such terms of office shall begin on the effective date of this Protocol and shall end at the SACC July 2026 meeting, upon the appointment of the officer's elected successor. Thereafter, officers shall hold office for terms of two (2) years beginning on the date of July meeting following the election and ending at the first properly called SACC meeting two (2) years following such person's appointment, following the election for his or her successor.

If a vacancy arises in the office of the chairperson, the vice-chairperson shall become chairperson for the unexpired term, the secretary shall become vice-chairperson, and a special meeting of the SACC shall be called, and the SACC shall, by majority vote, fill the secretary vacancy for the balance of the unexpired term of such office. If a vacancy arises in the office of the chairperson and there is also a vacancy in the office of the vice-chairperson, the Chief Judge of the Cobb County Superior Court shall appoint a successor chairperson and call a special meeting of the

SACC so that the SACC, by majority vote, shall fill the vacancies for the balance of the unexpired term of such office.

At least four (4) months prior to each election, the Juvenile Court Administrator shall appoint three or more members of the SACC to be a nominating committee which shall nominate one or more members of SACC as qualified to hold each of the offices of SACC for the ensuing term of office. The first nominating committee shall be convened in March 2026. The nominating committee's report shall be made to the secretary no later than June 1, 2026. Thereafter, the secretary shall present the report to the SACC at its next meeting or by email or publication of a newsletter. Thereafter, and before the election of officers, any member of the SACC may nominate any member of the SACC for election to fill any of the offices by transmitting said nomination to the chair of the nominating committee. If more than one candidate is nominated for any office, each candidate shall be included on the ballot. Nominations shall be closed ten (10) days prior to the July election date.

The officers of the SACC shall be elected by written or electronic ballot. Before each election, voting instructions will be provided to all voting members. Ballots providing selections of the duly nominated candidates for each office shall be delivered by electronic voting methods. Voting shall take place no later than five (5) days after the close of nominations. Each member of the SACC wishing to participate in the election shall complete his or her ballot by casting a vote for at least one candidate for each office. Ballots shall be cast per the voting instructions for each election. Votes cast contrary to the prescribed voting instructions shall not be counted. Within five (5) days of the due date for return of completed ballots, votes of SACC members shall be tallied, and elected candidates shall be informed of their election. An election to any office requires a majority of the votes cast. If more than two (2) candidates are nominated for any office and no candidate so nominated receives a majority of the votes cast upon the first ballot, then the two (2) candidates receiving the largest number of votes cast upon such first ballot shall be voted upon again in a second ballot, and the candidate receiving a majority of the votes cast upon such second ballot shall be declared to be elected to the particular office. A special meeting of the SACC may be called by the officers to otherwise modify the procedure governing any election. The results of the election will be announced at the SACC meeting set for July 2026.

Cobb County Juvenile Court Judges and staff, including representatives of Community Based Risk Reduction Program (CCJC): serve as Committee members and participate in meetings, receive truancy/child in need of services (CHINS) and educational neglect/dependency referrals from Cobb County and Marietta City School Districts, develop protocols and policies for processing court referrals. Process truancy/child in need of services and dependency/educational neglect referrals sent to the juvenile court and supervise children and families under the juvenile court's jurisdiction. CCJC shall designate representatives to serve on the SACC and provide annual data to the SACC regarding the number of truancy/CHINS and educational neglect/dependency referrals received and aggregate outcome information.<sup>22</sup>

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<sup>22</sup> See generally O.C.G.A. § 20-2-690.2(c)(2).

The Cobb County Juvenile Court (CCJC) has designated Presiding Judge Amber Patterson, Judge Wayne Grannis, Court Administrator Adolphus Graves, Senior Judicial Staff Attorney Jill Roth, and Juvenile Program Supervisor Bridget Jones to serve on the Committee.

Cobb County District Attorney: serve as a Committee member and participate in meetings, investigate and prosecute CHINS/truancy and delinquency referrals in juvenile court, and designate a representative to serve on the Committee.<sup>23</sup>

The Cobb County District Attorney has designated District Attorney Sonya Allen to serve as a representative on the Committee.

The Cobb County District Attorney will provide annual data to the Committee regarding the number of truancy/CHINS referrals received and aggregate outcome information.

Cobb County Solicitor General: serve as a Committee member and participate in meetings, investigate and prosecute referrals for violations of the compulsory attendance law, and designate a representative to serve on the Committee.<sup>24</sup>

The Solicitor General has designated Solicitor General Makia Metzger to serve as a representative on the Committee.

The Solicitor General will provide annual data to the Committee regarding the number of compulsory attendance violation referrals received and aggregate outcome information.

Cobb County Circuit Defender: serve as Committee member and participate in meetings, represent indigent children and parents charged with violations of compulsory attendance laws, educational neglect/dependency, and truancy/CHINS laws before Cobb County Juvenile, Magistrate, and State Courts, and designate a representative to serve on the Committee.

The Cobb County Circuit Defender has designated Circuit Defender Scott Halperin to serve as a representative on the Committee.

Cobb County Magistrate Court: serve as Committee member and participate in meetings, process warrant requests related to violations of the compulsory attendance law and designate a representative to serve on the Committee.

The Cobb County Magistrate Court has designated Magistrate Court Chief Judge Brendan Murphy to serve as a representative on the Committee.

The Cobb County Magistrate Court will provide annual data to the Committee regarding the number of compulsory attendance violation referrals received and aggregate outcome information.

Department of Juvenile Justice (DJJ), including a representative from Marietta Regional Youth Detention Center: serve as a Committee member and participate in meetings, develop protocols and policies for enrolling children in their home schools upon release from detention, including policies to ensure the necessary documentation required for enrollment is promptly delivered to

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<sup>23</sup> See generally O.C.G.A. § 20-2-690.2(c)(3).

<sup>24</sup> See generally O.C.G.A. § 20-2-690.2(c)(4).



the child's home school to prevent enrollment delays. Supervise children who have been committed to the Department of Juvenile Justice and designate a representative to serve on the Committee.<sup>25</sup>

DJJ has designated DJJ Commissioner Shawanda Reynolds-Cobb to serve as a representative on the Committee.

Marietta City Schools Superintendent, Marietta Certificated School Employee, Marietta School Board Member, Marietta Certificated School Social Worker: serve as Committee members and participate in meetings, establish and enforce a student attendance protocol, provide the Committee and State Board of Education with annual student attendances rates by September 1 following each school year,<sup>26</sup> and participate in, consider, and make publicly available, including, but not limited to, posting in a conspicuous location, its decision regarding the recommendations of the Committee.<sup>27</sup> The superintendent or the superintendent's designee shall fully and actively assist in the planning, implementation, and evaluation activities of the Committee, and shall designate a representative to serve on the Committee.<sup>28</sup> Each local school system shall be responsible for providing a copy of this Protocol to the Department of Education by July 1, 2005, and upon any subsequent revisions or amendments.<sup>29</sup>

Marietta City Schools has designated the following representatives to serve on the Committee: Superintendent representative - Director of Academic Programs Dr. Kerri McDougal; A.B. Almy – Board of Education; Kristin Hanfland - certificated school employee; Cara Creger - school social worker.

Marietta City Schools shall provide annual data to the Committee regarding the number and type of compulsory attendance violation, truancy/CHINS, and educational neglect/dependency referrals made and aggregate outcome information.

Cobb County School District Superintendent, CCSD Certificated School Employee, CCSD School Board Member, CCSD Certificated School Social Worker: serve as Committee members and participate in meetings, establish and enforce a student attendance protocol, provide the Committee and State Board of Education with annual student attendances rates by September 1 following each school year,<sup>30</sup> participate in, consider, and make publicly available, including, but not limited to, posting in a conspicuous location, its decision regarding the recommendations of the Committee.<sup>31</sup> The superintendent or the superintendent's designee shall fully and actively assist in the planning, implementation, and evaluation activities of the Committee, and shall designate a representative to serve on the Committee.<sup>32</sup> Each local school system shall be responsible for providing a copy

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<sup>25</sup> See generally O.C.G.A. § 20-2-690.2(c)(5).

<sup>26</sup> O.C.G.A. § 20-2-690.2(h); Ga. Dept. of Ed. Reg. 160-5-1-.10(m)(4).

<sup>27</sup> O.C.G.A. § 20-2-690.2(b).

<sup>28</sup> Ga. Dept. of Ed. Rule 160-5-1-.10(m)(1); see also O.C.G.A. § 20-2-690.2(c)(6), (h); Ga. Dept. of Ed. Rule 160-5-1-.10.

<sup>29</sup> Ga. Dept. of Ed. Reg. 160-5-1-.10(m)(5).

<sup>30</sup> O.C.G.A. § 20-2-690.2(h); Ga. Dept. of Ed. Reg. 160-5-1-.10(m)(4).

<sup>31</sup> O.C.G.A. § 20-2-690.2(b).

<sup>32</sup> Ga. Dept. of Ed. Rule 160-5-1-.10(m)(1); see also O.C.G.A. § 20-2-690.2(c)(6), (h); Ga. Dept. of Ed. Rule 160-5-1-.10.

of this Protocol to the Department of Education by July 1, 2005, and upon any subsequent revisions or amendments.<sup>33</sup>

CCSD has designated the following representatives to service on the Committee: Superintendent Chief of Staff Sherri Hill - superintendent representative; David Chastain – school board member; Director of Student Support Jerica Creswell - certificated school employee; Ana Murphy - school social worker.

CCSD shall provide annual data to the Committee regarding the number and type of compulsory attendance violation, truancy/CHINS, and educational neglect/dependency referrals made and aggregate outcome information.

Cobb County Sheriff: serve as Committee member and participate in meetings, investigate and enforce violations of compulsory attendance and truancy laws, and designate a representative to serve on the Committee.<sup>34</sup>

The Cobb County Sheriff has designated Sheriff Craig Owens to serve as a representative on the Committee and will provide annual data to the Committee regarding the number of compulsory attendance violation, truancy/CHINS, and DFCS/dependency/educational neglect referrals made and aggregate outcome information.

Chief of Police of Cobb County Police Department and Cobb County School District Police Department: serve as Committee members and participate in meetings, investigate and enforce violations of compulsory attendance and truancy laws, and designate representatives to serve on the Committee.<sup>35</sup>

The Cobb County Police Department has designated Chief Stuart VanHoozer to serve on the Committee and will provide annual data to the Committee regarding the number of compulsory attendance violation, truancy, and DFCS/dependency/educational neglect referrals made and aggregate outcome information.

The Cobb County School District Police Department has designated Captain Wayne Pickett to serve on the Committee and will provide annual data to the Committee regarding the number of compulsory attendance violation, truancy, and DFCS/dependency/educational neglect referrals made and aggregate outcome information.

Chief of Police of Acworth Police Department; Austell Police Department; Kennesaw Police Department; Marietta Police Department; Powder Springs Police Department; Smyrna Police Department: serve as Committee members and participate in meetings, investigate and enforce violations of compulsory attendance and truancy laws, and designate representatives to serve on the Committee.<sup>36</sup>

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<sup>33</sup> Ga. Dept. of Ed. Reg. 160-5-1-.10(m)(5).

<sup>34</sup> See generally O.C.G.A. § 20-2-690.2(c)(7).

<sup>35</sup> See generally O.C.G.A. § 20-2-690.2(c)(8).

<sup>36</sup> See generally O.C.G.A. § 20-2-690.2(c)(9).

The Chief of Police of Acworth Police Department has designated Chief Mark Cheatham to serve on the Committee and will provide annual data to the Committee regarding the number of compulsory attendance violation, truancy, and DFCS/dependency/educational neglect referrals made and aggregate outcome information.

The Chief of Police of the Austell Police Department has designated Chief Orrin Scott Hamilton to serve on the Committee and will provide annual data to the Committee regarding the number of compulsory attendance violation, truancy, and DFCS/dependency/educational neglect referrals made and aggregate outcome information.

The Chief of Police of Kennesaw Police Department has designated Chief Bill Westenberger to serve on the Committee and will provide annual data to the Committee regarding the number of compulsory attendance violation, truancy, and DFCS/dependency/educational neglect referrals made and aggregate outcome information.

The Chief of Police of Marietta Police Department has designated Chief David Beam to serve on the Committee and will provide annual data to the Committee regarding the number of compulsory attendance violation, truancy, and DFCS/dependency/educational neglect referrals made and aggregate outcome information.

The Chief of Police of Powder Springs Police Department has designated Chief Lane Cadwell to serve on the Committee and will provide annual data to the Committee regarding the number of compulsory attendance violation, truancy, and DFCS/dependency/educational neglect referrals made and aggregate outcome information.

The Chief of Police of Smyrna Police Department has designated Chief Keith Zgonc to serve on the Committee and will provide annual data to the Committee regarding the number of compulsory attendance violation, truancy, and DFCS/dependency/educational neglect referrals made and aggregate outcome information.

Cobb County Division of Children and Family Services (DFCS): serve as Committee members and participate in meetings, investigate allegations of dependency, including educational neglect, assist in resolving any barriers to attendance, provide appropriate services to address issues leading to absenteeism, and provide services to prevent removal of children from their families for violations of compulsory attendance laws, and designate a representative to serve on the Committee.<sup>37</sup>

The Cobb County Division of Children and Family Services has designated Cobb County Director Lindsey Howerton to serve on the Committee and will provide annual data to the Committee regarding the number of educational neglect referrals made and aggregate outcome information.

Cobb County Board of Health: serve as Committee members and participate in meetings, assist in the provision of public health services, and designate a representative to serve on the Committee.<sup>38</sup>

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<sup>37</sup> See generally O.C.G.A. § 20-2-690.2(c)(10).

<sup>38</sup> See generally O.C.G.A. § 20-2-690.2(c)(11).

The Cobb County Board of Health has designated Chair Pete Quinones to serve on the Committee.

Highland Rivers Health Governing Board: serve as Committee members and participate in meetings, provide mental health, developmental disability, and addictive disease services and govern publicly funded programs for the purpose of providing said services not provided by other public or private providers, and designate a representative to serve on the Committee.<sup>39</sup>

Highland Rivers has designated Child & Adolescent Regional Director Helen Hogin to serve on the Committee.

Cobb Collaborative/Georgia Family Connection Partner: Serve as Committee member and participate in meetings, share ideas, expertise, and resources to meet the needs of Cobb County, and designate a representative to serve on the Committee.<sup>40</sup>

Cobb Collaborative/Georgia Family Connection Partner has designated Executive Director Irene Barton to serve on the Committee.

Cobb County Community Risk Reduction Program (CCRRP): Serve as Committee member, participate in meetings, and develop protocols and policies for processing referrals. Designate a representative to serve on the Committee.<sup>41</sup>

The CCRRP has designated Cobb County Juvenile Court Juvenile Program Supervisor Bridget Jones to serve on the Committee.

The CCRRP will provide annual data to the Committee regarding the number of truancy/CHINS referrals and educational neglect/dependency referrals received and aggregate outcome information.

### **Method of Reviewing and Making Recommendations for Policies Related to Tardiness and Policies Related to School Climate**

O.C.G.A. § 20-2-690.2 requires the SACC to review and make recommendations for policies relating to tardiness and school climate for the purpose of promoting positive gains in student achievement scores, student and teacher morale, community support, and student and teacher attendance, while decreasing student suspensions, expulsions, dropouts, and other negative aspects of the total school environment. The review may include school climate ratings established pursuant to O.C.G.A. § 20-14-33.

The SACC and any SACC subcommittees may review nonidentifying data from student health surveys, data on environmental and behavioral indicators, data on student behavioral and school-based reactions, and teacher and parent survey instruments and recommend the use of positive behavioral interventions and supports and response to intervention, trauma informed care and

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<sup>39</sup> See generally O.C.G.A. § 20-2-690.2(c)(12).

<sup>40</sup> See generally O.C.G.A. § 20-2-690.2(c)(13).

<sup>41</sup> See generally O.C.G.A. § 20-2-690.2(c)(14).

training, and the optimization of local resources through voluntary community, student, teacher, administrator, and school personnel participation.<sup>42</sup>

All involved agencies shall exercise reasonable efforts to track trends as they relate to the implementation of intervention techniques. The SACC will work with various stakeholders in efforts to review and develop data and make recommendations related to attendance and school climate. The SACC will research statistical surveys and other solid research methods for conducting evaluations of interventions.

In addition to any other relevant data kept by local agencies, SACC subcommittees should review the following data:

- School Climate Star Ratings – located at [gadoe.org](http://gadoe.org)
  - The results of the Georgia Student Health Survey 2.0 for each school by categories of sections such as violence, drugs, and weapons (GSHS 2.0 is used as part of the School Climate Star Ratings and is located at [gadoe.org](http://gadoe.org)). For comparisons of School Climate Ratings, go to: <https://georgiainsights.gadoe.org/Dashboards/Pages/School-Climate-Comparison.aspx>
- Out of School Suspension Rates – Georgia Appleseed Center for Law and Justice publishes these at: <https://gaappleseed.org/resource/find-my-schools-suspension-rate/>
- K-12 Student Discipline Dashboard – The Governor’s office provides suspension, expulsion, and other relevant information at: <https://gosa.georgia.gov/dashboards-data-report-card/data-dashboards/discipline-dashboard>
- Student Achievement – The Governor’s Office of Student Achievement provides student achievement data at: <https://gosa.georgia.gov/dashboards-data-report-card/report-card>
- Regional Education Service Agencies (RESAs) Whole Child Supports Coordinator – Each RESA has a Whole Child Supports Team who collaborates with districts, schools, and communities to strengthen their ability to identify and address student barriers to success. More information can be found at: <https://www.mresa.org/resourcescontent-areas/whole-child-supports/home>

### **Attendance Protocol for Students in Cobb County and Marietta City School Districts**

O.C.G.A. § 20-2-690.2 requires each student attendance and school climate committee to adopt a written student attendance protocol for its county school system and for each independent school system within its geographic boundaries which shall be filed with the Department of Education. The protocol shall outline in detail the procedures to be used in identifying, reporting, investigating, and prosecuting cases of alleged violations of O.C.G.A. § 20-2-690.1, relating to mandator school attendance.

To ensure the provisions of O.C.G.A. § 20-2-690.2 are implemented, the SACC hereby ADOPTS the following Attendance Protocol for Students in Cobb County and Marietta City School Districts.

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<sup>42</sup> O.C.G.A. § 20-2-690.2(f).

This Attendance Protocol shall apply to children subject to compulsory school attendance who reside in the Marietta City School and Cobb County School Districts and their parents, guardians, or other persons who have control or charge of such children.

### School and Community Based Attendance Interventions

The following procedures shall be observed by school administrators and social workers. The school districts and/or local school administrators may require and/or initiate and are encouraged to utilize all intervention efforts and attempts to engage students and parents/guardians deemed appropriate and necessary to address attendance issues in their respective communities. Local school administrators may make a referral to the school social worker at any time it is deemed appropriate.

Excused absences are defined in O.C.G.A. §§ 20-2-690 through 20-2-702, Georgia Department of Education Policy 160-5-1-.10, Cobb County School District Administrative Rules JB, JB-5, and JB-R, and Marietta City Schools Policy JB.<sup>43</sup> The policies may require submission of appropriate documentation to excuse an absence.<sup>44</sup>

Each school district shall require principals, teachers, and other designated personnel to make and keep proper attendance records and administer disciplinary measures necessary to maintain regular student attendance as outlined in each district's applicable policy. Each school district shall also make and comply with policies relating tardiness as outlined in each district's applicable policy.

This Protocol shall only apply to unexcused absences. School days missed because of an out of school suspension shall not count as unexcused days for the purpose of determining student truancy. Parents shall be notified of out-of-school suspension or expulsion according to the school district's discipline policies.<sup>45</sup> Likewise, parents shall be notified of excessive excused absences, tardies, and early check-outs according to school district policies.

*Written Summary of Possible Consequences & Penalties to Parent.* At the beginning of the school year or upon a student's enrollment in public school, the school system will provide the parent, guardian, or other person having control or charge of each student enrolled in a public school a written summary of the possible consequences and penalties for failing to comply with compulsory attendance.<sup>46</sup> By September 1 of each school year or within thirty (30) school days of a student's enrollment in the school system, the parent, guardian, or other person having control or charge of such student shall sign a statement indicating receipt of such written statement of possible consequences and penalties. Students aged ten (10) or older by September 1 shall also sign indicating receipt of the written statement of possible consequences for noncompliance with the local system's policy. The school will make two (2) reasonable attempts to secure such signature or signatures and will be in compliance if it sends a copy of the statement, via certified mail, return receipt requested, or first-class mail, to such parent, guardian, or other person who has control or

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<sup>43</sup> Marietta City School Board Policies: <https://simbli.eboardsolutions.com/Policy/PolicyListing.aspx?S=4110>.

Cobb County School District Board Policies: <https://www.cobbk12.org/page/6052/policies-administrative-rules>.

<sup>44</sup> Georgia Department of Education Rule 160-5-1-.10, Student Attendance, Code JB (effective December 28, 2022).

<sup>45</sup> Georgia Department of Education Rule 160-5-1-.10, Student Attendance, Code JB (effective December 28, 2022).

<sup>46</sup> O.C.G.A. § 20-2-690.1(c); Ga. Dept. of Ed. Reg. Student Attendance 160-5-1-.10(j)(3).

charge of a child and the child. The school will retain signed copies of statements and/or the return receipt through the end of the school year.<sup>47</sup>

*5-Day Truancy Notice.* The school system will notify the parent, guardian, or other person having control or charge of each student enrolled in public school when such student has five (5) unexcused absences. The notice shall outline the penalties and consequences for such absences and that each subsequent absence shall constitute a separate offense. After two (2) reasonable attempts to notify the parent, guardian, or other person who has charge of the student, the school system shall send written notice via certified mail with return receipt requested or first-class mail or via any electronic means approved by the Georgia State Board of Education pursuant to a waiver granted to school district under O.C.G.A. § 20-2-80 and State Board of Education Rule 160-5-1-.33.<sup>48</sup> The letter shall include a copy of the Compulsory Attendance Law (O.C.G.A. 20-2-690.1). The school system shall document its attempts to notify the parent, guardian, or other person who has charge of the student, and shall retain copies of any such documentation through the end of the school year.

*Notice of Intent.* Prior to any action to commence judicial proceedings to impose a penalty on a parent, guardian, or other person residing in this state who has control or charge of a school aged child for failing to comply with compulsory attendance, the school system shall send a notice to such parent, guardian, or other person by certified mail, return receipt requested.<sup>49</sup>

*Each School District Shall Implement a Progressive Discipline Process and a Parental Involvement Process for Truant Students before Referring the Students to the Juvenile or Other Court Having Jurisdiction.*<sup>50</sup> Marietta City Schools and Cobb County School Districts have progressive discipline processes which are outlined in their policies, located at:

- Marietta City School Board Policies:  
<https://simbli.eboardsolutions.com/Policy/PolicyListing.aspx?S=4110>
- Cobb County School District Board Policies:  
<https://www.cobbk12.org/page/6052/policies-administrative-rules>

Prior to commencing judicial proceedings in any court, each local school will:

- a) Adopt schoolwide attendance initiatives whereby each local school will adopt schoolwide attendance interventions to promote daily attendance;
- b) Utilize multi-tiered systems of supports to make informed decisions about individual student academic, behavior, connectedness and well-being needs, recommended interventions, and the level of intervention intensity necessary to support students;
- c) Adhere to its progressive discipline, parental involvement, and attendance policies;
- d) If applicable, document all progressive disciplinary measures utilized;
- e) Document whether the school is able to meet the needs of the student and parent, guardian, or other person having control of the child through the provision of school-based or school-

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<sup>47</sup> O.C.G.A. § 20-2-690.1(c); Ga. Dept. of Ed. Reg. Student Attendance 160-5-1-.10(j)(3).

<sup>48</sup> Ga. Dept. of Ed. Reg. Student Attendance 160-5-1-.10(j)(1).

<sup>49</sup> Ga. Dept. of Ed. Reg. Student Attendance 160-5-1-.10(j)(2).

<sup>50</sup> Ga. Dept. of Ed. Reg. Student Attendance 160-5-1-.10(k).

- referred services (assistance of appropriate school staff, school counselors, school social workers, school nurses, school psychologists, graduation coaches, administrators, school-referrals for mentors, family-liaisons, etc.) and whether or not such services are accessed;
- f) Consider whether additional community-based resources and referrals may be warranted (assistance from community-based mental health services, substance abuse services, programs, DFCS, courts, etc.) and document whether such services are available;
  - g) Consider whether a referral should be made to the Cobb Community Risk Reduction Panel (CCRRP);
  - h) If the student's needs cannot be addressed or met by the local school community, refer the matter to the school social worker;
  - i) If a referral is made to the school social worker, an administrator must attach all relevant correspondence and documentation;
  - j) The school social worker will make reasonable attempts to communicate with the student and parent/guardian regarding attendance;
  - k) The school social worker will assess the student and family circumstances related to poor attendance;
  - l) The school social worker will utilize other interventions and strategies depending on the circumstances of the case, which may include, but not be limited to: consultation with local school staff (teachers, counselors, assistant principals, principals, other); consultation with the parent/guardian and student; home visits; participation in the SST process; special education meetings; due process meetings; school conferences; other school-based interventions; referral to appropriate agencies (medical, economic, mental health, social service agencies, DFCS, etc.); school-based attendance panels; and/or community based panels (LIPT, CCRRP).
  - m) The school social worker shall document or ensure documentation is on file regarding attempts to intervene with the family at the local school and district level, including phone calls, letters, e-mails or other electronic communications, home visits, teacher and/or administrative conferences, administrative case management services, referrals to community resources (ex., counseling, financial assistance, housing assistance, mentoring programs, etc.), loss of privileges, detention (after/before-school, lunch), work detail, Saturday School, ISS, attendance conferences or panels, attendance contracts, referrals to other agencies, such as DFCS, when indicated, etc.;
  - n) If social worker interventions are unsuccessful, a complaint may be filed in the appropriate court of law.

#### Law Enforcement Intervention

Any peace officer may assume temporary custody, during school hours, of any child subject to compulsory school attendance who is found away from home and who is absent from a public or private school or home study program without a valid written excuse from school officials or from the parent or guardian in charge of the home study program.<sup>51</sup> Any person assuming temporary custody of a child shall immediately deliver the child either to the parent, guardian, or other person

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<sup>51</sup> O.C.G.A. § 20-2-698.



having control or charge of the child or to the school from which the child is absent, or if the child is found to have been adjudicated a delinquent child or a child in need of services, the person shall cause the child to be brought before the juvenile probation officer or community supervision officer of the county having jurisdiction over such child.<sup>52</sup> The person assuming custody shall report the matter and the disposition made to the applicable school authorities with Cobb County School District or Marietta City School District and the child's parent or guardian.<sup>53</sup>

### Court Intervention

Attendance officers,<sup>54</sup> known locally as truancy officers, have discretion to use their professional judgment when deciding whether to seek a magistrate court warrant for the arrest of a child's parent, guardian, or other person with control or charge of the child for violation of the compulsory attendance law, whether to file a truancy/child in need of services (CHINS) complaint in juvenile court, or whether to file a dependency/educational neglect complaint in juvenile court.

Generally, where the absenteeism relates to an elementary-school child, it is presumed that the parent, guardian, or other person having control or charge of the child is responsible for the absenteeism. In general, if the attendance officer determines that the child's failure to attend school is due to the child's behavior, a complaint for truancy/CHINS should be filed. Alternatively, if the attendance officer determines the child's attendance issues are due to a lack of proper parental care or control, the school should submit a DFCS referral, file a warrant request, or file a complaint for educational neglect/dependency. Prior to filing a dependency/educational neglect complaint, the attendance officer must contact the DFCS referral hotline.

Detailed information pertaining to interventions attempted to address absenteeism with the student and parent, guardian, or other person having control or charge of the student will be necessary when submitting a referral to DFCS, a warrant application, or a juvenile court complaint.

After filing a warrant application, truancy/CHINS complaint, or educational neglect/dependency complaint, the school social worker or truancy coordinator shall cooperate with court staff, the Solicitor General, the District Attorney, and/or DFCS by providing any requested information, subject to applicable laws and regulations, and by attending meetings and court hearings upon request and reasonable notice. Additionally, school system casework should continue.

### Warrant Application/Prosecution of Parent, Guardian, Other Person Having Control or Charge of Student

Failure to comply with Georgia's Compulsory Attendance Law, O.C.G.A. § 20-2-690.1, may result in an attendance officer initiating misdemeanor criminal prosecution against a parent, guardian, or other person residing in Georgia who has control or charge of a child before the Cobb County Magistrate Court.

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<sup>52</sup> O.C.G.A. § 20-2-699.

<sup>53</sup> O.C.G.A. § 20-2-700.

<sup>54</sup> Attendance officers shall have authority and it shall be their duty to file proceedings in court to enforce the compulsory attendance law. O.C.G.A. § 20-2-690.1(d).

After five (5) or more unexcused absences during the current school year,<sup>55</sup> the attendance officer may elect to file a warrant application before the Cobb County Magistrate Court for the arrest of the parent, guardian, or other person having control or charge of the child for violation of the compulsory attendance statute, O.C.G.A. § 20-2-690.1, by applying for a criminal arrest warrant as outlined in O.C.G.A. § 17-4-40 and Uniform Magistrate Court Rule 25.3. If the person filing the warrant application is not a law enforcement officer, a warrant application hearing may be scheduled if the Cobb County Magistrate Court determines a hearing is appropriate. The warrant application hearing shall be conducted in accordance with O.C.G.A. § 17-4-40 and Rule 25.3 of the Uniform Magistrate Court Rules.

At the hearing, the judge will determine whether probable cause exists for the issuance of a warrant for the arrest of the person whose arrest is sought. If the judge finds that probable cause exists, a warrant may issue.<sup>56</sup> The court may set bail and may impose conditions reasonably necessary to ensure such person attends court appearances and to protect the safety of any person or the public given the circumstances of the alleged offense and the totality of the circumstances, and any other specified and reasonable conditions as the court may consider just and proper, considering the factors set forth in O.C.G.A. § 17-6-1(e).<sup>57</sup> Once arrest of the defendant is effectuated, the original warrant will be returned to the Cobb County Magistrate Court or its designee for transfer to the appropriate designating agency and the case will proceed in the normal manner as for other misdemeanors.<sup>58</sup>

When the warrant is received by the Solicitor's Office after an arrest has been made, the case will be reviewed by an assistant solicitor who will determine whether to file a formal accusation. The assistant solicitor may request additional information from appropriate school officials if such information is required to successfully prosecute the case. Once an accusation is filed, the case will be assigned to an assistant solicitor and scheduled for a formal court arraignment before the Cobb County State Court.

#### CHINS/Truancy Complaint

After ten (10) or more unexcused absences during the current school year,<sup>59</sup> the attendance officer may elect to file a truancy/child in need of services (CHINS) complaint by completing the CHINS complaint form and any supplemental truancy forms provided by the Cobb County Juvenile Court.

A complaint alleging a child is a child in need of services may be made by any person, including a law enforcement officer, who has knowledge of the facts alleged or is informed and believes such facts to be true. A prosecuting attorney may file a complaint alleging a child is in need of services or intervene in such matter to represent the interest of the state as *parens patriae*.<sup>60</sup>

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<sup>55</sup> O.C.G.A. § 20-2-690.1.

<sup>56</sup> O.C.G.A. § 17-4-40(b)(5).

<sup>57</sup> O.C.G.A. §§ 17-6-1(b)(1) and 17-6-2; Uniform Magistrate Court Rule 23.1-23.3.

<sup>58</sup> Uniform Magistrate Court Rule 24.2.

<sup>59</sup> O.C.G.A. §§ 15-11-381(6); 15-11-2(11)(A)(i).

<sup>60</sup> See O.C.G.A. § 15-11-390.

The complaint shall set forth plainly and with particularity: 1) the name, date of birth, and residence address of the child alleged to be in need of services; 2) the facts alleging why the court has jurisdiction of the complaint; 3) the reasons why the complaint is in the best interests of the child and the public; 4) the names and residence addresses of the parent, guardian, or legal custodian, and any other family members or other individuals living within such child's home; 5) the name of any public institution or agency having the responsibility or ability to supply services alleged to be needed by such child; and 6) whether any of this information is unknown.<sup>61</sup>

In addition to the information listed above, to file a complaint with the Cobb County Juvenile Court, the school social worker or truancy coordinator may be asked to submit the following information:

1. Exact dates for unexcused absences;
2. Any excuses sent in by parent;
3. Attendance and grade history for past two (2) years;
4. Disciplinary history;
5. School enrollment history;
6. 504/IEP plan, if applicable;
7. If the child is eligible or suspected to be eligible for services under the Federal Individuals with Disabilities Education Act or Section 504 of the Federal Rehabilitation Act of 1973, information shall be included which demonstrates that the legally liable school district: 1) has determined that the child was eligible or suspected to be eligible for IDEA or 504 services; and 2) has reviewed for appropriateness such child's current Individualized Education Program (IEP) and placement and has made modifications where appropriate;<sup>62</sup>
8. Any additional pertinent information which shows that the legally liable school district has: 1) sought to resolve the expressed problem through available educational approaches; and; 2) sought to engage the parent, guardian, or legal custodian of the child in solving the problem but such person has been unwilling or unable to do so, that the problem remains, and that court intervention is needed;
9. Any and all documentation showing that the school system attempted to resolve the attendance issue with the student and parent, guardian, or other person with control of the student, including methods and results of any contacts;<sup>63</sup>
10. Documentation from any attendance conferences, including information regarding who was present, what barriers to attendance were identified, plans to address attendance barriers, and any resources/services offered;
11. Documentation regarding any homebound or alternative education programs offered;
12. Whether and when a referral was made to DFCS, any response received, and contact information for any DFCS caseworker;
13. Copies of the Written Summary of Possible Consequences & Penalties to Parent, 5-Day Truancy Notice, and Notice of Intent and proof of service of those documents upon the parent, guardian, or other person having control of the student; and/or

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<sup>61</sup> O.C.G.A. 15-11-390(b).

<sup>62</sup> O.C.G.A. § 15-11-390(d).

<sup>63</sup> O.C.G.A. § 15-11-390(c).

14. Written approval from the school principal or school social worker supervisor to file the warrant application or juvenile court complaint.

The Cobb County Juvenile Court's Intake Department will screen the complaint and accompanying forms to ensure all forms are filled out completely and that all information required by statute and this Protocol is present.<sup>64</sup> If information is missing, the Intake Department will inform the complainant regarding what information is missing or what actions need to be taken to be in compliance with this Protocol before the complaint can be filed. If all information is present, the Intake Department will submit the complaint to the Clerk's office for filing and a determination will be made by the Cobb County Juvenile Court as to whether the case will be handled via informal or formal processing.

Most children will be given the opportunity to have their cases handled informally. If a child whose case is being handled informally continues to have unexcused absences after any necessary services have been put in place, the supervising Cobb County Juvenile Court worker may file a motion for a protective order or a request for formal processing.

In any case in which Cobb County Juvenile Court personnel determine there is a reasonable basis to believe that a child is dependent, they shall make a child protective services report to the Statewide Child Protective Services Communication Center (CICC).

If the truancy complaint is for a child fourteen (14) years of age or older, the complaint may be referred to the Office of the District Attorney for formal processing. The District Attorney may commence formal processing by filing a petition. If the truancy complaint is for a child under fourteen (14) years of age, the complaint may be referred to the complainant so that a petition may be filed by a parent, a guardian, a legal custodian, a law enforcement officer, a guardian ad litem, an attorney who has knowledge of the facts alleged or is informed and believes that such facts are true, or a prosecuting attorney.

A petition alleging that a child is a child in need of services may be filed by a parent, a guardian, a legal custodian, a law enforcement officer, a guardian ad litem, an attorney who has knowledge of the facts alleged or is informed and believes that such facts are true, or a prosecuting attorney. Except when such petition has been filed by a prosecuting attorney, it shall not be accepted for filing unless the court or a person authorized by the court has determined and endorsed on the petition that the filing of the petition is in the best interests of the public and such child. When such petition is filed by a prosecuting attorney, the prosecuting attorney shall be authorized to conduct the proceedings on behalf of the state as *parens patriae*.<sup>65</sup> Once a petition is filed, the court will set an adjudicatory hearing date no later than sixty (60) days after the filing of the petition.<sup>66</sup>

After the filing of the petition, but prior to adjudication, if it appears that informal adjustment rather than adjudication would be in the best interest of the child, the petitioner may move to withdraw the petition. The petition shall be withdrawn upon approval by the judge. Such approval

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<sup>64</sup> O.C.G.A. § 15-11-390(e) (the juvenile intake officer shall be responsible for receiving complaints alleging that a child is in need of services).

<sup>65</sup> O.C.G.A. § 15-11-420.

<sup>66</sup> O.C.G.A. § 15-11-441.

does not result in dismissal of the case, but only in the substitution of informal adjustment for formal adjudication.<sup>67</sup>

At the adjudication hearing, the petitioner, or prosecuting attorney when representing the state, has the burden of proving that the child is truant and in need of services by clear and convincing evidence.<sup>68</sup>

If the child is adjudicated truant and in need of services, the court shall proceed in accordance with the Juvenile Code and may enter any disposition authorized pursuant to the Juvenile Code, including but not limited to: unsupervised or supervised probation, community service, fines, suspending the child's driver's license or prohibiting issuance of a license, court-mandated attendance at structured after-school or evening programs or other court-approved programs, requiring supervision of the child during the time she or he most often used to perform the acts complained of in the petition, any order authorized for the disposition of a dependent child, including granting or transferring temporary legal custody to other individuals or agencies, order the child and parent to participate in counseling, order the parent/guardian/legal custodian to participate in court-approved education or counseling designed to contribute to the ability of the parent to provide proper parental care and supervision, including but not limited to parenting classes, enter a parental accountability protective order, order DFCS to implement and the parent to cooperate in any case plan approved by the court, or any combination of these dispositions that the court deems to be in the best interest of the child and the public.<sup>69</sup> The court shall review the disposition of a child in need of services at least once within three (3) months after such disposition and at least every six (6) months thereafter so long as the order of disposition is in effect.<sup>70</sup>

### Protective Orders

In any proceeding in juvenile court, including truancy/CHINS and educational neglect/dependency proceedings, the juvenile court may make an order restraining or otherwise controlling the conduct of the child's parent, guardian, or legal custodian so as to promote the child's treatment, rehabilitation, and welfare, after providing the person with notice and an opportunity to be heard.<sup>71</sup> The order may require the person to, among other things:

- a. cooperate in good faith with an agency or association to which the child is referred by the court;
- b. ensure the child attends school pursuant to any valid law relating to compulsory attendance;
- c. monitor the child's homework and studies after school;
- d. attend school meetings as requested by school officials;
- e. participate with the child in counseling or treatment to provide instruction and guidance to improve the child's behavior;
- f. prohibit specific individuals from having contact with the child;

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<sup>67</sup> Uniform Juvenile Court Rule 9.1, Withdrawal of Petition.

<sup>68</sup> O.C.G.A. § 15-11-440.

<sup>69</sup> O.C.G.A. § 15-11-442, 15-11-442.1, and 15-11-443.

<sup>70</sup> O.C.G.A. § 15-11-445.

<sup>71</sup> O.C.G.A. § 15-11-29 and 15-11-29.1.

- g. transport the child to probation appointments and programs and cooperate with the child's probation officer;
- h. enter into and successfully complete a substance abuse program;
- i. abstain from offensive conduct against the child;
- j. pay costs for counseling, treatment, or other services; and/or
- k. take or refrain from taking any other action the court finds reasonably related to the child's treatment, rehabilitation, or welfare and the safety of the public.<sup>72</sup>

Protective orders may be enforced by a citation to show cause for contempt of court by reason of any violation thereof and, where the protection and welfare of the child so requires, by the issuance of a warrant to take the alleged violator into custody and bring him or her before the court. The juvenile court may punish an adult for contempt of court by imprisonment for not more than twenty (20) days or a fine not to exceed \$1,000.00 for willfully disobeying an order of the court or for obstructing or interfering with the proceedings of the court or the enforcement of its orders.<sup>73</sup> Additionally, the court can order the parent/guardian/legal custodian to make restitution as provided in O.C.G.A. § 17-14-5, reimburse the state for the costs of detention, treatment, or rehabilitation of the child, participate in court-approved educational or counseling programs designed to contribute to the ability to provide proper parental care and supervision to such child, including, but not limited to parenting classes; and require the parent/guardian/legal custodian to enter into a contract or plan as part of the disposition of any charges against such child so as to provide for the supervision and control of such child by his/her parent/guardian/legal custodian and reunification with such child.<sup>74</sup>

### Juvenile Court Dependency/Educational Neglect Complaint

At any time during the academic year the student's academic progress is significantly affected by continued absences such that school personnel have reasonable cause to suspect a lack of proper parental care or control, school personnel may make a child protective services report to the Statewide Child Protective Services Communication Center.

Prior to filing a complaint for dependency/educational neglect with the Cobb County Juvenile Court, school personnel shall make a child protective services report to the Statewide Child Protective Services Communication Center and shall provide DFCS with detailed information regarding attempts to engage the child and parent/guardian/legal custodian in services, the response to those attempts, and all medical, psychological, and educational assessments and reports pertaining to the child and child's parent, guardian, or legal custodian, in their possession.

After making a DFCS referral, designated school personnel or DFCS may proceed to file a dependency complaint with the Cobb County Juvenile Court. DFCS can file a dependency/educational neglect complaint at any time. School personnel must make a DFCS referral prior to filing a dependency complaint with the Cobb County Juvenile Court.

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<sup>72</sup> O.C.G.A. § 15-11-29 and 15-11-29.1.

<sup>73</sup> O.C.G.A. §15-11-31.

<sup>74</sup> O.C.G.A. § 15-11-31.

A DFCS employee, a law enforcement officer, or any person who has actual knowledge of abuse, neglect, or abandonment of a child or is informed of the abuse, neglect, or abandonment of a child that he or she believes to be truthful may make a petition alleging dependency.<sup>75</sup> The court or a person authorized by the court must determine and endorse upon the petition that filing the petition is in the best interests of the public and the child.<sup>76</sup> The Cobb County Juvenile Court Intake Department performs this process for the Juvenile Court. If DFCS does not submit the complaint, the person who submitted the complaint will be responsible for drafting and prosecuting the petition.

The petition must state: 1) the facts which bring the child within the jurisdiction of the court, with a statement that it is in best interests of child and public that the proceeding be brought; 2) the name, date of birth, and residence address of the child named in petition; 3) the name and residence address of the parent/guardian/legal custodian of the child named in petition; or if such person does not reside or cannot be found within the state or if such place of residence is unknown, the name of any known adult relative of such child residing in Cobb County or, if none, the known adult relative of such child residing nearest to the court; 4) whether the child is in protective custody and, if so, the place of foster care and time such child was taken into protective custody; and 5) whether any information required by O.C.G.A. §15-11-152 is unknown.<sup>77</sup>

Upon the filing of the petition, the court will set a hearing date and issue and cause summons to be served on all parties and will notify all parties that they are entitled to an attorney and that the court will appoint an attorney if the party is indigent.<sup>78</sup>

At the adjudicatory hearing, the petitioner has the burden of proving the allegations in the dependency petition by clear and convincing evidence.<sup>79</sup> If the court finds the child dependent, the court may make any of the dispositions permitted for a dependent child outlined in O.C.G.A. §15-11-212.

### **Next Steps**

The chairperson has appointed the following subcommittees who, prior to the next SACC meeting, shall meet and perform the following actions:

- 1) School Climate Committee (CCSD & MCS, service providers - Cobb & Douglas Public Health, Highland Rivers, Cobb Collaborative/Family Connection Partner, law enforcement)
  - a. Review and make recommendations related to school climate, including local school climate plans and techniques, school safety plans, academic and behavioral interventions, mental health and trauma services, School Climate STAR Ratings, OSS Rates, Student Discipline Dashboard.

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<sup>75</sup> O.C.G.A. § 15-11-150.

<sup>76</sup> O.C.G.A. § 15-11-150.

<sup>77</sup> O.C.G.A. § 15-11-152.

<sup>78</sup> O.C.G.A. § 15-11-160.

<sup>79</sup> O.C.G.A. § 15-11-180.

- b. Identify methods used to determine causes of failure to comply with compulsory attendance.
  - c. Educate SACC regarding local policies and procedures for excusing students from school; local school policies regarding progressive discipline processes and parental involvement processes utilized in cases of absenteeism; PBIS/SEL supports offered; interventions utilized by local schools and districts prior to court referrals.
  - d. Educate SACC regarding services available in the community that could be utilized to improve school climate.
  - e. Provide and present data reports at each SACC meeting.
- 2) Written Summary of Possible Consequences Committee (CCSD, MCS, CCJC)
  - a. Review written summary of possible consequences provided by the school districts to parents/children at beginning of school year and update if necessary.
- 3) Juvenile Court Committee (Juvenile judges' designee, administration designees, including CCRRP Representative, DA designee, CPD designee)
  - a. Review and make recommendations related to school climate and juvenile court case processing.
  - b. Educate Committee regarding court policies and processes.
  - c. Provide and present data reports at each SACC meeting.
- 4) Misdemeanor Prosecution Committee (Chief Magistrate Judge designee, Solicitor General designee, CPD designee)
  - a. Review and make recommendations related to school climate and magistrate and state court case processing.
  - b. Educate Committee regarding court policies and processes.
  - c. Collect and share data related to compulsory attendance prosecutions.
- 5) CCRRP Committee (CCSD, MCS, CCJC, DFCS, DJJ, LE, service providers - Cobb & Douglas Public Health, Highland Rivers, Cobb Collaborative/Family Connection Partner)
  - a. Design CCRRP – identify who will be on panel, who will participate in meetings, where/when CCRRP meetings will be held, referral process and procedure, how notice will be provided, how meetings will be conducted, how case plans will be developed and distributed.
  - b. Research and report regarding current and best practices for information sharing.
  - c. Develop necessary releases of information and memoranda of understanding.
  - d. Educate the Committee regarding services provided or available to assist families facing issues with excessive absenteeism.
  - e. Update CCRRP court order.
- 6) School Justice Partnership/SACC Advisory Committee (SACC officers; CCJC Staff Attorney; CCSD Attorney)
  - a. Utilizing the following resources, research, consider, and make reports and recommendations regarding best practices and services offered to make improvements to the SACC and Cobb County school-justice partnership:
    - i. <https://www.schooljusticepartnership.com/our-services>



- ii. [https://www.ncjfcj.org/wp-content/uploads/2014/09/NCJFCJ\\_SchoolPathwaysGuide\\_Final2.pdf](https://www.ncjfcj.org/wp-content/uploads/2014/09/NCJFCJ_SchoolPathwaysGuide_Final2.pdf)
- iii. <https://www.nccourts.gov/programs/school-justice-partnership>;  
[https://www.nccourts.gov/assets/documents/publications/SJP-Toolkit-revised-01112022.pdf?zDGNZLeIhQX7ngXTjgSfbP\\_Gow4cG2Rf](https://www.nccourts.gov/assets/documents/publications/SJP-Toolkit-revised-01112022.pdf?zDGNZLeIhQX7ngXTjgSfbP_Gow4cG2Rf)
- iv. <https://www.mresa.org/resourcescontent-areas/whole-child-supports/meet-our-team>

### **Effective Date and Amendment**

Let a copy of this Protocol be furnished to each agency, official or program within Cobb County that has any responsibility in assisting children and their parents or guardians in complying with O.C.G.A. § 20-2-690.1.<sup>80</sup>

This Protocol shall become effective upon completion of all signatures indicated below.

This Protocol may be amended by a majority vote of the members of the SACC present at any properly called meeting, provided the proposed amendment has first been approved by the officers of the SACC. Any amendments shall be in writing and shall become immediately effective upon receiving a majority vote.

This Protocol shall supersede and terminate any previously entered School Attendance and Climate Committee Agreements and/or Protocols.

All policies and laws cited in this Protocol are current as of July 1, 2024; however, all are subject to amendment.

This Protocol is signed, sealed, subscribed, and entered into by:

Cobb County Superior Court Chief Judge Ann B. Harris*	Date
Cobb County Juvenile Court Presiding Judge Amber Patterson*	Date
Cobb County Juvenile Court Judge Jeffrey Hamby*	Date
Cobb County Juvenile Court Judge Wayne Grannis*	Date
Cobb County Juvenile Court Judge Kareem West*	Date

<sup>80</sup> O.C.G.A. § 20-2-690.2.

Cobb County Juvenile Court Administrator Adolphus Graves	Date
Cobb County Senior Judicial Staff Attorney Jill Roth	Date
Cobb County Juvenile Court Program Supervisor Bridget Jones Community Based Risk Reduction Program Representative*	Date
Cobb County Magistrate Court Chief Judge Brendan Murphy	Date
Cobb County District Attorney Sonya Allen*	Date
Cobb County Solicitor General Makia Metzger*	Date
Cobb County Circuit Defender Scott Halperin	Date
DJJ Commissioner Shawanda Reynolds-Cobb*	Date
DJJ NW Regional Administrator Sammie Roper	Date
Cobb County School District Superintendent Chris Ragsdale*	Date
Cobb County School District Chief of Staff Sherri Hill	Date
CCSD Director of Student Support Jerica Creswell Cobb County Certificated School Employee*	Date
Cobb County School Board Member David Chastain*	Date

Cobb County Certificated School Social Worker Ana Murphy*	Date
Marietta City Schools Superintendent Dr. Grant Rivera*	Date
Dr. Kerri McDougal Marietta City Schools Director of Academic Programs	Date
Marietta Certificated School Employee Kristin Hanfland*	Date
Marietta City School Board Member A.B. Almy*	Date
Marietta Certificated School Social Worker Cara Creger*	Date
Cobb County Sheriff Craig Owens*	Date
Cobb County Chief of Police Stuart “Stu” VanHoozer*	Date
Cobb County School District Police Captain Wayne Pickett	Date
Marietta Police Chief David Beam*	Date
Acworth Police Chief Mark Cheatham*	Date
Austell Police Chief Orrin Scott Hamilton*	Date
Kennesaw Police Chief Bill Westenberger*	Date
Powder Springs Police Chief Lane Cadwell*	Date

Smyrna Police Chief Keith Zgonc\*

Date

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Cobb County DFCS Director Lindsey Howerton\*

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Date

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Cobb Board of Health Chair Pete Quinones\*

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Date

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Highland Rivers Chief Executive Officer Melanie Dallas\*

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Date

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Highland Rivers Child & Adolescent Regional Director Helen Hogin

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Date

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Cobb Collaborative/Cobb's Family Connection Comm'n Irene Barton\*

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Date

\*Representatives required by O.C.G.A. § 20-2-690.2