

ADMINISTRATIVE REGULATIONS

Lower Merion School District

Administrative Regulation No.: 207
Section: PUPILS
Title: ATTENDANCE
Date Last Revised: 9/14/2018; 6/8/18; 6/12/17; 5/6/16, 11/10/10

R207 ATTENDANCE

I. Definitions

For purposes of this Administrative Regulation and the accompanying Board Policy, the following definitions shall apply:

Absence – the nonattendance of a student on those days and half days when school is in session.

Excused Absence – the absence of a student for any of the reasons listed in the section below titled “Excused Absences.”

Unexcused Absence – the absence of a student for any reason that does not qualify as an “Excused Absence”, as listed below.

Unlawful Absence – an unexcused absence for a student of compulsory school age. An unlawful absence is always an unexcused absence.

Tardiness – absence of a student at the beginning of any morning or afternoon session, provided the student is in attendance before the close of that session.

Excused Tardiness – absence of a student at the beginning of any morning or afternoon session that is due to any of the reasons that may be excused for full day absence.

Unexcused Tardiness – lateness for any reason that does not qualify as “Excused Tardiness”.

Compulsory school age – the period of a child’s life from the time the child’s parents elect to have the child enter school, which shall not be later than the age of eight (8) years, until the age of seventeen (17) years. The term shall not include any child who holds a certificate of graduation from a regularly accredited senior high school.

Truant – having incurred three (3) or more school days of unexcused absences during the current school year by a child subject to compulsory school attendance.

Habitually truant – six (6) or more school days of unexcused absences during the current school year by a child subject to compulsory school attendance.

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Person in parental relation – (1) a custodial biological or adoptive parent; (2) a noncustodial biological or adoptive parent; (3) guardian of the person of a child; or (4) a person with whom a child lives and who is acting in a parental role of a child.

School attendance improvement conference – a conference where the child’s absences and reasons for the absences are examined in an effort to improve attendance, with or without additional services. The following individuals shall be invited to the conference: (1) the child; (2) the child’s person in parental relation; (3) other individuals identified by the person in parental relation who may be a resource; (4) appropriate school personnel; and (5) recommended service providers.

School-based or community-based attendance improvement program – a program designed to improve school attendance by seeking to identify and address the underlying reasons for a child’s absences. The term may include an educational assessment in an alternative education program, provided the program does not include a program for disruptive youth.

II. General Attendance Guidelines

Attendance need not always be within school facilities. A student will be considered in attendance if present at any place where school is in session by authority of the Board; the student is receiving approved tutorial instruction, or health or therapeutic services; the student is engaged in authorized school activities such as a field trip or competition; is engaged in an approved and properly supervised independent study, work-study or career education program; the student is receiving approved homebound instruction.

III. Tracking Attendance

School principals, or the assistant principal designated by the principal, shall be have the following powers and responsibilities:

- Tracking student attendance.
- Communicating with parents/guardians regarding truancy.
- Coordinating, attending and participating in school attendance improvement conferences and documenting the outcome of the conference in a written school attendance improvement plan in accordance with the guidelines contained herein.
- Filing truancy citations in the Magisterial District Court when deemed necessary.
- Attending court procedures related to truancy and presenting truancy cases in court.

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- Requesting the Magisterial District Court to subpoena any school staff member as a witness in order to prove the District's truancy case.
- Referring habitually truant children to a school-based or community-based attendance improvement program or to the Montgomery County Office of Children and Youth for services when appropriate and/or required or permitted by law.

A. Unexcused Absences

All absences are considered unexcused until the District receives a written note or email documenting a valid reason for the absence, as detailed below. The mere fact that a parent/guardian has written an excuse does not mean the absence is excused. Reasons for absence of a doubtful nature, including but not limited to an excessive number of absences in one category of absence, are subject to administrative review. More information regarding the school's responsibilities and procedures for handling unexcused absences is found in Section D., below.

B. Excused Absences

A student absence is considered excused under the following circumstances:

1. When the student is prevented from attendance for mental, physical, or other urgent reasons such as:
 - Illness
 - Family Emergency
 - Death of a Family Member
 - Medical or Dental Appointments
 - Pre-Approved Educational Travel, Including College Visitations, not to exceed five (5) school days.
 - Pre-Approved Religious Instruction (limit 36 hours per year)
 - Bona Fide Religious Holiday
 - For purposes of receiving tutorial instruction in a field not offered in the District's curricula when the excusal does not interfere with the student's regular program of studies, the qualifications of the tutor or instructor are satisfactory to the Superintendent or his/her designee, and permission for such excusal is sought in writing by

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the parent/guardian of the child in advance of the commencement of such tutoring

When the student is required to leave school for the purposes of attending court hearings related to their involvement with the county children and youth agency or juvenile probation office.

If a student is participating in a musical performance in conjunction with a national veterans' organization or incorporated unit for an event or funeral. The national veterans' organization or incorporated unit must provide the student with note in advance of the absence indicating the date, location and time of the event or funeral.

If the student is absent due to participation in a project sponsored by an organization that is eligible to apply for a grant under the Pennsylvania Agricultural Fair Act.

If a student is dismissed from school during school hours for health-related reasons by a certified school nurse, registered nurse, licensed practical nurse or a school administrator or designee employed by the District.

For the purpose of obtaining professional health care or therapy service rendered by a licensed practitioner of the healing arts in any state, commonwealth or territory.

If a student whose parent or legal guardian has been called to duty for, is on leave from, or is immediately returned from deployment to a combat zone or combat support posting, with regard to school attendance, tests and extra-curricular or co-curricular activities, at the discretion of the Superintendent or designee, no penalties shall be imposed for absences of up to five (5) days. Teachers shall assist students in making up work caused by such absences.

Where the Superintendent has approved an attendance plan necessitated by rare and extraordinary circumstances. In this context, "rare" means typically no more than 1 or 2 per year District-wide and "extraordinary circumstances" means the student is engaged in a profession or activity at a nationally recognized level.

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2. If a verifiable doctor's note is submitted to excuse an absence, the absence is deemed non-cumulative. Therefore, if a student has a doctor's note that would excuse an absence, that original note can be presented to the school office upon their return. This generally only matters if the child will exceed ten (10) days of absence (not including educational trips). In addition, a student may be required to present a doctor's note for one of the following reasons:

- A request for an accommodation such as ongoing need to leave early or arrive late to school on a regular basis, unless pursuant to a provision of a student's IEP or 504 Plan.
- Upon return to school after infection with a disease that is considered reportable by the health department (pertussis, meningitis, varicella, shigella, etc.).
- Upon the direction of the Pennsylvania Department of Health or the Montgomery County Health Department.
- When the school nurse needs verification that a particular condition is not communicable (persistent vomiting, diarrhea, rash and other skin conditions, cough with fever, purulent discharge from eye, etc.).
- If student has exceed ten (10) days of cumulative excused absences (not including educational trips).
- In connection with a School Attendance Improvement Plan or if there is a concern about the legitimacy of the absence

C. Ten Consecutive Absences

Students who miss ten consecutive school days shall be dropped from the active membership roll unless the school is provided with evidence that the excuse is legal or the school is pursuing compulsory attendance prosecution. Should the student subsequently return to the school, s/he will not be guaranteed placement in the same classroom as the one left before the withdrawal from attendance.

D. School Responses and Procedures for Unexcused Absences

Parents/guardians and students shall submit the required excuse note within three (3) school days of the absence. If written verification of the reason for absence is not received within three (3) school days of the absence, the absence will be counted towards the calculation of unexcused absences for purposes of reporting truancy. The absence may be reclassified if a valid excuse note is forthcoming within ten (10) school days from

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the date of the absence. Any request for reclassification of an absence after ten school days will be treated as a request for amendment of student records under the Student Records Policy. The accumulation of tardiness to school will be included in the calculation of a student's total number of unexcused absences for purposes of responding to and reporting unexcused absence, as detailed below.

A maximum of ten days of cumulative lawful absences may be permitted during a school year. All absences beyond ten cumulative days, not inclusive of pre-approved educational travel, shall require an excuse from the child's primary care or treating physician, who may not be the child's parent/guardian.

1. **Third Unexcused Absence**

Within ten (10) school days of a child's third unexcused absence, the school principal, assistant principal or designee shall send an Official Notice of Truancy. (See Attachment A). Included in this notice shall be a description of the consequences if the child becomes habitually truant. This notice may include the offer of a school attendance improvement conference, and shall be in the mode and language of communication preferred by the parent in parental relation to the child. When transmitted to a person who is not the biological or adoptive parent, such notice shall also be provided to the child's biological or adoptive parent if the parent's mailing address is on file with the school and the parent is not precluded from receiving the information by court order.

2. **Continued Absenteeism**

If the child continues to incur unexcused absences after the issuance of the Official Notice of Truancy, the school shall then offer by advance written notice a school attendance improvement conference to the child and the person in parental relation to the child, unless a conference was previously held following the Official Notice of Truancy. (See Attachment B) The following shall apply with respect to a school attendance improvement conference:

- There is no legal requirement that the child or person in parental relation attend the conference, and the conference shall occur even if the person in parental relation declines to participate or fails to attend the scheduled

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conference after advance written notice and attempts to communicate via telephone.

- The outcome of the conference shall be documented in a written school attendance improvement plan, on the template provided by the Department of Education for this purpose.
- Further legal action may not be taken to address unexcused absences by the child until after the date for the scheduled school attendance improvement conference has passed.

The District shall not expel or impose out-of-school suspension, disciplinary reassignment or transfer for truant behavior.

3. Procedure for Addressing Habitually Truant Children

When a child is habitually truant and under fifteen (15) years of age at the time of referral, the school:

- a) Shall refer the child to either (1) a school-based or community-based attendance improvement program or (2) the Montgomery County Office of Children and Youth for services or possible disposition as a dependent child.
- b) May file a citation in the office of the magisterial district judge having jurisdiction in the region against the person in parental relation who resides in the same household as the child. The venue for the filing of such a citation shall be based on the location of the school in which the child is enrolled or shall be enrolled, unless the child is enrolled in a cyber charter school, in which case the proper venue shall be based on the residence of the child.

When a child is habitually truant and fifteen (15) years of age or older at the time of referral, the school shall either:

- a) Refer the child to a school-based or community-based attendance improvement program or service.
- b) File a citation in the office of the magisterial district judge having jurisdiction in the region against the child or the person in parental relation who resides in the same household as the child. The venue for the filing

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of such a citation shall be based on the location of the school in which the child is enrolled or shall be enrolled, unless the child is enrolled in a cyber charter school, in which case the proper venue shall be based on the residence of the child.

If a child who is fifteen (15) years of age or older continues to incur additional unexcused absences after being referred to a school-based or community-based attendance improvement program or fails to participate in the such a program as recommended through the school attendance improvement conference, the school may refer the child to the Montgomery County Office of Children and Youth for possible disposition as a dependent child.

When referring a habitually truant child to the Montgomery County Office of Children and Youth or filing a citation with the magisterial district judge having jurisdiction over the region, the school shall provide verification that a school attendance improvement conference was held.

No citation may be filed against a child or a person in parental relation with the child who resides in the same household as the child for a subsequent violation of school attendance if any of the following circumstances apply:

- A referral for services has been made to the Montgomery County Office of Children and Youth, the agency has not closed the case, and the District has not consulted with the Montgomery County Office of Children and Youth prior to filing the petition.
- A referral for services has been made to the Montgomery County Office of Children and Youth and the agency has not closed the case.
- A petition has been filed alleging the child is dependent due to being habitually truant and the case remains under the jurisdiction of the Juvenile Court.

E. Exempt from Compulsory Education

Pennsylvania School Code section 1330 states that a 16-year-old student who is regularly engaged in any useful and lawful employment or service during the time the public schools are in session, and who holds an employment certificate issued according to the law is exempt from compulsory attendance. A student who is 16 years of age or older to

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be exempt from compulsory education must be engaged in useful and lawful employment or service for 40 hours per week or more.

IV. Policy Notification

Parents/guardians shall be given copies of the District's attendance Policy and Administrative Regulation at the time of enrollment for new students, upon request. This Administrative Regulation and the accompanying Board Policy will also be posted on the District's website.

V. Special Education Considerations

It is not the intention of this regulation to override a required provision of a student's IEP of Section 504 Service Plan. Cross reference: Board Policy and Administrative Regulation No. 216 Procedures for the Administration of Student Records

To the Parent(s)/Guardian(s) of:

STUDENT NAME

ADDRESS

CITY, STATE, ZIP

Re: Official Notice of Truancy

Dear _____,

This letter is to officially notify you that _____ has been absent from school without a lawful excuse on the following dates: _____.

Since your child has accumulated at least three (3) unexcused absences from school, in accordance with Pennsylvania law, your child is now considered truant, and in violation of the compulsory attendance provision of the Pennsylvania Public School Code (24 P.S. 13-1327).

Regular attendance at school is an important part of every student's success and is necessary in order to gain the greatest benefit from the educational experience. Students who are frequently absent from school miss direct instruction and regular contact with their teachers. At this time, you are strongly encouraged to contact me to schedule a school attendance improvement conference to discuss your child's absences and the underlying cause/reasons for the absences with the goal of improving your child's school attendance.

Please understand that if your child accumulates a total of six (6) unexcused absences in the current school year, your child will be considered habitually truant under Pennsylvania law, at which point the District is required to refer your child to either a school-based or community-based attendance improvement program or to the Montgomery County Office of Children and Youth for services or possible disposition as a dependent child. A citation may also be filed against you and/or your child in the office of the local magisterial district judge for prosecution. Consequences stemming from truancy proceedings before the local magisterial district judge can include fines, community service, loss of driving privileges, required completion of a course or program designed to improve school attendance, or jail time.

If you have any questions, please call my office at _____ or the guidance office at _____ so that we may work together to ensure _____'s educational success.

Sincerely,

(Assistant) Principal/Attendance Officer Date

Enclosures: 24 P.S. Sec. 1333.3- (Penalties for Violation of Compulsory Attendance Requirements); Board Policy & Administrative Regulation 207 (w/o Attachments)

cc: Guidance Counselor; Student File

[TO BE INCLUDED WITH ATTACHMENTS A and B]
24 PA Statute Sec. 1333.3

Section 1333- Penalties for Violation of Compulsory School Attendance Requirements

(a) A person convicted of an offense under this article may be:

(1) sentenced to pay a fine for the benefit of the school that is responsible for the truancy proceedings in an amount not exceeding three hundred dollars (\$300) together with court costs except that, in the case of a second offense, the maximum fine for a person in parental relation may be a higher amount within their ability to pay not exceeding five hundred dollars (\$500) together with court costs and, in the case of a third or subsequent offense, the maximum fine for a person in parental relation may be a higher amount within their ability to pay not exceeding seven hundred and fifty dollars (\$750) together with court costs;

(2) sentenced to perform community service; or

(3) required to complete an appropriate course or program designed to improve school attendance which has been approved by the president judge of the judicial district.

(b) The court may suspend the sentence of a person convicted of an offense and may remit or waive fines and costs if the child attends school in accordance with a plan devised by the court.

(c) A person convicted of an offense under this article shall have a right to appeal de novo to a court of common pleas of the proper county within thirty (30) days of the conviction. After thirty (30) days, the appeal shall proceed similar to other appeals of summary convictions.

(d) No citation may be filed against a child or a person in parental relation with the child who resides in the same household as the child for a subsequent violation of compulsory school attendance if any of the following circumstances apply:

(1) A proceeding is already pending under sections 1333.1 and 1333.2 against the child or a person in parental relation with the child who resides in the same household as the child and judgment in the first proceeding has not yet been entered, unless a warrant has been issued for failure of the child or person in parental relation to appear before the court and the warrant has not yet been served.

(2) A referral for services has been made to the county children and youth agency under this subdivision and the agency has not closed the case.

(3) A petition has been filed alleging the child is dependent due to being habitually truant under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) and the case remains under the jurisdiction of the juvenile court.

(e) Upon a second or subsequent conviction of a child or a person in parental relation with the child who resides in the same household as the child for a violation of the requirements of compulsory school attendance in a court within this Commonwealth within a three-year period, the court shall refer the child for services or possible disposition as a dependent child under 42 Pa.C.S. Ch. 63.

(f) Upon failure of a person to satisfy the penalty imposed by the court under subsection (a), the person in parental relation may be found in contempt of court and, upon conviction, may be sentenced to the county jail for a period not to exceed three (3) days in any one case. The court shall make such a determination based on specific finding that the person in parental relation had reasonable ability to comply with the penalty imposed and that noncompliance was willful. The following shall apply:

(1) In the case of a child, the failure to satisfy a fine or costs imposed under this section shall not be considered a delinquent act.

(2) The president judge of a judicial district may adopt a local policy under 42 Pa.C.S. § 6304 (relating to powers and duties of probation officers) and the Pennsylvania Rules of Juvenile Court Procedure to provide that a juvenile probation officer may receive allegations that the child who fails to satisfy a fine or costs imposed under this section is dependent for the purpose of considering the commencement of proceedings under 42 Pa.C.S. Ch. 63.

(g) (1) If a child is convicted of a violation of the compulsory school attendance requirements of this article, the court may send the Department of Transportation a certified record of the conviction on a form prescribed by the department only if the child fails to comply with a lawful sentence entered for the violation and is not subject to an exception to compulsory attendance under section 1330.

(2) The Department of Transportation shall suspend for ninety (90) days the operating privilege of a child upon receiving a certified record that the child was convicted of a summary offense under the compulsory school attendance requirements of this article. If the Department of Transportation receives a certified record of a second or subsequent conviction of a child pursuant to this section, the department shall suspend the child's operating privilege for six (6) months.

(3) A child whose record is received by the Department of Transportation under this section and who does not have a driver's license shall be ineligible to apply for a driver's license under 75 Pa.C.S. §§ 1505 (relating to learners' permits) and 1507 (relating to application for driver's license or learner's permit by minor) for the time period specified in paragraph (2). If the child is under sixteen (16) years of age when convicted, suspension of operating privileges shall commence in accordance with 75 Pa.C.S. § 1541 (relating to period of disqualification, revocation or suspension of operating privilege) for the time specified in paragraph (2).

(4) A child whose driving privileges have been suspended or whose eligibility for a permit or license is delayed under this section may have that license or eligibility restored by providing the Department of Transportation with a form developed by the Department of Transportation containing the following information in the form of a certified record from the child's school that the child:

(i) has attended school for a period of at least two (2) months after the first conviction or four (4) months after the second conviction without an unexcused absence or unexcused tardy;

(ii) is subject to an exception to compulsory attendance under section 1330; or

(iii) graduates, withdraws from school pursuant to compulsory attendance requirements under section 1327, receives a general education diploma or enlists in the military.

(5) An insurer may not increase premiums, impose a surcharge or rate penalty, make a driver record point assignment for automobile insurance or cancel or refuse to renew an automobile insurance policy on account of a suspension under this section.

(6) Nothing in this section shall prohibit a child who is convicted of a violation of the compulsory school attendance requirements of this article from being eligible for an occupational limited license under 75 Pa.C.S. § 1553 (relating to occupational limited license).

(h) (1) Upon application from a child who has a conviction of a summary offense under section 1333.2, the court shall grant an expungement of the conviction from the child's record if all of the following apply:

(i) The child has earned a high school diploma, a Commonwealth secondary school diploma or another Department of Education-approved equivalent or is subject to an exception to compulsory attendance under section 1330.

(ii) The child has satisfied any sentence imposed by the court with respect to the conviction, including payment of fines and costs.

(2) If the court grants an expungement under paragraph (1), the court shall order the Department of Transportation to expunge all administrative records related to the convictions.

(i) Nothing in this section shall be construed to apply to a parent, guardian or person in parental relation whose child or children are in a home education program under section 1327.1.

(ii) (Reserved)

Attachment B After 3rd Unexcused Absence To Schedule School Attendance Improvement Conference (Unless A Conference Was Previously Held Following Official Notice of Truancy)

VIA CERTIFIED MAIL

To the Parent(s)/Guardian(s) of:

STUDENT NAME

ADDRESS

CITY, STATE, ZIP

RE: NOTICE OF SCHOOL ATTENDANCE IMPROVEMENT CONFERENCE

Dear _____,

This letter is to officially notify you that _____ has been absent from school without a lawful excuse on the following dates: _____.

These absences are unexcused and, therefore, constitute a violation of the compulsory attendance provision of the Pennsylvania Public School Code (24 P.S. 13-1327). On _____, you were advised via an Official Notice of Truancy that your child is now considered truant in accordance with Pennsylvania law.

Since your child has incurred at least one additional unexcused absence since the issuance of the Official Notice of Truancy, and since a school attendance improvement conference has not yet been held, this letter is to advise you that such a conference is required to be scheduled by law. The conference is scheduled to take place on _____ at _____ o'clock and will be located at _____. If you have any questions or are unable to attend the conference at the scheduled time and would like to have the conference rescheduled to a more convenient time, please contact me as soon as possible. Additional information regarding school attendance improvement conferences is contained in the enclosed Administrative Regulation 207 (Attendance).

Please understand that if your child continues to incur unexcused absences from school and becomes habitually truant, which is defined in Pennsylvania law as having incurred six (6) unexcused absences in the current school year, the District is required to refer your child to either a school-based or community-based attendance improvement program or to the Montgomery County Office of Children and Youth for services or possible disposition as a dependent child. A citation may also be filed against you and/or your child in the office of the local magisterial district judge for prosecution. Consequences stemming from truancy proceedings before the local magisterial district judge can include fines, community service, loss of driving privileges, required completion of a course/program to improve school attendance, or jail time.

If you have any questions, please call my office at _____ or the guidance office at _____ so that we may work together to ensure _____'s educational success.

Sincerely,

(Assistant) Principal/Attendance Officer Date

Enclosures: 24 P.S. Sec. 1333.3- (Penalties for Violation of Compulsory Attendance Requirements); Board Policy & Administrative Regulation 207 (w/o Attachments)
cc: Guidance Counselor; Student File