

ORANGE COUNTY
BOARD OF EDUCATION

AGENDA ITEM ABSTRACT

Meeting Date: January 18, 2011

AGENDA ITEM No. 11-01-(2)-13

ACTION ITEM: (Y/N) Y

SUBJECT: Compulsory Attendance Policy #4400 – Revised – 1st Reading Approval

INFO. CONTACT: D. Michael Parker, Attorney PHONE: 919-732-8141

ATTACHMENTS: 1. Compulsory Attendance Policy #4400.

PURPOSE: To present for 1st Reading Approval revisions to the district's Compulsory Attendance Policy #4400.

BACKGROUND: House Bill 357, from the last General Assembly, amended NCGS 115C-379 to direct the State Board of Education to include in its rules defining excused absences, a requirement that principals authorize a minimum of two excused absences each academic year for religious observances required by the faith of a student or the student's parents. The principal may require written notice a reasonable time before the religious observance. The student must be permitted to make up any tests or other work missed as a result of the excused absence. These changes to Board Policy 4400 would permit the two excused absences.

FINANCIAL IMPACT: N/A

RECOMMENDATION: The Superintendent recommends the Board of Education approve the revised Compulsory Attendance Policy #4400 for 1st Reading Approval.

COMPULSORY ATTENDANCE	<i>Date Reviewed/Approved:</i> 08/16/2010	<i>Policy Number:</i> 4400
<i>Rescinds Policy Number:</i> 4400		<i>Issued:</i> 12/6/2004, 3/6/2006

One of the most important factors in a student's success in school is regular attendance. This includes arriving on time each day and remaining throughout the entire school day.

Attendance in school is central to educational achievement and school success. School attendance is required by state law for all children between the ages of seven (7) and sixteen (16). However, if a child is legally enrolled in public school prior to age seven (7), attendance laws do apply (Public School Law 115C-378 "Children Required to Attend"). Any parent, guardian, or other person violating the provisions of the Compulsory Attendance Law is guilty of a class 1 misdemeanor (G.S. 115C-380). According to state laws and regulations which relate to compulsory attendance, school personnel have additional legal responsibilities for student attendance. They are listed below.

- The superintendent shall be responsible for creating and encouraging public sentiment favorable to regular school attendance and to the enforcement of the Compulsory Attendance Law and the provisions of the North Carolina Administrative Code as approved by the State Board of Education.
- Pursuant to G.S. 115C-380, every parent, guardian, or custodian in North Carolina having charge or control of a student between the ages of 7 and 16 years shall cause the student to attend school continuously for a period equal to the time which the public school to which the student is assigned is in session.
- Pursuant to G.S. 115C-380, every parent, guardian, or custodian in North Carolina having charge or control of a child under age seven who is enrolled in a public school in grades Kindergarten through two shall also cause the child to attend school continuously for a period equal to the time which the public school to which the child is assigned shall be in session unless the child has withdrawn from school.
- No person shall encourage, entice, or counsel any child of compulsory age to be unlawfully absent from school. The parent, guardian, or custodian of a child shall notify the school of the reason for each known absence of the child, in accordance with local school board policy.
- The principal must enforce the Compulsory Attendance Law and the provisions of the North Carolina Administrative Code as approved by the State Board of Education and inform students, parents, and teachers of their responsibility regarding school attendance.
- The teacher must inform students and parents of the value and importance of regular school attendance and maintain accurate student attendance records for each day of the school year.
- The social worker must ensure the regular attendance of all students. The social worker shall, as prescribed by the law, investigate all violators of the Compulsory Attendance Law. (G.S. 115C-381).
- To be counted present, a student must be in attendance at least one-half of the student school day. This shall include attendance at official school activities at a place other than school with the approval of the principal. A student shall be in his/her assigned area at the beginning of the school day and the beginning of each class or be recorded as tardy.
- The superintendent, principal, or teacher who is in charge of a school has the right to excuse a student temporarily from attendance on account of sickness or other unavoidable cause. (Below are the valid/lawful excuses for temporary nonattendance of a student at school as specified by the NC

Department of Public Instruction's School Attendance and Student Accounting Manual)

- (1) Illness or injury: When the absence results from illness or injury which prevents the student from being physically able to attend school.
- (2) Quarantine: The local health officer or the State Board of Health orders the isolation of the student.
- (3) Death in the Immediate Family: When the absence results from the death of a member of the immediate family of the student. For the purpose of this regulation, the immediate family of a student includes, but is not necessarily limited to grandparents, parents, brothers, and sisters.
- (4) Medical or dental appointment: When the absence results from a medical or dental appointment of a student.
- (5) Court or Administrative Proceedings: the student is a party to or under subpoena as a witness in the proceedings of a court or administrative tribunal.
- (6) Religious Observance: ~~The student is absent due to a religious observance in accordance with local school board policy.~~ A minimum of two days each academic year are permitted absences for the observance of an event required or suggested by the religion of the student or the student's parent(s) with prior written approval of the principal. The student shall have the opportunity to make up any tests or other work missed due to the excused absence for a religious observance.
- (7) Educational Opportunity: When it is demonstrated that the purpose of the absence is to take advantage of a valid education opportunity, such as travel. Approval for such an absence must be granted prior to the absence. This would include, but is not limited to, a student serving as a legislative page or governor's page.
- (8) Local School Board Policy: LEA's may excuse temporary or occasional absences for other reasons in accordance with local school board policies, provided that the student has been in attendance for a least one-half of a school day during the current school year.
- (9) Absence related to deployment activities: A student whose parent or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting for the purpose of visiting said parent or legal guardian. (GS 115c-407.5 Article V (E))

At the elementary or middle school levels to be excused, absences must fall into one of these categories and be accompanied by a call to the office or a written note to the school. At the high school level to be excused, absences must fall into one of these categories and be accompanied by a written note to the school. Other means of obtaining information (i.e., email) regarding the cause of absences will be determined by the school administrator and clearly communicated to the parent, guardian or custodian. If absences are determined to be excessive, validation, such as a note from a doctor, may be required.

As specified under Public School Law 115C-378:

- The principal or the principal's designee must notify the parent, guardian, or custodian of his/her child's excessive absences after the child has accumulated three unlawful absences in a school year.
- After not more than six unlawful absences, the principal or the principal's designee must notify the parent, guardian, or custodian by mail that he or she may be in violation of the Compulsory Attendance Law and may be prosecuted if the absences cannot be justified under the established attendance policies of the State and Orange County Schools.
- After 10 accumulated unexcused absences in a school year, the principal or the principal's designee shall review any report or investigation prepared under G.S. 115C-381 and shall confer with the student and the student's parent, guardian, or custodian, if possible, to determine whether the parent, guardian, or custodian has received notification pursuant to this section and made a good faith effort to comply with the law. If the principal or the principal's designee determines that the parent, guardian, or custodian has not made a good faith effort to comply with the law, the principal shall notify the district attorney and the Orange County Director of Social Services. If the principal or the principal's designee determines

that the parent, guardian, or custodian has made a good faith effort to comply with the law, the principal may file a complaint with the juvenile court counselor pursuant to Chapter 7B of the General Statutes that the child is habitually absent from school without a valid excuse.

- Absences not classified as lawful absences are unexcused.
- For all absences, the student shall make up all work in a timely manner at the convenience of the teacher. The make-up work may be specific materials missed by the student, reinforcement, or enrichment. School work will be made up for all absences under the following conditions:
 - For absences of one (1) to three (3) days, the student will have one day for each day absent to make up work. For absences exceeding three (3) days, the student may have two (2) days for each day absent to make up work. Special consideration should be given in the case of extended absences due to injury or chronic illness.
 - The student is responsible for securing make-up work at the high school level. At the elementary level and middle level, the teacher is responsible for assigning make-up work.
- Absences will have serious academic consequences and may result in class or grade level failure.
- At the elementary level and middle level, excused and unexcused absences above 12 days are considered excessive and will require doctor notes. Students who exceed 12 absences during the year will be referred to an attendance committee that will recommend to the principal whether the student should be retained.
- At the high school level, students in a block semester class who are absent more than six (6) days per semester and students in a year-long class who are absent more than twelve (12) days will receive a failing grade unless the absences are successfully appealed or made up by the date specified in the student handbook. Students who fail due to excessive absences will receive a grade of 65 for the grading period. Students with excessive absences whose averages are below 65 will receive their actual grade. The principal shall have the ultimate authority regarding retention (115C-288. Powers and duties of principal).
- All schools will develop a plan to improve attendance. As part of this plan, each school will establish procedures to develop and implement interventions/disciplinary action for unexcused absences, tardies, and early checkouts, and a process for dealing with students who fail to meet previously-determined expectations. Appeals of the school decisions, with regard to disciplinary actions for attendance, will follow normal procedures outlined in the student grievance process.
- Students with documented, chronic health problems will be exempt from the policy if absences are excused. Annual documentation of chronic health problems must be provided in writing from a health care provider.

Legal References: Children Required to Attend G.S. 115C-378; Powers and Duties of Principal 115C-288.