NEW HEIGHTS SCHOOLS, INC.

POLICY 503

STUDENT ATTENDANCE

POLICY MANAGEMENT
Adopted: 09/1997
Reviewed/ Revised*: *4/11*; 4/14*; 3/18, 10/20, 10/23, 10/26**
Mandatory: No
Frequency: Every 3 years
Distribution: Website

I. PURPOSE

A. The board of directors believes that regular school attendance is directly related to success in academic work, benefits students socially, provides opportunities for important communications between teachers and students and establishes regular habits of dependability important to the future of the student. The purpose of this policy is to encourage regular school attendance in various circumstances. It is intended to be positive and not punitive.

B. This policy also recognizes that class attendance is a joint responsibility to be shared by the student, parent or guardian, teacher and administrators. This policy will assist students in attending class.

II. GENERAL STATEMENT OF POLICY

A. Responsibilities.

1. Student's Responsibility

It is the student's right to be in school. It is also the student's responsibility to attend all assigned classes every day that school is in session and to be aware of and follow the correct procedures when absent from an assigned class. Finally, it is the student's responsibility to request any missed assignments due to an absence.

2. Parent or Guardian's Responsibility

It is the responsibility of the student's parent or guardian to ensure the student is attending school, to inform the school in the event of a student absence, and to work cooperatively with the school and the student to solve any attendance problems that may arise.

3. Teacher's Responsibility

It is the teacher's responsibility to take daily attendance and to maintain accurate attendance records in each assigned class. It is the teacher's responsibility to be familiar with all procedures governing attendance and to apply these procedures uniformly. It is also the teacher's responsibility to provide any student who has been absent with any missed assignments upon request. Finally, it is the teacher's responsibility to work cooperatively with the student's parent or guardian and the student to solve any attendance problems that may arise.

4. Administrator's Responsibility

a. It is the administrator's responsibility to require students to attend all assigned classes. It is also the administrator's responsibility to be familiar with all procedures governing attendance and to apply these procedures uniformly to all students, to maintain accurate records on student attendance and to prepare a list of the previous day's absences stating the status of each. Finally, it is the administrator's responsibility to inform the student's parent or guardian of the student's attendance and to work cooperatively with them and the student to solve attendance problems.

b. In accordance with Minnesota Compulsory Instruction Law, Minn. Stat. § 120A.22, the students of the school are REQUIRED to attend all assigned classes every day school is in session, unless the student has been excused by the school from attendance because the student has already completed state and school standards required to graduate from high school, has withdrawn, or has a valid excuse for absence.

c. The charter school must count a student as in attendance on each day the student receives supervision, instruction, or services from school staff during scheduled school hours. Minnesota Statutes, section 120A.22 does not remove the school's responsibility to continue to comply with reporting requirements in Minnesota Statutes, section 126C.05 for the purposes of funding.

d. The principal must issue and keep a record of attendance, under rules established by the school board.

B. Attendance Procedures.

Attendance procedures shall be presented to the board of directors for review and approval. When approved by the board of directors, the attendance procedures will be included as an addendum to this policy.

1. Excused Absences

a. A parent, guardian, or other person having control of a child may

apply to a charter school to have the child excused from attendance for the whole or any part of the time school is in session during any school year. Application may be made to a truant officer or the school official designated by the principal. A note from a physician or a licensed mental health professional stating that the child cannot attend school is a valid excuse.

b. To be considered an excused absence, the student's parent or legal guardian may be asked to verify, in writing, the reason for the student's absence from school.

c. The charter school board may approve the application under subparagraph (a) above upon a legitimate exception being demonstrated to the satisfaction of that board.

d. Legitimate Exceptions:

The following reasons shall be sufficient to constitute excused absences:

(1) Illness.

(2) Serious illness in the student's immediate family.

(3) A death or funeral in the student's immediate family or of a close friend or relative.

(4) Medical, dental, or orthodontic treatment or a counseling appointment.

(5) Court appearances occasioned by family or personal action.

(6) Religious instruction not to exceed three hours in any week.

(7) Physical emergency conditions such as fire, flood, storm, etc.

(8) Official school field trip or other school-sponsored outing.

(9) Removal of a student pursuant to a suspension. Suspensions are to be handled as excused absences and students will be permitted to complete make-up work.

(10) Family emergencies.

(11) Active duty in any military branch of the United States.

(12) A student's condition that requires ongoing treatment for a

mental health diagnosis.

2. that the child has already completed state and charter school standards required for graduation from high school; or

3. that it is the wish of the parent, guardian, or other person having control of the child, that the child attend for a period or periods not exceeding in the aggregate three (3) hours in any week, instruction conducted by a Tribal spiritual or cultural advisor, or a school for religious instruction conducted and maintained by a church, or association of churches, or any Sunday school association incorporated under the laws of this state, or any auxiliary thereof. This instruction must be conducted and maintained in a place other than a public school building, and it must not, in whole or in part, be conducted and maintained at public expense. A child may be absent from school on days that the child attends upon instruction according to this clause.

b. Consequences of Excused Absences

(1) Students whose absences are excused are required to make up all assignments missed or to complete alternative assignments as deemed appropriate by the classroom teacher.

(2) Work missed because of absence must be made up within a reasonable timeframe upon the student's return to school. Any work not completed within this period shall result in "no credit" for the missed assignment. However, the building principal or the classroom teacher may extend the time allowed for completion of make-up work in the case of an extended illness or other extenuating circumstances.

2. Unexcused Absences

a. The following are examples of absences which will not be excused:

(1) Truancy. An absence by a student which was not approved by the parent and/or the school.

(2) Any absence in which the student failed to comply with any reporting requirements of the school's attendance procedures.

(3) Work at home.

(4) Work at a business, except under a school-sponsored work release program.

(5) Vacations with family.

(6) Personal trips to schools or colleges.

(7) Absences resulting from cumulated unexcused tardies (_3_ tardies equal one (1) unexcused absence).

(8) Any other absence not included under the attendance procedures set out in this policy.

b. Consequences of Excessive Absences

(1) Absences resulting from official suspension will be handled in accordance with the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56.

(2) Days during which a student is suspended from school shall not be counted in a student's total cumulated unexcused absences.

(3) In cases of recurring unexcused absences, the administration may also request the county attorney to file a petition with the juvenile court, pursuant to Minnesota statutes.

(4) Students with unexcused absences shall be subject to discipline in the following manner:

a. Following an unexcused absence, classroom teachers will use individual discretion to decide when make-up work will no longer be accepted. (A general guideline would be after 2 weeks following an absence.) A reasonable effort shall be made by teachers to inform a student of his/her missing work and, in some cases, develop a plan of action for completing the work.

b. After 8 cumulative absences in a semester, or 4 cumulative absences in a quarter, administration may impose the loss of academic credit in the class or classes from which the student has been absent. Parents will be notified when loss of credit results from excessive absence and may file a written appeal regarding the loss of credit with the school's Academic Review Committee.

c. If the result of a grade reduction or loss of credit has the effect of an expulsion, the school district will follow the procedures set forth in the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56.

C. Tardiness.

1. Definition: Students are expected to be in their assigned area at designated times. Failure to do so constitutes tardiness.

2. Procedures for Reporting Tardiness

   a. Students tardy at the start of school must report to the school office for an admission slip.

   b. Tardiness between periods will be handled by the teacher and recorded in the school's attendance reporting system (currently JMC).

3. Excused Tardiness

   Valid excuses for tardiness are:

   a. medically verifiable illness;

   b. serious illness in the student's immediate family;

   c. a death or funeral in the student's immediate family or of a close friend or relative;

   d. verifiable medical, dental, orthodontic, or mental health treatment;

   e. court appearances occasioned by family or personal action;

   f. physical emergency conditions such as fire, flood, storm, etc;

   g. any tardiness for which the student has been excused in writing by an administrator or faculty member.

4. Unexcused Tardiness

   a. An unexcused tardiness is failing to be in an assigned area at the designated time class period commences without a valid excuse.

   b. Consequences of tardiness may include detention after three unexcused tardies. In addition three unexcused tardies are equivalent to one (1) unexcused absence.

D. Participation in Extracurricular Activities and School-Sponsored On-the-Job Training Programs.

1. This policy applies to all students involved in any extracurricular activity scheduled either during or outside the school day and any school-sponsored on-the-job training programs.

2. School-initiated absences will be accepted and participation permitted.

3. A student may not participate in any activity or program if he or she has an unexcused absence from any class during the day.

4. If a student is suspended from any class, he or she may not participate in any activity or program that day.

5. If a student is absent from school due to medical reasons, he or she must present a physician's statement or a statement from the student's parent or guardian clearing the student for participation that day. The note must be presented to the coach or advisor before the student participates in the activity or program.

III. RELIGIOUS AND CULTURAL OBSERVANCE ACCOMMODATION

Reasonable efforts will be made by the charter school to accommodate any student who wishes to be excused from a curricular activity for a religious observance or American Indian cultural practice, observance, or ceremony. Requests for accommodation should be directed to the building principal

IV. DISSEMINATION OF POLICY

A. Copies of this policy shall be made available to all students and parents at the commencement of each school year. This policy shall also be available upon request in the school office.

B. The charter school will provide annual notice to parents of the charter school's policy relating to a student's absence from school for a religious or cultural observance.

V. REQUIRED REPORTING

A. Continuing Truant

Minn. Stat. § 260A.02 provides that a continuing truant is a student who is subject to the compulsory instruction requirements of Minn. Stat. § 120A.22 and is absent from instruction in a school, as defined in Minn. Stat. § 120A.05, without valid excuse within a single school year for:

1. Three days if the child is in elementary school; or

2. Three or more class periods on three days if the child is in middle school, junior high school, or high school.

B. Reporting Responsibility.

When a student is initially classified as a continuing truant, Minn. Stat. § 260A.03 provides that the school attendance officer or other designated school official shall notify the student's parent or legal guardian, by first class mail or other reasonable means, of the following:

1. That the child is truant;

2. That the parent or guardian should notify the school if there is a valid excuse for the child's absences;

3. That the parent or guardian is obligated to compel the attendance of the child at school pursuant to Minn. Stat. § 120A.22 and parents or guardians who fail to meet this obligation may be subject to prosecution under Minn. Stat. § 120A.34;

4. That this notification serves as the notification required by Minn. Stat. § 120A.34;

5. That alternative educational programs and services may be available in the resident district;

6. That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the child's truancy;

7. That if the child continues to be truant, the parent and child may be subject to juvenile court proceedings under Minn. Stat. Ch. 260;

8. That if the child is subject to juvenile court proceedings, the child may be subject to suspension, restriction, or delay of the child's driving privilege pursuant to Minn. Stat. § 260C.201; and

9. That it is recommended that the parent or guardian accompany the child to school and attend classes with the child for one day.

C. Habitual Truant

1. A habitual truant is a child who is at least twelve (12) years old and less than eighteen (18) years old who is absent from attendance at school without lawful excuse for one or more class periods on seven (7) school days per year if the child is in middle school, junior high school, or high school, or a child who is seventeen (17) years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven (7) school days under Minnesota Statutes, section 120A.22, subdivision 8.

   Pursuant to Minnesota Statues, section 260C.163, subdivision 11, habitual truant also means a child under age twelve (12) who has been absent from school for seven (7) school days without lawful excuse, based on a

showing by clear and convincing evidence that the child's absence is not due to the failure of the child's parent, guardian, or custodian to comply with compulsory instruction laws.

2. A charter school attendance officer shall refer a habitual truant child and the child's parent or legal guardian to appropriate services and procedures, under Minn. Stat. Ch. 260A.

Legal References:
Minn. Stat. § 120A.05 (Definitions)
Minn. Stat. § 120A.22 (Compulsory Instruction)
Minn. Stat. § 120A.24 (Reporting)
Minn. Stat. § 120A.26 (Enforcement and Prosecution)
Minn. Stat. § 120A.34 (Violations; Penalties)
Minn. Stat § 120A.35 (Absence from School for Religious and Cultural Observances)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 260A.02 (Definitions)
Minn. Stat. § 260A.03 (Notice to Parent or Guardian When Child is a Continuing Truant)
Minn. Stat. § 260C.007, Subd. 19 (Habitual Truant Defined)
Minn. Stat. § 260C.201 (Dispositions; Children in Need of Protection or Services or Neglected and in Foster Care)
Goss v. Lopez, 419 U.S. 565, 95 S.Ct. 729 (1975)
Slocum v. Holton Board of Education, 429 N.W.2d 607 (Mich. App. Ct. 1988)
Campbell v. Board of Education of New Milford, 475 A.2d 289 (Conn. 1984)
Hamer v. Board of Education of Township High School District No. 113, 66 Ill. App.3d 7, 383 N.E.2d 231 (1978)
Gutierrez v. School District R-1, 585 P.2d 935 (Co. Ct. App. 1978)
Knight v. Board of Education, 38 Ill. App. 3d 603, 348 N.E.2d 299 (1976)
Dorsey v. Bale, 521 S.W.2d 76 (Ky. 1975)

Cross References: MSBA/MASA Model Policy 506 (Student Discipline)