
State Attendance Guidelines, Rule

The Background:

T.C.A. §49-6-3002(a) requires the State Board of Education to promulgate rules on attendance that are firm, but fair; includes effective accounting and reporting procedures; accounts for extenuating circumstances; includes appeal procedures; and establishes and maintains alternative programs for students who fail to meet minimum attendance requirements. No State Board rule currently exists that complies with the requirements in this law.

SBE staff and counsel drafted these rules with the idea that attendance rules need to be consistent across districts and also to provide districts with flexibility around creating their own attendance policies to meet the needs of individual school districts. Staff and counsel have also consulted with urban and rural school districts leaders, attendance supervisors, juvenile court judges, and attorneys representing truant juveniles in the creation of this rule.

After first reading in July 2013, there were concerns from a number of stakeholders about the efficacy of the rule. This final reading item reflects the feedback from those interested parties.

The Recommendation:

| SBE staff recommends adoption of this item on final reading.

CHAPTER 0520-01-02
Amendment
State Attendance Guidelines

Rule 0520-01-02-.17 shall be titled, "State Attendance Guidelines."

Rule 0520-01-02-.17 shall state the following:

Each LEA shall adopt an attendance policy that is firm, but fair; includes effective accounting and reporting procedures; accounts for extenuating circumstances; includes appeal procedures; and establishes and maintains alternative programs for students who fail to meet minimum attendance requirements.

Local attendance policies should include remedies to address excessive absences that account for a student's social and emotional development and family support. Early intervention is a key aspect of a policy that effectively improves attendance. Efforts to improve attendance should include early assessments and interventions in elementary, middle, and high school levels to predict and prevent chronic absenteeism.

- (1) The number of unexcused absences shall comply with T.C.A. § 49-6-3007. When appropriate, responses to and consequences for unexcused absences shall be handled within the school setting using relevant supports and interventions that identify and address the underlying cause(s) for the unexcused absences. Nontraditional learning environments that improve student engagement such as online or distance learning, credit recovery, evening programs and flexible scheduling should be considered.
 - (a) Upon or before five (5) days of unexcused absences, the principal or designee shall notify the director of schools or designee and initiate meaningful communications with the student and parent/guardian. The school shall attempt to determine the underlying cause(s) of the unexcused absences. When appropriate, a plan to improve school attendance should be initiated for the student.¹
 - (b) Upon or before ten (10) days of unexcused absences, the principal or designee shall attempt to meet in person with the student and parent/guardian, develop or refine the attendance plan, and provide necessary supports and services to improve school attendance.² The principal or designee shall maintain documented attempts to meet with the student and parent/guardian and the resulting attendance plan.

¹ Attendance must be reported in compliance with T.C.A. § 49-6-3007.

² *Id.*

- (c) Local district policy shall address the excusing of absences for reasons including but not limited to the following: injury, illness, pregnancy³, hospitalization, homebound⁴, summons, subpoena, court order,⁵ military,⁶ college visits, school-sponsored activities, school-endorsed activities, death of a family member, and extenuating circumstances determined on a case-by-case basis.
- (d) To the extent possible, local district attendance policies should not be used to penalize students academically.
- (e) Local district policy shall align with the McKinney-Vento Homeless Assistance Act.⁷
- (2) Whenever possible, attendance issues should be resolved at the school level. To ensure due process, local boards of education must adopt a policy that affords students with excessive unexcused absences the opportunity to appeal. Such policy must, at minimum, include written or actual notice to the student or parent/guardian and the opportunity to be heard. The burden of proof rests on the student or parent/guardian. The appeal process for determining unexcused absences is ancillary to a truancy decision rendered by a juvenile court judge as described in T.C.A. § 49-6-3010.
- (3) When an attendance policy has been adopted by the governing body of an LEA, a copy of the policy shall be posted at each school, and school counselors shall be supplied copies for discussion with students. The policy shall be referenced in all school handbooks. All teachers, administrative staff, and parents shall be provided copies of the policy.
- (4) LEAs are encouraged to develop truancy boards, youth courts, or other alternative programs to serve as an intervention for students with excessive absences.

³ T.C.A. § 49-6-3002(b)

⁴ *Id.*

⁵ Absences described in T.C.A. § 49-6-3002(c)(2) shall not be excused.

⁶ T.C.A. § 49-6-3019.

⁷ 42 U.S.C. § 11301 et seq.