Tennessee State Board of Education **Agenda**
July 26, 2013 **First Reading Item: II. B.**

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; include effective accounting and reporting procedures; account for extenuating circumstances; include appeal procedures; and establish and maintain 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 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 their own needs. Staff has also consulted with urban and rural school district leaders, attendance supervisors, juvenile court judges, and attorneys representing truant juveniles in the creation of this rule.

The Recommendation:

SBE staff recommends acceptance of this item on first 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 TCA 49-6-3007. When appropriate, responses to and consequences for unexcused absences shall be handled within the school setting using relevant supports and interventions (including disability screening) that identify and address the underlying cause(s) for the unexcused absences. Underlying causes may include, but are not limited to, health concerns, family concerns, mental health problems, learning disabilities, disciplinary problems, drug/alcohol abuse, gang-related problems, peer/friend problems, problems with a classmate or teacher, bullying, harassment, supervision problem, transportation, lack of interest, and/or employment/financial issues. 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 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) On or before ten (10) days of unexcused absences, the principal or designee shall attempt to meet in person with the student and parent/guardian, conduct evaluations of the student (if appropriate),

[1] Attendance must be reported in compliance with TCA 49-6-3007.

develop or refine the attendance plan, and provide necessary supports and services to improve school attendance.[2]

(c) Local district policy shall address the excusing of absences for reasons including but not limited to the following: injury, illness, pregnancy, hospitalization, homebound, summons, subpoena, court order,[3] military,[4] college visits, school-sponsored activities, school-endorsed activities, death of a family member, and extenuating circumstances determined on a case-by-case basis.

(d) Local district policy must comply with TCA 49-6-3002(b).

(e) To the extent possible, local district attendance policies should not be used to penalize students academically.

(f) Local district policy shall align with the McKinney-Vento Homeless Assistance Act.[5]

(2) Whenever possible, attendance issues should be resolved at the school level. Students with excessive absences shall be afforded the opportunity to appeal the calculation of the unexcused absences. The burden of proof rests on the student or parent/guardian. The appeal process should be fully utilized before making a report to the court having juvenile jurisdiction over the student.

(a) Upon five (5) days of unexcused absences, or at the successive accumulation of five (5) unexcused absences thereafter, the principal or designee shall immediately give written or actual notice to the student and parent/guardian of the right to appeal one or more of the unexcused absences. All appeals must be filed, orally or in writing, within three (3) days after receipt of the notice and may be filed by the parent or guardian, the student or any person holding a teaching license who is employed by the school system if requested by the student.

(b) The appeal from this decision shall be to the director of schools or designee using a process approved by the local board of education. The hearing shall be no later than ten (10) days after the request for appeal is received. The director of schools or designee shall give written notice of the time and place of the hearing to the parent/guardian, the student and the school official designated in subdivision (2)(a) who rendered the

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[2] *Id.*
[3] Absences described in TCA 49-6-3002(c)(2) shall not be excused.
[4] TCA 49-6-3019.
[5] 42 U.S.C. § 11301 et seq.

decision on the unexcused absence. After the hearing, the director of schools or designee may affirm the decision of the principal or designee or order that the absence be deemed excused. The decision of the director of schools or designee shall include a written record of the proceedings, including a summary of the facts and the reasons supporting the decision.

(c) Within five (5) days of the decision of the director of schools or designee, the student or parent/guardian may request review by the local board of education. Based upon review of the record, the board of education may grant or deny a request for a board hearing and may affirm or overturn the decision of the director of schools or designee without first providing an opportunity for a hearing before the board. If the board grants a request for review and conducts a hearing, then, notwithstanding any provision of the open meetings laws compiled in T.C.A. 8-44-101 *et. seq.*, or other law to the contrary, the hearing shall be closed to the public. However, the student or student's parent/guardian may request that the hearing be conducted as an open meeting. A written request must be made within five (5) days after receipt of written notice of the proposed hearing. If the board conducts a closed hearing, then the board shall not conduct any business, discuss any subject or take a vote on any matter other than the appeal to be heard. The action of the local board of education shall be final.[6]

(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.

[6] The appeal process for determining unexcused absences is ancillary to a truancy decision rendered by a juvenile court judge as described in TCA 49-6-3010.