

Virginia Board of Education Agenda Item



Agenda Item: I

Date: November 29, 2012

Title	First Review of a Technical Amendment to the <i>Regulations Governing Unexcused Absences and Truancy</i> (8 VAC 20-730)		
Presenter	Ms. Anne D. Wescott, Assistant Superintendent for Policy and Communications		
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Purpose of Presentation:

Action required by state or federal law or regulation.

Previous Review or Action:

Previous review and action. Specify date and action taken below:

Date: September 27, 2012

Action: Final review and approval

Action Requested:

Final review: Action requested at this meeting.

Alignment with Board of Education Goals: Please indicate (X) all that apply:

	Goal 1: Accountability for Student Learning
	Goal 2: Rigorous Standards to Promote College and Career Readiness
	Goal 3: Expanded Opportunities to Learn
	Goal 4: Nurturing Young Learners
	Goal 5: Highly Qualified and Effective Educators
X	Goal 6: Sound Policies for Student Success
	Goal 7: Safe and Secure Schools
	Other Priority or Initiative. Specify:

Background Information and Statutory Authority:

Goal 6: The proposed *Regulations Governing Unexcused Absences and Truancy* set forth procedures for the collection of data to identify students at risk of academic failure due to missed days at school and for intervention to resolve school attendance problems. Because of the strong link between attendance and successful completion of school, consistent monitoring of truancy and intervening with supports for students and families are critical. School divisions can use documented attendance data to examine and evaluate attendance patterns, to address identified problems, to assess the effectiveness of interventions, and to develop policies and practices to promote daily student attendance.

The Board of Education approved the proposed regulations at the September 27, 2012 meeting. After the Board meeting, questions were raised about the interpretation of the definition of “excused absence,” as amended at the September 27th meeting, and concerns were raised that there could be unintended consequences. As the regulations are currently undergoing executive review and are not yet in effect, the Board has the opportunity to make further amendments to the regulations, if it chooses.

Summary of Important Issues:

As approved by the Board on September 27: *“‘Excused absence’ means an absence of an entire assigned instructional school day with a reason acceptable to the school administration that is provided by the parent. If circumstances permit, the parent should provide the school administration with the reason for the nonattendance prior to the absence. Examples of an excused absence may include, but are not limited to, the following reasons: funeral, illness (including mental health and substance abuse illnesses), injury, legal obligations, medical procedures, suspensions, religious observances and military obligation. Expelled and suspended students continue to remain under the provisions of compulsory school attendance, Code of Virginia, § 22.1-254. An absence from school attendance resulting from a suspension of expulsion may be considered excused for the period of suspension or expulsion unless the parent fails to otherwise adhere to the compulsory school attendance requirements.”*

The questions were raised about the phrase in the last sentence in the definition: *“unless the parent fails to otherwise adhere to the compulsory school attendance requirements.”* The concern is that the phrase could be interpreted to mean that a division cannot consider a suspension or expulsion as an excused absence if the parent fails to adhere to compulsory attendance requirements. This could have unintended consequences, which could include undesirable referrals to juvenile court for truancy when the student is suspended or expelled from school.

If the phrase is stricken by way of a technical amendment, the local school division would have the flexibility to make the determination of what is best for each student, so long as it comports with the compulsory attendance laws. The definition of “excused absence” would then be revised to say:

“‘Excused absence’ means an absence of an entire assigned instructional school day with a reason acceptable to the school administration that is provided by the parent. If circumstances permit, the parent should provide the school administration with the reason for the nonattendance prior to the absence. Examples of an excused absence may include, but are not limited to, the following reasons: funeral, illness (including mental health and substance abuse illnesses), injury, legal obligations, medical procedures, suspensions, religious observances and military obligation. Expelled and suspended students continue to remain under the provisions of compulsory school attendance, Code of Virginia, § 22.1-254. An absence from school attendance resulting from a suspension of expulsion may be considered excused for the period of suspension or expulsion ~~unless the parent fails to otherwise adhere to the compulsory school attendance requirements.~~”

Impact on Fiscal and Human Resources:

The impact of the technical amendment on fiscal and human resources is not expected to be significant.

Timetable for Further Review/Action:

Upon adoption of the technical amendment, the regulations will continue to undergo the executive review process and will be published in *The Virginia Register of Regulations* for a 30-day final public comment period prior to becoming effective. Local school divisions will be notified when the regulations become effective.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education waive first review and approve the technical amendment.

TECHNICAL AMENDMENT

CHAPTER 730

REGULATIONS GOVERNING THE COLLECTION AND REPORTING OF TRUANCY [RELATED DATA AND STUDENT ATTENDANCE POLICIES]

8VAC20-730-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Attendance plan" means ~~[action steps a plan]~~ developed ~~[jointly]~~ by a school representative, ~~[such as a school principal or his designee or attendance officer;]~~ parent, and student ~~[(if appropriate)]~~ to ~~[resolve the student's nonattendance and]~~ engage the student in regular school attendance. The plan shall identify ~~[reasons for nonattendance and]~~ academic, social, emotional, and familial barriers that impede daily attendance along with positive strategies to ~~[address them and]~~ support regular attendance. This plan may include school-based activities or suggested referrals to community supports, or both.

"Attendance conference" means a face-to-face meeting, at a minimum, after the sixth unexcused absence among school staff, parents, and student ~~[(if appropriate)]~~. The conference may include ~~[if necessary;]~~ community representatives to ~~[discuss the current attendance plan and make modifications to support regular school attendance]~~ participate in resolving issues related to nonattendance and revisions to the current attendance plan if necessary] .

"Court referral" means ~~[referral filing a complaint through petition]~~ to the Juvenile and Domestic Relations Court ~~[intake worker]~~ after the student's seventh unexcused absence. ~~[Records of interventions regarding the student's unexcused absences, such as copies]~~ ~~[Copies]~~ of the attendance plan and documentation of conference meetings will be provided ~~[to the intake worker]~~ .

"Excused absence" means an absence of an entire assigned instructional school day with ~~[an excuse a reason]~~ acceptable to the school administration that is provided by the parent. If circumstances permit, the parent should provide the school ~~[authority administration]~~ with the reason for the nonattendance prior to the absence. Examples of an excused absence may include, but are not limited to, the following reasons: funeral, illness (including mental health and substance abuse illnesses), injury, legal obligations, medical procedures, suspensions, religious observances, and military obligation. ~~Absences resulting from suspensions shall be considered excused.~~ ~~[Expelled and suspended students continue to remain under the provisions of compulsory school attendance, Code of Virginia, § 22.1-254. An absence from school attendance resulting from a suspension or expulsion may be considered excused for the period of the suspension or expulsion]~~ **unless the parent fails to otherwise adhere to the compulsory school attendance requirements.**

"Instructional school day" means the length of a regularly scheduled school day for an individual student.

"Multi-disciplinary team" means a school-based team that ~~[convenes on a regular basis]~~ may be convened] to review student records and to ~~[identify an integrated system of care for the student in need, including (i)]~~ participate in] prevention, early intervention, and ~~[provision of]~~ support services ~~[and to address unexcused absences, including]~~ ~~[(ii)]~~ school-based case management. These services should address academic, social, emotional, and familial issues in order to improve regular school attendance. ~~[Members of the team meet confidentially with the parent and the student (if appropriate) to develop, evaluate, and update action steps and supports.]~~ Team members may include, but are not

limited to, the following: an administrator, school counselor, social worker or psychologist, student assistance specialist, special education and regular education teacher, and attendance officer.

"Parent" means the parent or parents, guardian or guardians [, legal custodian or legal custodians,] or other person or persons having legal control [or charge] of the student.

"Truancy" means the act of accruing one or more unexcused absences.

"Unexcused absence" means an absence where (i) [~~either~~] the student misses his scheduled instructional school day in its entirety [~~or misses part of the scheduled instructional school day without permission from an administrator~~] and (ii) no indication has been received by school personnel within three days of the absence that the student's parent is aware and supports the absence, or the parent provides [~~an excuse~~ a reason] that is unacceptable to the school administration. [~~An administrator~~ The school administration] may change an unexcused absence to an excused absence when [it determines that] the parent has provided an acceptable [~~excuse~~ reason meeting criteria] for the student's absence or there are extenuating circumstances. [~~Absences resulting from suspensions shall not be considered unexcused.~~] .