ATTENDANCE, ABSENCES, AND EXCUSES

The Board of Education believes that the regular attendance of students in each class and in school in general is critical to its educational mission. The district shall endeavor to achieve the ninety percent (90%) attendance rate required by the New Jersey Department of Education (NJDOE). Continuity of instruction is an essential element in student performance and allows students the greatest opportunity to master the New Jersey state standards. The Chief School Administrator shall oversee the development of effective strategies that maximize student attendance at all scheduled periods of actual instruction or supervised study activities and strive to:

A. Encourage good attendance;
B. Discourage unexcused absences;
C. Identify patterns of absence, tardiness and early departures from school; and
D. Intervene to prevent and correct problems with attendance.

Attendance

A day in session for purposes of attendance shall be a day on which the school is open and students are under the guidance and direction of a teacher or teachers engaged in the teaching process. Days on which school is closed for such reasons as holidays, teachers’ institutes and inclement weather shall not be considered as days in session.

A school day shall consist of not less than four hours of instructional time. One continuous session of two and one-half hours may be considered a full day in kindergarten.

A day of attendance shall be one in which a student is present for the full day under the guidance and direction of a teacher while school is in session. Where there are two sessions in a day due to overcrowding, either session of four hours or more, exclusive of lunch or recess, shall be the equivalent of a full day’s attendance.

A student not present in school because of his or her participation in an approved school activity, such as a field trip, meeting, cooperative education assignment, or athletic competition will be considered to be in attendance.

Excused and Unexcused Absence

A. An absence shall be considered an “excused absence” for the purpose of determining promotion, retention, truancy, grades, course credit, eligibility to make up missed assignments and tests for full credit, and violations of the school code of conduct for attendance, for the following reasons:

1. The student’s illness as per the Medically Excused Absence Guidelines included in this policy;
2. Quarantine;
3. Observance of the student’s religion on a day approved for that purpose by the New Jersey Commissioner of Education;
4. College visits (limited to a maximum of three (3) days per year for 11th and 12th grade students);
5. The student’s suspension from school;
6. Requirements of the student’s Individualized Education Program (IEP) or Individualized Health Care Plan (IHCP);

Attendance need not always be within the school facilities. A pupil will be considered to be in attendance if he/she is present at any place where school is in session by authority of the Board. The Board shall consider each pupil assigned to a program of independent study, with parent/guardian permission, to be in regular attendance for that program, provided that he/she is under the guidance of a staff member so assigned, reports daily or weekly, as prescribed, to such staff member the place in which he/she is conducting his/her study, and regularly demonstrates progress toward the objectives of his/her course of study.

B. An "unexcused absence" is a student’s absence for all or part of a school day for any reason other than those listed as excused absences in “A” above. An unexcused absence may be counted toward retention, truancy, loss of course credit, ineligibility to make up missed assignments and tests for full credit, and violations of the school code of conduct for attendance. Absence is expressly not excused for any of the following reasons (this list is intended to be illustrative and is not inclusive):

1. Family travel;
2. Performance of household or babysitting duties;
3. Other daytime activities unrelated to the school program;
4. Leaving school without permission when school is still in session;
5. Leaving class because of illness and not reporting to the school nurse as directed; or
6. Being present in school but absent from class without approval. Such absence from class is a "class cut."

Medically Excused Absence Guidelines

These guidelines are intended to clarify the legitimate medical reasons for student absences. The balance of public health and student attendance requires careful consideration to ensure that the educational process is not jeopardized by excessive absences due to situations that do not constitute a basis for a medical waiver of attendance.

The state has a very limited list of excused absences. The student does not lose credit and the school system is not required to investigate until there are greater than four (4) absences. It would seem prudent to only consider a medical waiver for serious medical conditions that pose a risk to the student or the student body in situations where the student has greater than four (4) consecutive absences.

In general, a medical note from a licensed physician (MD or DO) is required if the student is absent for more than four (4) consecutive days due to an illness.

Minor non-infectious, self-limited ailments and routine medical appointments will not be granted a medical waiver. Exceptions may apply if there are documented extenuating circumstances. For example, a medical waiver for an absence related to a routine medical appointment should only be considered when there are extenuating circumstances such as: delayed medical testing, delayed appointments, or the need to travel for specialized care. These types of events can be evaluated, and a medical waiver granted, by the school nurse on a case by case basis provided there is sufficient documentation. If more than one waiver is requested during a school year, the school physician must approve the waiver.
There may be medical situations that require a non-urgent medical appointment during school hours. In such circumstances, it is recommended that the student be granted an early dismissal or excused late arrival. The intention is to allow the student to seek medical care but still attend school for at least four hours of instructional time. Urgent same day medical appointments for a sick or injured student should be granted a waiver if the illness or injury involves a severe infection, great bodily harm or extreme physiological distress.

Medical conditions that pose a public health risk should be granted a medical waiver to protect the student body and staff. Examples include, but are not limited to, influenza, severe gastroenteritis (Norwalk, rotavirus), avian flu, varicella, smallpox, and biological or chemical terrorism. In such circumstances, public health concerns become paramount and it is in the best interest of the school district to keep the student out of school. A physician’s note stating the diagnosis may be sufficient for a medical waiver if the ailment is a plausible public health concern. Trending public health issues may influence the decision to grant a medical waiver.

Situations where school attendance would pose an unreasonable burden on the student may be granted a medical waiver until home instruction can be arranged. Examples include but are not limited to: the immediate post-operative period, orthopedic injuries to the spine or limbs that prevent ambulation or sitting upright, the need for respiratory assistance; or a medical situation that requires constant medical care, including, but not limited to, intravenous medications. In such situations, home instruction and/or an Individualized Education Plan (IEP)/Individual Health Care Plan (IHCP) need to be considered as per state law.

A medical waiver may be granted to students who suffer an acute severe psychiatric illness that poses a risk to the student or others; or an acutely unstable psychiatric illness. Waivers will not be granted to students with vague chronic psychiatric diagnoses like generalized disorder, situational anxiety, medically related anxiety or depression. In situations where the student is unable to attend class on a regular basis, there should be an IEP and/or IHCP.

Submitted medical notes should explain why the student requires an excused absence. In situations where the diagnosis is one that poses a public health risk, a doctor's note with the diagnosis and expected duration of absence will be sufficient. Examples include but are not limited to: acute influenza (flu), acute gastroenteritis (stomach sickness), varicella (chicken pox), acute pharyngitis (bacterial sore throat), and infectious conjunctivitis (pink eye).

**Tardiness**

The orderly conduct of class activity depends upon the prompt and precise beginning of the program. Tardiness hinders the proper conduct of school activity. Students are expected to arrive to school and class on time. A student who is tardy to any class will be subject to disciplinary action as outlined in Board Policy 5131 Conduct and Discipline and the student code of conduct. Consequences for accumulated occurrences of tardiness may include detention, loss of credit and an unexcused school day absence.

**Attendance and Instruction**

In order for the Board of Education to fulfill its responsibility for providing a thorough and efficient education for each student, the complete cooperation of parents/guardians and students is required to maintain a high level of school attendance.

The frequent absence of students from classroom learning experiences disrupts the continuity of the instructional process and limits the ability of students to complete the prescribed curriculum requirements successfully. The following rules shall apply for student absences:
A. A student shall be considered absent from class for tardiness in excess of one half of the total class period except that in West Orange High School where a student exceeding 10 minutes of any class period shall be considered absent for said period.

B. A student shall be considered absent from school if he/she receives less than four hours of instructional time during the school day.

A pupil must be in attendance for 162 or more school days in order to be considered to have successfully completed the instructional program requirements of the grade/course to which he/she is assigned.

A waiver of these attendance requirements may be granted for good cause by the school principal upon recommendation of a review committee, appointed by him/her, and consisting of representative staff, including pupil service personnel and classroom teachers.

In recommending the granting of a waiver of this attendance requirement, the review committee shall consider the nature and causes of all absences rather than only those in excess of the 162 days. Documentation of the nature and causes of these absences shall be the responsibility of the pupil and parent/guardian. The absence of documented parent/guardian notes, doctor’s notes, and other records that verify that an absence was excused according to Board policy, shall be considered unexcused. Unexcused absences shall count toward truancy and may be subject to loss of grade or course credit toward promotion or graduation and disciplinary actions according to the code of student conduct. Notes from parents/guardians shall be considered but the district may require additional documentation such as doctor’s notes or other official records to verify the note, as per the Medically Excused Absence Guidelines. The Principal or designee has the right to ask the district physician to verify all notes.

Parents/guardians are responsible for notifying the school before school begins when a child will be absent and must inform the school in writing of the reason for the absence.

Procedures for Unexcused Absences

When a student fails to report to class or school accumulating up to four unexcused absences, the district shall:

A. Make a reasonable attempt to notify the student's parents/guardians of each unexcused absence prior to the start of the following school day;

B. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parents;

C. Identify in consultation with the student's parents needed action designed to address patterns of unexcused absences, if any, and to have the child return to school and maintain regular attendance;

D. Follow all procedures according to law and Board policy 5142 Safety 5141.4 Child Abuse and Neglect if a potential missing or abused child situation is detected;

E. Cooperate with law enforcement and other authorities and agencies, as appropriate.

If contact with the parent/guardian is unsuccessful, the district shall contact the parents/guardians by sending a letter or email reporting the unexcused absence and requesting the parent/guardian to contact the school.
Procedures for Persistent Absences

If the pattern of unexcused absences continues and five to nine unexcused absences are accumulated the district shall:

A. Make a reasonable attempt to notify the student's parents/guardians of each unexcused absence prior to the start of the following school day;

B. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parents to address patterns of unexcused absences previously;

C. Evaluate the appropriateness of action taken in consultation with the student's parents;

D. Develop an action plan to establish outcomes based upon the student's patterns of unexcused absences and to specify the interventions for supporting the student's return to school and regular daily attendance. The following participants should develop the action plan: building administrator, counselor, nurse, teacher, child study team member, and parent/guardian. The parent/guardian is encouraged but not required for the action plan development.

E. Provide interventions for supporting the student's return to school and regular daily attendance, which may include any or all of the following:

   1. Refer or consult with the building’s intervention and referral services team (I&RS);
   2. Conduct testing, assessments or evaluations of the student’s academic, behavioral and health needs;
   3. Consider an alternate educational placement;
   4. Make a referral to or coordinate with a community-based social and health provider agency or other community resource;
   5. Refer to the court or a court program as follows:
      a. When the unexcused absences are determined to be violations of the compulsory education law and Board policy;
      b. When there is evidence of a juvenile-family crisis the student may be referred to Superior Court, Chancery Division, Family Part. “Juvenile-family crisis” pursuant to N.J.S.A. 2A:4A-22(g) means behavior, conduct or a condition of a juvenile, parent or guardian or other family member which presents or results in a threat to wellbeing and safety of the juvenile, serious conflict regarding the juvenile’s conduct, unauthorized absence from home, pattern of unauthorized absence from school, or human trafficking;
   6. The implementation of all required procedures for potential abuse, neglect or missing child including cooperation with law enforcement and other authorities and agencies, as appropriate;
   7. Engage the student’s family.

Discipline

All discipline regarding the attendance of students shall be consistent with the Board Policy 5131 Conduct and Discipline and the code of student conduct. Consequences for absences may include:

A. Students may be denied participation in co-curricular activities if their attendance fails to meet the standards set forth herein;

B. Students may be denied participation in athletic competition if their attendance fails to meet the standards set forth herein;
C. Loss of partial or total course credit;

D. Detention or suspension.

No student who is absent from school for observance of a religious holiday or other excused absence shall be disciplined and/or deprived of any award or of eligibility for the opportunity to compete for any award because of the absence.

Students and parents/guardians shall be notified of disciplinary actions for attendance including loss of credit and may appeal this determination through the procedure as set forth in Board Policy 5145.6 Student Grievance Procedure.

Truancy

For cumulative unexcused absences of 10 or more, the student between the ages of six and 16 is truant, pursuant to law. The district shall:

A. Make a determination regarding the need for a court referral for the truancy;

B. Make a reasonable attempt to notify the student’s parents of the mandatory referral;

C. Continue to consult with the parent and the involved agencies to support the student’s return to school and regular attendance;

D. Cooperate with law enforcement and other authorities and agencies, as appropriate;

E. Follow all procedures required by N.J.S.A. 18A:38-28 through 31, Article 3B, Compelling Attendance at School and other applicable state and federal statutes as follows:

1. An attendance officer who finds a truant child, shall take the child and deliver him/her to the parent/guardian or other person having charge and control of the child, or to the Principal/designee.

2. The attendance officer shall examine all violations and shall warn the child, the parent/guardian or other person having charge and control of the child of the consequences of the violation if truancy continues.

3. The attendance officer shall notify the parent/guardian or other person having charge and control of the child in writing, to cause the child to attend school within five days from the date on which notice is served, and regularly thereafter.

4. The attendance officer shall have full police power to enforce the provisions of this article and may arrest without warrant any vagrant child or habitual truant or any child who is habitually incorrigible or who is vicious or immoral in conduct or illegally absent from school.

5. The sheriff, police officers and constables shall assist the attendance officer in the performance of their duties.

6. A parent/guardian or other person having charge and control of a child between the ages of 6 and 16 years, who shall fail to comply with any of the provisions of this article relating to his/her duties, shall be deemed to be a disorderly person and shall be subject to a fine of not more than $ 25.00 for a first offense and not more than $ 100.00 for each subsequent offense, in the discretion of the court. In any such proceeding, the summons issuing therein, or in special circumstances a warrant, shall be directed to the alleged disorderly person and the child.

Absences for Students in Special Education
The attendance guidelines, discipline and remedial measures set forth in this policy shall apply to classified students where appropriate and in accordance with the student's:

A. Individualized Education Program (IEP);

B. The Individuals with Disabilities Act (IDEA), Accommodation Plans under the Individuals with Disabilities Act (IDEA) or any other applicable legal authority

C. Procedural protections set forth in N.J.A.C. 6A:14;

D. Alternate short or long term accommodations for students with disabilities as required by law;

E. Requirements of a student's individualized health care plan and individualized emergency healthcare plan.

District Sending and Receiving Relationships

The receiving school shall report attendance problems to the sending district responsible for the student. Following four or more cumulative unexcused absences school officials from the sending district shall proceed in accordance with the sending district’s Board attendance policy and procedure.

Regular Release of Pupils Before the End of the Normal School Day

There are varying situations which may justify release of certain pupils from school before the normal time for closing. Such situations are justifiable only if the release does not jeopardize the pupil's educational program and the reasons for such release can be shown to have positive benefits for the pupil.

Late Arrival and Early Dismissal

The Board recognizes that from time to time compelling circumstances will require that a pupil be late to school or dismissed before the end of the school day.

As the agent responsible for the education of the West Orange Public Schools students, the Board shall require that the school be notified in advance of such absences by written request of the pupil's parent/guardian, which shall state the reason for the tardiness or early dismissal. The student will be marked absent if he/she does not receive four hours of instructional time. Justifiable reasons may include:

A. Medical or dental appointments which cannot be scheduled outside of school hours;

B. Requirements of a student’s Individualized Education Program (IEP) or Individualized Health Care Plan (IHCP);

C. Medical emergency;

D. Motor vehicle driver's test;

E. Interview for college entrance;

F. Court appearance, if subpoenaed
No pupil shall be permitted to leave the school before the close of the school day unless he/she is met in the school office by his/her custodial parent/guardian or a person authorized by the custodial parent/guardian to act in his/her behalf. Students in grades 9-12 will be permitted to leave school on their own accord with written documentation from the custodial parent/guardian which will be verified by the attendance office prior to the student leaving the school.

Tardiness not covered by the causes listed shall be cumulative, and may affect course credit.

**Legal Custody**

A record shall be kept indicating the legal custodian of each pupil. Such custodian shall be responsible for informing the principal or designee of any change in the pupil's custodian. The principal or designee may take such steps as seem necessary to ensure that the child is released only to the proper legal custodian.

**Potentially Missing Children**

A. If daily attendance records indicate a child is absent, and the parent/guardian has not called, a phone call will be made in an attempt to contact the parent/guardian;

B. If no contact can be made, the attendance officer shall investigate;

C. If the attendance officer cannot locate the child, he/she shall inform the principal, who shall inform the appropriate local authorities;

D. If a child who was present in the morning is absent after lunch or recess, the same procedure shall be followed.

**Marking Missing Child's School Record**

Whenever the Chief School Administrator receives notice from the Missing Persons Unit that a child has been reported missing, he/she shall mark the child's records in such a way that whenever a copy of or information regarding the record is requested, district personnel will be aware that the record is that of a missing child. If a copy of a marked school record is requested, the Chief School Administrator shall supply the record to the requestor without alerting him/her to the fact that the record has been marked, according to provisions in code and statute on accessing pupil records (see Policy 5125 Pupil Records). After the Chief School Administrator has complied with the request for copies of records or information, he/she shall immediately report the inquiry or any knowledge as to the whereabouts of the missing child to the Missing Persons Unit.

**Regulations**

The Chief School Administrator shall develop procedures for the attendance of pupils including:

A. The expectations and consequences regarding students' timely arrival of students to school and classes;

B. The expectations and consequences regarding attendance at school and classes;

C. A definition of unexcused absence that counts toward truancy that is consistent with the definition of a school day;

D. School staff responses for unexcused absences for:
ATTENDANCE, ABSENCES AND EXCUSES (Continued)

1. Cumulative absences up to four;
2. Cumulative absences of between five and nine;
3. Cumulative unexcused absences of 10 or more; and
4. Referral to court.

Dissemination and Implementation

The Chief School Administrator shall take all necessary steps to publicize this policy and may include these rules in district handbooks and/or on the district website. Parents/guardians and students shall be notified annually of the attendance policy.

The Chief School Administrator shall ensure that the rules for this policy are applied consistently and uniformly, and that all disciplinary sanctions are carried out with necessary due process.

The Board shall review the attendance policy on a regular basis.

QSAC Monitored:

DPR: Instruction and Program – 19
DPR: Governance – 1
SOA: Governance – 1

The New Jersey Department of Education requires all districts to have an attendance policy that conforms to the Student Attendance Policies and Procedures Compliance Checklist.

Mandated:


N.J.A.C. 6A:16-7.6 requires each district Board of Education to develop, adopt, and implement policies and procedures regarding the attendance of students at the public schools of the school district or at day schools in which students are provided with equivalent instruction.

Other Reasons:

N.J.S.A. 18A:35-4.9 requires boards to adopt policies and procedures for promotion/remediation. Attendance is a logical standard in considering possible need for remediation/retention.

N.J.S.A. 18A:36-14, -15 and -16 govern pupil absences for religious observance; prohibit counting absence as unexcused if a proper written excuse is presented; prohibit depriving pupil of award or eligibility/opportunity to compete for an award, or of the right to take an alternate to a test or examination missed through such absence.

N.J.A.C. 6A:8-5.1(a)(3) says that boards must include local student attendance requirements as one of the requirements for receiving a state-endorsed high school diploma.

N.J.A.C. 6A:16-7.6 details requirements for district response to unexcused student absences.
NOTE: CONCERNING POLICY ON ADMISSION OF PUPILS INFECTED WITH HIV/AIDS:

N.J.A.C. 8:61-2.1 explicitly states no student with HIV infection shall be excluded from attending school for reason of the HIV infection. Exclusion of an HIV-infected student can only be for reasons that would lead to the exclusion of any other student.

The district policy shall not bar school attendance based on incontinence, drooling or a documented history of biting or harming others. These conditions were found to be scientifically invalid, because of evidence that urine, feces and saliva are not significant vehicles of HIV transmission and because biting is not a significant method by which HIV can be transmitted.

Students may be excluded from school for biting and other harmful behaviors when the district has established a clear policy that applies to all students and does not single out or discriminate against students infected with HIV.

Legal References:

N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:35-4.9 Pupil promotion and remediation; policies and procedures
N.J.S.A. 18A:36-14, -15, -16 Religious holidays; absence of pupils on; effect
N.J.S.A. 18A:36-19a Newly enrolled students; records and identification
N.J.S.A. 18A:38-25 Attendance required of children between six and 16; exceptions
N.J.S.A. 18A:38-26 Days when attendance required; exceptions
N.J.S.A. 18A:38-31 Violations of article by parents or guardians; penalties
N.J.S.A. 18A:40-7 Exclusion of pupils who are ill
N.J.S.A. 18A:40-8 Exclusion of pupils whose presence is detrimental to health and cleanliness
N.J.S.A. 18A:40-9 Failure of parent to remove cause for exclusion; penalty
N.J.S.A. 18A:40-10 Exclusion of teachers and pupils exposed to disease
N.J.S.A. 18A:40-12 Closing schools during epidemic
N.J.S.A. 52:17B-9.8a through -9.8c Marking of missing child's school record
N.J.A.C. 6A:8-5.1 Graduation requirements
N.J.A.C. 6A:16-1 et seq. Programs to support student development
See particularly:
N.J.A.C. 6A:16-7.6 Attendance
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
N.J.A.C. 6A:32-8.1 et seq. Student Attendance and Accounting
N.J.A.C. 6A:32-8.3 Student attendance
N.J.A.C. 8:61-2.1 Attendance at school by students or adults with HIV infection

Wetherell v. Board of Education of Township of Burlington, 1978 S.L.D. 794 (Board may impose penalties for unjustifiable tardiness, improper absences from classes, truancy, and other unexcused absences)
Wheatley v. Board of Education of City of Burlington, 1974 S.L.D. 851 (Board may adopt policy to deny students course credit after a student was late or absent a specified number of times.)


Student Attendance Policies and Procedures Compliance Checklist, New Jersey Department of Education
www.nj.gov/education/students/safety/behavior/attendance/checklist.pdf

2014-2015 List of Religious Holidays Permitting Pupil Absence From School
http://www.state.nj.us/education/genfo/holidays1415.htm


Possible Cross References:
*5020 Role of parents/guardians
*5111 Admission
*5114 Suspension and expulsion
*5124 Reporting to parents/guardians
*5125 Pupil records
*5141.2 Illness
*5141.4 Child abuse and neglect
*5142 Pupil safety
*6146 Graduation requirements
*6146.2 Promotion/retention
*6147 Standards of proficiency
*6147.1 Evaluation of individual student performance
*6154 Homework/makeup work
*6171.4 Special education
*6173 Home instruction


Key Words
Pupil Attendance, Attendance, Absences and Excuses, Student Attendance