



**Policy Number:** 3010

**Dated:** July 29, 2015 **Updated** 06/27/19

## **POLICY ATTENDANCE**

### **PURPOSE AND PHILOSOPHY**

American Leadership Academy believes that school attendance has a direct impact on a student's level of academic achievement. Regular student attendance and participation in class leads to a successful learning experience. Research supports the fact that attendance is crucial to improving student achievement. On-time attendance is a critical starting point for high levels of student achievement. The opportunities lost through student absence and tardiness leave learning gaps that are difficult to fill. It is primarily the responsibility of the student to achieve daily, punctual attendance as directed by the Utah Compulsory Education Act, Utah Code 53A-11 (101-103) and Administrative Rules R277-438 and 607.

American Leadership Academy recognizes that attendance is a student-parent-school responsibility. We strive to work together with students, teachers and parents in educating and motivating our students to consistently attend the appropriate classes to meet the state requirements to graduate from ALA with all attendance issues resolved. If intervention is necessary it is our goal to address the issue quickly and return the student to class to complete all necessary requirements to obtain academic credit.

### **DEFINITIONS**

1. **"Absence"** or **"absent"** means failure of a student assigned to a class or class period to attend the entire class or class period.
2. **"Approved school activity"** means an activity sponsored by the school and approved by the school's administration. A student may attend an approved school activity as a member of a team, class, club, or group. "Approved school activities" are excused absences, however, students are responsible to obtain and complete any missed school work.
3. **"Blanket Excuse"** means excuses covering unspecified dates of absences or tardies.
4. **"Compulsory Education Violation"** occurs when a parent of a student who is at least six (6) years of age but younger than fourteen (14) years of age:
  - a. intentionally or recklessly failed to meet with designated school authorities to discuss the student's attendance problems as directed by the Notice of Compulsory Education Violation;
  - b. failed to prevent the student from being truant for an additional five (5) or more times during the current school year after being served with a Notice of Compulsory Education Violation; or
  - c. intentionally or recklessly failed to enroll the student in school, unless the student is exempt from enrollment under Utah Code Ann., 53A-11-102 or 53A-11-102.5.
5. **"DCFS"** is the Division of Child and Family Services.
6. **"Educational Neglect"** is the willful failure or refusal of parents or caretakers to make a good faith effort to ensure that a child receives an appropriate education, after receiving notice that the child has been frequently absent from school without good cause or reasons identified by school law. Examples would

include a parent who consistently fails to get a child up on time, dressed, etc., so the child can get to school; a parent who keeps a child home to babysit or to work; etc. The situation is defined as educational neglect only when the child's behavior is under the parent's control. (Usually, secondary students (7-12) are referred to Juvenile Court, and elementary students (K-6) are referred to DCFS.)

7. **"Excused absence"** means a student is absent from school for any of the following reasons:
  - an illness;
  - the death of a family member or close friend;
  - an approved school activity;
  - a medical, dental, or orthodontic appointment;
  - a family emergency;
  - a family activity where parents/guardians have provided notice to school administration and faculty that the student would be absent for a period of time; OR
  - an absence excused through a health care or other accommodation plan, an Individualized Education Program (IEP) under the Individuals with Disabilities Education Act (IDEA), or a Section 504 accommodation plan.
- **"Extended absence"** is an absence of consecutive days. Utah Code 53A-11-101.3 states that school aged minors must have this extended absence pre-approved. This absence can only be granted if it will not adversely affect the minor's education.
8. **"Habitual Truant"** is a school-aged minor who has received two or more Notices of Truancy within one school year from the school in which the minor is or should be enrolled and who has been absent without a valid excuse ten (10) or more times during the school year or who, in defiance of efforts on the part of school authorities to resolve a student's attendance problems as required under Section 53A-11-103, refuses to regularly attend school or any scheduled period of the school day. (R277-607-1-D) (Utah Code 53A-11-101 (2c).
9. **"Tardiness"** is an instance of a student arriving 1-10 minutes after school or class has begun.
10. **"Truant"** or **"truancy"** or **"truancies"** or **"unexcused absence"** means being absent from school for reasons other than those specifically authorized under this policy.
11. **"Parent/Legal Guardian"** means the natural or adoptive father and/or mother of a student, the custodial parent of the student, a legally appointed guardian of a student, or any other person being able to exercise any authority over the student which could be exercised by a person described above.
12. **"Notice of Truancy"** is a written notice mailed to or served on the parent/guardian of a student who is at least twelve (12) years of age or older who has ten (10) truancies during the current school year. The "Notice of Truancy" shall contain the notifications and provisions as required by Utah Code Ann., §53A-11-101.7(4).

## STUDENT ATTENDANCE

The Board further recognizes that:

1. All students are expected to be in class and on-time every school day, in every class. American Leadership Academy will follow state law and federal guidelines as they pertain to attendance.
2. Excused or unexcused absences, frequent absences, and/or tardiness of students from regular classroom learning experiences disrupt the continuity of the instructional process.
  - a. **Excused absences** – The school will allow students with excused absences to remain current in their classwork by allowing them to make-up assignments, tests, and other work in a timely manner; all work must be completed and turned into teachers not later than two weeks prior to the end of the term. This time frame is put in place to ensure teachers have ample time to grade

evidence and provide feedback to students if remediation is required. Additional time can be approved by administration.

- b. **Unexcused absences** – The school may or may not allow students with unexcused absences to make-up missed assignments.
3. The entire process of education requires a regular continuity of instruction, classroom participation, learning experiences, and study in order to meet student achievement goals.
4. Holding students and their parents/guardians responsible for attendance is part of ALA's larger mission to train students to be productive citizens who are college and career ready.
5. According to ALA's charter students are expected to have 90% attendance. Failure to meet this expectation could result in the student losing their enrollment placement.
6. Students must complete and participate in a minimum of 80% of the content taught and scored throughout each term in order to be eligible to earn credit for the course. In order to facilitate this requirement, any students who fall below the 90% required attendance will participate in competency assignments via designated school programs and curriculum.

### **STATE COMPULSORY EDUCATION REQUIREMENT (Utah Code, Section 53A-11-101-105)**

State law reflects the importance of regular attendance by establishing compulsory school attendance and charging American Leadership Academy to enforce that law.

1. Ten day rule: By law, any student who does not attend school for ten consecutive days without a legitimate excuse will be dropped from school rolls. The parent will be required to re-enroll their student in school which will affect their student's enrollment placement in the school.
2. It is a Class B Misdemeanor for a person having control of a minor to willfully fail to comply with the requirements of Utah Code 53A-11-101.
3. The local board or designee shall report cases of willful noncompliance to the appropriate city, county, or district attorney.
4. The law also allows a parent/guardian of a student enrolled to excuse his/her student from school, but only when the student is absent for a "legitimate or valid reason" as defined in this policy.
5. Prior to or no later than school registration, the parent(s) of all school-age children and the students themselves shall be provided notice from the school of this policy informing them of the "Compulsory Education Requirements." Throughout the school, as new students register, they shall be given a copy of this Policy. As parents and students become informed of attendance expectations and requirements, they should make school attendance a priority. Upon parent/student receipt or review of this Policy, parents/students may be asked to sign a disclosure statement for verification.

### **PROCEDURES FOR MONITORING DAILY ATTENDANCE**

1. It is the responsibility of parents to make sure their student attends school and arrives promptly every school day. It is preferable that parents contact the school prior to the absence. If illness or other approved emergencies prevents attendance or causes tardiness, it is the parent's/guardian's responsibility to notify the school's attendance secretary. Parents must contact the school and provide the appropriate reason for the absence. **Notification to the attendance secretary by email is preferred but parents may contact by telephone or a signed note as well.** All valid excused absences should be excused within three (3) school days following the absence.
2. When a parent knows that their student is going to be absent for two (2) or more consecutive days, the parent should contact teachers regarding the student's assignments before the absence occurs.

3. Students having excessive absences exceeding all or part of five (5) days due to a stated illness may be required to provide a doctor's note specifically addressing the dates the student was absent from school.
4. Parents need to excuse absences by the end of each term and are only permitted to excuse up to three (3) school days per term if excusing after the five day guideline.
5. School administrators may evaluate requests to approve extended or excessive absences. Such absences may be excused so long as the absences do not negatively impact the academic progress of the student. The decision to mark an absence "excused" is within the discretion of the school administration.
6. Students who arrive late need to sign in on the tardy check-list, which will be provided and monitored by each classroom teacher. Secondary students who are not in the classroom at the time of the bell tone will be counted tardy. Elementary students who are tardy or late for more than 15 minutes shall have three tardies equal an absence. Students, who develop a pattern of habitual tardiness, (4+ tardies per class per term) will be dealt with administratively by each school and will be part of any court referrals. Tardies not only hinder a student's ability to profit from instruction at the beginning of class, but they interrupt the teacher's instruction and the work of other students who made the effort to be on time. In addition, tardy students are usually in the hallways interrupting other classes and the efforts of other students/friends to be to class on time. Punctual students perform better in school and at work and is a citizenship skill required by the state.
7. Any student who leaves school during the school day is required to check out through the school's front office. If a student who has checked out returns later in the day, he/she needs to check in through the school's front office. In order to ensure the safety of children enrolled in ALA, students will not be released to any person without verified authorization (verbal or written) from the custodial parent. ALA will maintain a check-out log indicating the date, time, reason, and the name of the person to whom the student is released. It is the responsibility of the parent to provide the school with copies of any legal documents restricting access to their student(s).
8. School administrators have authority to grant exceptions to the above procedures in situations involving unforeseen circumstances.

## **SCHOOL AND TEACHER RESPONSIBILITIES**

School administration and personnel shall make earnest and persistent efforts to resolve attendance problems. Those efforts include, as reasonably feasible, the following:

1. The school shall notify students and parents of this policy and it will be included in the school's student handbook.
2. School personnel and teachers will monitor and record the daily attendance of students.
3. Teachers shall update attendance records on power school on a daily basis.
4. A representative of the school will make daily phone notice of absences via a computerized calling system. Parents are expected to keep a current phone number on file at the school.
5. Every effort will be made to inform the parent/guardian of absences of their student and to work with them in resolving attendance problems.
6. If a student is truant a Notice of Compulsory Education Violation may be served upon a parent, via personal service or certified mail, whose student is at least six (6) years of age, but younger than fourteen (14) years of age and who has ten (10) truancies during the current school year.. The Notice of Compulsory Education Violation shall contain the notifications and provisions as required by Utah Code Ann., §53A-11-101.7(4), including:
  - a. directing the parent meet with school authorities to discuss the student's truancies; and
  - b. requesting the parent to cooperate with the school in securing regular attendance by the student;
  - c. Designating the school authorities with whom the parent is required to meet; and
  - d. Informing the parent that it is a class B misdemeanor for the parent to intentionally or recklessly fail to meet with the designated school authorities to discuss the student's attendance problems or fail

to prevent the student from being absent without a valid excuse five (5) or more times during the remainder of the current school year.

7. Parents who fail to respond to ALA's request for assistance and support in resolving attendance concerns may be referred for a Compulsory Education Violation to the appropriate legal authorities in accordance with Utah law. Parents may contest the Notice of Compulsory Education Violation in accordance with due process procedures.
8. School officials will meet with parents following the issuance of Compulsory Education Violation. During the meeting, the parents and school shall consider the following in an attempt to solve the attendance problems.
  - a. Making any necessary and reasonable adjustments to the curriculum and/or schedule to meet the special needs of the student.
  - b. Consider alternatives proposed by the parent.
  - c. Enlisting the assistance of community and law enforcement agencies, as appropriate and reasonable feasible.
  - d. Providing, upon request, a list of resources available to assist the parent in resolving the student's attendance problems.
9. If a student is truant the Parent/Guardian will be notified by the school. The Notice of Truancy shall contain the notifications and provisions as required by Utah Code Ann., §53A-11-101.7(4), including: (a) directing the parent meet with school authorities to discuss the student's trancies; and (b) requesting the parent to cooperate with the school in securing regular attendance by the student. Parents who fail to respond to a school's request for assistance and support in resolving attendance concerns may be referred to the appropriate legal authorities in accordance with Utah law. Parents may contest the Notice of Truancy. A parent must, within ten (10) calendar days of the date of notice of such action, appeal a contested unexcused absence or a Notice of Truancy. All appeals shall be in writing and shall be made to the person from whom the notice came. If no appeal is made within the timeline set forth above, the action described in the notice is final.

## **PARENT RESPONSIBILITIES**

Utah Law under the Compulsory School Attendance subsection places the burden of responsibility for school attendance on the parent. Parents shall cooperate with school authorities and make earnest and persistent efforts to resolve attendance problems. Those efforts include the following:

1. Parents must ensure that their student attends school as required by Utah law.
2. Parents are required, in a timely manner to notify the school when the student is absent for an excusable reason as set forth in this policy. It is recommended that a student, who knows that he/she is going to be absent for two (2) or more days, contact teachers before leaving regarding academic assignments that need to be completed.
3. Parents are encouraged to communicate and/or meet with teachers and other school authorities in order to find solutions to attendance problems.
4. Parents are encouraged to monitor their own student's attendance by accessing Power School through the school's website or Parent Link app. Each school will provide Power School access information and instructions to the parents.
5. "Blanket" Excuses covering unspecified dates of absences, tardies, etc. are not acceptable. For example: "Please excuse my child from all absences this past week."
6. Due to the broad geographic area that we serve a tardy for the first class/period of your student's day is excusable within five (5) school days of the tardy. This may be done by contacting the attendance office.

7. An appeals form to waive attendance penalties is available. A parent/principal meeting will be held to review concerns and determine waiver outcomes. If the parent or guardian is not satisfied, they may contact the Executive Director for further review and a final decision.

## **ATTENDANCE INTERVENTIONS**

An “absence” is defined a one (1) school day where a student missed one (1) or more class periods.

All interventions are based on one (1) school year. At any point in the school year, a student should fall below the required 90% attendance, a notice will be sent to the parent(s)/guardian(s).

## **STUDENTS WITH A CONFIRMED TRUANCY OR A “SLUFF”**

1. 1<sup>ST</sup> Offense
  - a. Student/Parent meeting with administration.
  - b. Student will serve 1 day in-School Suspension.
  - c. Student will write a 1 page, single spaced, essay addressing concerns associated with truancy. This will be completed during the in-School Suspension.
2. 2<sup>nd</sup> Offense
  - a. Student will sign attendance contract (along with parent/guardian and school administration). Contract must state the direction the school will take if 3<sup>rd</sup> offense occurs.
  - b. Student will serve 2 days in-School Suspension. If possible, the student can attend Saturday School in lieu of 1 day (out of the 2 days) of in-School Suspension.
3. 3<sup>rd</sup> Offense
  - a. Student will be given 1-5 days Out-of-School suspension (determined by administration).
  - b. Administration will meet to discuss possible removal of student from ALA.
4. Notice of Truancy (unexcused absences only)
  - a. 1<sup>st</sup> citation is issued when a student has 10 days with 1 or more unexcused absences.
  - b. 2<sup>nd</sup> citation is issued when a student has 15 days with 1 or more unexcused absences.
  - c. 3<sup>rd</sup> citation is issued when a student has 20 days with 1 or more unexcused absences.

## **DUE PROCESS**

A parent may, within ten (10) calendar days of the date of notice of such action, appeal a contested unexcused absence or a Notice of Compulsory Education Violation. If the tenth calendar day falls on a day other than a school day of ALA, the appeal deadline is extended to the next school day. All appeals shall be in writing and shall be made to the person from whom the notice came. If not, appeal is made within the timeline set forth above, the action described in the notice is final. In the event of an appeal, the parent is entitled to the following:

1. Within ten (10) school days from the date of the appeal, the parent, student (when appropriate), teacher (if necessary), and a school administrator shall meet in an effort to resolve the matter.
2. In the event the matter is not resolved at the meeting with the school administrator, the parent may request the matter to be reviewed by the Executive Director who will render a decision on the matter.

## **Legal References**

Utah Code, 53A-11-101, 53A-11-102

Utah Code 53A-11 101-105

Utah Administrative Rule R277-419-5