



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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The Honorable John Carney
Governor

John McNeal
SCPD Director

MEMORANDUM

DATE: March 20, 2017

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Ms. Jamie Wolfe, Chairperson
State Council for Persons with Disabilities

RE: H.B. 24 (School Attendance)

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 24 and has the following observations.

As background, current school attendance law contemplates parental notice and a home visit by school staff following the tenth day of a student's unexcused absence (lines 10-11). After the fifteenth day of a student's unexcused absence, a parent must appear at school for a mandatory conference (lines 12-14). This bill is an attempt to promote earlier intervention, i.e., after the fifth day of a student's unexcused absence, a conference would be scheduled at school or the student's home to conduct an informal needs assessment and determine what available resources would improve the student's attendance.

Early intervention to address a pattern of unexcused absences makes sense.

First, public schools typically have policies which disallow credit or authorize retention for students who do not attend a certain number or percentage of school days. Schools vary in their thresholds. Consistent with the attachments, the Brandywine School District only requires 85% attendance (allowing 27 absences in 180 day school year) while Indian River School District authorizes no credit and retention for as little as 17 absences. If parental notice is not issued until 10 or 15 days of unexcused absences have occurred, it may be too late to "salvage" the school year. Once a student is advised that he may not receive credit even if he attends the balance of classes, he will not be motivated to renew attendance. Concomitantly, once a student

is retained, the potential for eventually dropping out of school is statistically heightened.

Second, early intervention facilitates linking the student to resources before the student falls too far behind academically. Students can be referred to Wellness Centers for mental or physical health concerns. If a student is feeling overwhelmed by academics, tutoring or transfer to another class could be considered. If bullying is prompting the lack of attendance, the school can intervene.

The SCPD is endorsing the proposed legislation.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or observations on the proposed legislation.

cc: Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

HB 24 school attendance 3-20-17

Brandywine School District Policy on Promotion and Retention

The Brandywine School District Code of Student Conduct contains the complete mandatory attendance requirements of the State of Delaware and the Brandywine Board of Education.

Under Delaware law, students between the ages of 5 (as of August 31st) and 16 are required to attend some form of schooling. In addition, students between the ages of 16 and 18 years of age must attend some form of schooling unless they have written permission from their parents to the contrary. Under Title 14 of the Delaware Code, Chapter 27, a student in the public school system who has three (3) unexcused absences in a school year is considered truant under the law subjecting parents/legal guardians and students to possible legal action. Parents of Brandywine School District students are encouraged to contact your child's school with particular questions regarding your child's attendance record.

Brandywine School District Policy on Promotion and Retention

Elementary students' academic and social skills progress is reported to parents three times per year using a standards-based report card that details strengths and skills to improve in regard to achieving end of year State Standards. In addition to this standards mark, students in the 4th and 5th Grades also receive letter grades that indicate quality of work for the marking period. Secondary students receive report cards on a quarterly basis using a standard ten-point letter grade system. Parents are encouraged to contact their child's teacher with specific questions regarding classroom assignment and assessment grading.

[Click Here](#) for Board of Education Policies and Regulations on Promotion and Retention.

In Summary:

To be promoted to the next grade level, a student must:

- Receive a passing mark (equivalent to a D or better) in grade level Reading, Language Arts, and Mathematics, and/or any course required by the Board or Delaware Department of Education for the particular grade level.
- Receive instruction for at least 85% of the time established by the District Calendar in any given school year.



For students receiving special education under Title 14 of the Delaware Code, Chapter 31 and IDEIA, the students' Individual Education Program (IEP) team, along with the building principal will make the decision to retain or promote the student based on the requirements of the Board Policy.

Administrative Assignments to the next grade level will be made for Limited English Proficiency students and for students who have already been retained for two years for academic reasons.

BRANDYWINE SCHOOL DISTRICT BOARD OF EDUCATION

07.3.1 STATEMENT ON PROMOTION, RETENTION, AND GRADUATION REQUIREMENTS FOR GRADUATING CLASSES OF 2012, 2013 & 2014

(Modified 01/23/12; Review Due None)

- A. **PURPOSE:** To adopt a policy consistent with state law and regulations consistent with the state academic standards for the promotion or retention of District students.
- B. **ISSUE:** Promotion is the vertical movement of a student through the educational system governed by state law and regulations. State regulations require all public school districts to adopt a policy for promotion of all students. The Board adopts this policy in order to be consistent with state law and regulations.
- C. **POLICY:** Promotion, retention, and graduation decisions will follow state law and local requirements set by the Board set forth below.

1. General Provisions

In order for a student to be promoted from one grade to the next the student must:

- a) Successfully complete local requirements as determined by teacher assessment of student performance on instructional outcomes and on the judgment of the teacher(s) in consultation with the principal.
- b) Receive a passing grade (D or better or as appropriate for the particular grade) in grade level Reading/ English Language Arts & Mathematics and/or any course required by the Board or the Department of Education for the particular grade level. Grade level is defined by state performance indicators in English Language Arts and Mathematics.
- * c) Receive instruction for at least 85% of the time established by the District-wide Calendar in a given school year. For any student who receives instruction for less than 85% of the time established by the District-wide Calendar in any given school year, the principal must review indicators of academic success to determine whether the student should be retained one school year. Instruction can be in a regular or alternative school or by homebound instruction provided by the District. Students can also access several options for courses under the provisions of Board Policy 07.6.
- d) Except for students receiving special education under Title 14 of

the Delaware Code, Chapter 31, and the Individuals with Disabilities Education Improvement Act (the "IDEIA"), the principal will make the decision to retain or promote the student based upon the requirements set forth above. For students receiving special education under Chapter 31 and the IDEIA, promotion and retention decisions shall be made by an IEP team.

2. Specific Requirements for Promotion

a. Elementary School

Promotion decision shall be based upon performance recorded on the standards-based report card and with input from the student's teacher(s) and parent(s) in consultation with the building principal, if necessary.

b. Middle School:-

6th, 7th and 8th Graders must take the following each year:

- 1 /English Language Arts
- 1 Math
- 1 Science
- 1 Social Studies
- 3-6 additional courses depending on full year courses or semester courses

Students must also meet the computer literacy standard at each grade level.

c. High School

The State of Delaware requires a minimum of 22 for a student to graduate from high school. The student must receive the specific number of credits in the following subjects as listed below:

- 4 credits in English Language Arts
- 4 credits in Mathematics
- 3 credits in Science
- 3 credits in Social Studies
- 1 credit in Physical Education
- ½ credit in Health
- 3 credits in a Career Pathway, and
- 3 ½ credits in elective courses.

The Brandywine Board of Education may establish requirements over and above the minimum number of credits required by the State Department of Education

To be promoted to the 10th grade from the 9th grade, a student must receive a total of at least 6 credits as follows:

- 1 credit in English Language Arts
- 1 credit in Mathematics
- 1 credit in Science, or Social Studies, a World Language
- 3 credits in other courses/electives

To be promoted to the 11th grade from the 10th grade, a student must receive a total of at least 11 credits as follows:

- 2 credits in English Language Arts
- 2 credits Mathematics
- 2 credits in Science, Social Studies, or a World Language
- 6 credits in other courses/electives

To be promoted to the 12th grade from the 11th grade, a student must receive a total of at least 17 credits as follows:

- 3 or 4 credits in English Language Arts (student may take English 11 and English 12 in the 11th or 12th grade)
- 3 credits Mathematics
- 3 credits in Science or Social Studies, or a World Language
- 9 credits in other courses/electives

Students must take the remaining required courses for graduation in the 12th grade as necessary to complete graduation requirements stated above. In the senior year, a student must carry a course load of at least 4 credits, which shall include Mathematics to meet graduation requirements. High school students may also receive high school credit towards graduation through alternative sources as provided Board Policy 07.5 and 07.6.

3 **Special Education**

Special Education students must meet the same requirements for promotion as described for all students with the exception stated below.

4. **Failure to meet promotion requirements**

If a student fails to meet promotion requirements at any grade level, Administrative Assignments may be made, as determined by state or federal law or regulations, for:

- a) LEP students whose progress is impeded by a language barrier
- b) Students receiving special education services under Chapter 31 of the Delaware Code
- c) Students who have already been retained for 2 years for academic reasons.

5. **Appeals**

Parents have the right to appeal a principal's decision on either the placement or retention of their child(ren). Appeals should be made in writing to the Superintendent or his/her designee, with a copy of the appeal made to the principal of the student's assigned school. A copy of the Placement/Retention Appeal Form and procedure are available in each school.

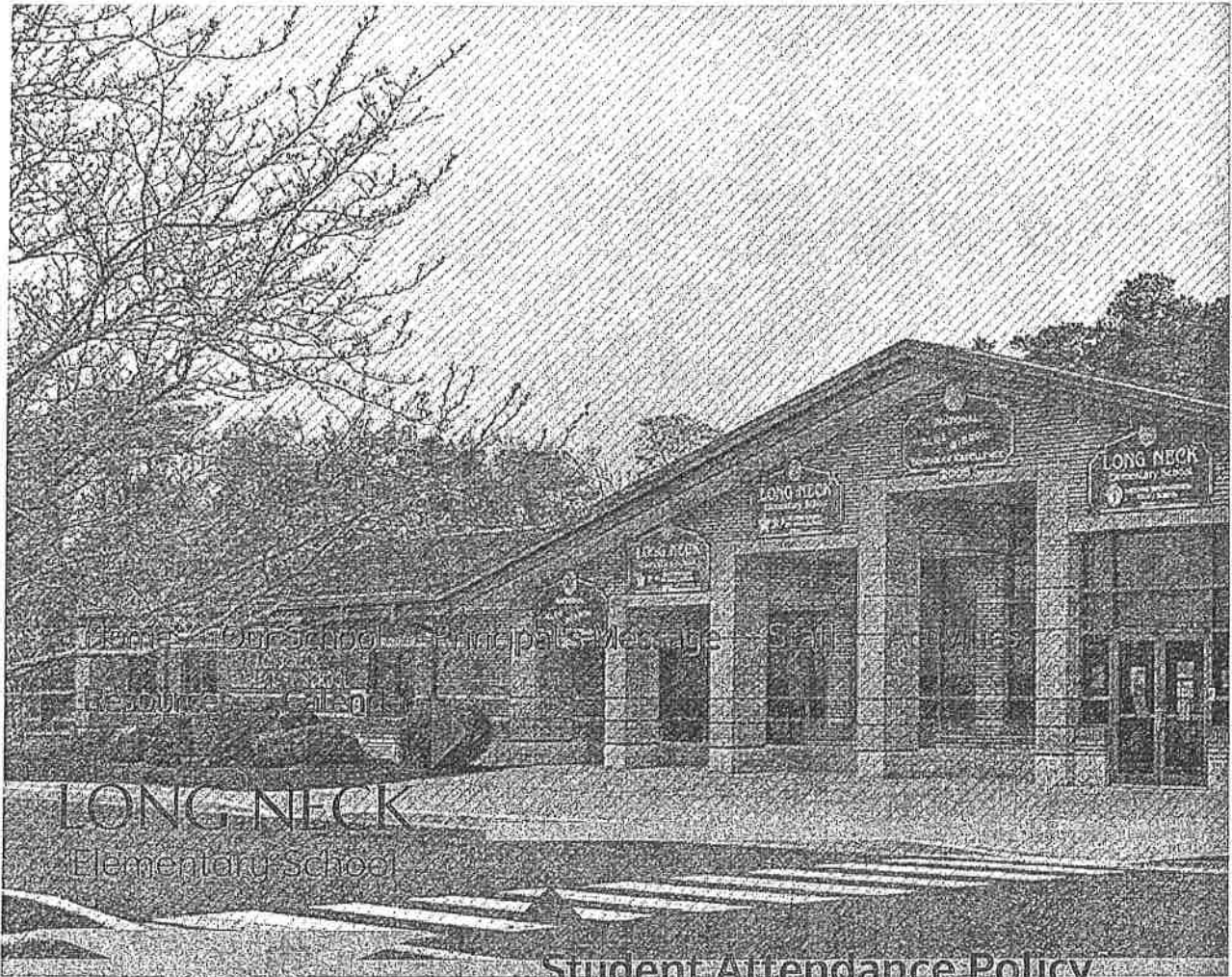
6. **Promotion or Retention Procedures**

The Superintendent, or his/her Designee, shall establish procedures consistent with this policy and state law and regulations to process promotion and or retention decisions. The Superintendent will develop guidelines to notify parents in a timely fashion when students are not meeting standards and provide parents with ways in which they can help their children or get additional assistance from the schools or in the community.

D. **REVIEW AND REPORTING:** This policy shall be reviewed on or before the date specified below.

E. **HISTORY:** Adopted 07/30/01; Replacing Policy Nos. 08.10 (adopted 06/21/99), 07.2 (Adopted 02/7/83), 07.6 (adopted 02/24/97) and Section 7010 (adopted 04/8/81); Modified 03/20/03; Modified 01/23/06; Republished 01/26/09; Renumbered 02/03/09; Modified 01/23/12; Review Due NONE.

F. **REFERENCES:** 14 Del. Code §§ 122 (b.4.), 152, 153, and Chapter 31; Board Policies 07.5 & 07.6.



LONG NECK
Elementary School

Student Attendance Policy

Long Neck Elementary School » Our School » Policies
and Procedures » Student Attendance Policy

Student Attendance Revised



STUDENT ATTENDANCE

INTRODUCTION

It is the philosophy of the Indian River School District that students need to attend school if they are to learn. It is our belief that by promoting regular school attendance during the early childhood and adolescent years we will instill a responsibility in the individual to attend work regularly once he/she reaches adulthood and enters the work place in our society.

On or before September 15 each year, each principal will be responsible for conducting an assembly during which students are given information about the policy and consequences of its violation.

School-sponsored activities are exempt and will not count toward the student's absentee record. However, students who approach the maximum number of allowable absences may be prohibited from participating in school-sponsored activities. The final decision will be made by the building principal.

It is our belief that the school, the parent/guardian, and the student share the responsibility of developing the best possible attendance pattern. Parents/guardians can assist in this by doing the following to minimize absences from school:

1. Schedule medical and dental appointments after regular school hours.
2. Schedule family vacations at times that do not interfere with school.
3. Make arrangements for homebound instruction if your child is medically certified as unable to attend school.

Letters to the parent/guardian (address on file) and phone calls will be utilized throughout the school year to inform parents and students of accumulation of absences.

The Special Education Coordinator will be notified when a student with an I.E.P. is referred for Visiting Teacher action as a result of accumulated unexcused absences as addressed in this policy.

SECTION I: DEFINITION OF UNEXCUSED AND EXCUSED ABSENCES

- A. Absences from school not supported by the required documentation are defined as UNEXCUSED ABSENCES. Absences from school supported by a documented note (see Section IV) are defined as EXCUSED ABSENCES. Students in the Indian River School District may be DENIED CREDIT(S) in their courses as a consequence of being absent from school without documented notes.
- B. Parent Notes (Must be submitted within two (2) school days upon the student's return to school.)
 - a. Parent/guardian notes indicating student's illness or other parental reason will be

accepted with the following LIMITATIONS:

- i. Parents/guardians will be permitted to excuse up to sixteen (16) days of absence per school year by written parent note.
- ii. After sixteen (16) absences have been excused, a documented note must be provided in order to excuse a student's absence.
- iii. If a period of absence extends beyond three (3) consecutive days, the parent/guardian should contact the school and provide documentation upon the student's return to school.
- iv. In grades 9 – 12, parent notes can be used to excuse tardiness and early dismissals. Any note used to excuse a tardy or early dismissal will be limited to ten (10) per school year.

SECTION II: LOSS OF CREDITS FOR DAYS ABSENT

* Subject to due process procedures, students in grades 9 – 12, who accumulate in excess of (16) days of absences not accompanied by a documented note (see section IV) during a traditional full school year program, may be denied credit in their courses for that school year. Students in grades K – 8 who accumulate in excess of sixteen (16) days of absences during a traditional full school year program may be retained in their grade level for the next school year.

SECTION III: UNEXCUSED TARDIES AND EARLY DISMISSALS

Each building will monitor students who arrive late to school or leave school early without proper documentation. Students with excessive tardies and/or early dismissals will be subject to disciplinary consequences according to their school's discipline matrix.

SECTION IV: DOCUMENTED NOTES

Documented notes are defined as notes presented to the school from professional type services, i.e. Doctor, Dentist, Mental Health Agencies, Courts, Lawyers, etc. The Building Attendance Review Committee has final approval of any notes and may require a medical note for extended absences.

For the purpose of this policy the following may be classified as excused absences due to documented notes:

Documented Notes (Must be submitted within two (2) school days upon the student's return to school.) The Building Attendance Review Committee may accept documented notes at a later date (See Section VII).

1. Hospitalization, as noted by the hospital or medical professional.
2. Known chronic illnesses or contagious diseases, as noted by a medical professional.
3. In the care of any approved social agency, whether public or private, as noted by

- that agency.
4. Death in the child's own home or in the home of the grandparents, time not to exceed one (1) week. Funerals of other relatives or close friends, not to exceed one (1) day if in the locality; or three (3) days, if at some distance or outside of the state, as noted by a Funeral Home or other official means.
 5. Legal business, as noted by a legal professional or court.
 6. Students who become ill during the school day and are sent home by the school's nurse, as noted by the school nurse.
 7. Written physician's excuse. (Medical and dental appointments should be scheduled after regular school hours whenever possible.)
 8. Religious holiday, approved by the building administrator.
 9. Suspension from school.
 10. Prior approval granted by the building administrator for family trips/events. Parents and guardians should make every effort to schedule family trips/events during periods of school vacation. If this is not possible, a specific form must be filled out by the student and parent/guardian and submitted to the building principal at least five (5) school days before the trip or event. Information and the proper form can be obtained at the school office. Approval will be granted or denied on a case-by-case basis with consideration given to the student's prior attendance record, the number of requested days absent, and the justifiable cause or purpose of the family trip/event. If the request exceeds ten (10) school days in a regular school-year program, special permission from the superintendent is required.
 11. Students, who are also parents, may provide any of the documentation stated above in items 1-10 when caring for their own children.

SECTION V: SCHOOL ASSIGNMENTS DURING ABSENCES

It is the responsibility of the student and the parents/guardian to request class work, homework, assignments, and tests missed when not in attendance. Students and/or the parents/guardian must request to make up the schoolwork within two (2) days after returning to school.

SECTION VII: ATTENDANCE REVIEW COMMITTEES

Building Attendance Review Committee

1. Each school building in the Indian River School District shall establish a building Attendance Review Committee which may be comprised of the following personnel:

Principal and/or Assistant Principal
 Guidance Counselor
 Classroom Teacher
 Nurse
 Visiting Teacher
 Special Education Co-coordinator

School Climate Personnel

Other staff members as may be needed.

2. The responsibility of the building Attendance Review Committee is to review the record of any student who has exceeded the provisions of the attendance policy. Any student with a history of poor attendance as substantiated by either a "Notice of Prosecution" for a violation of Delaware school attendance law or a parent meeting with the Building Attendance Review Committee may be subject to more restrictive attendance criteria as established by the Building Attendance Review Committee per IRSD regulation. The committee may request/accept documented notes during this review from prior absences.
3. If the Review Committee determines that the student has violated the Indian River School District policy, then the Committee shall follow the due process procedure as outlined in this policy.

District Attendance Review Committee

1. The Indian River School District shall establish a district Attendance Review Committee which may be comprised of the following personnel:
 - District-level administrator designated by the superintendent
 - High School Administrator
 - Middle School Administrator
 - Elementary School Administrator
 - Elementary Counselor
 - Secondary Counselor
 - Nurse
 - Other staff members as may be needed.
2. The responsibility of the district Attendance Review Committee is to review the decisions of each school's building Attendance Review Committee to determine that decisions are in accordance with the district's Student Attendance policy.
3. The district Review Committee shall hear student appeals.
4. In those cases where appeals are upheld, the Committee shall follow the due process procedures as outlined in this policy.

SECTION VIII: DUE PROCESS:

1. The building Attendance Review Committee shall meet once a student has exceeded the provisions of the attendance policy.
2. If the building Attendance Review Committee determines that a grade 9-12 student has violated the Indian River School District Student Attendance policy, and determines the student is being denied credit, the committee shall notify the parent/guardian by certificate of mailing letter that his/her child may be denied credit for the current school year.

If the building Attendance Review Committee determines that a grade K-8 student has violated the Indian River School District Student Attendance policy, the committee shall notify the parent/guardian by certificate of mailing letter that his/her child may be retained at their current grade level for the next school year.

3. The student or parent/guardian must notify the building principal, in writing, within five (5) school days from the delivery of the certificate of mailing letter, referenced in #2 above, if they wish to appeal the decision of the building Attendance Review Committee; or if they would like to be granted access to an alternative route to graduation (see Policy IKEA).
4. If an appeal is requested, the district Attendance Review Committee shall meet within five (5) school days of the hearing request for the purpose of hearing the student's appeal. The district Attendance Review Committee shall have the right to affirm, reverse, or modify the decision of the building Attendance Review Committee.
5. The district Attendance Review Committee shall inform the parent/guardian of its decision by a certificate of mailing within three (3) school days of the hearing.
6. If the district Attendance Review Committee affirms the decision of the building Attendance Review Committee so that the student is not eligible for promotion to the next grade or not eligible to earn credit for the school year, the student may appeal to the superintendent. The superintendent shall have the right to affirm, reverse, or modify the decision of the district Attendance Review Committee.
7. If all appeals are denied, the student may appeal to the Board of Education. The Board of Education shall have the right to affirm, reverse, or modify the decision of the superintendent.

School Attendance During Due Process

Students who follow the due process procedures of this policy as a result of receiving notification that they are in violation of the Indian River School District Student Attendance policy shall continue to attend school under the guidelines of this policy.

Present Policy Exists

Adopted 7/26/88

Revised 9/23/92, 3/22/94 (effective 7/1/94, 10/25/94, 7/25/95, 9/24/96, 7/1/97, 11/26/02, 6/17/03, 7/27/04, 6/20/06, 6/17/08, 6/23/09, 6/29/10, 7/24/12, 5/23/16)