

ASPEN ACADEMY

Adopted:

Revised: December 20, 2011, June 20, 2017, Dec 13, 2017, Oct 17, 2022

503 STUDENT ATTENDANCE

I. PURPOSE

- A. The school board believes that regular school attendance is directly related to success in academic work, benefits students socially, provides opportunities for important communications between teachers and students and establishes regular habits of dependability important to the future of the student. The purpose of this policy is to encourage regular school attendance. It is intended to be positive and not punitive.
- B. This policy also recognizes that class attendance is a joint responsibility to be shared by the student, parent or guardian, teacher and administrators. This policy will assist students in attending class.

II. GENERAL STATEMENT OF POLICY

A. Responsibilities

1. Student's Responsibility – It is the student's right to be in school. It is also the student's responsibility to attend all assigned classes and study halls every day that school is in session and to be aware of and follow the correct procedures when absent from an assigned class or study hall. Finally, it is the student's responsibility to request any missed assignments due to an absence.
2. Parent or Guardian's Responsibility – It is the responsibility of the student's parent or guardian to ensure the student is attending school, to inform the school in the event of a student absence, and to work cooperatively with the school and the student to solve any attendance problems that may arise.
3. Teacher's Responsibility – It is the teacher's responsibility to take daily attendance and to maintain accurate attendance records in each assigned class and study hall. It is the teacher's responsibility to be familiar with all procedures governing attendance and to apply these procedures uniformly. It is also the teacher's responsibility to provide any student who has been absent with any missed assignments upon their return.
4. Administrator's Responsibility
 - a. It is the administrator or designee's responsibility to require students to attend all assigned classes and study halls. It is also the administrator or designee's responsibility to be familiar with all procedures governing attendance and to apply these procedures uniformly to all students, to maintain accurate records on

student attendance. Finally, it is the administrator's responsibility to inform the student's parent or guardian of the student's attendance and to work cooperatively with them and the student to solve attendance problems.

- b. In accordance with the Minnesota Compulsory Instruction Law, Minn. Stat. § 120A.22, the students of the school are REQUIRED to attend all assigned classes and/or study halls every day school is in session, unless the student has been excused by the school board from attendance, has withdrawn, or has a valid excuse for absence as noted below in section B1.

B. Attendance Procedures

Attendance procedures shall be determined by the office and will ensure that accurate daily records are kept.

1. Excused Absences

- a. The following reasons shall be sufficient to constitute excused absences:

- (1) Illness or quarantine.
- (2) Serious illness in the student's immediate family.
- (3) A death in the student's immediate family or of a close friend or relative.
- (4) Medical, dental, or orthodontic treatment, or a counseling appointment.
- (5) Court appearances occasioned by family or personal action.
- (6) Religious instruction not to exceed three hours in any week.
- (7) Physical emergency conditions such as fire, flood, storm, etc.
- (8) Official school field trip or other school-sponsored outing.
- (9) Removal of a student pursuant to a suspension. Suspensions are to be handled as excused absences and students will be permitted to complete make-up work.
- (10) Family emergencies.
- (11) Active duty in any military branch of the United States.
- (12) A student's condition that requires ongoing treatment for a mental health

diagnosis.

(13) Up to 3 days of vacation

b. Returning after an Excused Absence

- (1) Students whose absences are excused are required to make up missed assignments or complete alternative assignments as deemed appropriate by the classroom teacher. These assignments will be completed and turned in by a date determined by the teacher and student together.
- (2) Notification regarding reason for excused absence may be required upon return.

2. Unexcused Absences

a. The following are examples of absences which will not be excused:

- (1) Any absence in which the student failed to comply with any reporting requirements of the school's attendance procedures.
- (2) Work at home, including providing care of siblings.
- (3) Work at a business, except under a school-sponsored work release program.
- (4) Vacations with family. Refer to MN Stat. 126C.05 subdiv 11 for more information.
- (5) Any other absence not included under the attendance procedures set out in this policy.

b. Educational Neglect, Truancy, and Suspension

- (1) Minn. Stat. §§ 260 C defines educational neglect as the child's absence from school without lawful excuse due to the parent's, guardian's, or custodian's failure to comply with compulsory instruction laws if the child is under 12 years old and the school has made appropriate efforts to resolve the child's attendance problems. This presumption may be rebutted based on showing clear and convincing evidence that the child is habitually truant.

Parents or guardians of students who are absent for extended periods of time, due to serious injury or illness that is medically documented, shall not be considered responsible for educational neglect. The school reserves the right to ask for verification of said illness or injury from the student's doctor(s).

If the student has more than 7 days of unexcused absences, Aspen Academy, to be in compliance with County of residence educational neglect reporting procedures and MN Compulsory Instruction Stat. §§ 120A.22, may also request the county attorney to file a petition with the juvenile court. Before making such a report, however, Aspen Academy will do the following:

- (a) document that the absences were unexcused and the school attempted to contact the family to verify reason for absence
- (b) a doctor's letter may be requested upon the student's return if the student has been ill for three or more days
- (c) after three days of absences, whether consecutive or not, the parent will be contacted in regards to student attendance.
- (d) after five days of absences, whether consecutive or not, the parent will be contacted again to set up an attendance plan.
- (e) county of residence timeline and requirements will be followed. Referrals for educational neglect will be made as required.
- (f) The Director or a designee may, at their discretion, contact the county of the student's residence to report the student's absences pursuant to MN Statute.

Minn. Stat. §§ 260 C defines truancy as the child's absence from school without lawful excuse, due to the child's intent to be absent from school.

If the student has unexcused absences in one or more classes for 7 days, Aspen Academy, to be in compliance with County of residence educational neglect reporting procedures and MN Compulsory Instruction Stat. §§ 120A.22 may, at the Director's discretion, request the county attorney to file a petition with the juvenile court. Before making such a report, however, Aspen Academy will do the following:

- (a) document that the absences were unexcused and the school attempted to contact the family to verify reason for absence
- (b) after three days of absences, whether consecutive or not, the parent will be contacted in regards to student attendance.
- (c) after five days of absences, whether consecutive or not, the parent will be contacted again to set up an attendance plan.
- (d) county of residence timeline and requirements will be followed. Referrals for truancy will be made as required.
- (e) The Director or a designee may, at their discretion, contact the county of the student's residence to report the student's absences pursuant to MN Statute.

- (3) Absences resulting from official suspension will be handled in accordance with the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56. Days during which a student is suspended from school shall not be counted in a student's total cumulated unexcused absences.

c. Discipline for Truancy

- (1) Truant students shall be subject to discipline in the following manner:
 - (a) From the first through the third truancy, the parent or guardian will be notified that the student had an unexcused absence (truancy).
 - (b) After the third cumulated unexcused absence (truancy), a student's parent or guardian will be notified by mail that his or her child has more than three truanies. The letter will also warn parents that after seven such truanies, the child may be referred to County of residence Social Services for truancy. In this notification, parents will be urged to meet with school officials to create an attendance contract. (See Required Reporting section IV below.)
 - (c) After such notification, the student or his or her parent or guardian may, within 15 school days, request a conference with school officials regarding the student's absences. The above notification will state that the school strongly urges the student's parent or guardian to request such a conference.

C. Tardies and Early Departures

1. Definition: All students, regardless of grade level, are expected to be in their assigned area at designated times. Failure to do so constitutes tardiness.
2. All students are expected to stay until the end of the school day. Failure to do so constitutes an unexcused absence.
3. Procedures for Reporting Tardiness or Early Departures
 - a. Students tardy at the start of the school day must be accompanied into the building by an adult and must report to the school office for an admission slip. Tardies between periods will be handled by the teacher. Tardies will be noted on the student's report card and in the student's file.
 - b. Early departures must meet the standards of excused absences (e.g. illness or medical appointment). If it does not, the departure will be considered an unexcused absence.
4. Excused Tardiness – Valid excuses for tardiness are:
 - a. Illness.
 - b. Serious illness in the student's immediate family.
 - c. A death in the student's immediate family or of a close friend or relative.

- d. Medical or dental treatment.
- e. Court appearances occasioned by family or personal action.
- f. Physical emergency conditions such as fire, flood, storm, etc.
- g. Any tardiness for which the student has been excused in writing by an administrator or faculty member.

5. Unexcused Tardies and Early Departures

- a. An unexcused tardiness is failing to be in an assigned area at the designated time class period commences, without a valid excuse.
- b. Consequences of tardiness may occur after three unexcused tardies, at the discretion of the Director.
- c. Any combination of three tardies or early departures will equal one unexcused absence.

D. Student Withdrawal and Wait List Admittance

- 1. Parents may choose to withdraw their student at any time.
- 2. Students who are voluntarily or involuntarily withdrawn will not have their place held for them. When class size drops below 22 students in K-5 or 25 students in 6-8, the next student on the wait list shall be given that space. Students who are voluntarily or involuntarily withdrawn and wish to return shall be placed at the bottom of the waitlist. This does not include students who may qualify for homebound instruction due to medical reasons.
- 3. Parents or guardians who withdraw their student to avoid disciplinary action (e.g. suspension or sitting out an extra-curricular activity) and then want to re-enroll the student will still have to have the student receive the disciplinary action as part of the re-enrollment criteria.

E. Participation in Extracurricular Activities

- 1. This policy applies to all students involved in any extracurricular activity scheduled either during or outside the school day.
- 2. School-initiated absences will be accepted and participation permitted.
- 3. A student may not participate in any activity or program if he or she has an unexcused absence from any class during the day.
- 4. If a student is suspended from any class, he or she may not participate in any activity or program that day.
- 5. If a student is absent from school due to medical reasons, he or she must present a physician's statement or a statement from the student's parent or guardian clearing the student for participation that day. The note must be presented to the coach or advisor before the student participates in the activity or program.

III. RELIGIOUS OBSERVANCE ACCOMMODATION

Reasonable efforts will be made by the school district to accommodate any student who wishes to be excused from a curricular activity for a religious observance. Requests for accommodations should be directed to the principal or designee.

IV. DISSEMINATION OF POLICY

A. Copies of this policy shall be made available to all students and parents at the commencement of each school year on the school website and referred to in the Student/Parent/Guardian Handbook. This policy shall also be available upon request in the office.

B The school district will provide annual notice to parents of the school district's policy relating to a student's absence from school for religious observance.

IV. REQUIRED REPORTING

A. Continuing Truant

Minn. Stat. § 260A.02 provides that a continuing truant is a student who is subject to the compulsory instruction requirements of Minn. Stat. § 120A.22 and is absent from instruction in a school, as defined in Minn. Stat. § 120A.05, without valid excuse within a single school year for:

1. Three days if the child is in elementary school; or
2. Three or more class periods on three days if the child is in middle school.

B. Reporting Responsibility

When a student is initially classified as a continuing truant, Minn. Stat. § 260A.03 provides that the school attendance officer or other designated school official shall notify the student's parent or legal guardian, by first class mail or other reasonable means, of the following:

1. That the child is truant;
2. That the parent or guardian should notify the school if there is a valid excuse for the child's absences;
3. That the parent or guardian is obligated to compel the attendance of the child at school pursuant to Minn. Stat. § 120A.22 and parents or guardians who fail to meet this obligation may be subject to prosecution under Minn. Stat. § 120A.34;
4. That this notification serves as the notification required by Minn. Stat. § 120A.34;

5. That alternative educational programs and services may be available
6. That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the child's truancy;
7. That if the child continues to be truant, the parent and child may be subject to juvenile court proceedings under Minn. Stat. Ch. 260;
8. That if the child is subject to juvenile court proceedings, the child may be subject to suspension, restriction, or delay of the child's driving privilege pursuant to Minnesota Statutes section 260C.201; and
9. That it is recommended that the parent or guardian accompany the child to school and attend classes with the child for one day.

C. Habitual Truant (Do we need this section?)

1. A habitual truant is a child under the age of 17 years who is absent from attendance at school without lawful excuse for seven school days per school year if the child is in elementary school or for one or more class periods on seven school days per school year if the child is in middle school, junior high school, or high school, or a child who is 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days per school year and who has not lawfully withdrawn from school.
2. A school district attendance officer shall refer a habitual truant child and the child's parent or legal guardian to appropriate services and procedures, under Minnesota Statutes chapter 260A.

Legal References: Minn. Stat. § 120A.05 (Definitions)
Minn. Stat. § 120A.22 (Compulsory Instruction)
Minn. Stat. § 120A.24 (Reporting)
Minn. Stat. § 120A.26 (Enforcement and Prosecution)
Minn. Stat. § 120A.34 (Violations; Penalties)
Minn. Stat. § 120A.35 (Absence from School for Religious Observance)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 260A.02 (Definitions)
Minn. Stat. § 260A.03 (Notice to Parent or Guardian When Child is a Continuing Truant)
Minn. Stat. § 260C.007, subd. 19 (Habitual Truant Defined)
Minn. Stat. § 260C.201 (Dispositions; Children in Need of Protection or Services or Neglected and in Foster Care)

Goss v. Lopez, 419 U.S. 565 (1975)

Slocum v. Holton Bd. of Educ., 429 N.W.2d 607 (Mich. App. Ct. 1988)

Campbell v. Bd. of Educ. of New Milford, 475 A.2d 289 (Conn. 1984)

Hamer v. Bd. of Educ. of Twp. High Sch. Dist. No. 113, 66 Ill. App.3d 7, 383 N.E.2d 231 (1978)

Gutierrez v. Sch. Dist. R-1, 585 P.2d 935 (Co. Ct. App. 1978)

Knight v. Bd. of Educ., 38 Ill. App. 3d 603, 348 N.E.2d 299 (1976)

Dorsey v. Bale, 521 S.W.2d 76 (Ky. 1975)

Cross References: MSBA/MASA Model Policy 506 (Student Discipline)