

## **JH - ATTENDANCE POLICY**

The Charter School takes attendance very seriously and will enforce and comply with the NH law relative to attendance *RSA 193.1 Duty of Parent: Compulsory Attendance by Pupil* and the NH law relative to truancy: *NH RSA 189 (189:34 Appointment, NH RSA 189:35 Truancy Defined and NH RSA 189:36 Duties)*.

Students are required to be in school every day that school is in session unless their attendance is exempt per NH law or their absence meets criteria to be considered an excused absence. Unexcused absences are not acceptable. The Charter School will address habitual unexcused absences consistent with the NH laws which include the filing of educational neglect petitions with the Court, and the pursuit of civil fines and penalties against parents and students who violate state laws or these Charter School Regulations. *See Attendance policy Regulations, Section H. Enforcement and Fines.*

### **NH Attendance Law:**

*193:1 Duty of Parent; Compulsory Attendance by Pupil.*

*I. A parent of any child at least 6 years of age and under 18 years of age shall cause such child to attend the public school to which the child is assigned in the child's resident district. Such child shall attend full time when such school is in session unless:*

*The child is attending a New Hampshire public school outside the district to which the child is assigned or an approved New Hampshire private school for the same time;*  
*The child is receiving home education pursuant to RSA 193-A and is therefore exempt from this requirement;*

*The relevant school district superintendent has excused a child from attendance because the child is physically or mentally unable to attend school, or has been temporarily excused upon the request of the parent for purposes agreed upon by the school authorities and the parent. Such excused absences shall not be permitted if they cause a serious adverse effect upon the student's educational progress. Students excused for such temporary absences may be claimed as full-time pupils for purposes of calculating state aid under RSA 186-C:18 and adequate education grants under RSA 198:41;*

*The child is attending a public or private school located in another state which has been approved by the state education agency of the state in which the school is located;*

*The pupil has been exempted from attendance pursuant to RSA 193:5;*

*The pupil has successfully completed all requirements for graduation and the school district is prepared to issue a diploma or the pupil has successfully achieved the equivalent of a high school diploma by either:*

*Obtaining a GED certificate; or*

*Documenting the completion of a home school program at the high school level by submitting a certificate or letter to the department of education;*

*The pupil has been accepted into an accredited postsecondary education program; or*

*The pupil obtains a waiver from the superintendent, which shall only be granted upon proof that the pupil is 16 years of age or older and has an alternative learning plan for obtaining either a high school diploma or its equivalent.*

*Alternative learning plans shall include age-appropriate academic rigor and the flexibility to incorporate the pupil's interests and manner of learning. These plans may include, but are not limited to, such components or combination of components of extended learning opportunities as independent study, private instruction, performing groups, internships, community service, apprenticeships, and on-line courses.*

*Alternative learning plans shall be developed, and amended if necessary, in consultation with the pupil, a school guidance counselor, the school principal and at least one parent or guardian of the pupil, and submitted to the school district superintendent for approval.*

*If the Superintendent does not approve the alternative learning plan, the parent or guardian of the pupil may appeal such decision to the local school board. A parent or guardian may appeal the decision of the local school board to the state board of education consistent with the provisions of RSA 21-N:11, III.*

II. *A child who reaches the sixth birthday after September 30 shall not be required to attend school under the provisions of this section until the following school year.*

III. *In this section, "parent" means a parent, guardian, or person having legal custody of a child.*

**NH Truancy Law:**

**189:34 Appointment.**

*School boards shall appoint truant officers for their districts.*

*School board policies on truancy shall include but not be limited to:*

*A definition of "excused absence" and a process for considering exceptions to absences not otherwise excused.*

*A process for intervention designed to address individual cases of truancy as quickly as possible and to reduce the number of habitual truants in the school district. The board shall provide for the participation of parents in the development of the policy. The policy shall include early parental involvement in the intervention process. The policy shall also designate an employee in each school as the person responsible for truancy issues.*

**189:35-a Truancy Defined.**

*For the purposes of this subdivision, "truancy" means an unexcused absence from school or class and "unexcused absence" is an absence which has not been excused in accordance with RSA 189:34, II(a).*

*Ten half days of unexcused absence during a school year shall constitute habitual truancy.*

*A school district shall define the term "half day of absence."*

*Nothing in this section shall affect or limit a school district's power to adopt bylaws concerning truancy pursuant to RSA 193:16.*

*Nothing in this section shall affect or limit the duties of a parent pursuant to RSA 193:1. School district attendance records shall be presumed to be true and accurate unless evidence to the contrary is presented.*

**189:36 Duties.**

*Truant officers shall, when directed by the school board, enforce the laws and regulations relating to truants and children between the ages of 6 and 18 years not attending school or who are not participating in an alternative learning plan under RSA 193:1, I(h); and the laws relating to the attendance at school of children between the ages of 6 and 18 years; and shall have authority without a warrant to take and place in school any children found employed contrary to the laws relating to the employment of children, or violating the laws relating to the compulsory attendance at school of children under the age of 18 years, and the laws relating to child labor. No home school pupil nor any person between the ages of 6 and 18 who meets any of the requirements of RSA 193:1, I(c)-(h) shall be deemed a truant.*

*A truant officer or school official shall not file a petition alleging that the child is in need of services pursuant to RSA 169-D:2, II(a) until all steps in the school district's intervention process under RSA 189:34, II have been followed.*

**School Approval Standard**

*Ed 306.18 C (6) A school half-day shall consist of at least 3 hours of instructional time, and 2 school half-days can be counted as a regular school day.*

**Unexcused Absences**

Absences not defined as excused, are considered unexcused. Excessive unexcused absences shall be addressed on a case-by-case basis to determine if there is a pattern of non-attendance. Examples of unexcused absences include but are not limited to:

- Absences as a result of incomplete immunization records;
- Family vacations outside of established school calendar;
- Non-medical appointments unauthorized by Administration;
- Childcare;
- Leaving school grounds without permission during normal school hours, and;
- Absences determined by the Dean or his/her designee to be unexcused for any other reason not listed above.

**Excused Absences**

Students must be in school unless the absence has been permitted or excused for one of the reasons listed below which may require documentation. Excessive excused absences shall be addressed on a case-by-case basis to determine if there is a pattern of non-attendance. Examples of excused absences include but are not limited to:

- School-sponsored activities with administrative approval;
- Classes missed due to Individualized Education Plan or Section 504 Plan;
- Extreme weather conditions as determined by the Administration;

Illness of student or illness of an immediate family member;  
Death in the family;  
Religious holidays;  
Required court appearance or subpoena;  
Scheduled medical/dental appointments if such cannot be scheduled outside of normal school hours  
College visitations as approved by Administration;  
Chronic illness registered with the school nurse and verified by a physician's note;  
Students suspended externally; these students are entitled to make-up work, and;  
The Dean or his/her designee shall determine if an absence is excused for any other reason not listed above.

### **Unexcused Tardiness**

Tardiness is defined as a student not being in the classroom when the class is scheduled to begin.

Excessive tardiness shall be addressed on a case-by-case basis to determine if there is a pattern of non-attendance.  
Tardiness to class without documentation shall be considered unexcused. Every third unexcused tardy shall constitute a one full-day unexcused absence.  
The Dean and his/her designee shall have the discretion to excuse tardiness for extenuating circumstances.

### **Dismissals**

Dismissal is defined as removal from school prior to the conclusion of the school day.

Excessive dismissal shall be addressed on a case-by-case basis to determine if there is a pattern of non-attendance.  
Dismissal from class without documentation shall be considered unexcused. Every third unexcused dismissal from class shall constitute a one full-day unexcused absence from that class.  
The Dean and his/her designee shall have the discretion to excuse dismissals for extenuating circumstances.

### **Make-Up Work**

When students are absent, including absences for external suspension or expulsion, an opportunity to make-up work shall be provided. It is the responsibility of the student to obtain all necessary materials for make-up work from the portal and by communicating directly with the teachers as needed. The responsibility for make-up work from unexcused absences is the responsibility of the student. Students and parents are encouraged to obtain make-up work assignments before the student's return to school by contacting the classroom teacher or reviewing assignments posted to the online service provided by the Charter School.

### **Attendance Plan**

A viable Attendance Policy needs a corresponding Attendance Plan in order to achieve improved attendance rates. Attendance Plans shall provide appropriate interventions for students and their families and ensure communication between and with students, parents/guardians, representatives from social service agencies working with the student and family and school staff. It is highly desirable to establish this communication prior to disciplinary measures or withdrawal/suspension actions by the school. Attendance Plans shall provide proactive interventions that will benefit students. The Attendance Plan shall include, in addition to proactive interventions to benefit the student, the consequences if the interventions fail to improve attendance issues. Such consequences may include, but not be limited to referral to the Attendance Officer, the Department of Health and Human Services and or loss of course credit.

Meetings to develop Attendance Plans shall be convened by the administrator or his/her designee with the parent, student and appropriate youth serving agencies immediately following a student's fifth (5th) full-day unexcused absence from school.

### **Limit of Absences**

When a high school student has been absent from a particular class five (5) or more unexcused days in a marking period, that student shall receive an "NG" "No Grade" for that marking period. The "NG" shall be not less than 64.9999 for a student whose grade would have been a "D" or better without excessive absenteeism. Failures due to absenteeism shall be designated on student records. The use of "NG" shall result in the automatic printing of the comment "due to excessive unexcused absences."

### **Appeals**

Appeals shall be addressed through the completion of the Charter School Attendance Appeal Form.

### **Remote Learning**

The Founders Academy will notify families when remote learning is an option for students. Remote learning means the student is participating in the school activities from a remote location and not the school building. The Dean will create an internal procedure describing the process for attendance for both in building and remote learning.

## **Attendance Policy Regulations**

The regulations described below shall be followed in the Charter School to implement the Charter School's Attendance Policy and to enforce and comply with the New Hampshire laws relative to attendance and truancy. The Charter School's policy and regulations are to ensure that students are in school and learning.

### **A. Responsibilities**

#### **The Role of the Student**

- To attend school each day; to be on time; to actively participate in all classes
- To provide documentation of the reason for an absence upon return to school
- To request make-up work for an absence and arrange to complete it upon return to school within a reasonable and agreed upon amount of time

#### **The Role of the Teachers**

- Teachers shall keep accurate records of all absences and tardies
  - Student attendance is required in each class
  - Names of students not present are submitted to the office daily
- Teachers shall emphasize the importance of punctuality by beginning class promptly with meaningful instruction
- Teachers shall discuss attendance issues with students as they arise with the Dean or his/her designee. Parents/Guardians will be contacted to implement an Attendance Plan as needed
- Teachers and staff shall encourage and model exemplary behavior and attendance

#### **The Role of the Parent/Guardian**

- To avoid interruptions of the academic year and plan medical appointments and vacations at times that will not require students to be out of school
- To show support regarding Charter School policies and state law by expecting regular school attendance for their child(ren)'s success
- To ensure that their child(ren) attend school daily
- To notify the school on the day of absence if their child(ren) will be absent
- To submit written documentation of their child(ren)'s absence on the day they return to school otherwise the absence shall be considered unexcused

The role of the parent/guardian is further summarized by NH Compulsory School Attendance Law, RSA 193:1 (Duty of Parent; Compulsory Attendance by Pupil)

### **The Role of the Administration**

The Administration shall enforce and uphold the NH Compulsory Education Law which may include a referral to juvenile court for excessive absenteeism

The Administration shall notify students and parents/guardians of school board policies and school rules regarding attendance through student handbooks and the Charter School website

The Administration shall identify students with attendance issues and work cooperatively with parents/guardians, students, school guidance counselors and teachers to improve attendance; parents/guardians shall participate in the development of the Attendance Plan and Interventions to assist their child in improving school attendance

The Administration shall maintain an earnest and persistent effort to improve student attendance through complete implementation of each student's Attendance Plan

The Administration shall encourage and model exemplary behavior and attendance

### **A. Attendance Plan**

The Charter School shall implement Attendance Plans that ensure communication between students, parents/guardians, representatives from social service agencies and the school staff. It is highly desirable to establish this communication prior to disciplinary measures or withdrawal/suspension actions by the school. Attendance Plans shall allow for proactive interventions that will benefit students.

The school staff shall contact parents/guardians if a student develops a pattern of absences. Administration or designee shall place a phone call or write a letter to the parents/guardians and arrange conferences to address the absences and create an Attendance Plan for the student.

Administration shall convene a meeting to develop the Attendance Plan with the parent, student and the appropriate youth serving agencies (e.g. Department of Health and Human Services) immediately following the student's fifth (5th) full-day unexcused absence from school. A half day unexcused absence is defined as any unexcused absence of less than 3 hours of instructional time. See ED 306.18(c)(6). A full day unexcused absence is defined as any unexcused absence in excess of 3 hours of instructional time.

### **B. Interventions**

The Attendance Plan shall include components which monitor, mentor and tutor the student. In order to facilitate a successful Attendance Plan for a student who is regularly absent, the pursuit

of interventions is required. These interventions may be one of the following or any other intervention acceptable to administration and parties involved:

- Alternative Education Plan
- Modification of student schedule
- Referral to outside agencies
- The filing of an educational neglect petition with the Court

### **C. Protocol for Excessive Unexcused Dismissals**

Every third dismissal from class shall constitute one full-day unexcused absence.

### **D. Protocol for Excessive Unexcused Tardiness**

Every third tardy to class shall constitute one full-day unexcused absence.

### **E. Protocol for Excessive Unexcused Absences**

5 full-day unexcused absences:

The administration or designee shall contact the parent(s)/guardian(s) in writing regarding the continued unexcused absences.

This correspondence shall provide the parents with documentation outlining the unexcused absences and a copy of the Charter School Regulations regarding attendance and a date, time and location for a meeting with parent(s)/guardian(s), student, school staff and applicable youth serving agencies to develop an attendance plan.

The administration or designee shall confirm parent receipt of this correspondence.

A meeting shall be convened to develop the Attendance Plan. If parents are not able to attend the meeting the draft of the plan shall be sent to parents.

At this level the parent or student may appeal the unexcused absences.

The written Attendance Plan shall minimally include that should the absences continue one or more of the following shall take place:

- A referral to the truant officer, court, diversion program, Office of Youth Services, Department of Health and Human Services
- Filing of an educational neglect petition with the Court
- Loss of credit

### **Attendance and Participation in School Sponsored Activities**

Attendance at school is required to participate in school sponsored activities. Students shall not attend or take part in school sponsored activities on the day of an absence or suspension from school.



## **G. Enforcement and Fines**

The following shall be deemed a law of the Charter School and shall be enforceable in accord with NH RSA 193:7 and RSA 189:15. "Habitual Truancy" shall be considered as any unexcused absences in excess of five (5) full or ten (10) half days or any numerical equivalent of the same.

Students aged 16 and older who have failed to comply with their Attendance Plan and are habitually truant may be served with a summons for each such offense, requiring their appearance in the local circuit court. Each offense shall constitute a violation. Any fine requested by the Charter School shall not exceed \$100.00 for each offense.

Furthermore, any habitually truant high school student may be prohibited from any extra-curricular activities and may lose all privileges for a period of one year from the date of the last offense.

The Charter School offers an education to all pupils who are legal residents of the district. Students are expected to accept this offer of an education. Students of 16 years of age or older, who do not have an educational disability, who are habitually truant, who fail to participate in their attendance plan, who have not responded to truancy actions, who continually violate the compulsory attendance laws of the state and Charter School, shall be deemed to have refused the Charter School's offer to provide them with an education. The student's ongoing refusal of an education shall be deemed gross misconduct and a violation of the rules of the Charter School. Absent a valid excuse, such as a disability, medical condition or other legitimate reason for continued nonattendance, the student shall be referred by the Dean for consideration as to whether the Superintendent will recommend expulsion to the School Board. Upon the Dean's recommendation, the Board of Trustees shall hold a hearing in accord with NH RSA 193:13 to determine whether the student should be expelled from the Charter School. The Charter School reserves the right to also pursue legal action with parents who fail to meet their legal responsibility to ensure their children attend school on a daily basis.

### **Legal References:**

RSA 193:1 Duty of Parent; Compulsory Attendance by Pupil

RSA 193:7 Penalty

RSA 193:8 Notice Requirements

RSA 193:16 School Attendance

NH Code of Administrative Rules, Section Ed 306.04 (a) (1), Attendance and Absenteeism

NH Code of Administrative Rules, Section Ed 306.04 (c), Policy Relative to Attendance and Absenteeism

NH Code of Administrative Rules, Section Ed 306.18 (c) (6)

RSA 189:35-a Truancy Defined

RSA 189:1-a Duty to Provide Education

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