

Welcome to ACNJ's

Lunch & Learn



*What Parents and Advocates
Should Know about Attendance
Laws and Issues*

Facilitated by:

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2022-2023 Chronic Absenteeism Data

Statewide Average: 16.6%

Over 20% of students in each of the following groups were chronically absent:

Hispanic, Black or African American, Non-Binary/Undesignated Gender, Economically Disadvantage Students, Students with Disabilities and Students in Foster Care.

The least affected groups were Asian, Native Hawaiian or Pacifica Islander at 8.7% and White at 12.9%.

These figures are higher than pre-pandemic levels, however NJ's absenteeism rates are among the lowest nationally.

See link to NJDOE page regarding data on Resource Page of this Presentation

What Are The Most Frequently Cited Reasons For Absences?

- Health issues
- Anxiety including social anxiety
- Depression
- Busing and transportation issues
- Fear of attending school because of bullying
- Fear of violence from other students
- Loss of interest in school due to unaddressed academic or behavior issues
- Frequently being suspended or reprimanded by teachers and administrators



What Could Be Contributing to Chronic Absenteeism?

Between the 2021-2022 and 2022-2023 school years -

Incidents of bullying, violence and suspension rose from 36,791 to 44,262.

See Link to NorthJersey.com article in Resource Page of this Presentation



Important Attendance Laws that Parents and Advocates Should Know

New Jersey education laws govern attendance rules

- Schools must provide all students with at least 180 days of instruction during a school year.
- Students may be absent for no more than 18 days without risking retention.

******(unless an agreement with their school district waives the attendance requirements and/or instructional days are made up in accordance with an agreed upon plan).

- School districts must excuse certain absences for reasons such as approved religious holidays and provide for a process to excuse other absences for students with disabilities and for other special circumstances.
- School is compulsory for students between the ages of 6 and 16.



Important Attendance Laws That Parents and Advocates Should Know

Length of School Day: Students must be in school for at least 4 hours
(2 -2 1/2 hours for kindergarten).

Days of Home Instruction: Count as days of attendance.

Tardiness School districts determine how late a student can be without being marked tardy or absent. In addition, districts may determine how excessive tardiness to school or a particular class can result in a determination that the student was absent.

School Board Policies and Code of Conduct Districts must develop a written code of conduct and school board policies that are made available to parents and that address all the attendance rules and regarding lateness, consequences and appeal rights and that are consistent with NJ education laws.

See Resource page attached to this presentation for link to relevant statutes and regulations regarding attendance on NJDOE's website.

What Are Some Ways School Staff Can Respond To Absences?

For up to 4 cumulative **unexcused** absent days:

- Interview the student and parents to determine how best to improve attendance through positive academic and behavior supports.
- Develop a plan to ensure consistent attendance.
- As appropriate, contact DCPP when abuse or neglect is suspected, and law enforcement as appropriate.

For between 4 and 9 cumulative **unexcused** absences:

In addition to above -

- Review the plan that was put in place.
- Develop new action plan, as needed, that may include IR&S services and/or CST evaluations and/or an alternative placement.

What Are Some Ways School Staff Can Respond to Absences?

10 + unexcused absences:

- In addition to range of positive interventions - **truancy charges may be considered for students between 6 and 16 yrs. old.**
 - Periodic court dates until issue is resolved.
 - Potential fines.
 - DCP&P may be called if abuse/ neglect suspected.



Potential Consequences for Excused and Unexcused Absences

Without prior written agreement regarding how school work will be made up and credits earned, students with excessive excused and/or unexcused absences are at risk for the following consequences:

- A failing grade.
- Retention.
- School district may dis-enroll a student (student can always re-enroll!)
- Student withdrawing (dropping out) from school because of loss of motivation or being pressured by school to drop out.
- A delay in high school graduation when student has to retake classes or repeat a year or more.

Advocacy For When A Health or Behavioral Issue is Causing Absences

When the student has a temporary or chronic health issue (including mental health issue), parents should provide a qualified physician's letter to excuse absences and request home instruction. Letter should include:

- A diagnosis and basis for diagnosis (i.e. testing done).
- Statement that professional anticipates student will be out of school for more than 10 consecutive or 20 or more cumulative school days and reasons why.
- Recommendations for appropriate modifications to classwork/homework, modified schedule and/or home instruction.

Send copy of letter to school nurse and principal. School physician must determine whether to grant approval and school must notify parent within 5 days of decision.

Parents can appeal a denial.

See NJAC 6A:16-10.1

How to Advocate For Services That Address Excessive Absences

- For general education students, consider an Intervention and Referral Services Plan (IR&S) which can be initiated by a parent's written request to the IR&S team for a meeting to come up with an IR&S Plan. No formal evaluations are necessary.
- If a disability is suspected, consider writing to the 504 Team or the Child Study Team for evaluations.
- For either a 504 plan or an IEP, parents can but do not have to provide school with evaluation reports.
 - School district is responsible to evaluate students who are suspected of having a disability that is impacting the student in school at no cost to parent under State and Federal Special Education and Disability Laws.



Advocacy Steps to Address Loss of Credit or Risk of Retention

- Write to ask for school meeting early in the year to have time to implement a credit recovery plan with relevant staff as applicable: guidance counselor, teachers, IR&S, CST, 504
- Examples of ways to make up for absences: summer classes, on-line classes, tutoring, modified assignments, home instruction, after-school and weekend instruction.
- As needed, make written request to relevant school staff for academic and social emotional support.
- Parents can try to appeal retention through Superintendent and Board of Education.
- Students with an IEP have additional rights that may require promotion to enforce the special education right to be educated with peers to the extent reasonable.



What to do if a High School Student has Lost Credits

- New Jersey education laws require districts to provide students with a variety of ways to achieve their high school graduation requirements (students with IEPs have additional rights)
- Examples: summer and on-line classes, tutoring, work-study, independent study, community college to simultaneously earn high school and college credits, and alternative schools.
- Students may withdraw from school only with parental written consent unless they are 18 +
 - **Students may re-enroll at any time** until age 20 for general education students or age 21 for students with IEPs.
- Obtain State Diploma through a GED. Various community programs are available to assist students to pass the GED and gaining other skills but may require fees and other conditions. Parents and students should obtain information to understand whether this is a good option.

See High School Graduation Requirements:
<https://www.nj.gov/education/code/current/title6a/chap8.pdf>



Resources

Additional information regarding student education rights are available on ACNJ's website:
<https://acnj.org/kidlaw/education/>

2022-2023 Chronic Absenteeism Data from New Jersey's Department of Education website:
<https://rc.doe.state.nj.us/2022-2023/state/detail/climate?lang=EN>

Information regarding attendance statutes, regulations, guidance and policies can be found on the New Jersey Department of Education website: <https://www.nj.gov/education/safety/sandp/attendance/>

Information from NorthJersey.com on the rise of incidents of bullying, violence and suspensions in our state: <https://www.northjersey.com/story/news/education/2024/04/03/nj-students-miss-more-school-now-than-before-covid-pandemic/73194811007/>



QUESTIONS??



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