

OFFICE OF SCHOOL IMPROVEMENT, OVERSIGHT AND RECOVERY
Summary of State Board of Education Agenda Items
August 15-16, 2013

OFFICE OF DROPOUT PREVENTION

04. Approval to revise State Board Policy 3102 - Reporting of Unexcused Absences
(Has cleared the Administrative Procedures Act process with one public comment)

Executive Summary

The Mississippi Code of 1972 Annotated Section 37-13-91 outlines the legal requirements for reporting attendance. The revision will align the existing policy to current legislation.

Recommendation: Approval

Back-up material attached

3102 Reporting of Unexcused Absences

Pursuant to Mississippi Code 37-13-91, a parent, guardian or custodian of a compulsory-school-age child in this state shall cause the child to enroll in and attend a public school or legitimate nonpublic for the period of time that the child is of compulsory-school-age. Mississippi Code Section 37-9-14(2)(u) states that School District Superintendents are “to comply in a timely manner with the compulsory education reporting requirements prescribed in Section 37-13-92(6).” The State Department of Education shall prescribe a uniform method for schools to utilize in reporting the unlawful absences to the school attendance officer.

1. An unlawful absence is an absence by any compulsory school-age child missing for thirty-seven (37%) or more of a school day, in which the absence is not due to a valid excuse for temporary nonattendance.
2. An unlawful absence is an absence by any compulsory school-age child who is removed from school for days missed as a result of disciplinary suspension. Absences due to suspension or expulsion shall not be excused by the school district superintendent, or his designee. A student that is absent due to suspensions or expulsions shall not be reported as truant.

Based on Section 37-13-91(6), the school district superintendent or his/her designee, shall report, within two (2) school days or within five (5) calendar days, whichever is less, the absences to the school attendance officers. Therefore, pursuant to Section 37-13-85(o), provides that the MDE shall adopt any other policies that the office deems necessary for the enforcement of the Mississippi Compulsory School Attendance Law; however, the policies or guidelines shall not add or contradict with the requirements of Section 37-13-91. The superintendent, or his designee, also shall report any student suspensions or student expulsions to the school attendance officer when they occur and code them as “unexcused absences”. However, these absences will not be counted towards a student being identified as truant.

For the purpose of determining and reporting attendance, a pupil must be present for at least sixty-three percent (63%) of his/her instructional day, as fixed by the local school board, and defined by the student’s schedule, in order to be considered in full-day attendance.

Each of the following shall constitute a valid excuse for temporary nonattendance of a compulsory-school-age child enrolled in a public school, provided satisfactory evidence of the excuse is provided to the superintendent of the school district, or his designee:

1. An absence is excused when the absence results from illness or injury which prevents the compulsory-school-age child from being physically able to attend school.
2. An absence is excused when isolation of a compulsory-school-age child is ordered by the county health officer, by the State Board of Health or appropriate school official.
3. An absence is excused when it results from the death or serious illness of a member of the immediate family of a compulsory-school-age child. The immediate family members of a compulsory-school-age child shall include children, spouse, grandparents, parents, brothers and sisters, including stepbrothers and stepsisters.
4. An absence is excused when it results from a medical or dental appointment of a compulsory-school-age child.

5. An absence is excused when it results from the attendance of a compulsory-school-age child at the proceedings of a court or an administrative tribunal if the child is a party to the action or under subpoena as a witness.
6. An absence may be excused if the religion, to which the compulsory-school-age child or the child's parents adheres, requires or suggests the observance of a religious event. The approval of the absence is within the discretion of the superintendent of the school district, or his designee, but approval should be granted unless the religion's observance is of such duration as to interfere with the education of the child.
7. An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that the purpose of the absence is to take advantage of a valid educational opportunity such as travel, including vacations or other family travel. Approval of the absence must be gained from the superintendent of the school district, or his designee, before the absence, but the approval shall not be unreasonably withheld.
8. An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that conditions are sufficient to warrant the compulsory-school-age child's nonattendance. However, no absences shall be excused by the school district superintendent, or his designee, when any student suspensions or expulsions circumvent the intent and spirit of the compulsory attendance law.

If a compulsory-school-age child is **participating in an authorized school activity** with the prior approval of the superintendent of the school district, or his/her designee, the student is considered **PRESENT** for average daily attendance reporting purposes. The activities include, but are not limited to:

- Official Organized Events Sponsored by the 4-H
- Future Farmers of America
- Junior Livestock Shows
- Rodeo Events
- Official Employment as a Page at the State Capitol
- Subject-Matter Field Trips
- Athletic Contest
- Student Conventions
- Music Festivals or Contest

A student's participation in an authorized school activity must be verified by one of the following:

- Student Schedule
- Class Roster
- Activity Roster

If a district superintendent fails to comply with the above guidelines, the following may occur:

1. The School Attendance Officer may present evidence to the Director of the Office of Compulsory School Attendance Enforcement that a school superintendent has failed to report unexcused absences in a timely manner. Such a report must be in writing and supported by written evidence.
2. If no action is warranted, the Director of the Office of Compulsory School Attendance Enforcement will notify the School Attendance Officer in writing of the determination.
3. If further action is warranted, the Director of the Office of Compulsory School Attendance Enforcement may recommend to the State Superintendent of Education or his/her designee, downgrading of the district's accreditation status.
4. When information on file in the Mississippi Department of Education indicates that a school district may be in violation of a state law, the superintendent of the district will be informed in writing by appropriate staff in the Department responsible for monitoring compliance with of the compulsory school attendance law.
5. School district officials will be given thirty (30) days from the date of receipt of notification to provide a written response verifying accuracy or inaccuracy of the notice of possible noncompliance with the compulsory school attendance law. If the written response includes appropriate evidence to correct or refute the alleged violation, the superintendent of the district will be notified by appropriate staff.
6. The appropriate staff member in the Office of Accreditation will notify the superintendent of the district in writing of the verified violation. Although the accreditation status of the district may not be subject to change until the next assignment of annual district status, the superintendent is required to provide a written response specifying how and when the violation will be corrected.

Source Code: *Miss. Code Ann. §37-13-91, et seq.*
House Bill 1530

(Proposed Adoption 7/2013)

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Mrs. Kersh

I think the term "unexcused" instead of "unlawful" below should be used. I think we will run into some significant problems if appears we think we can or do in fact start using these absences in the enforcement of the Law and/or to file charges. I hope this helps and please let me know if you have any questions...
Bobby

2. An unlawful absence is any compulsory school-age child that is absent from school due to days missed due to disciplinary suspension. Absences due to suspension or expulsion shall not be excused by the school district superintendent, or his designee.

Bobby Johnson