

Dr. Martin Karp, Board Member

**SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULE: INITIAL
READING 6Gx13- 5A-1.04, STUDENT ATTENDANCE—SPECIFIC
RESPONSIBILITIES**

COMMITTEE: SCHOOL SUPPORT ACCOUNTABILITY

This item is submitted for consideration by the School Board to amend School Board Rule 6Gx13- 5A-1.04, Student Attendance—Specific Responsibilities. The purpose of the amendment is to allow a student to receive an excused absence for educational or enrichment activities that are not school-sponsored events but are determined by the principal or the principal's designee to be of significant value to the student.

Attached are the Notice of Intended Action and the rule proposed for amendment. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the amendment of Board Rule 6Gx13- 5A-1.04, Student Attendance—Specific Responsibilities.

**ACTION PROPOSED BY
DR. MARTIN KARP:**

That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend School Board Rule 6Gx13- 5A-1.04, Student Attendance—Specific Responsibilities.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on October 19, 2005, its intention to amend Board Rule 6Gx13- 5A-1.04, Student Attendance—Specific Responsibilities, at its meeting of December 14, 2005.

PURPOSE AND EFFECT: The revision to the Board Rule will allow students to receive an excused absence for educational or enrichment activities that are not school-sponsored events but are determined by the principal or the principal's designee to be of significant value to the student.

SUMMARY: The rule as amended provides for a policy that permits a student to receive an excused absence for educational or enrichment activities that are not school-sponsored events if the school principal or the principal's designee determines that it is of significant value to the student.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1001.51(6) and (26); 1003.21; 1003.23; 1003.24; 1003.26; 1003.27; 1006.07 F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF December 14, 2005, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by November 15, 2005 to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED AMENDED RULE is available to the public for inspection and copying at cost in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Dr. Martin Karp
Date: October 10, 2005

Attendance**STUDENT ATTENDANCE--SPECIFIC RESPONSIBILITIES**

There are probably no factors more important to successful school progress than regular and punctual school attendance. Students who are tardy or absent excessively from the instructional program will fall behind in academic achievement. Excessive school absenteeism precedes grade failure, loss of interest, and may result in students withdrawing from school.

A student accumulating ten (10) or more unexcused class absences in an annual course or five (5) or more unexcused class absences in a designated semester course will be subject to the withholding of passing final grade(s) pending a student/parent-requested administrative screening and/or review of all absences by the Attendance Review Committee.

State laws and regulations substantially control the administration of student attendance in the schools. Any supplementary rules and procedures put into effect in the school system must be consistent with State laws and rules.

Miami-Dade County Public Schools has the affirmative obligation to increase student attendance through a monitoring process that will classify all absences as excused or unexcused, to inform parents of student absences, and to see that the compulsory attendance laws are enforced. This obligation will be satisfied through the implementation of an attendance review procedure which monitors both the type and the number of student absences.

I. Attendance Defined**A. School Attendance**

Students are to be counted in attendance only if they are actually present or engaged in a school-approved educational activity which constitutes a part of the instructional program for the student.

1. Excused School Absence**a. Student illness****b. Medical appointment**

- c. Death in family
- d. Observance of a religious holiday or service when it is mandated for all members of a faith that such a holiday or service be observed
- e. School-sponsored event or activity previously approved
- f. Educational or enrichment activity that is not a school-sponsored event, as determined and approved by the principal or the principal's designee
- f. g. Other individual student absences beyond the control of the parent or student, as determined and approved by the principal or the principal's designee

2. Unexcused School Absence

Any absence that does not fall into one of the above excused absence categories is to be considered unexcused.

B. Tardiness

Tardiness is the absence of a student in the classroom at the time the regularly scheduled session begins (when the bell rings), provided that the student is in attendance before the close of the session.

It is a reasonable expectation that in order for a learning activity to exist, each student must arrive to class on time (punctually). A student who is tardy to class, not only places his/her own learning in jeopardy, but also interrupts the learning of other students.

Excused tardiness may not impact a student's academic grade.

1. Excused Tardiness

- a. Student illness
- b. Medical appointment

- c. Death in family
- d. Observance of a religious holiday or service when it is mandated for all members of a faith that such a holiday or service be observed
- e. School-sponsored event or activity previously approved
- f. Other individual student tardiness beyond the control of the parent or student, as determined and approved by the principal or the principal's designee

2. Unexcused Tardiness

Any tardiness that does not fall into one of the above excused tardiness categories is to be considered unexcused.

C. Class Attendance

Students are to be counted in attendance if they are physically present in class or have been excused by the teacher on a class-related assignment, or have been requested by a member of the school support staff. A student is tardy to class if he/she is not in his/her assigned classroom when the tardy bell rings, provided that the student is in attendance before the close of that class period.

1. Excused Class Absence/Tardiness

- a. Student illness
- b. Medical appointment
- c. Death in family
- d. Observance of a religious holiday or service when it is mandated for all members of a faith that such a holiday or service be observed
- e. School-sponsored event or activity previously approved

- f. Other individual student absences/tardiness beyond the control of the parent or student, as determined and approved by the principal or the principal's designee

Students granted an excused absence/tardiness have the right to make up all classwork within a reasonable length of time. After successful completion of all make-up assignments, the student cannot be penalized for that absence/tardiness

2. Unexcused Class Absence

Any absence that does not fall into one of the above excused absence categories is to be considered unexcused. All unexcused absences will result in a failing grade being issued for any work missed on the day(s) in question. A student accumulating ten (10) or more unexcused class absences in an annual course or five (5) or more unexcused class absences in a designated semester course will be subject to the withholding of passing final grade(s) pending a student/-parent-requested administrative screening and/or review of all absences by the attendance review committee.

II. Responsibilities Defined

A. The principal is expected to see that:

1. Attendance/tardiness is taken and recorded by duly authorized persons at a designated time(s) every official school day.
2. Students, parents/guardians and staff are provided with the opportunity to participate in the development of the school site tardy policy.
3. Students, parents/guardians and staff are informed early in the school year, in writing, of the school's tardy policy.

4. A review of classes that have excessive absences is made in order to determine if the quality of instruction is a factor in the failure of students to attend class on a regular basis. Should this be the case, appropriate action will take place to upgrade the quality of instruction in the classroom(s) in question.
5. A good faith effort is made to contact the parents of students absent from school each day.
6. A determination is made by duly authorized persons as to the excused or unexcused status of each absence/tardiness.
7. Students and parents are notified annually that unexcused absences in excess of ten (10) or more days in an annual course or five (5) or more days during a designated semester course may result in the withholding of credit.
8. Parents are notified by telephone, U. S. Mail, or by home visitation upon each consecutive third (3rd) absence or fifth (5th) aggregate absence. The school may request computer-generated letters for this purpose.
9. An advisory notice is sent to parents after the third (3rd) unexcused absence in a 90 calendar day period or in a designated semester course and after the fifth (5th) unexcused absence in an annual course informing them that the final grade(s) for their child may be withheld resulting in the loss of credit. A parent conference shall be requested to resolve the problem of unexcused absences.
10. Upon the accumulation of ten (10) or more unexcused absences in an annual course or five (5) or more unexcused absences in a designated semester course, the parents are informed of the withholding of final passing grades and credit, and advised of the student/parent-initiated appeal procedures.

11. Any serious non-attendance case is recorded and given to the school social worker. The principal is responsible for providing a plan for follow-up services for all cases referred to the school social worker.
12. The daily attendance bulletin indicates the aggregate number of days each student has been absent. The principal shall determine the extent of follow-up on any record discrepancy.
13. A screening procedure is established to be used as necessary and during the last week of each school year or semester when applicable to review all student/parent attendance petitions, prior to forwarding the petitions to the attendance review committee. This procedure is designed to grant the issuing of final grades to those obvious cases that have extenuating circumstances.
14. An Attendance Review Committee is organized consisting of three or more school staff personnel.
15. The Attendance Review Committee recommendation is personally reviewed for one of the following decisions:
 - a. Issuing of final grades.
 - b. Temporary withholding of final grades. The following are among possible options:
 - (1) Make up assignments
 - (2) Attendance probation for the following grading period(s)
 - (3) Completion of a school service project
 - c. Permanent withholding of final grades and credit. The student is to be informed of his/her right of final appeal to the region superintendent or designee.

B. The classroom teacher is expected to:

1. Encourage good class and school attendance with quality instruction and curriculum and by demonstrating an interest in the welfare of students.
2. Take and record attendance/tardiness for the students enrolled in each class. The record should reflect excused or unexcused absences/tardiness.
3. Check the daily attendance bulletin for students' third (3rd) and fifth (5th) day accumulated absences and report any discrepancies to the attendance office. The principal shall determine the extent of follow-up on any reported discrepancies.
4. Upon request of the student or the parent, provide make-up assignments for excused absences/tardiness.
5. Notify the principal and student as to the number and types of absences when the accumulation of such absences may result in the withholding of the passing final grade(s). Where feasible, this notification should occur at a time which would permit the parent to take corrective action.
6. Withhold the issuance of a passing final grade by recording an "NG" when the student has accumulated ten (10) unexcused absences in an annual course or five (5) unexcused absences in a designated semester course, unless directed to do otherwise by the principal or designee.

C. The student is expected to:

1. Take advantage of his/her educational opportunity by attending all classes punctually on a daily basis.
2. Provide the school with a written explanation for any absence/tardiness.

3. Request the make-up assignment for all excused absences/tardinesses from his/her teachers upon his/her return to school or class. It should be noted that all classwork, due to the nature of instruction, is not readily subject to make-up work.
4. Complete the make-up assignments for classes missed within a reasonable time. Failure to make up all assignments will result in lower assessment of the student's academic and/or effort grade.
5. Submit a completed "Petition to Appeal Withholding of Final Passing Grades" to the individual responsible for the screening process:
 - a. Provide written documentation for all absences to the Attendance Review Committee.
 - b. Appear before the committee at the scheduled time with a parent or guardian.

D. The parent is expected to:

1. Report and explain an absence or tardiness to the school.
2. Be responsible for his/her child's school attendance as required by law.
3. Be aware that tardiness places his/her child's own learning in jeopardy and interrupts the learning of other students.
4. Stress the importance of regular and punctual school attendance with his/her child.
5. Personally contact the school after his/her child's fifth (5th) aggregate absence.
6. Assist his/her child with the completion of the "Petition to Appeal Withholding of Final Grades."
7. Appear before the Attendance Review Committee at the scheduled time to provide information relating to his/her child's absences.

- E. The Attendance Review Committee is expected to:
1. Convene, as necessary, and during the final week of each school year or semester when applicable.
 2. Schedule appointments for all student petitioners.
 3. Give consideration to all extenuating circumstances surrounding student absences.
 4. Grant permission for the issuing of final grades after the review of all absences, when appropriate.
 5. Submit an impartial written recommendation to the principal, after the review of all absences, for the withholding of final grades, when appropriate.

III. **Absence/Tardiness Must Be Explained**

Whenever a child of compulsory school attendance age is absent/tardy without the permission of the person in charge of the school, the parent of the child shall, as soon as practicable after learning of the absence/tardiness, report and explain the cause of such absence/tardiness to the teacher or principal of the school. If the parent of the child knows of the absence/tardiness, failure to make such report and explanation shall be prima facie evidence of the child's being absent/tardy with the consent or connivance of the parent.

IV. **Parents Responsible for Attendance of Children**

"Each parent and legal guardian of a child within the compulsory attendance age is responsible for the child's school attendance as required by law. The absence of a child from school is prima facie evidence of a violation of this section; however, criminal prosecution may not be brought against a parent, guardian, or other person having control of the child until the provisions of ~~§ 232.17~~ §1003.26 have been complied with. A parent or guardian of a child is not responsible for the child's nonattendance at school under any of the following conditions:

1. **WITH PERMISSION.** - The absence was with permission of the head of the school; or

2. **WITHOUT KNOWLEDGE.** - The absence was without the parent's knowledge, consent, or connivance; in which cases the child shall be dealt with as a dependent child; or
3. **FINANCIAL INABILITY** - The parent was unable financially to provide necessary clothes for the child, which inability was reported in writing to the superintendent prior to the opening of school or immediately after the beginning of such inability; provided, that the validity of any claim for exemption under this subsection shall be determined by the superintendent subject to appeal to the school board;
4. **SICKNESS, INJURY, OR OTHER INSURMOUNTABLE CONDITION** - Attendance was impracticable or inadvisable on account of sickness or injury, attested to by a written statement of a licensed practicing physician, or was impracticable because of some other stated insurmountable condition as defined by rules of the state board. If a student is continually sick and repeatedly absent from school, he or she must be under the supervision of a physician in order to receive an excuse from attendance. Such excuse provides that a student's condition justifies absence for more than the number of days permitted by the district school board."
(~~232-09~~ 1003.24 F.S.)

V. **Certificates of Exemption Authorized in Certain Cases**

Children within the compulsory attendance age limits who hold valid certificates of exemption which have been issued by the superintendent shall be exempt from attending school. A certificate of exemption shall cease to be valid at the end of the school year in which it is issued. Children entitled to such certificates and the conditions upon which they may be issued are as follows:

1. **PHYSICAL AND MENTAL DISABILITY** - Any child whose physical, mental, or emotional condition is such as to prevent his successful participation in regular or special education programs for exceptional children; provided, that before issuing a certificate of exemption for physical, mental, or emotional disability, the superintendent shall require the submission of a statement from the county health officer, if a licensed physician, in counties having such an officer, and in other counties from a licensed practicing physician or qualified psychological examiner designated by the district certifying that the child is physically or mentally incapacitated for school attendance;

provided, further that if appropriate programs are not available within the school system, arrangements shall be made with adjoining districts or other appropriate agencies, residential schools, or approved non-public schools providing appropriate programs and services as determined by the Department of Education under regulations prescribed by the state board. Any child so exempt from educational provisions shall be immediately reported to the department.

2. **EMPLOYMENT EXEMPTION** - Children who have reached 14 years of age who hold employment certificates and are employed under provisions of the Child Labor Law.
3. **JUDICIAL EXEMPTIONS** - Upon the recommendation of a circuit judge and the agreement of the superintendent, any child within the compulsory attendance age limit may be granted a certificate of exemption.
4. **CHILD CARE EXEMPTION.** - A parent who does not have access to child care.

VI. Procedures for Release From Compulsory School Attendance

The Administrative Director, Division of Attendance Services has the responsibility for approving the joint request of the principal and the region superintendent for withdrawal from school of a student of compulsory attendance age.

When it becomes necessary to consider the withdrawal of a student of compulsory school attendance age, including those in the Exceptional Student Education Program, and the parent or guardian is in agreement with this action, a request by the principal for the withdrawal is made to the region superintendent.

This request includes:

- A. The principal's signed statement of the problem, including procedures taken by the school to improve the situation. The statement shall be co-signed by the school social worker.
- B. A copy of any available psychological or medical evaluation and recommendations.

- C. A written request or agreement for the withdrawal signed by the parent or guardian.
- D. A statement from any school support-service or non-school professional(s) familiar with the case.
- E. Recommended plans for the student's early return to an educational program.
- F. When family financial hardship exists, an explicit statement showing income and expenses of the family, as well as the contribution which the student will make toward relieving the situation.

If the student's withdrawal appears warranted, the region superintendent shall forward the request with an appropriate cover letter to the Administrative Director, Division of Attendance Services, for approval.

The Administrative Director, Division of Attendance Services, shall notify the principal by letter regarding the disposition of the request, with a copy of the letter to the region superintendent. The principal shall then notify the parent or guardian of the action taken. The letter of notification from the Administrative Director, Division of Attendance Services, shall be filed in the student's Cumulative Record. The permanent record shall indicate withdrawal on a specific date.

Specific Authority: ~~230.22(2); 230.23(22)~~ 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.
 Law Implemented, Interpreted, or Made Specific: ~~230.23(6)(b); 230.33(6); 232.01;~~
~~232.022; 232.06; 232.09; 232.17; 232.19; 232.41~~ 1001.51(6) and (26); 1003.21;
1003.23; 1003.24; 1003.26; 1003.27; 1006.07 F.S.

History THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
 Repromulgated: 12-11-74
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