

Category: **STUDENTS**Issued: 12/22/16 Number: **A-210**

Subject: MINIMUM STANDARDS FOR ATTENDANCE PROGRAMS

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**SUMMARY OF CHANGES**

This regulation supersedes Chancellor's Regulation A-210 dated September 20, 2013.

**Changes:**

- Clarifies that schools must develop and implement school policies that describe their objectives and define aspects of their attendance program, including: maintaining accurate records of student attendance; monitoring patterns of student lateness and absence; and using effective intervention strategies to improve school attendance (p. 2, Section III.A).
- Provides that schools must monitor the daily attendance of students involved with the Administration for Children's Services (ACS), as defined in the Joint Statement Introducing a Tiered Response Protocol for High-Risk Cases of Educational Neglect and Unexplained Absence ("Tiered Response Protocol"), and take appropriate action in response to the unexplained absences of these students in accordance with the Tiered Response Protocol and Section III of Chancellor's Regulation A-750 (p. 2, Section III.D).
- Provides that the principal/designee or attendance coordinator is responsible for implementing the attendance monitoring procedures outlined in Section III of Chancellor's Regulation A-750, the Tiered Response Protocol, and other attendance initiatives and updated guidelines issued by the Chancellor (p. 2-3, Section III.E).
- Clarifies that automated calling systems for schools' daily absence calls may not be used when doing so would violate guidelines issued by the Chancellor that require schools to assign staff to make personal phone calls when inquiring about the absence(s) of a student whose safety may be in question (p. 3, Section III.G).
- Establishes that when a student is absent for ten (10) or more consecutive days for unexplained reasons, educational harm may be presumed and schools must conduct an investigation to determine whether the absences may be related to educational neglect. Provides that the Form 407 Attendance Follow-up and Outreach Referral shall be used for this purpose (pp. 3-4, Section IV.B).
- Establishes that attendance investigations for ten (10) or more consecutive absences must address specific factors that may indicate educational neglect, as set forth in this regulation (pp. 3-4, Section IV.B.3).
- Clarifies that if the school has reasonable cause to suspect educational neglect or any form of abuse, the school must make a report to the State Central Register (SCR) in accordance with the procedures set forth in Chancellor's Regulation A-750 (p. 4, Section IV.B-C).
- Clarifies that when a school reports suspected educational neglect to SCR regarding a child for whom a Form 407 was generated, the 407 case remains open until the child returns to school. For such cases, schools must enter the appropriate code in ATS to reflect that the SCR report was made. In addition, all reports to SCR must be recorded in OORs within 24 hours of receiving the Call ID number from the SCR (p. 4, Section IV.B).
- Provides that schools' Clearance of Register programs must address the school's plan to identify and monitor the attendance of students involved with ACS (p. 5, Section V).
- Provides that Form 407s generated for students in pre-kindergarten through grade 8 that remain unresolved for over 10 days must be reviewed by the attendance coordinator and/or principal in order to determine that outreach and investigation efforts have addressed relevant factors, including the factors listed in Section IV.B.4 of this regulation, as applicable, to determine the issues obstructing resolution, and the appropriate action or intervention that will either return the student to school or properly discharge him or her (pp. 4-5, Section IV).

### **ABSTRACT**

This regulation supersedes Chancellor's Regulation A-210 dated September 20, 2013. It sets forth the minimum standards for school attendance programs, including requirements for meeting state attendance mandates, and establishes the policies for school attendance services, attendance reporting, and follow-up procedures. The tracking and follow-up of attendance and chronic absenteeism is one of the Department of Education's most important responsibilities as it relates to the safety, welfare, and educational success of the students of New York City.

#### **I. ATTENDANCE LAW**

- A. Each minor from 5 to 17 years of age in New York City is required to attend school on a full-time basis.
  - 1. Children who turn 5 on or before December 31<sup>st</sup> of the school year are required to attend kindergarten at the beginning of that school year, except that such children are not required to attend kindergarten if their parents<sup>1</sup> elect instead to enroll them in first grade the following academic year.
  - 2. Students who turn 17 on or after July 1<sup>st</sup> must complete the school year in which they turn 17 years of age.
- B. Exceptions to the age requirements for attendance are as follows:
  - 1. minors who have graduated from high school.
  - 2. students who have earned a high school equivalency diploma.
  - 3. students 16 or 17 years of age who have been issued a full-time employment certificate.

#### **II. RESPONSIBILITIES FOR ATTENDANCE SERVICES**

- A. The Chancellor is responsible for setting the minimum standards for school-based attendance programs and issuing guidelines related to attendance issues and services.
- B. Principals are responsible for ensuring that his/her school's attendance program meets minimum standards for attendance services, as mandated by State requirements and as delineated in this Regulation and other Department of Education procedural guidelines. This includes approving an annual Attendance Plan, managing the accurate recording of attendance, and supervising a school-based attendance coordinator and attendance committee, as set forth in Section III below.
- C. The Field Support Center Attendance Supervisor is responsible for providing support and assistance to schools in order to ensure that minimum attendance program requirements are met. This includes but is not limited to:
  - 1. assisting schools in the development of an Attendance Plan that will allow for the effective implementation of attendance tracking, outreach, follow-up and support services; and
  - 2. facilitating training for staff involved in the attendance program, including attendance teachers, attendance coordinators, principals, assistant principals, guidance counselors/support staff, pupil accounting secretaries, family assistants and para-professionals.

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<sup>1</sup> The term "parent," whenever used in this regulation, shall mean the student's parent(s) or guardian(s) or any person or agency in a parental or custodial relationship to the student.

### III. MINIMUM ATTENDANCE PROGRAM STANDARDS FOR SCHOOLS

- A. **Annual Attendance Policy and Plan:** Schools must develop and communicate to their staff their school policies that describe their objectives and define aspects of their attendance program, including: maintaining accurate records of student attendance; monitoring patterns of student lateness and absence; and using effective intervention strategies to improve school attendance. Every year on or before October 31<sup>st</sup>, each school is required to submit an annual Attendance Plan as a component of the Office of Safety and Youth Development's Consolidated Plan. The plan describes how schools implement their policies.
- B. **Recording Attendance:** Student attendance for the day must be recorded in ATS on a daily basis. In grades 9–12 and in departmentalized schools (a school that is organized around academic subject departments) at any grade level, attendance also must be recorded for each period of scheduled instruction, via ATS or another recording method, in accordance with procedures defined in the school's Attendance Plan. Teachers are responsible for ensuring that accurate records of attendance are kept for each student on register. Scan sheets must be signed by the teacher. Changes to scan sheets may only be made by the person whose signature appears on the sheet and must be initialed by that person. All other changes of attendance must be documented on the Change of Attendance Form or similar record and entered into the ATS System. Scan sheets and other forms of attendance documentation must be kept on file at the school for 6 years after the student's expected date of graduation. Principals must make these records available to those authorized to review, inspect, or audit them.
1. **Recording Reasons for Absence:** Schools are to make every effort to identify and document the reasons for student absences. School policy will define the kinds of absences that will be excused and those that will not be excused, and define the supporting documentation to be collected and maintained.
  2. **Recording Lateness/Early Departure:** School policy will define what constitutes a late arrival and define which late arrivals are excused and not excused. Schools are to keep records of late arrivals and early departures in accordance with school-defined policies. A student who is marked late is considered present for the school day. No number of late arrivals constitutes an absence. A student is considered present for the day if s/he attends at least one instructional period. Frequent or unexcused lateness or early departures require the same follow-up and intervention procedures as absences.
  3. **Religious Accommodations:** Schools must follow Chancellor's Regulation A-630 for recording early departures and excused absences due to religious observance.
- C. **Ensuring Regular Student Attendance:** Schools must establish and maintain a system for recognizing patterns of student absence. A student who misses the equivalent of 2 or more days per month, or 20 or more days in the school year, is considered chronically absent. Schools are to establish and implement specific interventions to reduce the number of students who are chronically absent.
- D. **Monitoring the Attendance of Students Involved with the Administration for Children's Services (ACS):** The unexplained absence of a student involved with ACS may indicate that the safety of such student is at risk. For purposes of this regulation, DOE students in foster care and DOE students whose parents are or recently were under investigation by ACS as a result of a report of suspected neglect or abuse made by DOE personnel to SCR are referred to as ACS-involved students. Schools must monitor the daily attendance of their ACS-involved students and take appropriate action in response to the unexplained absences of such students in accordance with Section III of Chancellor's Regulation A-750 and the Joint Statement Introducing a Tiered Response Protocol for High-Risk Cases of Educational Neglect and Unexplained Absence ("Tiered Response Protocol").

- E. **Attendance Coordinator:** At each school, an attendance coordinator (administrator or pedagogue) is responsible for the overall operation of the school attendance program, under the supervision of the principal or his/her designee. This includes but is not limited to ensuring that student attendance is recorded accurately, all documentation is appropriately signed and available for review, parents are contacted following a student's absence, all documents related to attendance tracking are filed appropriately, and all 407 procedures, as specified below, are followed. In addition, the principal/designee or attendance coordinator is responsible for implementing the attendance monitoring procedures outlined in Section III of Chancellor's Regulation A-750, the Tiered Response Protocol, and other attendance initiatives and updated guidelines issued by the Chancellor.
- F. **Attendance Committee:** Each school must have an Attendance Committee consisting of members of the school community including, but not limited to, teachers, administrators, attendance teachers, and guidance counselors. The Attendance Committee uses data and case study to identify and resolve underlying reasons for lateness and absences.
- G. **Parent Outreach:** Schools must contact parents to determine the cause of a child's unexplained absence and propose a resolution. Every effort must be made to telephone parents on the first day of a student's absence. Automated calling systems may be used to supplement outreach efforts except when inquiring about the absence of a student whose safety may be in question; Section III of Chancellor's Regulation A-750 and implementation guidelines developed by the Chancellor require personal phone calls for such students. All parent contacts and attempted contacts must be documented and kept on file in the school. Outreach and intervention efforts are to be entered into the ILOG system on ATS. Schools are responsible for maintaining up-to-date parent contact information (address and phone numbers) in ATS.

#### IV. INVESTIGATION OF CAUSES OF ABSENCE AND THE FORM 407 TRACKING SYSTEM

The Form 407 Attendance Follow-up and Outreach Referral ensures that a documented investigation is undertaken for every student who requires continued follow-up after standard outreach and intervention measures have been utilized. A school conducts a Form 407 investigation to identify the reasons students remain absent and to return them to school or appropriately discharge them.

- A. A Form 407 Attendance Follow-up and Outreach Referral is automatically generated at all schools under the following conditions:
  - 1. when a student has been absent for 10 consecutive days;
  - 2. where there has been a prior 407 investigation for a student, when such student has been absent for 8 consecutive days or 15 aggregate days;
  - 3. for students in pre-kindergarten through grade 8, when a student has been absent for 20 aggregate days over a four-month period.
- B. Educational Neglect Inquiry
  - 1. In accordance with Section I.E of Chancellor's Regulation A-750, a report of educational neglect must be filed whenever a parent fails to ensure his/her child's prompt and regular attendance in school or keeps the child out for impermissible reasons. A report must be filed when the following conditions exist:
    - a. The student is absent from school; and
    - b. There is reasonable cause to suspect that the parent is aware or should have been aware of the absences; and
    - c. There is reasonable cause to suspect that the parents contributed to the child's absences or are failing to take steps to effectively address the problem and return the child to school (i.e., failure to provide a minimum degree of care); and
    - d. There is reasonable cause to suspect educational impairment/harm to the child or imminent danger of impairment/harm (proof of actual educational harm is not necessary so long as harm can be reasonably presumed).

2. Whenever a student has unexplained absences of ten (10) or more consecutive days, educational harm may be presumed and schools must conduct an inquiry into whether other indicators of educational neglect are present. The Form 407 Attendance Follow-up and Outreach Referral shall be used for this purpose. **Note:** any Form 407 referral may be grounds to conduct an inquiry into possible educational neglect.
  3. After the Form 407 has been generated, the school must record all information, outreach efforts, and interventions in either the ILOG System on ATS, directly on the Form 407, and/or as a comment code in ATS. If the Form 407 case cannot be resolved at the school level, the case must be referred to an attendance teacher for further investigation. Outreach and intervention notes must address the following factors:
    - a. The school's efforts to provide notification of the child's absences to the parent; and
    - b. The role of the parent: whether the school has been unable to make contact with the parent despite outreach efforts, whether the parent has resisted or rejected the school's requests for information and assistance; whether the parent cannot provide an explanation for a child's absences; and
    - c. Other considerations: whether the investigation of causes of absence reveals indicators of other forms of abuse or maltreatment.
  4. Based upon the results of the investigation, if the school has reasonable cause to suspect educational neglect or any form of abuse, the school must make a report to SCR in accordance with the procedures set forth in Chancellor's Regulation A-750.
  5. When the school reports suspected educational neglect regarding a child for whom a Form 407 was generated, the 407 case remains open until the child returns to school. For such cases, schools must enter the appropriate code in ATS to reflect that the SCR report was made. In addition, in accordance with Section I of Chancellor's Regulation A-750, all reports to SCR must be recorded in OORs within 24 hours of receiving the Call ID number from the SCR.
- C. **NOTE: a report to SCR must be made whenever school officials have reasonable cause to suspect child maltreatment, including neglect or abuse, even if all of the conditions set forth in Section IV.B above have not been met.**
- D. A 407 referral will also be automatically generated 30 days after a student has been discharged as "Address Unknown," or 20 days after a student has been discharged to a non-DOE school without documentation of enrollment. The purpose of these 407s is to initiate a new investigation to ensure that the "Address Unknown" designation is still appropriate and ascertain if any additional information concerning the student's or family's whereabouts has become available.
  - E. The Form 407 Attendance Follow-up and Outreach Referral may also be manually issued when a home visit or investigation is necessary, as determined by school administration.
  - F. After any Form 407 has been generated, the school is to record all information, outreach efforts, and interventions in either the ILOG System on ATS, directly on the Form 407, and/or as a comment code in ATS. If the case cannot be resolved at the school level, the Form 407 is given to an attendance teacher for further investigation.
  - G. For 407s that cannot be closed, a comment code may be entered in ATS.
  - H. All Form 407s generated for students in pre-kindergarten through grade 8 that remain unresolved for over 10 days must be reviewed by the attendance coordinator and/or principal in order to determine that outreach and investigation efforts have addressed relevant factors, including the factors listed in Section IV.B.3 above, as applicable, to determine the issues obstructing resolution, and the appropriate action or intervention that will either return the student to school or properly discharge him or her. If the 407 cannot be closed within 10 days, a comment code must be entered in ATS.

**V. CLEARANCE OF REGISTER**

The principal, in conjunction with the attendance coordinator, must develop a Clearance of Register program designed to locate and either return to school or appropriately discharge students who are on the school register and who have not appeared at the beginning of the school year. This program must address the school's plan to identify and monitor the attendance of students involved with ACS in accordance with Section III.D of this regulation and Section III of Regulation A-750.

**VI. TRAINING AND TECHNICAL ASSISTANCE**

The Office of Safety and Youth Development provides training, technical support, and assistance to schools and network staff on all issues related to attendance.

**VII. INQUIRIES**

Inquiries pertaining to this regulation should be addressed to:

Telephone:  
212-374-6095

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212-374-5751