

SUBCHAPTER 7: STUDENT CONDUCT**6A:16-7.8 Attendance**

- (a) Each district board of education shall develop, adopt and implement policies and procedures regarding the attendance of students, pursuant to N.J.S.A. 18A:38-25 through 31 and N.J.A.C. 6A:32-8 and 13.1, at the public schools of the district or day schools in which students are provided with equivalent instruction, according to the requirements of N.J.S.A. 18A:38-25, that shall include, at a minimum:
1. The expectations and consequences regarding the timely arrival of students to school and classes;
 2. The expectations and consequences regarding attendance at school and classes;
 3. A definition of unexcused absence, for the purpose of this section, that, at a minimum, shall be based on the definition of a school day, pursuant to N.J.A.C. 6A:32-8.3, and the following considerations:
 - i. Family illness or death;
 - ii. Educational opportunities;
 - iii. Written parental permission;
 - iv. Excused religious observances, pursuant to N.J.S.A. 18A:36-14 through 16;
 - v. Where appropriate, Individualized Education Programs pursuant to 20 U.S.C. § § 1400 et seq., the Individuals with Disabilities Education Improvement Act, accommodation plans under 29 U.S.C. § § 794 and 705(20), and individualized health care plans, pursuant to N.J.A.C. 6A:16-2.3(b)2ix; and
 4. School staff responses for unexcused absences:
 - i. For up to four cumulative unexcused absences, the school district shall:
 - (1) Make a reasonable attempt to notify the student's parents of each unexcused absence prior to the start of the following school day;
 - (2) Conduct an investigation to determine the cause of each unexcused absence, including contact with the student's parents;
 - (3) Develop an **action plan** in consultation with the student's parents designed to address patterns of unexcused absences, if any, and to have the child return to school and maintain regular attendance;
 - (4) Proceed in accordance with the provisions of N.J.S.A. 9:6-1 et seq. and N.J.A.C 6A:16-11, if a potential missing or abused child situation is detected; and
 - (5) Cooperate with law enforcement and other authorities and agencies, as appropriate;
 - ii. For between five and nine cumulative unexcused absences, the school district shall:

- (1) Make a reasonable attempt to notify the student's parents of each unexcused absence prior to the start of the following school day;
- (2) Conduct a follow-up investigation, including contact with the student's parents, to determine the cause of each unexcused absence;
- (3) **Evaluate the appropriateness of the action plan** developed pursuant to (a) 4i (3) above;
- (4) **Revise the action plan**, as needed, to identify patterns of unexcused absences and establish outcomes based upon the student's needs and specify the interventions for achieving the outcomes, supporting the student's return to school and regular attendance that may include any or all of the following:
 - (A) Refer or consult with the building's Intervention and Referral Services team, pursuant to N.J.A.C. 6A:16-8;
 - (B) Conduct testing, assessments or evaluations of the student's academic, behavioral and health needs;
 - (C) Consider an alternate educational placement;
 - (D) Make a referral to a community-based social and health provider agency or other community resource;
 - (E) **Refer to the court program** designated by the New Jersey Administrative Office of the Courts; and
 - (F) Proceed in accordance with the provisions of N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-11, if a potential missing or abused child situation is detected; and
- (5) Cooperate with law enforcement and other authorities and agencies, as appropriate.

iii. For cumulative unexcused absences of 10 or more, the student, between the ages of six and 16, is **truant**, pursuant to N.J.S.A. 18A:38-27, and the school district shall:

- (1) **Make a mandatory referral to the court program** required by the New Jersey Administrative Office of the Courts;
- (2) Make a reasonable attempt to notify the student's parents of the mandatory referral;
- (3) Continue to consult with the parent and the involved agencies to support the student's return to school and regular attendance;
- (4) Cooperate with law enforcement and other authorities and agencies, as appropriate; and
- (5) Proceed in accordance with N.J.S.A. 18A:38-28 through 31, Article 3B, Compelling Attendance at School, and other applicable State and Federal statutes, as required.

- (b) For students with disabilities, the attendance plan and punitive and remedial procedures set forth therein shall be applied, where applicable, in accordance with the students' Individualized Education Programs, pursuant to 20 U.S.C. § § 1400 et seq., the Individuals with Disabilities Education Improvement Act; the procedural protections set forth in N.J.A.C. 6A:14; accommodation plans under 29 U.S.C. § § 794 and 705(20); and individualized health care plans, pursuant to N.J.A.C. 6A:16-2.3(b)2ix.
- (c) All receiving schools pursuant to N.J.A.C 6A:14-7.1(a), shall act in accordance with (a) 4i above for each student with up to four cumulative unexcused absences.
1. For each student attending a receiving school with five or more cumulative unexcused absences, the absences shall be reported to the sending school district.
 - i. The sending school district shall proceed in accordance with the district board of education policies and procedures pursuant to (a) above and the provisions of (a)4ii through iii and (b) above, as appropriate.
- (d) The chief school administrator shall submit annually a report to the Commissioner of Education containing information on student attendance, including, but not limited to, the district board of education's implementation of each of the requirements pursuant to this section.