

Attendance Guidance

ATTENDANCE POLICIES, ACCOUNTABILITY, DATA AND
SUBMISSIONS

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FORWARD

CSI has identified a need to provide additional clarity around state attendance requirements. The following is an overview of the statutory requirements for school attendance policies, accountability implications, and data and submissions requirements and standards. Each CSI school's attendance practices should meet these requirements.

The following is provided for informational purposes only and is not to be construed as legal advice or a formal legal opinion on behalf of the author or CSI. Use of this information does not create an attorney-client relationship, nor is the creation of such relationship intended by the provision of this information. This information does not constitute a formal administrative opinion on behalf of CSI. CSI recommends that each school contacts its attorney to obtain legal advice with respect to any particular legal issue.

PART I: SCHOOL ATTENDANCE POLICIES AND REQUIREMENTS

Compulsory school attendance laws apply to all students age 6 (on or before August 1 of each year) through 17.¹ Each school's board must adopt a written policy setting forth the school's attendance requirements.²

- **NOTE:** 22-33-104(4) is an automatic waiver that waives charter schools from district attendance policies. However, as with every waiver, CSI schools must have a replacement plan that meets the intent of the law.

I. Excused vs. Unexcused Absences

State laws and regulations require that a school's attendance policy clearly defines what constitutes an excused versus unexcused absence.³ These definitions also help to ensure that attendance expectations are clear to families and the policy can be implemented in a uniform manner.

The state recognizes the following as **excused absences**, which must be reflected in your school's written attendance policy:

- (a) Temporary illness or injury and absence is approved by administrator;
- (b) Absence due to a physical, mental, or emotional disability;
- (c) Suspension, expulsion, or denial of admission in accordance with C.R.S. 22-33-105 and 106;
- (d) Students to whom a current age and school certificate or work permit has been issued pursuant to the Colorado Youth Employment Opportunity Act of 1971;
- (e) Student is in the custody of a court or law enforcement authorities; and/or
- (f) Work-study programs under the supervision of a public school.⁴

The above list is not exhaustive. A school's policy may recognize additional absences as excused, such as funerals, religious observations, legal obligations, or other occurrences as identified in the school's policy.⁵ The school may require advance notice and appropriate documentation to verify excused absences.

The state defines the following as **unexcused absences**: Unexcused absences occur when the student is absent without a reason or for a reason outside of the excused absences identified in the school's attendance policy.⁶ .

¹ C.R.S. 22-33-104(1).

² C.R.S. 22-33-104(4).

³ C.R.S. 22-33-104(4); 1 CCR 301-78.

⁴ C.R.S. 22-33-104(2); 1 CCR 301-78.

⁵ 1 CCR 301-78.

⁶ 1 CCR 301-78.

II. Habitually Truant and Chronically Absent

The distinction between an excused and unexcused absence becomes important when calculating attendance for purposes of classifying a student as truant, habitually truant, or chronically absent. Additionally, the attendance policy must include provisions for addressing habitual truancy.

Truancy: Truancy means a student is absent from school without a valid and verifiable excuse from the parent/guardian or the student leaves school or class without permission. This is synonymous with “unexcused absence.”⁷

Habitually Truant: A habitually truant student is one who accrues 4 total days of unexcused absences in a calendar month, or 10 total days of unexcused absences in a school year. Absences due to suspension or expulsion are considered excused for purposes of calculating habitual truancy⁸. Habitually truancy is reported by schools to CDE annually through the School Discipline and Attendance data collection.

A school’s attendance policy must specify the maximum number of unexcused absences a child may incur before truancy proceedings are commenced by the school.⁹ Likewise, attendance policies must include provisions describing how the school will work with those who are habitually truant.¹⁰ For a student who is habitually truant, CSI schools may be able to work with the student’s district of residence regarding initiating truancy proceedings if desired, but a school is not *required* to do so. More often, CSI schools rely on internal policies and procedures to address truancy concerns.

C.R.S. 22-33-107 requires that schools adopt and implement policies and procedures to work with students who are habitually truant, which policies and procedures must include provisions for the development of a plan to assist the student to remain in school with the full participation of the student’s parent or legal guardian whenever practicable.¹¹ Accordingly, a school should not be using mandatory withdrawal as a solution to chronic absenteeism – this would be contrary to state law. The school must make all reasonable efforts to meet with the parent or legal guardian to review and evaluate the reasons for the student’s truancy, and are encouraged to work with local community services groups when developing the plan.¹²

Per state law, the policies and procedures for working with habitually truant students can also include the following:

- Procedures to monitor the attendance of each child enrolled in the school to identify each child who has a significant number of unexcused absences and to work with the local community services group and the child’s parent to identify and address the likely issues underlying the child’s truancy, including any nonacademic issues;

⁷ 1 CCR 301-78, Rule 2.00(12).

⁸ 1 CCR 301-78, Rule 2.00(7).

⁹ C.R.S. 22-33-104(4)(b).

¹⁰ C.R.S. 22-33-107(3)(b).

¹¹ Some schools have waiver from C.R.S. 22-33-107, which waives the school from district policies and procedures. The school must still have a replacement plan in place that is designed to meet the intent of the statute.

¹² C.R.S. 22-33-107(3)(b).

- At the beginning of each school year and upon any enrollment during the school year, notifying the parent of each child enrolled in the public schools in writing of such parent's obligations pursuant to [section 22-33-104 \(5\)](#) and requesting that the parent acknowledge in writing awareness of such obligations;
- At the beginning of each school year and upon any enrollment during the school year, obtaining from the parent of each child a telephone number or other means of contacting such parent during the school day; and
- Establishing a system of monitoring individual unexcused absences of children which shall provide that, whenever a child who is enrolled in a public school fails to report to school on a regularly scheduled school day and school personnel have received no indication that the child's parent is aware of the child's absence, school personnel or volunteers under the direction of school personnel shall make a reasonable effort to notify by telephone such parent.

Chronically Absent: “Chronic Absenteeism” refers to excessive absences of a student for any reason, whether excused or unexcused. State law encourages schools to establish policies and procedures for identifying students who are chronically absent and implement best practices and research-based strategies to improve the attendance of those students, allowing schools to work with the broader community to develop strategies and plans for improvement.¹³

III. Special Education

Federal and state special education laws prevail over state laws and regulations for attendance. Students qualifying for an IEP or 504 Plan have certain rights afforded to them through law, and those rights must be considered in a school’s attendance policy. For example, a student with home-bound services would not be counted as “absent” from school when the student is receiving those home-based services. If a student with an IEP or 504 Plan is missing significant amounts of school, it may be necessary to revisit an IEP or 504 Plan to ensure that FAPE is provided.

When applying attendance policies to students qualifying for an IEP or 504 Plan, the school must consider those special education rights first. If a student with an IEP or 504 Plan is removed from the school through suspension, expulsion or otherwise, certain rights and protections are triggered (e.g., manifestation determination review) and CSI must be notified. In making any placement decisions, the IEP Team (including the CSI Director of Special Education) must identify an appropriate alternative placement for the student.

IV. More on Attendance Consequences

1. Voluntary Withdrawals: Schools should avoid requiring parents to agree to “voluntary withdrawal” for certain offenses as part of a registration packet, parent contract, or otherwise. General education students being removed from the school have the same due process rights as a student who is expelled. This means that there must be notice to the family plus an opportunity for a hearing. Students with an IEP or 504 Plan have a

¹³ C.R.S. 22-33-104(4)(b.5).

right to a manifestation determination review whenever the student is being removed from school for more than 10 days.

2. **Holding a Student Back:** A school may adopt a policy stating that in some cases it may be necessary for a student to repeat a grade due to excessive absences where the absences have significantly impacted the student's learning.
3. **Coding as Dropout:** When a student is truant for an extended period of time *without notice* that the student is withdrawing or transferring and the school has made several documented attempts to reach the family unsuccessfully, the school should code the student as a dropout beginning on the first date the student was absent for this extended period of time. There is no statutory number of days a student must be absent with no contact before a student should be marked as a dropout; rather, this determination is generally at the school-level. In all cases, this should only be used once it is reasonable to assume the student is no longer attending. Where a school *does receive oral or written notification* of the withdrawal or transfer, the school must record the withdrawal or transfer as of the last date of attendance prior to the date of the notice.¹⁴
4. **Defining Consequences:** A school's consequences for chronic absenteeism should be clear in the attendance policy to ensure uniformity and fairness in implementing the consequences.

V. Calculating Attendance

More information about how to calculate and report attendance rates is provided in Part III of this Guidance, "Attendance and Data Submissions." A school's attendance policies and procedures must be consistent with those reporting requirements. For example, if a school's attendance policy accounts for six different types of excused absences, the school's student information system should correlate to and account for those six different types of absences. Additionally, it may be helpful for the policy to call out certain reporting requirements in order to provide additional clarity and ensure that the policy is being implemented in accordance with state requirements: e.g., "a student who is absent more than 50% of any attendance period shall be considered absent for that entire recorded and reported period and a student who is present 50% or more shall be considered present for that entire period."¹⁵

VI. Attendance Policy Audits

Based on the foregoing, when CSI reviews a school's attendance policy, the CSI Director of Legal and Policy Initiatives is looking to ensure that the policy, at a minimum:

1. Defines excused versus unexcused absences, and the definition of excused absence is consistent with state law;
2. Defines habitual truancy and sets forth procedures for working with students who are habitually truant;

¹⁴ 1 CCR 301-39.

¹⁵ 1 CCR 301-78.

3. Defines chronic absenteeism and sets forth procedures for dealing with chronic absenteeism;
4. Does not include policies requiring any sort of mandatory withdrawal due to excessive absenteeism; and
5. Does not violate the rights of students with disabilities, due process rights, or other rights afforded by state law.

CONTACT INFORMATION

For any additional questions, please contact Trish Krajniak, the CSI Director of Legal and Policy Initiatives (trishkrajniak@csi.state.co.us or 303.866.6960).

PART II: ATTENDANCE AND ACCOUNTABILITY

Numerous studies suggest strong links between chronic absenteeism and key indicators of performance and student success, such as academic achievement, increased graduation rates, and lower dropout rates.¹⁶ Not only is regular attendance important for the growth of each and every student, but rates of absenteeism are used in various accountability frameworks. The following are a few examples:

1. Chronic absenteeism will be an indicator in the state's accountability framework under the Every Student Succeeds Act (ESSA). The state will measure and report out the number of students categorized as chronically absent (absent 10% or more of the school year).
2. Starting with the 2018 School Performance Frameworks, change in chronic absenteeism will be included for the elementary and middle school levels. High schools will report disaggregated dropout rates.
3. Attendance and truancy rates are included in School Performance Frameworks for Alternative Education Campuses (AECs).
4. The reporting of chronic absenteeism is being required for the first time for 2016-2017 as part of the School Discipline and Attendance data submission for every Colorado public school. This requirement will establish a comparable system both longitudinally and among Local Education Agencies (LEA).
5. The U.S. Department of Education's Office for Civil Rights (OCR) now requires states to report a measure of chronic absences. Thus, the obtained chronic absenteeism data will be comparable across LEAs and among states.

CONTACT INFORMATION

For any additional questions, please contact Ryan Marks, the CSI Director of Evaluation and Assessment (ryanmarks@csi.state.co.us or 303.866.2572).

¹⁶ See e.g., <http://schoolengagement.org/wp-content/uploads/2014/03/TruancyFactSheet.pdf>.

PART III: ATTENDANCE AND DATA SUBMISSIONS

I. School Calendar

Each year, prior to the start of the school year and with public input from parents and staff regarding the scheduling of in-service programs, CSI schools must develop and adopt (the school board and/or administration) a school calendar that meets or exceeds state requirements for minimum teacher-pupil instruction and contact hours and length of school year.¹⁷ The state's minimum requirements include:

- Planned Teacher-Pupil Instruction and Contact Hours that are at least
 - 1,080 hours for middle and high school students
 - 990 for elementary students
 - 900 for full-day kindergarten; 450 hours for half-day kindergarten; and
- School must be in session for at least 160 days during that school year (unless there is prior approval of the commissioner of education; e.g., if the school wants to implement a four-day week).¹⁸

Actual hours of teacher-pupil instruction and teacher-pupil contact can be no less than the following after factoring in parent-teacher conference, staff in-service, and school closure for health or safety issues:

- 1,056 for middle and high school students
 - 968 for elementary school students
 - 870 for full-day kindergarten; 435 for half-day kindergarten¹⁹
- **NOTE:** Many CSI schools have waivers from C.R.S. 22-32-109(1)(n)(I), (1)(n)(II)(A), and (1)(n)(II)(B). This is waiving the school out of district calendars and requirements only. Each CSI school must still meet the intent of that statute by developing its own policies and procedures to meet minimum state law requirements.

CSI collects and audits school calendars annually. Any changes to the calendar, except those resulting from emergency closures, must be communicated to CSI and should be communicated to the school community at least 30 days in advance of the change in order to meet the intent of state law. Calendar changes that are more material (i.e., a reduction of 10% or more of instructional time, shift to a 4-day week) require advance approval from CSI in accordance with the [Governing Document Modification Process](#).

II. Attendance Set Up within your SIS

The purpose of setting up attendance within each school's student information system (SIS) is to accurately reflect and report on a student's attendance within each course for which the student is scheduled. Each SIS has specific instructions for setting up attendance. Set up of

¹⁷ C.R.S. 22-32-109(1)(n)(II)(B).

¹⁸ C.R.S. 22-32-109(1)(n)(I).

¹⁹ C.R.S. 22-32-109(1)(n)(II)(A).

attendance requires the setup of the school's annual calendar within the SIS, creation of terms for the year, bell schedule to identify periods for each day, and courses that require attendance. Each SIS provides a variety of guidance on ensuring these components are appropriately set up.

At a minimum, schools are required to have the following attendance codes within their attendance policy and set up within their SIS:

- Excused Absence
- Unexcused Absence

III. Taking Attendance

State regulations set forth specific criteria and requirements for recording and reporting attendance. These include the following:

- Schools must report attendance as specifically as the SIS allows (i.e. by periods, minutes, hours);
- Attendance must be taken at a minimum of twice per day (ex: AM, PM);
- A student absent for 50% or more of a period must be considered absent for the full period; and
- Absences due to suspension or expulsion of a child must be considered excused absences.²⁰

Attendance should be taken regularly, accurately, and ideally, within the period for which it is being reported. While there are a variety of ways to take attendance within the SIS, one option for each SIS is listed below:

- **PowerSchool:**
https://powerschool.cde.state.co.us/admin/help/how_to/att_07_daily_att.html
- **Infinite Campus:**
<https://content.infinitecampus.com/sis/Campus.1717/video/learn/complete-attendance-for-a-specific-period/>

IV. Monitoring Attendance

Schools typically assign a staff member to monitor not just the attendance of students but also that staff are taking attendance regularly and accurately. Systems may default students as "Present" when attendance is not taken, leading to inaccurate reporting. Accordingly, it is essential to ensure that attendance is taken for each required class on each required day. While there are a variety of ways to monitor attendance within the SIS, one option for each SIS is listed below:

- **In PowerSchool:** Attendance → PowerTeacher Attendance
- **In Infinite Campus:** Attendance → Classroom Monitor → Incomplete Teacher Attendance

²⁰ 1 CCR 301-78.

V. Attendance and State Reporting

Attendance is one major component for determining a student’s eligibility for funding on the annual Pupil Count Day. A student that meets attendance criteria (in attendance on Count Day OR in attendance prior to Count Day in the given school year and resumes attendance within 30 days of Count Day) would meet one of the criteria necessary to be considered eligible for funding. While not specifically part of the October Count data collection, attendance documentation is required as part of the annual audit that CDE conducts on CSI schools. This audit seeks to confirm that the students claimed for funding on the October Count data collection have adequate documentation to support the claim for funding. A variety of built-in attendance reports can be used to satisfy this requirement. More information about required attendance documentation for October Count Audit purposes can be found in the annual CDE October Count Resource Guide.²¹

Attendance is not only considered when determining funding eligibility on Count Day for the October Count data collection, **attendance is also reported in aggregate annually within the School Discipline and Attendance data collection at the end of the year.** The School Discipline and Attendance (SDA) report compiles and calculates attendance information on all students enrolled in the school at any point in the given school year. Regular state reporting release updates ensure that the SDA report extract has all the necessary fields and is using the appropriate programming to ensure the calculations required in 1 CCR 301-78 are being performed automatically. In reviewing each student’s attendance, the report pulls data including:

- Total days attended
- Total days excused
- Total days unexcused
- Total possible attendance days
- Number of students truant for 4 or more days/month
- Number of students truant ten or more days/year
- Number of students truant meeting both conditions above
- Number of students with chronic absenteeism (i.e. students absent 10% or more/days enrolled during the year)
- Total days missed due to out of school suspensions

These data points are reported by various subgroups including race/ethnicity, gender, disability/504/English Learner/Homeless/Free and reduced lunch eligibility statuses and are used to calculate attendance rates and truancy rates. The fields collected as part of the SDA data collection can be found on the annual File Layout and Definition document released by CDE.²²

CONTACT INFORMATION

For any additional questions, please contact Janet Dinnen, the CSI Director of Data, Accountability Systems, and Communications (janetdinnen@csi.state.co.us or 303.866.4643).

²¹ https://www.cde.state.co.us/cdefinance/auditunit_pupilcount.

²² <https://www.cde.state.co.us/datapipeline/schooldisciplineattendance>.