

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(b) and (d), 2702(h), and 2707
(14 Del.C. §§122(b) and (d), 2702(h), & 2707)
14 DE Admin. Code 615

PROPOSED

PUBLIC NOTICE

Education Impact Analysis Pursuant to 14 Del.C. Section 122(d)

615 School Attendance

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 Del. C. §§122(b), 2702(h), and 2707 the Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 615 School Attendance. This regulation is being amended to clarify the following: (1) to require that school district and charter school attendance policies include how families and students may access supports and resources for student absences due to social, emotional and behavioral wellness; (2) to require the school district and charter school attendance policies and available resources for addressing attendance be given to parents, guardians or caregivers when student absences exceed 10 unexcused absence; (3) to require school districts and charter schools distribute and explain the school attendance policy to all educators and support staff at the beginning of each school year; (4) to comply with HB 163 of the 151st General Assembly regarding absences due to religious observances; and (5) to comply with HB 175 of the 151st General Assembly regarding absences for the participation in civic engagements.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before November 1, 2021 to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or email to DOEregulations.comment@doe.k12.de.us. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Department of Education's Office of the Secretary, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation does not specifically address the improvement of student achievement as measured against state achievement standards. The amended regulation should help increase civic engagement, which may impact student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation will help ensure all students receive an equitable education.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amended regulation should help improve students' health and safety, especially the socio-emotional and behavioral health of students experiencing chronic absenteeism.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation continues to help ensure that all students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulation does not change the decision-making at the local board and school level.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place any unnecessary reporting, or administrative requirements or mandates on decision makers.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The amended regulation does not change the decision-making authority and accountability for addressing the subject to be regulated.

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? The amended regulation is consistent with and not an impediment to the implementation of other state educational policies.

9. Is there a less burdensome method for addressing the purpose of the regulation? There is no less burdensome method for addressing the purpose of the amended regulation.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There are no material costs to the Department or local school boards for implementing this amended regulation. The Department and the school districts currently identify socio-emotional and behavioral health student supports.

615 School Attendance

1.0 Required Attendance Policy

Each school district and charter school shall have an attendance policy that complies with 14 Del.C. Ch. 27 and which defines and describes the district's or charter school's rules concerning attendance for students K to 12.

2 DE Reg. 685 (10/01/98)

7 DE Reg. 619 (11/01/03)

12 DE Reg. 221 (08/01/08)

23 DE Reg. 1017 (06/01/20)

2.0 Elements of Attendance Policy

2.1 The attendance policy shall include information on how families and students may access supports and resources for student absences due to social, emotional and behavioral wellness.

2.2 The attendance policy shall permit one excused absence per school year for students in grades 6 through 12 to attend civic engagements, such as visits to the United States Capitol, Delaware Legislative Hall, political or cultural significance sites, to advocate or testify on behalf of legislation, or to participate in a rally, march, or protest. The student's parent, guardian, or relative caregiver must submit a signed, written excuse which is received by the district or charter school at least three (3) days before the student's absence.

2.3 The attendance policy shall include how school districts and charter schools will handle absences due to religious observances, including, but not limited to, the following:

2.3.1 A student shall be excused for any of the following religious holidays when the school district or charter school receives a student's parent, guardian, or relative caregiver's signed, written excuse:

- Rosh Hashanah (Jewish)
- Yom Kippur (Jewish)
- Dussehra (Hindu)
- Sukkot (Jewish)
- Diwali (Hindu)
- Birth of Bahá'u'lláh (Baha'i)
- Sangha Day (Buddhist)
- Maha Shivaratri (Hindu)
- Naw- Rúz (Baha'i)
- Holi (Hindu)
- Ram Navami (Hindu)
- Beginning of Ramadan (Islamic)
- Theravada (Buddhist)
- Laitlat Ul Qadr (Islamic)
- Eid al-Fitr (end of Ramadan) (Islamic)
- Vesak (Buddhist)
- Shavuot (Jewish)

2.3.2 Each school district and charter school may excuse student absences on any other day not included on this list for religious or cultural observances.

2.3.3 A student of any school district or charter school who is absent due to a religious holiday observance shall not be deprived of any award or eligibility to compete for any award.

2.3.4 The attendance policy must discourage teachers from scheduling major grading events, such as tests, examinations, presentations, or project due dates on religious holidays.

2.3.5 A student who misses a grading event due to excused absence for observance of a religious holiday must be allowed the opportunity to take the test on an alternate day or take an alternate test or be given some other means to recover credit.

2.3.6 The Department of Education shall annually release a list of upcoming religious holidays for the upcoming school year and shall also keep an updated list on the Department of Education website.

- 2.3.7 The list in this regulation includes the name of the holiday to be observed. For an annual school year calendar with dates for the school year, visit the Department of Education's website. The annual calendar will be sent to all school districts and charter schools in time for school calendars creation.
- 2.3.8 Religious holidays occurring outside the standard school year are not included on this list. Holidays already included as public holidays on the State of Delaware calendar are not included on this list. All Jewish and Islamic holidays begin at sundown on the evening before the holiday. For holidays more than a day long, the date listed on the annual calendar is considered to be the time a student would be out of school. Additionally, some holidays, including those not listed here, involve fasting; so while a student may be in school, their parent/guardian may consider letting the school know the student is fasting.

2.03.0 Distribution of Attendance Policy

- 2.13.1 Each district or charter school shall distribute and explain these policies to every student at the beginning of each school year.
- 2.23.2 Each district or charter school shall distribute and explain these policies to each student enrolling or ~~re~~ enrolling re-enrolling during the school year.
- 2.33.3 Each district or charter school shall post the attendance policy on its website and notify a parent, ~~guardian~~ guardian, or relative caregiver of each student in writing where this policy can be accessed. A hard copy shall be provided to a parent, ~~guardian~~ guardian, or relative caregiver upon request or when absences have exceeded ten (10) unexcused absences. This hard copy will include phone numbers to area supports and a school contact number.
- 3.4 Each district or charter school shall distribute the school's attendance policy to their educators and support staff at the beginning of each school year.

12 DE Reg. 221 (08/01/08)

23 DE Reg. 1017 (06/01/20)

3.04.0 Reporting Requirements and Timelines

- 3.14.1 Each ~~public~~ school district or charter school shall have an electronic copy of its current attendance policy on file with the Department of Education.
- 3.24.2 Each ~~public~~ school district or charter school shall provide an electronic copy of any revised attendance policy within ninety (90) days of such ~~revision(s)~~ revisions regardless of whether said revisions were made as a result of changes to federal, state or local law, regulations, guidance or policies.

12 DE Reg. 221 (08/01/08)

23 DE Reg. 1017 (06/01/20)

25 DE Reg. 360 (10/01/21) (Prop.)