

# REGULATION GUIDE

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[See POLICY ALERT Nos. 176, 203, 205, 220, and 229]

## R 5200 ATTENDANCE

### A. Definitions

1. ~~For the purposes of school attendance, a “day in session” shall be a day on which the school is open and students are under the guidance and direction of a teacher or teachers engaged in the teaching process. Days on which school is closed for such reasons as holidays, teachers’ institutes, and inclement weather shall not be considered as days in session.~~
2. ~~A “school day” shall consist of not less than four hours, except that one continuous session of two and one-half hours may be considered a full day of Kindergarten.~~
3. ~~“A day of attendance” shall be one in which the student is present for a full day under the guidance and direction of a teacher while school is in session.~~
  - a. ~~Whenever over-crowded conditions make it necessary to hold two separate sessions with a different group of students in each session, a student attending for all of either session shall be regarded as having attended for the full day. An excused absence for any reason shall not be counted as a day of attendance in the school register.~~
4. ~~A “half day class” shall be considered the equivalent of a full day’s attendance only if in session for four hours or more, exclusive of recess periods or lunch periods.~~

### AB. Attendance Recording

1. ~~Attendance Recording in the School Register (N.J.A.C. 6A:32-8.1)~~



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- a. The Board of Education shall ~~be required to~~ carefully and accurately track enrollment and attendance of all students in a manual school register format or in an electronic format of the school's **district's** choosing.
- b. The Commissioner **will** ~~shall~~ issue and publish on the Department's website ~~school register~~ guidance for recording student attendance in all public schools of the State operated by district Boards of Education, except adult high schools.
- c. Student attendance shall be recorded in the school register during school hours on each day ~~school is~~ in session, **pursuant to N.J.A.C. 6A:32-8.3. An employee designated by the Superintendent shall keep in the school register, attendance of all students, and shall maintain the attendance records in accordance with N.J.A.C. 6A:32-8 and the guidance at N.J.A.C. 6A:32-8.1(c) and A.1.b. above.**
- ~~d. School registers shall be kept for students attending preschool, Kindergarten, grades one through five, grades six through eight, grades nine through twelve, each preschool class for the disabled, each class for the disabled, shared time classes for regular students, shared time classes for students with disabilities, full time bilingual education programs and vocational day programs, and summer schools operated by the Board of Education.~~
- de. A student who has been placed on home instruction shall have **their** ~~his or her~~ attendance status recorded on the regular register for the program in which the student is enrolled. **The student shall be marked absent for** ~~For~~ the period beginning the first day the student is unable to attend school and ending the day before the first instructional day at the student's place of confinement, ~~the student shall be marked absent.~~ ~~No~~ Absences shall **not** be recorded for the student while on home instruction, **provided** ~~providing~~ the hours of instruction are not less than required by N.J.A.C. 6A:14-4.8 and 4.9 **and 6A:16-10.1 and 10.2.** The number



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of possible days **in membership** ~~of enrollment~~ for a student on home instruction shall be the same as for other students in the program in which the student is enrolled.

(1) **“Days in membership” means the number of school days in session in which a student is enrolled. A student's membership begins on the first possible day of attendance following enrollment during the school year, notwithstanding the actual day the student was recorded as present for the first time.**

2. **Day in Session** ~~Attendance Recording for Board Policy~~ (N.J.A.C. 6A:32-8.3)

a. **A day in session shall be a day on which the school is scheduled to provide instruction and students are under the guidance and direction of a teacher(s) engaged in the teaching process. A day on which school is closed for reasons such as holidays and teachers' institutes, or inclement weather not under conditions set forth at N.J.A.C. 6A:32-13, shall not be considered a day in session.**

b. **A day in session shall consist of not less than four hours, exclusive of recess and lunch periods, except that one continuous session of two and one-half hours may be considered a full day in Kindergarten.**

~~a. A record of the attendance of all students on roll in a school register shall be kept each day that school is in session by a teacher or other authorized person. It shall be the duty of this person to keep the attendance records according to these rules and the specific instructions issued by the Commissioner of Education.~~

~~b. No student shall be recorded as present unless the school is in session and the student so recorded is under the guidance and direction of a teacher in the teaching process.~~



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- ~~e. — A student shall be recorded as absent in the school register when not in attendance at a session of the school while a member of the school, except students excused due to religious holidays who shall be recorded as excused.~~
- ~~d. — A student shall be recorded as either present, absent, or excused for religious observance, every day the school is in session after the student enters until the date the student is transferred to another school, transferred to an individual home instruction record, or officially leaves the school system.~~
- ~~e. — The Commissioner shall annually prescribe a list of religious holidays on which it shall be mandatory to excuse students for religious observance upon the written request signed by the parent or person standing in loco parentis.~~
- ~~f. — The mere presence of a student at roll call shall not be regarded as sufficient attendance for compliance with N.J.A.C. 6A:32-8.3. In a school which is in session during both the forenoon and the afternoon, a student shall be present at least one hour during both the forenoon and the afternoon in order to be recorded as present for the full day. In a school which is in session during either the forenoon or the afternoon, a student shall be present at least two hours in the session in order to be recorded as present for the full day.~~
- ~~g. — A student not present in school because of his/her participation in an approved school activity, such as a field trip, meeting, cooperative education assignment, or athletic competition will be considered to be in attendance.~~

### 3. Student Attendance (N.J.A.C. 6A:32-8.4)

- a. For all State attendance submissions, a student shall be recorded as present, absent, or excused for a State-excused absence, pursuant to N.J.A.C. 6A:32-8.4(e) and A.3.e. below, on every day the school is in session after the student enrolls until the date the student is transferred to another school or officially leaves the school district.**



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- b.** A record of attendance of all students shall be kept in accordance with N.J.A.C. 6A:32-8.1(c) and A.1.b. above. The employee designated by the Superintendent shall keep the attendance records according to N.J.A.C. 6A:32-8 and the guidance issued by the Commissioner in accordance with N.J.A.C. 6A:32-8.1(c) and A.1.b. above.
- c.** A student enrolled in a school shall be recorded in the school register as present if the student participates in instruction or instruction-related activities for at least half a day in session whether the student is physically on school grounds, at an approved off-grounds location, or in a virtual or remote instruction setting, pursuant to N.J.A.C. 6A:32-13.
- d.** A student enrolled in a school who is not participating in instruction or instruction-related activities pursuant to N.J.A.C. 6A:32-8.4(c) and A.3.c. above shall be recorded in the school register as absent, unless the student is recorded as a State-excused absence, pursuant to N.J.A.C. 6A:32-8.4(e) and A.3.e. below.
- e.** State-excused absences shall be as follows:

  - (1)** Religious observance, pursuant to N.J.S.A. 18A:36-14, 15, and 16.

    - (a)** The Commissioner, with approval of the State Board of Education, shall annually prescribe a list of religious holidays on which it shall be mandatory to excuse students for religious observance upon the written request signed by the parent or person standing in loco parentis;
  - (2)** Participation in observance of Veterans Day, pursuant to N.J.S.A. 18A:36-13.2;



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- (3) Participation in district board of election membership activities, pursuant to N.J.S.A. 18A:36-33;
  - (4) Take Our Children to Work Day;
  - (5) College visit(s), up to three days per school year for students in grades eleven and twelve; and
  - (6) Closure of a busing school district that prevents a student from having transportation to the receiving school.
- f. For absences that do not meet the criteria at N.J.A.C. 6A:32-8.4(e) and A.3.e. above, the Board may adopt policies that establish locally approved or excused absences consistent with N.J.A.C. 6A:16-7.6 for the purposes of expectations and consequences regarding truancy, student conduct, promotion, retention, and the award of course credit. However, an absence designated as excused by the Board pursuant to N.J.A.C. 6A:16-7.6 shall be considered as an absence in the submission to the State for the purpose of chronic absenteeism reporting, as set forth at N.J.A.C. 6A:32-8.6.
4. Average Daily Attendance (N.J.A.C. 6A:32-8.5)

The average daily attendance rate in a district school or program of instruction for a school year shall be the total number of the days present of all enrolled students, divided by the number of days in membership of all enrolled students. The student average daily attendance means the total number of days that a student is present in the school divided by the total possible number of days in session.

5. Absentee and Chronic Absenteeism Rates (N.J.A.C. 6A:32-8.6)
- a. A student's absentee rate shall be determined by subtracting the student's total number of days present from the student's days in membership and dividing the result by the student's days in membership.



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(1) **State-excused absences shall not be included in a student's days in membership for purposes of calculating a student's absentee rate.**

b. **If a student's absentee rate is equal to or greater than ten percent, the student shall be identified as chronically absent.**

c. **Each school with ten percent or more of its enrolled students identified as chronically absent shall develop a corrective action plan to improve absenteeism rates. In accordance with N.J.S.A. 18A:38-25.1, the school will annually review and revise the corrective action plan and present the revisions to the Board, until the percentage of students who are chronically absent is less than ten percent.**

BC. **Unexcused Absences That Count Toward Truancy/Excused Absences for Board Policy**

1. Notwithstanding the requirement of reporting student absences in the school register for State and Federal reporting purposes, "excused" and "unexcused" student absences for the purpose of expectations and consequences regarding truancy, student conduct, promotion, **retention**, and the award of course credit is a Board decision outlined in Policy 5200 and this Regulation.

2. N.J.A.C. 6A:16-7.6(a)3 requires the Board of Education policies and procedures contain, at a minimum, a definition of unexcused absence that counts toward truancy, **student conduct, promotion, retention, and the award of course credit.**

a. "An unexcused absence that counts toward truancy" is a student's absence from school for a full or a portion of a day for any reason that is not an "excused absence" as defined in **B.2.b.** below.



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- b3. “An excused absence” is a student’s absence from school for a full day or a portion of a day for the observance of a religious holiday pursuant to N.J.S.A. 18A:36-14 through 16, or any absence for the reasons listed below:

~~{Select one or more options below~~

- The student’s illness  
~~\_\_\_\_\_ supported by a written letter from the parent upon student’s return to school;~~
- supported by notification, which may be in the form of an electronic communication, phone call or written letter, to the school by the student’s parent;
- The student’s required attendance in court;
- Where appropriate, when consistent with Individualized Education Programs, the Individuals with Disabilities Act, accommodation plans under 29 U.S.C. §§ 794 and 705(20), and individualized health care plans;
- The student’s suspension from school;
- Family illness or death  
~~\_\_\_\_\_ supported by a written letter from the parent upon the student’s return to school;~~
- supported by electronic notification to the school by the student’s parent;
- College visit(s), up to \_\_\_\_\_ days per school year for students in grades eleven and twelve** ~~Visits to post-secondary educational institutions;~~
- Interviews with a prospective employer or with an admissions officer of an institution of higher education;





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X Examination for a driver's license;

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X Necessary and unavoidable medical or dental appointments that cannot be scheduled at a time other than the school day;

X Take Our Children to Work Day;

X **Religious observance, pursuant to N.J.S.A. 18A:36-14 through 16;**

X **Participation in observance of Veterans Day, pursuant to N.J.S.A. 18A:36-13.2;**

X **Participation in district board of election membership activities, pursuant to N.J.S.A. 18A:36-33;**

X **Closure of a busing school district that prevents a student from having transportation to the receiving school;**

X An absence considered excused by the Commissioner of Education and/or a New Jersey Department of Education rule;

X An absence for a reason not listed above, but deemed excused by the Principal upon a written request by the student's parent stating the reason for the absence and requesting permission for the absence to be an excused absence;

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- ~~4. For cumulative unexcused absences of ten or more, a student between the ages of six and sixteen is truant, pursuant to N.J.S.A. 18A:38-25 as determined by the Board's Attendance Policy and Regulation pursuant to N.J.A.C. 6A:16-7.6(a)4.iii. and the definition of school day pursuant to N.J.A.C. 6A:32-8.3. Any absence not listed in C.3. above shall be an unexcused absence counted toward truancy.~~

## ~~Optional~~

- ~~35. "Unexcused tardiness" may constitute an unexcused absence that counts toward truancy in accordance with Policy 5240.~~

## CD. Notice to School of a Student's Absence

1. The parent or adult student shall notify the school office before the school day when the student will not be in school.
2. The parent of the student or an adult student who will attend the morning session, but will not attend the afternoon session shall provide notice to the school office before the start of the afternoon session.
3. The parent of a student or an adult student shall notify the school office of a future absence if the absence is foreseeable.
- ~~4. The parent or adult student who anticipates a future absence or anticipates that an absence will be prolonged shall notify the school office to arrange make-up work.~~
45. In accordance with N.J.S.A. 18A:36-25.6, if a student is determined to be absent from school without valid excuse, and if the reason for the student's absence is unknown to school personnel, the Principal or designee shall immediately attempt to contact the student's parent to notify the parent of the absence and determine the reason for the absence.



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## DE. Readmission to School After an Absence

1. A student returning from an absence of any length of time must provide a written statement **to the Principal or designee** that is dated and signed by the parent or adult student listing the reason for the absence.
- ~~2. A note explaining a student's absence for a noncommunicable illness for a period of more than \_\_\_\_\_ school days must be accompanied by a physician's statement of the student's illness with medical clearance to return to school.~~
23. A student who has been absent by reason of having or being suspected of having a communicable disease **may be required to** ~~must~~ present to the school nurse written evidence of being free of a communicable disease, ~~in accordance with Policy 8451.~~
34. The Superintendent of Schools or designee may require a student who has been absent from school due to a suspension or other reason concerning the student's conduct to receive a medical examination by a physician regarding the student's physical and/or mental fitness to return to school.
  - a. The Superintendent or designee will notify the student's parent of the specific requirements of the medical examination prior to the student's return to school.

## EF. Instruction

1. Teachers **will** ~~shall~~ cooperate in the preparation of home assignments for students who anticipate an ~~excused~~ absence of ~~\_\_\_\_\_~~ three school days duration. ~~The parent or student must request such home assignments.~~
- ~~2. A student who anticipates an absence due to a temporary or chronic health condition may be eligible for home instruction in accordance with Policy 2412. The parent must request home instruction.~~
23. Students absent for any reason are expected to make up the work missed. The parent or student is responsible for requesting missed



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assignments and any assistance required. Teachers will provide make-up assignments as necessary.

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34. In general, students will be allowed a reasonable amount of time as determined by the teacher to make up ~~the missed~~ work **missed**.
45. A student who missed a test or an exam shall be offered an opportunity to take the test, exam, or an appropriate alternate test.
52. **A student who anticipates an absence due to a temporary or chronic health condition may be eligible for home instruction in accordance with Policy 2412. The parent must request home instruction.**

## FG. Denial of Course Credit

1. The teacher will determine the credit to be awarded a student for make-up work. Where class participation is a factor in the learning process, the teacher may consider a student's absence in determining a final grade, except absences for the observance of a religious holiday or absence for a student's suspension from school will not adversely affect the student's grade. The teacher may record an incomplete grade for a student who has not had a full opportunity to make up missed work.

### {Optional

2. A secondary student may be dropped from a course or denied course credit when absences are in excess of 18 days. ~~the secondary student he/she has been absent from \_\_\_\_\_ (number, fraction, or percentage) or more of the class sessions, whatever the reason for the absence, except that absences for the observance of a religious holiday, absences for those excused in accordance with the reporting requirements of the school register, or absences caused by a student's suspension will not count toward the total.~~

### [Options

- \_\_\_ Exceptions to this rule may be made for students who have demonstrated to the teacher through completion of make-up



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assignments that they have mastered the proficiencies established for the course of study.

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\_\_\_ A secondary student who has been dropped from a course of study may be assigned to an alternate program.

\_\_\_ A secondary student denied course credit after completing the course will be permitted to attend a credit completion session to regain the denied credit, provided the student has not been absent from the class more than \_\_\_\_\_ times.]

## [Optional

3. An elementary student may be retained at grade level, in accordance with Policy 5410, when **the student** he/she has been absent ~~in excess of 18 days of school \_\_\_\_\_ (number, fraction, or percentage) or more school days~~, whatever the reason for the absence, except that absences for the observance of a religious holiday, absences for those excused in accordance with the reporting requirements of the school register, and absences due to student's suspension will not count toward the total.}]

## [Option

\_\_\_ Exceptions to this rule may be made for students who have demonstrated through completion of home assignments and/or home instruction that they have mastered the proficiencies established for the assigned courses of study.]

## GH. School District Response To Unexcused Absences During the School Year That Count Toward Truancy (N.J.A.C. 6A:16-7.6(a)4.)

1. For up to four cumulative unexcused absences that count toward truancy, the Principal or designee shall:
  - a. Make a reasonable attempt to notify the student's parent of each unexcused absence prior to the start of the following school day;



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- b. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parent(s);

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- c. Identify, in consultation with the student's parents, needed action designed to address patterns of unexcused absences, if any, and to have the child return to school and maintain regular attendance;
  - d. Proceed in accordance with the provisions of N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-11.10, if a potentially missing or abused child situation is detected; and
  - e. Cooperate with law enforcement and other authorities and agencies, as appropriate;:-
2. For between five and nine cumulative unexcused absences that count toward truancy, the Principal or designee shall:
- a. Make a reasonable attempt to notify the student's parent(s) of each unexcused absence prior to the start of the following school day;
  - b. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parent(s);
  - c. Evaluate the appropriateness of action taken pursuant to N.J.A.C. 6A:16-7.6(a)4.i.(3) and GH.1.c. above;
  - d. Develop an action plan to establish outcomes based upon the student's patterns of unexcused absences and to specify the interventions for supporting the student's return to school and regular attendance, which may include any or all of the following:
    - (1) Refer or consult with the building's Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;



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(2) Conduct testing, assessments, or evaluations of the student's academic, behavioral, and health needs;

(3) Consider an alternate educational placement;

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(4) Make a referral to or coordinate with a community-based social and health provider agency or other community resource;

(5) Refer to a court or court program pursuant to N.J.A.C. 6A:16-7.6(a)4.iv. and ~~GH.4.~~ below;

(6) Proceed in accordance with N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-~~1110~~, if a potential missing or abused child situation is detected; and

(7) Engage the student's family.

e. Cooperate with law enforcement and other authorities and agencies, as appropriate.

3. For ~~ten or more~~ cumulative unexcused absences **of ten or more** that count toward truancy, a student between the ages of six and sixteen is truant, pursuant to N.J.S.A. 18A:38-25, and the Principal or designee shall:

a. Make a determination regarding the need for a court referral for the truancy, per N.J.A.C. 6A:16-7.6(a)4.iv. and ~~GH.4.~~ below;

b. Continue to consult with the parent and the involved agencies to support the student's return to school and regular attendance;

c. Cooperate with law enforcement and other authorities and agencies, as appropriate; and

d. 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; **and-**



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4. A court referral may be made as follows:

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- a. When unexcused absences that count toward truancy are determined by school officials to be violations of the compulsory education law, pursuant to N.J.S.A. 18A:38-25, and the Board of Education's policies, in accordance with N.J.A.C. 6A:16-7.6(a), the parent may be referred to Municipal Court;
    - (1) A written report of the actions the school has taken regarding the student's attendance shall be forwarded to the Municipal Court; or
  - b. When there is evidence of a juvenile-family crisis, pursuant to N.J.S.A. 2A:4A-22.g, the student may be referred to Superior Court, Chancery Division, Family Part;
    - (1) A written report of the actions the school has taken regarding the student's attendance shall be forwarded to the Juvenile-Family Crisis Intervention Unit.
5. For a student with a disability, the attendance plan and its punitive and remedial procedures shall be applied, where applicable, in accordance with the student's **Individual Education Program (IEP)**, pursuant to 20 U.S.C. §§1400 et seq., the Individuals with Disabilities Education Act; the procedural protections set forth in N.J.A.C. 6A:14; accommodation plan under 29 U.S.C. §§794 and 705(20); and individualized healthcare plan and individualized emergency healthcare plan, pursuant to N.J.A.C. 6A:16-2.3(b) 35.xii.
6. All receiving schools pursuant to N.J.A.C. 6A:14-7.1(a), shall act in accordance with N.J.A.C. 6A:16-7.6(a)4.i. and GH.1. above for each student with up to four cumulative unexcused absences that count toward truancy.





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- a. For each student attending a receiving school with five or more cumulative unexcused absences that count toward truancy, the absences shall be reported to the sending school district.

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- (1) The sending school district shall proceed in accordance with the Board of Education's policies and procedures pursuant to N.J.A.C. 6A:16-7.6(a) and ~~H.5. above~~ and the provisions of N.J.A.C. 6A:16-7.6(a)4.ii. through iv. and ~~GH.2. through GH.45. above~~ and **N.J.A.C. 6A:16-7.6(b) and G.5. above**, as appropriate.

## III. Discipline

1. Students may be denied participation in co-curricular activities **and/or athletic competition** if the Board establishes attendance standards for participation.
- ~~2. Students may be denied participation in athletic competition if the Board establishes attendance standards for participation.~~
23. No student who is absent from school for observance of a religious holiday may be deprived of any award or of eligibility for or opportunity to compete for any award because of the absence.

## IV. Recording Attendance

1. Teachers must accurately record the students present, tardy, or absent each day in each session or each class. Attendance records must also record students' attendance at out-of-school curricular events such as field trips.
2. A record shall be maintained of each excused absence and each unexcused absence that counts toward truancy as defined in Policy 5200 and this Regulation 5200.
- ~~3. A report card will record the number of times the student was absent and tardy in each marking period.~~



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34. A student's absence for observance of a religious holiday will not be recorded as such on any transcript or application or employment form.

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## JK. Appeal

1. Students may be subject to appropriate discipline for their school attendance record.
2. A student who has been retained at grade level for excessive absences may appeal that action in accordance with Policy 5410.
3. A student who has been dropped from a course and/or denied course credit for excessive absences may appeal that action in accordance with the following procedures:
  - a. The student shall file a written appeal to the Principal or designee within five school days of receiving notice of the action. The appeal should state the reasons for each absence, any documentation that may support reducing the number of absences for the purposes of course credit, and reasons why the student should either continue to be enrolled in the course or receive course credit for a class the student completed.
  - b. The Principal or designee will respond in writing no later than seven school days after receiving the student's appeal.
  - c. If the student is not satisfied, **the student** ~~he/she~~ may submit a written request to the Principal for consideration by an Attendance Review Committee.
  - d. On a student's request for consideration by an Attendance Review Committee, the Principal shall convene an Attendance Review Committee. The Attendance Review Committee shall meet informally to hear the student's appeal. The student's parent and teacher(s) may attend the meeting.



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- e. The Attendance Review Committee shall decide the appeal and inform the student in writing within seven school days of the meeting.

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- f. The student may appeal an adverse decision of the Attendance Review Committee to the Superintendent, the Board of Education, and the Commissioner of Education in accordance with Policy 5710; - Student Grievance and N.J.S.A. 18A. An appeal to the Attendance Review Committee shall be considered to have exhausted the first two steps of the grievance procedure outlined in Policy 5710.

## **KL.** Attendance Records

1. Attendance records for the school district and each school will be maintained and attendance rates will be calculated as required by the New Jersey Department of Education. The school district will comply with all attendance requirements and any improvement plans as required by the Department of Education.

Adopted: 14 September 2021

Revised/Readopted: March 14, 2023

