

## **Attendance Commission**

### **Meeting Summary**

May 6, 2016

James R. Thompson Center  
100 West Randolph Street  
Fourteenth Floor, V-Tel Room  
Chicago, Illinois 60601



Alzina Building  
100 North First Street  
Third Floor, V-Tel Room  
Springfield, Illinois 62777

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#### **I. Roll Call**

##### **Present**

Jeff Aranowski (Chicago)  
Karen Fox (Chicago)  
Victoria Jackson (telephone)  
Madelyn James (Chicago)  
Hosanna Jones (telephone)  
Alexandra Mays (telephone)  
Joseph McMahon (telephone)  
Melissa Mitchell (Chicago)  
Harold Sweeney (telephone)  
Antoinette Taylor (Chicago)

##### **Not Present**

Karen Hunter Anderson  
Stephanie Bernoteit  
Lori Fanello  
Tiffany Gholson  
Jennifer Gill  
Diane Grigsby-Jackson  
Heidi Grove  
Elizabeth C. Malik  
Matthew Rodriguez  
Diane Rutledge  
Deanna Sullivan  
Scott Wakeley  
Crysta Weitekamp  
Kevin Westall

As there were only ten Commission members present in person in Chicago or via telephone, a quorum was not reached. Chairperson Taylor announced that the meeting would be held, but there would be no official business conducted on any agenda item.

#### **II. Welcome and Opening Remarks**

Ms. Taylor opened the meeting at 10:13 a.m.

#### **III. Approval of Minutes from the April 4, 2016 Meeting**

The minutes were not considered for member acceptance as a quorum had not been achieved

#### IV. **Legislative and Regulatory Review – Deeper Dive**

Ms. Taylor asked Jeff Aranowski to provide Commission members with a thorough legislative review of current regulations and statutes that address school attendance, absenteeism, and truancy. This review will result in an understanding of what laws the state currently has and what laws may need to be amended or created through legislation.

Mr. Aranowski suggested that the Commission's review of the School Code should occur in installments due to the amount of information. The first four statutory provisions form the basis of an understanding of who must be enrolled in an Illinois school, who may be denied enrollment, and the legal definitions of attendance-related terms, including what constitutes compulsory attendance and truancy. At a future meeting, he would like to talk about consequences that are currently on the books. The Commission can eventually talk about how that ties into average daily attendance and how general state aid is calculated. Mr. Aranowski said the Commission would also discuss the implications of not attending school from a legal perspective and from a financial perspective for the individual school districts. During one of those discussions, the Commission can consider the implications for highly mobile students, like the homeless, migrant, and special education populations.

##### Who Must Attend Public School

Mr. Aranowski reminded everyone that compulsory minimum age of attendance changed recently in Illinois (effective 2014-2105 school year) in that it is now age 6. So any child who turns 6 or is 17 years of age or younger before September 1 must be enrolled in a public school in Illinois. There are exceptions to this requirement for the following populations:

1. those who are enrolled in a private school or are home-schooled,
2. students who are physically or mentally unable to attend school as certified by their physicians,
3. those who are lawfully employed in accordance with child labor laws,
4. a child who is between the ages of 12 and 14 who is enrolled in a confirmation class,
5. those whose religion forbids secular activity in observance of a religious holy day, or
6. a person 16 years of age or older who provides evidence of necessary and legal employment and enrollment in a graduation incentives program.

With regard to the second group of students, there are provisions for home and hospital care here in Illinois, so when someone looks at this portion of law, they find a patchwork of provisions that have been inserted throughout the years. The likelihood is that this issue has not had the benefit of the long view for a long time. So if a child is physically unable to attend school as verified by a physician, he/she is not considered to have unexcused absences or to be truant, but the district is required to provide a minimum amount of service through home or hospital care.

The same thing is true with the third group, those students who are lawfully or gainfully employed. As many people may or may not be aware, a child under the age of 16 in Illinois can be employed (actors and models, usually) but require work permits to do so. These are issued by ISBE, the regional office of education, or the school district.

Confirmation classes or some other religious observance are considered exceptions to the compulsory attendance school law.

Some people may not be aware that Illinois has compulsory attendance laws for children who are under 6 or older than 17. You are not required to attend school if you are younger than 6 on

September 1 or older than 17 unless you are enrolled in school. There is a statutory obligation that once a child is enrolled in school, that child must either stay enrolled and attend school or drop out, that a student cannot intermittently attend school without repercussions.

### Denial of Enrollment

ISBE fields many calls from regional and district superintendents regarding a mandatory exclusion of some children based on not just age but their dropout status as well.

According to 105 ILCS 5/26-2, a district is required to deny re-enrollment to a dropout who is 19 years of age or older and who, because of age and a lack of credits, would not have a sufficient amount of time to earn those credits in order to graduate before 21 years of age. He said the parent or guardian of the student can petition for due process which is exactly what an expulsion hearing is. If the district decides that all the facts of the matter are accurate, the district is required to offer counseling resources about alternative programs, graduation incentives programs, an adult education program (depending on the age of the dropout), or some other way for the former student to continue his/her education. ISBE fields a lot of calls about situations like this.

Melissa Mitchell asked if there were exceptions for medical reasons like an illness that kept a student out of school for a period of time. Mr. Aranowski said the provision in Article 26-2 applies to dropouts

Madelyn James asked about the number of young people this involves. Mr. Aranowski said he did not have those numbers but typically around this time of year ISBE gets calls from people in their twenties saying they are missing one high school credit and they want to go back, but the school district has denied their re-enrollment because of their age. Districts are not under an obligation to let the state know about these decisions, and ISBE would never second guess a district's decision about the reenrollment of a student.

Mr. Aranowski asked Kimberly Small who was on the phone representing Deanna Sullivan of the Illinois Association of School Boards (IASB) if school districts have policies, resources, or guidance about this aspect of the law. Ms. Small said they have attendance, admissions, and student transfer policies as well as policies for students who are at risk for academic failure or dropping out of school, and this also includes the graduation incentives program. Mr. Aranowski explained that the vast majority of the school districts around the state subscribe to their model policies and updates. As a result policies are pretty much the same district to district.

Mr. Aranowski explained that the reason he brought all this up was not just because the Commission wanted to go through the first parts of Article 26 today, but so we can see if there are good ideas moving forward after we delve deeply or if there will be recommendations for legislative change from the Commission. It is a good idea for the group to know where the law is.

There are two other provisions in Article 26-2 that would allow a school district to deny enrollment or exclude a student for various reasons:

- The first is temporary exclusion for failure to meet the minimum academic standards of the school district. If a student is 17 years of age or older and has a GPA that is below a D, the district must send a warning letter informing the student that he/she will be subject to exclusion the next semester if he/she does not rectify the GPA. During this period of time, the student is to be provided an academic improvement plan which is open-ended; there are no statutory or regulatory provisions about what this plan should look like. If the following semester, the student has not improved the GPA to at least a D average, the district may hold

a hearing or appoint a hearing officer to determine if the student can be excluded for one semester if the D average is not reached. ISBE does not have any data on how often this occurs in districts or if it is even done.

- The second provision concerns failure to meet minimum attendance standards. A student can be excluded for up to one semester if he/she is between the ages of 17 and 19 and was absent without valid cause for 20% or more of the days in the last semester. So if a student was absent without valid cause or truant for 20% of the last semester, that student will receive a warning letter as well as some attendance remediation services and guidance from the school district. If in the next semester, however, that student fails to meet the minimum attendance standard, if he/she is still absent without an excuse or truant for 20% of the days in the semester, that student can be excluded for a semester.

Mr. Aranowski made the distinction that this is something districts are allowed to do, not required to do. Neither the School Code, ISBE nor the regional offices of education require this be done, but it is allowed under current statute. He asked Commission members to consider what this provision is about. There is a chronic truancy rate in state law that is substantially less than this -- a student who misses 5% of 180 days (9 days) is considered a habitual truant -- but the standard in the second provision above is up to 20% (36 school days) before remediation and disciplinary actions are called for. Mr. Aranowski explained this is an example of how the laws are patched together. This might have meant something at one time and could have been a good tool for districts to use 20-30 years ago. The idea now is that it is counter-productive to tell a student not to come to school as a punishment for not coming to school enough. He said laws were patched together for reasons, and it is conceivable that at one point in time there were laws that were not strong enough. He cautioned that just because a law is on the books does not mean districts are using it or that it needs to be revised although that may be something the Commission may want to think about.

Melissa Mitchell asked what 17 or 18 year old would return to school after being pushed out for a semester. This question prompted Ms. Taylor to recall that during the Truancy in Chicago Public Schools Task Force there were concerns raised at the public hearings that some schools were pushing some students out the door without giving them the benefit of systems of support before they got to the point of no return with regard to attendance and academic achievement. There were very strong, continuous allegations from some of the public school parents that this was actually happening.

Mr. Aranowski referenced Senate Bill 100 (Public Act 099-0456) which becomes law this fall and will amend the School Code in areas related to discipline. One of the provisions in this bill is a prohibition on counseling students to drop out in the face of disciplinary actions. The bill requires districts to provide appropriate supports while a student is on suspension and opportunities for re-engagement. This legislation does not intend to eliminate exclusionary discipline but to ensure that students are able to find their way back.

Ms. James asked if there is an average dropout rate in the state. Mr. Aranowski said the individual district rates are calculated and are available online, but he is unaware of an average calculation. She said she asked because she is wondering about the 17-21 year olds and the fact the state's graduation numbers are not great. That's why she is interested in seeing the dropout rate and whether it is increasing or decreasing so the commission has some idea if this patchwork of regulations does really need to be looked at.

Mr. Aranowski compared her question to a conversation he had with someone about the numbers related to the identification of homeless people. A decrease in the number of identified homeless people does not necessarily mean we have had a decrease in the number of homeless students in our schools. It may also mean we have not identified all the homeless people. He compared this to the examination of graduation and dropout rates in that an actual increase in graduation rates might not signal a decrease in dropout rates as there are many reasons students stop attending school. An uptick in dropout rates might indicate the districts gathered more complete data and noticed more red flags and other warning signs.

Ms. James said she worries about at-risk students such as the homeless as they approach an age when mandatory school attendance no longer applies. She also mentioned dropouts, students with emotional behavioral disorders, and students with disabilities, all of whom may be counselled to dropout.

Mr. Aranowski does not want the Commission to come out with broad, sweeping arguments that discourage alternative options for struggling students. He said there is frequent discussion about the subgroups of kids for whom it makes sense to keep them in the traditional learning environment. As we move forward, we want to strike the right balance as there are many legitimate alternate programs. GED is a great option for many kids, but it should not be the default option for everyone.

What Ms. James would like is a better sense of these critical junctures in education where we see kids dropping out or being pushed out tied to attendance difficulties: preschool, eighth to ninth grade, and junior year in high school. The Commission needs recommendations based on certain populations and at certain age and grade levels because the data tell us these seem to be critical junctures when students experience transition.

Ms. Taylor referenced the upcoming Office for Civil Rights (OCR) report that may provide some relevant information tied to these issues. She said the report was delayed because of the amount of data that had to be examined. They have to drill down state by state. She suggested that it might be useful to invite them back to speak to the commission as they did with the task force to provide greater insight into the data.

### Definitions

Mr. Aranowski returned to his discussion of the existing regulations under Article 26 of the School Code by referencing the definitions and explaining how they work in conjunction with one another. A truant is a child who is absent for an hour without valid cause, or two hours, or three hours or a day. Truancy as a concept is generally not discussed until you get to the habitual or chronic stage which is defined as missing 5% or more of the previous 180 school attendance days. Usually remediation services do not kick into gear until we get to the critical or chronic category for individual students. Technically, if you are missing for a part of a day without valid cause, you are considered truant.

Harold Sweeney said the TAOEP program (Truants' Alternative and Optional Education Program) will intervene before students hit the 5% mark, for students who are repeatedly absent or who produce a doctor's note 3 times a week. They look at excused and unexcused absences.

Mr. Aranowski explained that a valid cause for absence, as defined in the School Code consists of the following situations:

1. illness,
2. a religious holiday,
3. a death in the immediate family,
4. a family emergency,
5. any other cause that the school district finds to be beyond the control of the student, or
6. other circumstances which cause reasonable concern for the parent for the safety and health of the child.

The fifth valid cause is a broad category (situations beyond the control of the student), he explained, and some districts would accept a Disney World vacation as a valid cause in that category as a family vacation is out of the control of the student. With regard to the sixth valid cause, bullying is often cited as contributory to this decision. Problems arise when the district does not concur with the parent's assessment of the potential for harm. The law cites parental concern which makes this another broad category.

We can think of this along a continuum: a truant student who misses part of day without cause, a chronic habitual truant who misses more than 5% of the school days over the previous 180 attendance days, and a truant minor who is an habitual or chronic truant who is offered diagnostic or remedial services (counseling) to little effect or whose parents refused such services. A chronic habitual truant designation is based on the numbers. A truant minor depends on what you do with the information. If you are not able to solve the problem after providing services, you have to ask when it is legally okay to drop a student from your attendance roll for nonattendance. If you haven't seen a student in several weeks, when is it okay to remove that student?

Mr. Sweeney said that is also the point at which a petition would be filed with the court.

A dropout is someone who no longer attends school and is removed from a district's attendance rolls for any reason except for the death of the student, extended illness, removal for non-medical noncompliance, expulsion, aging out, graduation, or completion of a program of studies, and who has not transferred to another school (including home school)..

Ms. Taylor expressed her gratitude to Mr. Aranowski for his careful explanation of the covered rules. She also referenced the commission goals worksheet that is a graphic organizer for members to use to track the commission's progress and determine via a regulatory review what needs to be maintained or amended in alignment with planned outcomes.

Mr. Aranowski said when the state has finite resources and you have families that do not provide back-up support for school services, you have a counter-productive situation. With regard to the upcoming legislative and regulatory instalments coming up at the next meetings, he explained that the discussion is not really about chronic absences, but rather unexcused absences and chronic truancy. Any type of absence is a red flag, but Article 26 is not about what constitutes chronic absenteeism, it is about truancy. Clearly there is not a statutory connection, but we know districts and practitioners are dealing with absenteeism on an everyday basis. It would be great as we move forward to hear from folks either on the Commission or from the community about how they are tackling absenteeism more generally than just these unexcused absences.

Ms. Taylor reminded the group that they had talked previously about what a public awareness campaign would look like. She said the average parent/guardian, who in some cases is a great grandmother, needs resources that are user-friendly, like a one page or bulleted document that they



could look at and say, “Oh, I didn’t know this.” We can assume positive intent on the part of most parents and guardians as most people want their children in school, so it would be beneficial to increase their awareness about the importance of school attendance and the supports that are out there for them to utilize. There is so much families do not know.

Ms. James echoed this sentiment and said the philosophy of engagement must be taught so parents understand their level of responsibility at all levels of their children’s education, from preschool when they are fully responsible to high school when one would expect the students to assume some responsibility for themselves.

Ms. Taylor said ISBE is very proactive in family engagement issues. This gets back to public awareness. Many families and districts are not aware of the tools available to families to inform and engage them. She said we will be able to loop people into what is already available to them and collect quantitative and qualitative data around the information available to make it more accessible. We also need to inform on a general level as there are still some district superintendents who do not realize the minimum age for mandatory school attendance is no longer age seven as it changed to six two years ago.

#### **V. Illinois Association of School Boards (IASB) - Attendance Policy Template Review**

Kimberly Small, who was present on the telephone on behalf of Commission member Deanna Sullivan who was unable to attend the meeting, discussed the assistance the IASB provides to the majority of school boards across the state. The legal department at the IASB formulates the Policy Reference Education Subscription Service (PRESS) to which member boards subscribe. PRESS is an encyclopedic collection of sample policies for use on the local level. Reference guides are heavily footnoted to explain the legal requirements for each issue for which a school board must develop policies and procedures, instructive details and background information about each policy issue, and guidance on policy and procedural alignment with regulation and law. Sometimes the law is silent and provides no guidance, according to Ms. Small, so the IASB tries to communicate to boards their options, such as the required language and what the law requires versus what is best practice.

The commission members were provided with a sample copy of the IASB’s *Attendance and Truancy Policy*. The first footnote explained to the reader that state law requires boards to adopt a policy that covers some but not all of the topics contained in the document and mandates a policy on supportive services and available resources for truants. These advisory documents also provide all the legal citations and definitions. This document additionally covers the state requirements for public school attendance and the permitted exceptions and the valid causes for absence. The rest of the document is devoted to the Absenteeism and Truancy Program that is a requirement for every school district in Illinois. Each of the eleven program components that follow are heavily footnoted with legal citations, explanatory statements, and directives. At the end of each of the policy guides are cross references to other School Code components with tangential applications.

Ms. Small also explained that the services districts are required to provide are not always defined under the law. It is good to have local control and for districts to determine what is needed, but there is a lot of confusion in the field about what services are included in this context of truancy and who provides the services. You have a few layers -- the district, the ROE -- before a truancy situation escalates into a petition for a minor in need of supervision in the court. There is also confusion in the field because student need varies by district and school boards are locally controlled.

Melissa Mitchell said there must be confusion over defining what the needs are and what options are there when the need you identify is outside a district's area of expertise. If a student's attendance problem is related to the mental health of the mother, the school social worker is not the professional who should be expected to solve this problem. She would imagine that a lot of districts are struggling with the question of appropriate services in response to student problems, but some of the prescriptive services are way outside the scope of what a district or school can feasibly provide. There has to be some definition of what services are required, how they are going to be set up, and what principles will guide the process. Community ownership must be encouraged as well.

Karen Fox said there are lots of changes in districts due to RTI, PBIS, and other tiered supports. She also notices greater partnerships between districts and community groups that are more formally structured.

Ms. Taylor asked Ms. Small if the IASB has a connection with the Illinois MTSS Network. Ms. Small said they did not because their focus is on policy and legal advice in accordance with school code.

Ms. Taylor explained that tiered supports, especially those based on the initiatives of the Illinois MTSS Network as they present a holistic approach under one umbrella, can be especially effective tools for district/community partnerships to utilize for attendance solutions as people collaborate to seek and share wisdom.

Mr. Aranowski said state board regulations implement the laws just as administrative procedures implement district policy. He said partnerships such as were being discussed encourage greater understanding of the law and implementation of the policies.

Ms. Small said the policy is going to state what the law requires and if you look at IASB's directives regarding the Absenteeism and Truancy Program specifications, IASB provides school boards with the directives for the superintendent to manage such a program in accordance with the School Code. External groups would be helpful to the work of the IASB as they could advise on procedures which would implement the policies.

## **VI. Outcome #1 Discussion**

The purpose of the legislative and regulatory review and a discussion of the templates the IASB provides school boards to facilitate their policy development was to serve as a lead-in to a discussion regarding Outcome #1. Ms. Taylor thinks this discussion should take place at a later date until members of the commission have completed the legislative and regulatory review which shall occur on a sequential basis. The discussion of Outcome #1, as reiterated below, was temporarily tabled.

- (1) *a standard for attendance and chronic absenteeism, defining attendance as a calculation of standard clock hours in a day that equal a full day based on instructional minutes for both a half day and a full day per learning environment;*

## **VII. Every Student, Every Day Initiative – Toolkit Debrief**

Melissa Mitchell was asked to provide a summary of the Parent and Family Toolkit from *Every Child, Every Day: A Community Toolkit to Address and Eliminate Chronic Absenteeism*. Ms. Mitchell felt the information presented was helpful but surprisingly brief -- 2.5 pages long including



the resources provided. She said she understands the need to be concise but felt there was an opportunity here to present more information. The toolkit did explain why attendance is important and why chronic absenteeism is a problem (not just unexcused absences but excused absences that add up). It did presuppose a certain level of engagement of parents with their children's schools and with supports in the community; consequently, there was no advice on developing these liaisons. She thought the steps provided parents were good but broad and generic as they lacked problem-solving advice and ample supports. Ms. Mitchell felt the links to the resources were good but they seemed like the type of resources people working with parents would go to rather than the parents themselves. The toolkit did not mention the need for parents to acquaint themselves with school policy to be informed about such things as how their child's school defines a full day of attendance. The toolkit also did not refer parents to the resources available through their state education agencies or through their local PTA chapters. She felt that despite the shortcomings, this toolkit provided a good starting point

Mr. Aranowski tied in the importance of community connections and the parent engagement framework that will be essential in solving attendance problems. Ms. Mitchell said there was nothing about creating a culture among parents and the community or about building relationships with teachers. Parents need concrete tools to turn ideas into action.

Ms. Fox mentioned the student handbook as the bridge between the parent and school policy.

Ms. Taylor advised postponing the overview of the Early Learning Provider toolkit until the June meeting and explained that several of the items on the agenda for this meeting were to be serialized due to the amount of material. Ms. Taylor additionally advised Commission members to determine if an aspect of the *Every Child, Every Day: A Community Toolkit to Address and Eliminate Chronic Absenteeism* is within their area of expertise for the purpose of providing a summary to the Commission.

#### **VIII. Public Comment**

Patricia Graczyk of the University of Illinois in Chicago thanked the Commission for its work and concurred that the student handbook is a great tool for parents and that tiered interventions are instrumental in solutions for children with significant and varied needs. She also acknowledged the importance of cross-sector collaboration beyond the school walls and shared accountability

Veronica Mercado voiced her appreciation for the conversation around students and vulnerable populations. In anticipation of the implementation of SB100, her organization (Community Organizing and Family Issues) created an implementation document for this bill which features resources for administrators regarding parent engagement and involvement. Ms. Mercado said she would forward this document to the Commission administrator.

#### **IX. New Business and Open Discussion**

The *Every Student, Every Day* conference is in June. Superintendent Tony Smith accepted the invitation to attend on behalf of State partners, and members of the Illinois Attendance Commission members are welcome to be part of the Illinois contingent at the conference.

#### **X. Adjourn**

The meeting was adjourned at 11:44 a.m.

