

Attendance Commission

Meeting Summary

October 27, 2016

10:00 a.m.

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

I. Roll Call

Present

Jeff Aranowski - Chicago
Stephanie Bernoteit – telephone
Lori Fanello - telephone
Karen Fox - telephone
Victoria Jackson - Springfield
Joseph McMahon - telephone
Diane Rutledge- telephone
Deanna Sullivan - Springfield
Harold Sweeney – Amber Kidd, proxy
Antoinette Taylor – Chicago

Not Present

Karen Hunter Anderson
Christina Campos
Tiffany Gholson
Jennifer Gill
Diane Grigsby-Jackson
Heidi Grove
Madelyn James
Elizabeth Malik
Melissa Mitchell
Matthew Rodriguez
Scott Wakeley
Crysta Weitekamp
Kevin Westall

II. Welcome and Opening Remarks

The meeting was begun at 10:17 due to v-tel connection problems with Springfield.

III. Approval of Minutes from September 22, 2016

A quorum was not achieved as only 46% of the Attendance Commission members attended the meeting or sent a proxy, so the minutes could not be approved.

IV. Legislative Review

Jeff Aranowski reminded the commission that he had previously provided them with a legislative overview related to definitions of attendance-related words such as truancy and chronic truancy, explanations of valid causes for absence, and exemptions from school attendance requirements (105 ILCS 5/26).

During this meeting, he provided an overview of the statutory repercussions for truancy beginning with the information that districts can employ their own truant officers, or they can rely on the services of a truant officer hired by the county/regional office of education.

Article 26 of the School Code includes the requirement that a noncompliance notice be provided in person or by mail to the parent/guardian of a child or the person who registered the child for school when a child is absent without cause or notification, and the child must be in school the day after this notice was received. Two additional notices must be sent if the student's truancy continues, and a lack of response to these notices shall prompt the district superintendent to hold a truancy hearing. The outcomes of the truancy hearing will look different depending on the age of the student and the circumstances. The regional superintendent may require the child to perform community service on an age-appropriate basis. If the truancy continues to persist, the

county superintendent may bring charges against the person responsible for the child through contact with the local state's attorney office or conduct a truancy mediation. Such a mediation may have different components depending on the age of the child. Older students may be provided with an alternate educational program to enable them to obtain their high school diplomas. If the truancy continues unabated, the superintendent can petition the court for a dispositional order for a truant minor in need of supervision in order to develop one or more of the following:

- A service plan or comprehensive youth service plan by the Regional Superintendent or referral to a comprehensive community based youth service agency as specifically provided by the appropriate Regional Office of Education
- Counseling or other supportive services
- A fine of between \$5-100 per day
- Public service work assignment
- Suspension of driver's license or privilege

The School Code additionally addresses the following consequences for a persistently truant student's parent/guardian:

- Any person to whom notice has been given of a child's truancy and who knowingly and willfully permits such a child to persist in his truancy within that school year, upon conviction thereof shall be guilty of a Class C misdemeanor and shall be subject to not more than 30 days imprisonment and/or a fine of up to \$500.
- Any person who induces or attempts to induce any child to be absent from school unlawfully, or who knowingly employs or harbors, while school is in session, any child absent unlawfully from school for 3 consecutive school days, is guilty of a Class C misdemeanor.

Mr. Aranowski asked commission members/ practitioners who regularly deal with truancy statute enforcement for their input on the statutory consequences. Lori Fanello referenced the inclusion of community service as a remedial consequence of chronic truancy as an unfunded activity, so it is rarely enforced unless it is court-ordered because then it is court-monitored. She referred also to continuing noncompliance in relation to Senate Bill 100 (the new state law on school discipline) which discusses getting students to enroll in a graduation incentive program. She said they cannot counsel students to drop out of school and enroll in an alternative program. She does not know how Senate Bill 100 will change that.

Mr. Aranowski said there have been some districts that counselled students to drop out rather than face expulsion (usually discipline-related) or a transfer to an alternate educational program. Diane Rutledge and Mr. Aranowski concurred that it was the intent of Senate Bill 100 to counsel students to take advantage of programs that could be beneficial to them, not encourage them to drop out.

Deanna Sullivan spoke in reference to the truant minor in need of supervision dispositional orders that include a fine of \$500 a day to state that is rarely applied due to the fact most of the families involved in truancy dilemmas cannot afford to pay the penalty. Enforcement would impact lower socio-economic children too greatly. Ms. Sullivan said the penalty of imprisonment was only used once in her experience with these situations because removal of the parent from the home would negatively impact the children as well. She said they find other ways to elicit the cooperation of parents.

Mr. Aranowski asked Ms. Fanello if she could identify a bill that had been introduced last year to eliminate the financial penalty and the threat of jail time from the state statutes on truancy. This was a move that was opposed by ICEARY and some people from alternative programming options as well. He recalled that at a previous commission meeting, Harold Sweeney said you need the threat of a high fine or imprisonment to get some parents to cooperate with authorities. Ms. Fanello said Mr. Sweeney feels these threats succeed in getting the attention of recalcitrant parents. Ms. Sullivan said this bill advised schools to forgo suspension, apply behavioral interventions, decrease incidents of expulsion, and be less punitive overall. (This bill, HB4240 which did not win a majority vote in April 2015, was actually explained later in the meeting during New Business.)

Ms. Sullivan explained that state law requires school boards to adopt policies that cover some but not all of the topics covered in the Illinois Association of School Boards (IASB) school policy document: mandates, policies, supportive services, and available resources for truants. The document additionally covers state requirements on public school attendance and permitted exceptions and valid causes for absence, an absenteeism and truancy program which is required of every school district in Illinois, and some of the legislative changes that have occurred in this regard (Students can now have an excused absence to play “Taps” at a function). The amended policy also includes the ages of students it impacts for age-appropriate responses. A school board policy manual requires constant review and revision in response to changing state and federal laws, regulations, court cases, and changes in society and the community.

Segueing into Senate Bill 100 (Public Act 99-0456, effective September 15, 2016), Ms. Sullivan feels there are some things in this act related to the commission’s efforts to keep kids in school. This new law –

- prohibits school personnel from encouraging students to drop out (even to access alternative programming)
- requires schools to use forms of non-exclusionary types of discipline
- requires schools to allow students who were suspended to complete or make up work for equivalent academic credit
- obligates districts to exhaust appropriate behavioral interventions and either attempt other interventions or determine that no further interventions will work before suspending a student
- maintains that schools must provide opportunities for students who are barred from the school bus and have no alternate means of travel to complete missed work for equivalent academic credit
- seeks to discontinue the practice of suspending a student for repeated disciplinary infractions
- discontinues the practice of tallying the points a student receives over a period of time to determine exclusion from school as the new law calls into question the validity of relying on past misconduct in suspension and expulsion decisions
- Provides that districts must make the effort to provide ongoing professional development for administrators, teachers, school board members, school resource officers, and staff on the following:
 - adverse effects of school exclusion and justice-system involvement
 - effective classroom management strategies
 - culturally responsive discipline
 - developmentally appropriate disciplinary methods that promote positive and healthy school climates

With regard to the aspects of the law that discourage suspensions and expulsions, Ms. Sullivan said these have prompted some discussion among attorneys and will probably eventually be sorted out in the courts. Ms. Sullivan said these changes in the School Code will be significant for districts as well as for students. Finally, she thinks this will all have a huge impact on the work of the Attendance Commission and its goal to return more students to the classroom.

Ms. Taylor commented that the professional development mandate in this Public Act will ensure that professional learning communities will understand the new mandates around disciplinary matters but will also have the support of all district personnel because attendance and disciplinary issues are everyone's problem. She asked if anyone knew how this was playing out on any district level since this mandate went into effect on September 15, 2016. Lori Fanello said there is a lot of training occurring to implement these legislated changes and district policies are being rewritten. She said there is a groundswell of practice revisions and related professional development opportunities. She informed Ms. Taylor she would provide the commission with anecdotes from the field after an upcoming meeting with superintendents across the state. Ms. Taylor wants to use the commission as a portal to highlight districts with exemplary practices to inform other districts that may be struggling with the new requirements.

Mr. Aranowski wondered if the required professional development related to new discipline standards has been linked to Educator Licensure's requirements for professional development as allowable activities for license renewal requirements. Ms. Fanello said these professional development opportunities are allowed as they relate to student discipline and classroom behaviors.

Ms. Taylor reminded the commission of the upcoming Joint Annual Conference of the Illinois Association of School Boards (IASB), Illinois Association of School Administrators (IASA), and Illinois Association of School Business Officials (Illinois ASBO) on November 18-20. The Attendance Commission will be holding a hearing at the conference the afternoon of November 18 at 2:00 p.m.

V. Outcomes 2 and 3 Discussion

Chronic Absence

Ms. Taylor reminded the commission members that chronic absenteeism remains undefined in Illinois. She said the Truancy in Chicago Public Schools Task Force final report referenced the fact that a definition of chronic absenteeism needs to be set forth. She suggested the definition for chronic absenteeism should be aligned with the numerical component in the definition for chronic truancy: missing 5 percent of the last 180 school days for any reason. In the absence of a definition, however, when a student's accumulated absences total more than 5 percent of the last 180 school days, including excused and unexcused absences and suspensions, there must be action taken that is not punitive but preventive and designed to ameliorate the problem such as the application of multi-tiered interventions. Ms. Taylor said this could be the standard for chronic absence, or one that references a higher number of missed school days could be used.

Mr. Aranowski suggested the commission should learn what measure is employed by many of the districts in the state. The commission administrator cited the fact that the Chicago Public Schools define a chronically absent student as one who has missed 10 percent of 180 school days for any reason and added that this equation was an unofficial national standard. The

commission administrator communicated, however, the fact that the U. S. Department of Education has been using a 15-day standard (8 percent).

Mr. Aranowski said he understands why truancy was defined through legislation to be calculated as missing school on an unexcused basis 5 percent or more of the last 180 school days, but feels it would be good to know the reasons behind definitions of chronic absence that were adopted by individual school districts.

Patricia Graczyk, a University of Illinois at Chicago professor was in attendance at the meeting in Chicago and was asked for her input on this issue. She explained that while the Office of Civil Rights within the U. S. Department of Education had been using the 15-day standard, plans were underway to switch to the 10 percent standard, including excused and unexcused absences as well as suspensions. Dr. Graczyk went on to explain that across the country, chronic absence is commonly defined as missing 10 percent of the previous 180 school days for any reason as this criterion is one that is based on research on negative student outcomes. She said she works with many area schools, and they are all waiting for an official word on what standard Illinois will adopt. Dr. Graczyk recommends that the commission propose a state definition of chronic absence soon. Insofar as interventions for chronic absence are concerned, the first tier encompasses students who are in school 95 percent or more of the time while students who are present 85-95 percent of the time are considered at risk requiring tier 2 interventions.

Ms. Sullivan expressed her point of view that a definition of chronic absence may not have to be statutory. She thinks a public awareness campaign on school attendance will create an understanding of what chronic attendance is. Mr. Aranowski agreed that he is not sure of the benefit of a definition of chronic absence. Ms. Taylor wondered if districts need the definition to function as a target for action, whereupon Mr. Aranowski said the commission can do one of two things: statutorily define chronic absence or tell districts to set their own. Some districts may opt for 10 percent while other districts might want their standard to be lower. He asked if we really want to apply this across the board or if we want to provide resources to districts so they can make a determination themselves as to what defines chronic absenteeism for their students.

Ms. Sullivan recommends getting feedback from districts first and making a recommendation for a definition later.

Ms. Taylor suggested that in the annual report which is due December 15, the commission should make a recommendation for a legislated definition of chronic attendance, and spend the next year gathering input from districts through hearings on the exact parameters of the definition. Then in the 2017 annual report, the commission can recommend a definition based on practitioner input. Ms. Fanello concurred and said the commission should also look into the Every Student Succeeds Act to see what directives are contained within.

House Bill 2683 (Public Act 99-0193)

Ms. Taylor referred commission members to the following House Bill which is now Public Act 99-0193 because it establishes a Multiple Measure Index which may include attendance as one of the indicators for the annual measurable objectives.

House Bill 2683

Amends the School Code. Makes changes concerning references to adequate yearly progress with respect to the State Board of Education's recognition standards for student performance and school improvement, the State Board's system of rewards for school districts and schools,

the State Board's system to acknowledge schools, State interventions, and remote educational programs. Removes provisions concerning academic early warning and watch status. Instead, requires the State Board to establish a Multiple Measure Index and Annual Measurable Objectives for each public school in this State that address the school's overall performance in terms of academic success and equity and sets forth provisions concerning priority and focus districts. Makes changes concerning student outcome data on a school report card. Repeals a Section concerning appeals from school districts pertaining to school or district status levels, recognition levels, or corrective action. Effective July 1, 2015.

Senate Committee Amendment No. 1

Replaces everything after the enacting clause. Reinserts the contents of the bill as introduced with the following changes. Requires the State Board of Education to develop recognition standards for student performance and school improvement for all school districts and their individual schools (instead of in all public schools operated by school districts), and removes provisions concerning the design of the standards. Instead, provides that the standards must be an outcomes-based, balanced accountability measure. Sets forth provisions concerning the balanced accountability measure. Makes changes concerning the State Board's establishment of a Multiple Measure Index and Annual Measurable Objectives. Changes the definition of "focus school". Requires a school report card to include the most current data possessed by the State Board related to a school district's and its individual schools' balanced accountability measure. Effective July 1, 2015.

Ms. Taylor was contacted by Sara Boucek, an attorney for the Illinois Association for School Administrators, for information related to this index and the index objectives as she serves as the chairperson for the committee charged with developing the index. Ms. Boucek only became aware of the Attendance Commission two weeks ago through a conversation with Hedy Chang of Attendance Works and reached out because one the proposed measures of performance for this index may be school attendance. She expressed her concern that if attendance is selected to be an annual measurable objective, the state must have a definition of chronic absence.

Ms. Boucek has a meeting on November 9 with other members of a group working to implement the Multiple Measure Index and Annual Measurable Objectives. Hedy Chang of Attendance Works is scheduled to confer with this group via telephone to recommend that attendance be selected as an indicator for this index especially since ESSA has a reporting requirement for chronic absenteeism.

Mr. Aranowski asked if attendance would be the indicator or chronic absenteeism. Ms. Taylor explained that attendance would likely be the indicator and would include its attendant components such as chronic absence.

House Bill 4240

Ms. Taylor brought a pending House Bill to the attention of the commission since it seeks to remedy student truancy without making demands on parents that would increase their burden. She said people have assumed that this legislation stemmed from the work of the Attendance Commission when, in fact, it did not. The co-sponsor of this bill is Representative La Shawn Ford who was involved with the Truancy in Chicago Public Schools Task Force. He has been an advocate of efforts to involve parents to a greater degree in the education of their children. He is not interested in punitive measures but rather seeks ways to draw parents in in a positive, collegial way.

HB4240 Synopsis As Introduced

Amends the Compulsory Attendance Article of the School Code. Provides that any person having custody or control of a child subject to the Article to whom notice has been given of the child's truancy and who knowingly and willfully permits such a child to persist in his or her truancy within that school year must complete a parent education course or undergo family counseling upon a finding by the school board of a violation (instead of providing that the person is guilty of a Class C misdemeanor and is subject to not more than 30 days imprisonment or a fine of up to \$500 or both upon conviction thereof). Makes related changes.

House Floor Amendment No. 1

Provides that any person having custody or control of a child to whom notice has been given of the child's truancy and who knowingly and willfully permits the child to persist in his or her truancy within a school year may (rather than must) be required, upon a finding by the school board of a violation of the truancy provisions, to complete a parent education course, undergo family counseling, or engage in another support service as agreed upon by the person having custody or control of the child and the school board (rather than just complete a parent education course or undergo family counseling).

Commission members addressed the fact that while some prefer more relaxed, forgiving measures to draw parents of truant students into compliance with school attendance requirements, there are practitioners in the field who feel that the punitive measures currently in the School Code provide an incentive to motivate some parents who are not responsive to the efforts of school, district, and regional staff to enlist their cooperation.

ISBE has taken a neutral position with regard to this bill.

Ms. Rutledge addressed the fact that bills that mandate specific supports are unfunded mandates, and questions then arise about the source of funding.

VI. Ethics and Open Meetings Act Requirements

A list had been circulated to members of the commission in preparation for this meeting which conveyed the names of the commission members who had completed their Ethics and Open Meetings Act trainings and submitted certification of each. Members whose name were not a on the list were reminded to complete these two tasks. Mr. Aranowski explained that ISBE could be subject to audit findings if all members do not comply with these simple, required tasks.

VII. Public Comment

There was no public comment.

VIII. New Business and Open Discussion

The roster for the Multiple Measures Index Committee includes the following people:

- Daniel Booth, appointed by the Illinois Principals Association
- Sara Boucek, appointed by the Illinois Association of School Administrators, committee chair
- Roger Eddy, appointed by the Illinois Association of School Boards
- Mark Klaisner, appointed by the Illinois Association of Regional School Superintendents
- Kathy Mannen, appointed by the Illinois Federation of Teachers
- Karl Goeke, appointed by the Illinois Education Association
- Mary Jane Morris, appointed by the Illinois Education Association

- Matthew Rodriguez, of the Illinois Parent Teacher Association
- Kurt Hilgendorf, of the Chicago Teachers Union
- Ryan Crosby, from the Chicago Public Schools
- Vacancy for a representative of the Chicago Principals and Administrators Association

Other new business included a reminder about the College Changes Everything event entitled *Continuing the Conversation ... A Learning Community Focused on Student College and Career Readiness and Success* on November 3 between the hours of 8:30 a.m. – 12:00 p.m. at 1755 Lake Cook Road in Deerfield.

IX. Adjourn

Since there had been no quorum, the meeting did not require a formal adjournment.