

STUDENT ABSENCES AND EXCUSES

JH-R

A. Compulsory Attendance Requirement

Every person in the State having control of a child between 5 years of age and 16 years of age shall send such child to school.

B. Definitions

1. Truancy: Absent from school without a valid excuse for more than three days or the equivalent thereof during a given school year
2. Unexcused absence: An absence without a valid excuse
3. Family Trip/Excursion: A planned trip with or without a parent/guardian for, but not limited to, such purposes as enrichment, or recreation, or a special observance, or to visit an institution of higher learning

C. Necessary and Legal Absences

The superintendent of schools is responsible for enforcing the attendance laws of the State and is the person who may excuse or cause to be excused any child for “Necessary and Legal Absences” in accordance with Title 14, Delaware Code, and subject to the “Rules and Regulations” of the State Board of Education and the Seaford Board of Education. The following excuses are recognized as valid for necessary and legal absences:

1. Illness of the student, attested, if necessary, by a physician’s certificate
2. Contagious (i.e., diphtheria, measles, scarlet fever, or small pox) diseases in the home of the student, subject to the regulations of the State of Delaware
3. Pregnancy of the student, attested, if necessary, by a physician’s certificate
4. Death in the student’s own home or in the home of the grandparents, time not to exceed one week; funerals of other relatives or close friends, not to exceed one day if in the locality or three days if at some distance or outside the state
5. Legal business
6. Religious holidays
7. Suspension or expulsion from school

The superintendent of schools or his/her designee shall have the authority for determining and approving other necessary and legal absences as deemed valid within the enforcement provisions of the compulsory attendance law. In keeping with this, planned trips shall constitute a legal absence if:

1. the student submits to the principal (or his/her designee) for approval a written request (“Family Trip Application” [JED-E-1] for middle and high school students) that includes relevant information (i.e., the nature of the trip, why the trip needs to be taken on school days, and the dates of the trip) and is signed by his/her parent/guardian; or if
2. due to an unforeseen emergency and/or due to circumstances beyond the student’s control, a written request could not be submitted before the trip, the student may submit to the principal (or his/her designee) after the trip has been taken a written request (“AFTER Family Trip Application” [JED-E-2] for middle and high school students).

In both situations described above, the principal (or his/her designee) has the authority to approve or deny the request based upon the student’s academic, attendance, and behavior record as well as whether the trip really needed to be made on school days.

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- D. Procedures Related to Students in Grades K-5 Who Have Multiple Unexcused Absences in Each School Year (From Section 2702, Title 14, Delaware Code)
1. Following the tenth day of unexcused absence by a student, the school shall immediately notify the parent(s) or guardian and a visiting teacher for the district shall visit the student's home.
 2. Following the 15th day of unexcused absence by a student, the student's parent(s) or guardian shall be notified by certified mail to appear at the school within ten days of notification for a conference and counseling.
 3. Following the 30th day of unexcused absence by a student, the school shall refer the case for prosecution.
 4. Following the completion of prosecution of the case and the subsequent failure of the student to return to school within five school days thereof, the school shall immediately notify the Department of Services for Children, Youth, and Their Families requesting intervention services by the Department. The Department shall contact the family within ten business days.
- E. Potential Penalty for Students Sixteen Years of Age or Older Who Have Multiple Unexcused Absences in Each School Year (From Section 2709, Title 14, Delaware Code)
- Any student sixteen years of age or older who is truant on more than three separate occasions during one school year may be expelled from school by the Board of Education for the remainder of the school year.
- F. In cases where students and parents are under the supervision of the Truancy Court or where students are involved with support programs to maintain regular school attendance, consideration may be given for a reinstatement of grades earned.
- G. School principals and/or legally constituted or authorized school level committees have authority to adopt school level rules regarding attendance which are not in conflict with Delaware Law and Seaford Board of Education policies and regulations.

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