



## Regulation of the Chancellor

Number: **A-210**

Subject: **STANDARDS FOR ATTENDANCE PROGRAMS**

Category: **STUDENTS**

Issued: **September 28, 2017**

### SUMMARY OF CHANGES

This regulation supersedes Chancellor's Regulation A-210 dated December 22, 2016.

Changes:

- Title of the regulation was changed to Standards for Attendance Programs.
- Clarifies the definition of parent.
- Clarifies that a student is not eligible to take the high school equivalency exam until the student is over the compulsory school age (Section I.B).
- Clarifies that the Field Support Attendance Supervisors are responsible for reviewing schools' attendance plans (Section II.C.1).
- Provides that until a school submits its attendance plan for review by the Field Support Centers, the school's attendance plan from the previous school year remains in effect (Section III.A).
- Clarifies that schools must communicate their attendance policies to staff, students and parents (Section III.B).
- Clarifies that attendance scan sheets and other forms of attendance documentation must be kept on file at the school for six years from the time the records are generated and not from a student's expected date of graduation (Section III.C).
- Clarifies that schools must define what constitutes an early departure and which early departures are excused and unexcused (Section III.C.2).
- Clarifies that schools must follow Chancellor's Regulation A-630 for recording early departures and excused absences for religious instruction (Section III.C.3).
- Clarifies that students whose attendance rate is less than 90% are considered chronically absent (Section III.D).
- Clarifies that schools must maintain up-to-date emergency contact information in addition to parent contact information (Section III.G).
- Clarifies that schools must continue parent outreach until the underlying attendance issue is resolved and that parent outreach, as that term is used in this regulation, includes: calls on the first day of absence, letters home, personal advisory calls or conferences to address the reasons for absence, communication via the school's electronic system (e.g., emails, texts, or app push notifications), and/or home visits (Section III.G).
- Provides that the monitoring of attendance of elementary and middle school students with child welfare involvement is a required component of schools' attendance programs (Section III.H).

- Clarifies that for all Form 407 attendance investigations, the school must record all information, outreach efforts, and interventions in the ILOG System, supplemented by notes directly on the Form 407 (Section IV.C).
- Provides that when a student has been absent for 10 consecutive days; where there has been a prior 407 investigation for a student, and such student is subsequently absent for 8 consecutive days or 15 aggregate days; or for students in pre-kindergarten through grade 8, when a student has been absent for 20 aggregate days over a four-month period, the Form 407 attendance investigation must consider whether the absences are related to educational neglect or other maltreatment or child abuse (Section IV.D).
- Clarifies that for all Form 407 investigations, if the whereabouts of the student cannot be confirmed and/or the issue preventing attendance is not identified at the school level, the Form 407 case must be given to a DOE attendance teacher for further investigation (Section IV.I).
- Clarifies that school officials must cooperate with DOE attendance teachers conducting Form 407 attendance investigations and provide access to student records including, but not limited to, the student's permanent and attendance records (Section IV.I).
- Provides that a Form 407 case must remain open and attendance outreach must continue, in accordance with DOE policies and procedures, until the case is resolved. A Form 407 case is resolved when the student returns to school, the student is discharged in accordance with DOE procedures and policy, or for a Form 407 investigation conducted when a student is discharged under the circumstances described in Section IV.E, the school enters a code indicating the result of the follow-up investigation (Section IV.J).
- Provides that a report of educational neglect must be filed in accordance with the requirements and procedures set forth in Chancellor's Regulation A-750 whenever the absences of a student of compulsory attendance age cause the mandated reporter to reasonably suspect all of the following, whether or not a Form 407 investigation was conducted: 1) the parent is aware or should have been aware of the absences; 2) the parent is contributing to the child's absences or is failing to take steps to effectively address the problem and return the child to school (i.e., failure to provide a minimum degree of care); and 3) the absences are impairing the child's education (Section V.A.).
- Clarifies that all questions regarding reports of child abuse, educational neglect, or other forms of maltreatment should be addressed to the Citywide Coordinator, Child Abuse and Neglect Prevention Program (Section V.C).
- Provides that the principal, in conjunction with the attendance coordinator, must develop a Clearance of Register program by October 31st of each year (Section VI).
- Clarifies that the Office of Safety and Youth Development provides training, technical support, and assistance to Field Support Center staff on all issues related to attendance (Section VII).



## Regulation of the Chancellor

Number: **A-210**

Subject: **STANDARDS FOR ATTENDANCE PROGRAMS**

Category: **STUDENTS**

Issued: **September 28, 2017**

### ABSTRACT

This regulation supersedes Chancellor's Regulation A-210 dated December 22, 2016. The tracking and follow-up of attendance and chronic absenteeism is one of the Department of Education's most important responsibilities as it relates to the safety, welfare, and educational success of the students of New York City. This regulation sets forth standards for school attendance programs, including requirements for meeting state attendance mandates, and establishes the policies for school attendance services, attendance reporting and follow-up procedures.

#### **I. ATTENDANCE LAW**

A. Each minor from 5 to 17 years of age in New York City is required to attend school on a full-time basis.

1. Children who turn 5 on or before December 31st of the school year are required to attend kindergarten at the beginning of that school year, except that such children are not required to attend kindergarten if their parents<sup>1</sup> elect instead to enroll them in first grade the following academic year.
2. Students who turn 17 on or after July 1st must complete the school year in which they turn 17 years of age.

B. Exceptions to the age requirements for attendance are as follows:

1. students who have graduated from high school prior to reaching the age of compulsory attendance as set forth in Section I.A.2; or

---

<sup>1</sup> The term parent as used in this regulation means the student's parent or guardian or any person in a parental or custodial relationship to the student. The definition of parent includes: birth or adoptive parent, step-parent, legally appointed guardian, foster parent and "person in parental relation" to a child attending school. The term "person in parental relation" refers to a person who has assumed the care of a child because the child's parents or guardians are not available, whether due to, among other things, death, imprisonment, mental illness, living outside the state, or abandonment of the child.

2. students 16 or 17 years of age who have been issued a full-time employment certificate.

## II. RESPONSIBILITIES FOR ATTENDANCE SERVICES

- A. The Chancellor is responsible for setting the standards for school-based attendance programs and issuing guidelines related to attendance issues and services.
- B. Principals are responsible for ensuring that their school's attendance program meets the standards for attendance services, as mandated by state requirements and as required by this regulation and other Department of Education (DOE) guidelines. This includes approving an annual Attendance Plan, ensuring the accurate recording of attendance, appointing a school-based attendance coordinator and supervising the attendance coordinator and Attendance Committee, as set forth in Section III.
- C. The Field Support Center (FSC) Attendance Supervisor is responsible for providing support and assistance to schools in order to ensure that attendance program requirements are met. This includes, but is not limited to:
  1. assisting schools in the development of Attendance Plans that will allow for the effective implementation of attendance tracking, outreach, follow-up and support services and reviewing such plans; and
  2. facilitating training for staff involved in the attendance program, including, but not limited to, attendance teachers, attendance coordinators, principals, assistant principals, guidance counselors, support staff, pupil accounting secretaries, family assistants and para-professionals.

## III. ATTENDANCE PROGRAM STANDARDS FOR SCHOOLS

- A. Annual Attendance Policy and Plan: Schools must develop attendance policies and procedures that are designed to ensure regular attendance and that address attendance-related objectives and responsibilities, including, but not limited to: maintaining accurate records of student attendance; monitoring patterns of student lateness and absence; and using effective intervention strategies to improve school attendance. By October 31st of each year, each school is required to submit an annual Attendance Plan as a component of the Office of Safety and Youth Development's Consolidated Plan. The plan must describe how schools implement their attendance policies and procedures. Note: Until schools' Attendance Plans are reviewed and approved by the FSC, schools' Attendance Plans from the previous school year remain in effect.
- B. Communicating Attendance Policies: Schools must communicate their attendance policies to staff, students and parents.

- C. **Recording Attendance:** Student daily attendance must be recorded in Automate the Schools (“ATS”) each day. In grades 9–12 and in departmentalized schools (a school that is organized around academic subject departments), attendance also must be recorded for each period of scheduled instruction, in ATS or another recording method, in accordance with procedures defined in the school’s Attendance Plan. Teachers are responsible for ensuring that accurate attendance records are kept for each student on register. Attendance scan sheets must be signed by the teacher. Changes to attendance scan sheets may only be made by the person whose signature appears on the sheet and must be initialed by that person. All other changes of attendance must be documented on the Change of Attendance Form or similar record and entered into ATS. Attendance scan sheets and other forms of attendance documentation must be kept on file at the school for six years from the time the records are generated. Principals must make these records available to those authorized to review, inspect, or audit them, consistent with law.
1. **Recording Reasons for Absence:** Schools must identify and document the reasons for student absences. A student is considered present for the day if the student attends at least one instructional period. School policy must define the kinds of absences that will be excused and those that will not be excused, and identify the supporting documentation that must be collected and maintained.
  2. **Recording Lateness/Early Departure:** School policy must define what constitutes a late arrival and early departure and which late arrivals and early departures are excused and not excused. Schools must keep records of late arrivals and early departures in accordance with school-defined policies. A student who is marked late or leaves early must be considered present for the school day if the student attends at least one instructional period. Frequent or unexcused lateness or early departure requires the same follow-up and intervention procedures as absence.
  3. **Religious Accommodations:** Schools must follow Chancellor’s Regulation A-630 (Religious Accommodation of Students) for recording early departures and excused absences due to religious instruction and/or observance.
- D. **Ensuring Regular Student Attendance:** Schools must establish and maintain a system for recognizing patterns of student absence. A student whose attendance rate is less than 90% is chronically absent. Schools must establish and implement specific interventions to reduce the number of students who are chronically absent.

- E. Attendance Coordinator: At each school, the principal must appoint an attendance coordinator, who must be either an administrator or pedagogue. The attendance coordinator is responsible for the overall operation of the school attendance program, under the supervision of the principal/designee. This includes, but is not limited to: ensuring that student attendance is recorded accurately; all documentation is appropriately signed and available for review; parents are contacted following a student's absence; all documents related to attendance tracking are filed appropriately; and all Form 407 procedures, as specified in Section IV, are followed.
- F. Attendance Committee: Each school must have an Attendance Committee consisting of school personnel including, but not limited to, teachers, administrators, attendance teachers, and guidance counselors. The Attendance Committee is responsible for using data and case study to identify and resolve the underlying reasons for latenesses and absences in order to improve attendance policies and procedures.
- G. Parent Outreach: Schools must contact parents to determine the cause of a child's unexplained absence. Every effort must be made to telephone parents on the first day of a student's absence. Automated calling systems may be used except as set forth in Section III.H.  

Schools must maintain communication with parents in order to develop and implement measures to ensure regular attendance, and such outreach must continue until the underlying attendance issue is resolved. In addition to calls on the first day of absence, parent outreach includes letters home, personalized advisory calls or conferences to address the reasons for absence, communication via the school's electronic system (e.g., emails, texts, or app push notifications), and/or home visits. All outreach and intervention efforts must be entered into the ILOG system in ATS. Schools are responsible for maintaining up-to-date parent and emergency contact information (address and phone numbers) in ATS.
- H. Monitoring the Attendance of Elementary and Middle School Students with Child Welfare Involvement

The principal/designee or attendance coordinator is responsible for ensuring that staff monitor the daily attendance of their students with child welfare involvement and take appropriate action in response to the unexplained absences of such students in accordance with Section III of Chancellor's Regulation A-750 (Tiered Response Protocol) and implementation guidance issued by the Chancellor. For purposes of this regulation, DOE students in foster care and/or DOE students whose parents are or recently were under investigation by the Administration of Children's Services (ACS) as a result of a report of suspected child abuse or maltreatment made by DOE personnel to the State Central Register (SCR) or whose family is under Court-Ordered Supervision are referred to as students with child welfare involvement. Monitoring of students with child welfare involvement requires same-day outreach for each absence, and such outreach must be accomplished through personal phone calls. Automated calling systems may **not** be utilized as part of outreach to students with child welfare involvement.

#### **IV. INVESTIGATION OF CAUSES OF ABSENCE AND THE FORM 407 TRACKING SYSTEM**

**A.** The Form 407 attendance follow-up and outreach referral (hereinafter referred to as a Form 407 referral) and Form 407 attendance investigation (hereinafter referred to as a Form 407 investigation) is an elevated attendance tracking and intervention measure for students who remain absent that must be implemented after standard follow-up and outreach measures (including calls on the day of absence) have been utilized, as set forth in this section. The purpose of a Form 407 investigation is to identify the reason a student remains absent, identify appropriate follow-up action and return the student to school or, where appropriate, discharge the student.

**B.** A Form 407 referral is automatically generated in ATS under the following circumstances:

1. when a student has been absent for 10 consecutive days;
  2. where there has been a prior 407 investigation for a student, and such student is subsequently absent for 8 consecutive days or 15 aggregate days; or
  3. for students in pre-kindergarten through grade 8, when a student has been absent for 20 aggregate days over a four-month period.
- C.** If the reason for the student's absence has not been identified at the time the Form 407 referral is generated in ATS as set forth in Section IV.B, a Form 407 investigation must be conducted. For all Form 407 investigations, the school must record all information, outreach efforts, and interventions in ILOG, supplemented by notes directly on the Form 407.

- D.** When a Form 407 investigation is conducted for the reasons set forth in Section IV.B, schools must consider whether the absences may be related to educational neglect, as defined in Section V, or other maltreatment or child abuse, as defined in Chancellor's Regulation A-750. If there is reasonable cause to suspect educational neglect or other maltreatment or child abuse, it must be reported in accordance with the procedures set forth in Chancellor's Regulation A-750 and documented in ATS as set forth below in Section IV.K.

Outreach and intervention notes must address each of the factors set forth below.

1. Parent notification: the school's efforts to provide notification of the child's absences to the parent.
  2. The role of the parent: whether the school has been unable to make contact with the parent despite outreach efforts, whether the parent has resisted or rejected the school's requests for information and assistance; whether the parent cannot provide an explanation for a child's absences.
  3. Other considerations: whether the investigation of causes of absence reveals indicators or raises reasonable suspicion of child abuse or maltreatment.
- E.** A Form 407 referral is also automatically generated in ATS and a Form 407 investigation must be conducted 30 school days after a student has been discharged as "Address Unknown," or 20 school days after a student has been discharged to a non-DOE school without documentation of enrollment. The purpose of this Form 407 investigation is to ensure that the "Address Unknown" designation is still appropriate and/or ascertain if any additional information concerning the student's or family's whereabouts has become available.
- F.** A Form 407 referral may also be generated manually and a Form 407 investigation conducted whenever the principal/designee determines that elevated intervention measures (e.g., home visit) are necessary.
- G.** A Form 407 investigation is complete when the whereabouts of a student are confirmed and/or the issue preventing attendance is identified. When the investigation is complete, a comment code describing the student's status must be entered into ATS.



- H. All Form 407 investigations that are conducted for students in pre-kindergarten through grade 8 as set forth above in Section IV.B.3 must be completed within 10 days. If the investigation cannot be completed within 10 days, the Form 407 case must be reviewed by the attendance coordinator and/or principal. The purpose of this review is to: determine whether outreach and investigation efforts have addressed relevant factors, including the factors listed in Section IV.D as applicable; identify the issues obstructing resolution; and determine the appropriate action or intervention that will either return the student to school or, where appropriate, properly discharge the student.
  - I. For all Form 407 investigations, if the whereabouts of the student cannot be confirmed and/or the issue preventing attendance is not identified at the school level, the Form 407 case must be given to a DOE attendance teacher for further investigation. School officials must cooperate with DOE attendance teachers conducting Form 407 investigations and provide access to student records, including but not limited to the student's permanent and attendance records.
  - J. All Form 407 cases must remain open and attendance outreach must continue, in accordance with DOE policies and procedures, until resolved. A Form 407 case is resolved when the student returns to school, the student is discharged in accordance with DOE procedures and policy, or for a Form 407 investigation conducted when a student is discharged under the circumstances described in Section IV.E, the school enters a code indicating the result of the follow-up investigation. When the Form 407 case is resolved it must be closed by entering the resolution code and date of closure into ATS and filing the Form 407 at the school. For Form 407 investigations that cannot be closed, schools must enter a comment code in ATS indicating the status of the student or investigation.
  - K. For all Form 407 investigations, if the school or person conducting the investigation has reasonable cause to suspect educational neglect or any form of child abuse or maltreatment, the school or person conducting the investigation must make a report to SCR, comply with all reporting and notification procedures set forth in Chancellor's Regulation A-750, and enter the appropriate code in ATS to reflect that the report to SCR was made.
- V. PROCEDURES FOR REPORTING MALTREATMENT BASED ON EDUCATIONAL NEGLECT**
- A. A report of educational neglect must be filed in accordance with the requirements and procedures set forth in Chancellor's Regulation A-750 whenever the absences of a student of compulsory attendance age cause the mandated reporter to reasonably suspect all of the following, whether or not a Form 407 investigation was conducted:
    1. The parent is aware or should have been aware of the absences;

2. The parent is contributing to the child's absences or is failing to take steps to effectively address the problem and return the child to school (i.e., failure to provide a minimum degree of care); and
  3. The absences are impairing the child's education
- B. Regardless of whether the conditions set forth in the paragraph above have been met, a report to SCR must be made whenever school officials have reasonable cause to suspect child abuse or other forms of maltreatment, in accordance with Chancellor's Regulation A-750.
- C. All questions regarding reports of child abuse, educational neglect, or other forms of maltreatment should be addressed to the Citywide Coordinator, Child Abuse and Neglect Prevention Program (212-374-0805).

**VI. CLEARANCE OF REGISTER**

By October 31st of each year, the principal, in conjunction with the attendance coordinator, must develop a Clearance of Register program designed to locate and determine the status of, return to school, or appropriately discharge all students who are on the school register and who have not begun attending school for that school year.

**VII. TRAINING AND TECHNICAL ASSISTANCE**

The Office of Safety and Youth Development provides training, technical support, and assistance to schools and FSC staff on all issues related to attendance.

**VIII. INQUIRIES**

Inquiries pertaining to this regulation should be addressed to:

Office of Safety and Youth Development

N.Y.C. Department of Education

52 Chambers Street - Room 218

New York, NY 10007

Telephone: 212-374-6095

Fax: 212-374-5751