

4.3—COMPULSORY ATTENDANCE REQUIREMENTS

Every parent, legal guardian, person having lawful control of the child, or any child age five (5) through seventeen (17) years on or before August 1 of that year who resides, as defined by policy (4.1—RESIDENCE REQUIREMENTS), within the District shall enroll the child and ensure the attendance of the child at a District school with the following exceptions.

1. The child is enrolled in private or parochial school.
2. The child is being home-schooled and the conditions of policy (4.6—HOME SCHOOLING) have been met.
3. The child will not be age six (6) on or before August 1 of that particular school year and the parent, legal guardian, person having lawful control of the child, person standing in loco parentis of the child elects not to have the child attend kindergarten. A kindergarten waiver form prescribed by regulation of the Division of Elementary and Secondary Education must be signed and on file with the District administrative office.
4. The child has received a high school diploma, G.E.D., or its equivalent as determined by the State Board of Education.
5. The child is age sixteen (16) or above and is enrolled in a post-secondary vocational-technical institution, a community college, or a two-year or four-year institution of higher education.
6. The child is age sixteen (16) or seventeen (17) and has met the requirements to enroll in an adult education program as defined by A.C.A. § 6-18-201 (b).

Legal References: A.C.A. § 6-18-201
 A.C.A. § 6-18-207

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4.7—ABSENCES

If any student's Individual Education Program (IEP) or 504 Plan conflicts with this policy, the requirements of the student's IEP or 504 Plan take precedence.

Education is more than the grades students receive in their courses. Important as that is, students' regular attendance at school, whether in person or digitally, is essential to their social and cultural development and helps prepare them to accept responsibilities they will face as an adult. Interactions with other students and participation in the instruction within the classroom enrich the learning environment and promote a continuity of instruction which results in higher student achievement.

Absences for students enrolled in synchronous digital courses shall be determined in the same manner as for District students attending courses in person.¹

Excused Absences

Excused absences are those where the student was on official school business or when the absence was due to one of the following reasons:

1. The student's illness or when attendance could jeopardize the health of other students. A maximum of six (6) such days are allowed per semester unless the condition(s) causing such absences is of a chronic or recurring nature, is medically documented, and approved by the principal.
2. Death or serious illness in their immediate family;
3. Observance of recognized holidays observed by the student's faith;
4. Attendance at an appointment with a government agency;
5. Attendance at a medical appointment;
6. Exceptional circumstances with prior approval of the principal; or
7. Participation in an FFA, FHA, or 4-H sanctioned activity;
8. Participation in the election poll workers program for high school students.
9. Absences granted to allow a student to visit his/her parent or legal guardian who is a member of the military and been called to active duty, is on leave from active duty, or has returned from deployment to a combat zone or combat support posting. The number of additional excused absences shall be at the discretion of the superintendent or designee.
10. Absences granted, at the Superintendent's discretion, to seventeen (17) year-old students who join the Arkansas National Guard while in eleventh grade to complete basic combat training between grades eleven (11) and (12).
11. Absences for students excluded from school by the Arkansas Department of Health during a disease outbreak because the student has an immunization waiver or whose immunizations are not up to date.³
12. Absences due to conditions related to pregnancy or parenting, including without limitation:
 - Labor, delivery, and recovery;

- Prenatal and postnatal medical appointments and other medically necessary, pregnancy-related absences;
 - The illness or medical appointment of a child belonging to a parent who is enrolled at a District school;
 - A legal appointment related to pregnancy or parenting, including without limitation:
 - Adoption;
 - Custody; and
 - Visitation;
 - A reasonable amount of time to accommodate a lactating student's need to express breast milk or to breastfeed the student's child on the District's campus; and
 - At least ten (10) school days of absences for both a parenting mother and a parenting father after the birth of a child.⁶
13. Absences for a student who is the child of a fallen service member or fallen first responder:
- Due to a mental health concern; or
 - To attend an event from a sponsoring organization that provides support to families of fallen service members or first responders or provides support for traumatic loss, grief, or resiliency.
14. Upon the written consent of a student's parent, legal guardian, person having lawful control of the student, or person standing in loco parentis to the student, the District shall grant an excused absence for the following purposes:
- Social or public policy advocacy; or
 - Attempts to influence legislation or other governmental policy-making at the local, state, or federal level.

Students who serve as pages for a member of the General Assembly shall be considered on instructional assignment and shall not be considered absent from school for the day the student is serving as a page.⁷

Up to one (1) time during each scheduled election, a student shall not be considered absent from school for the time the student accompanies the student's parent when the parent is exercising the parent's right to vote in a scheduled election.

Students who serve as pages for a member of the General Assembly shall be considered on instructional assignment and shall not be considered absent from school for the day the student is serving as a page.

In order for the absence to be considered excused, the student must:

- a. Bring a written statement to the principal or designee upon the student's return to school from the student's parent or legal guardian stating the reason for the student's absence; or
- b. If the student is attending the District's courses digitally, upload a written statement

from the student's parent or legal guardian stating the reason for the student's absence through the District's digital course management platform for review by the principal or designee.

- c. Provide documentation as proof of a student's participation in an activity or program scheduled and approved by the 4-H program that is provided by a 4-H county extension agent, 4-H educator, or other appropriate entity associated with the 4-H activity or program; or
- b. The student's parent, legal guardian, person having lawful control of the student, or person standing in loco parentis to the student provides written documentation that the student's absence is to attend an event from a sponsoring organization that:
 - Provides support to families of fallen service members or first responders or provides support for traumatic loss, grief, or resiliency; and
 - May be verified as an organization that provides support to the military and first responder community by reviewing the Resources Page for Military Family Engagement on the Department of Education website.

A written statement presented or uploaded for an absence having occurred more than five (5) school days prior to its presentation or upload will not be accepted.

A student shall not be eligible to receive an excused absence for #13 above if:

- § The student is not in good academic standing;
- § The student does not have a prior record of good attendance; or
- § The absence occurs during a date on which standardized testing is administered.

The District shall annually provide a report by June 30 to the Division of Elementary and Secondary Education that contains the following:

- § The number of absences requested under number 14;
- § The number of absences granted under number 14; and
- § The stated purposes of the absence.

Unexcused Absences

Absences that are not defined above; do not have an accompanying note from the parent, or legal guardian, person having lawful control of the student, or person standing in loco parentis, or have an accompanying note that is not presented or uploaded within the timeline required by this policy, shall be considered as unexcused absences. Students with (*insert number*)⁸ unexcused absences in a course in a semester may not receive credit for that course. At the discretion of the principal after consultation with persons having knowledge of the circumstances of the unexcused absences, the student may be denied promotion or graduation. Excessive absences shall not be a reason for expulsion or dismissal of a

student.

When a student has (*insert number equal to 1/2 above number⁸*) unexcused absences, his/her parents, legal guardians, persons with lawful control of the student, or persons standing in loco parentis shall be notified⁹. Notification shall be by telephone by the end of the school day in which such absence occurred or by regular mail with a return address sent no later than the following school day.

Whenever a student exceeds (*same number as in the first paragraph of this section ⁸*) unexcused absences in a semester, the District shall notify the prosecuting authority and the parent, legal guardian, person having lawful control of the student, or persons standing in loco parentis shall be subject to a civil penalty as prescribed by law.

It is the Arkansas General Assembly's intention that students having excessive absences be given assistance in obtaining credit for their courses. Therefore, at any time prior to when a student exceeds the number of unexcused absences permitted by this policy, the student, or his/her parent, legal guardian, person with lawful control of the student, or person standing in loco parentis may petition the school or district's administration for special arrangements to address the student's unexcused absences. If formal arrangements are granted, they shall be formalized into a written agreement which will include the conditions of the agreement and the consequences for failing to fulfill the agreement's requirements. The agreement shall be signed by the student, the student's parent,; legal guardian,; person having lawful control of the student; or person standing in loco parentis, and the school or district administrator or designee.¹⁰

Students who attend in-school suspension shall not be counted absent for those days.¹¹

Days missed due to out-of-school suspension or expulsion shall be unexcused absences.¹¹

The District shall notify the Department of Finance and Administration whenever a student fourteen (14) years of age or older is no longer in school. The Department of Finance and Administration is required to suspend the former student's operator's license unless the former student meets certain requirements specified in the statute.

Notes: If your district's penalties for absences include an impact on the student's grades, it is important to note that A.C.A. § 9-28-113(f) prohibits the lowering of grades of foster children for absences due to 1) a change in the student's school enrollment; 2) the student's attendance at a court ordered dependency-neglect court proceeding; or 3) the student's attendance at court-ordered counseling or treatment.

¹ If you have asynchronous digital courses in addition to or in place of synchronous digital courses, you will need to add to or replace this paragraph with the manner you will use to determine a student's attendance in such classes. The exact manner you use to determine the

student's attendance will depend on the options within the digital course platform you are using. Be sure to note that a student who is taking an asynchronous course but who was assigned a class period during the school day for the course may be considered truant under your discipline policies for failure to be physically where they are assigned to be but would not be considered absent for the digital course itself if the student satisfied the attendance requirements for the asynchronous digital course.

² Limiting the number of excused absences for illness is an option which you can choose to include or not include. The number of absences can be changed as you feel appropriate.

³ Your board may want to define the meaning of "immediate family." One source for a definition is A.C.A. § 6-17-1202.

⁴ A.C.A. § 6-18-220 requires that a student be given an excused absence for attending a 4-H activity even if your district does not have a FFA or FHA program.

⁵ The law is silent on how to treat absences for students excluded from school in this manner. While you may elect to have such absences treated as unexcused absences, we do not recommend doing so due to the truancy requirements and the potential for a student to not be able to make up homework based on the language in Policy 4.8—MAKE-UP WORK.

⁶ A.C.A. § 6-18-234 exempts the student parent from being dropped from the district enrollment for being absent for more than ten (10) consecutive days when the absences are related to pregnancy or the birth of the student's child.

⁷ Statutorily, the day the student serves as a page cannot be counted as an absence, but the school may grant additional days (such as for travel time) in conjunction with the day as a page that would also not be counted as absences. The choice is up to the district.

⁸ A.C.A. § 6-18-222(a)(1)(A)(i) requires school boards to adopt an attendance policy that includes a "certain number" of excessive unexcused absences. The code leaves the specific number up to the individual board's discretion. The number your board chooses determines the number of absences that triggers the notices being sent to the student's parents.

⁹ If your district has a Community Truancy Board as defined in A.C.A. § 6-18-225 & 226, notification will also need to be sent to the chairman of the truancy board. The truancy board will then need to proceed as defined by A.C.A. § 6-18-222(a)(4)(A).

¹⁰ Students are specifically permitted to initiate the agreement on their own; their parents may be unavailable or unwilling to meet with the administration.

¹¹ The statutes are silent on whether in-school-suspensions shall count as absences. You can choose to amend this sentence and make either or both forms of suspension count as unexcused absences. In making your decision, we suggest you consider the number of days of allowable unexcused absences you have chosen for this policy, the lower the number, the greater the consequences for including an in-school-suspension as an unexcused absence. A.C.A. § 6-18-507(g) requires districts to note on each student's attendance record if the student's absence was due to an out-of-school suspension.

Cross References: 4.8—MAKE-UP WORK

 4.57—IMMUNIZATIONS
 5.11—DIGITAL LEARNING COURSES
 5.29—WELLNESS POLICY

Legal References: A.C.A. § 6-4-302
 A.C.A. § 6-18-209
 A.C.A. § 6-18-213
 A.C.A. § 6-18-220
 A.C.A. § 6-18-222
 A.C.A. § 6-18-229
 A.C.A. § 6-18-231
 A.C.A. § 6-18-234
 A.C.A. § 6-18-236
 A.C.A. § 6-18-237
 A.C.A. § 6-18-239
 A.C.A. § 6-18-507(g)
 A.C.A. § 6-18-702
 A.C.A. § 6-28-114
 A.C.A. § 7-4-116
 A.C.A. § 9-28-113(f)
 A.C.A. § 27-16-701
 Division of Elementary and Secondary Education Rules Governing Distance and Digital Learning

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