



Governor's Advisory Council for Exceptional Citizens (GACEC)
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October 29, 2021

The Honorable Susan Bunting, Secretary
Department of Education
Office of the Secretary
Attn: Regulation Review
401 Federal Street, Suite 2
Dover, DE 19901

RE: 25 DE Reg. 360/14 DE Admin. Code 615 DDOE Proposed School Attendance Regulations (October 1, 2021)

Dear Secretary Bunting:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Delaware Department of Education proposal to include new requirements in its school attendance policies. Council would like to share with you the following observations.

The proposed amendments would require school attendance policies to:

- "...[I]nclude information on how families and students may access supports and resources for student absences due to social, emotional and behavioral wellness." (2.1)
- "...[P]ermit one excused absence per school year for students in grades 6 through 12 to attend civic engagements, such as visits to the United States Capitol, Delaware Legislative Hall, political or cultural significance sites, to advocate or testify on behalf of legislation, or to participate in a rally, march, or protest. The student's parent, guardian, or relative caregiver must submit a signed, written excuse which is received by the district or charter school at least three (3) days before the student's absence." (2.2)
- Include procedures for excusing absences for religious observances. (2.3)
 - These procedures must permit excusals for a provided list of Baha'i, Buddhist, Hindu, Islamic, and Jewish holidays upon written and signed request from a student's parent/caregiver. (2.3.1)
 - The proposed policy also states that schools "*may* excuse student absences on any other day not included on this list for religious or cultural observances." (emphasis added). (2.3.2)
 - The proposed policy requires schools to permit students to make up any grading event that was scheduled during a religious holiday. Additionally, under the proposed amendments, no student "shall be deprived of any award or eligibility to compete for any award" due to absence for religious holiday observance. The proposal also requires that "attendance polic[ies] must discourage teachers from scheduling major grading events...on religious holidays." (2.3.3-2.3.5)
 - Under the proposed amendments, the Department of Education "shall annually release a list of upcoming religious holidays for the upcoming school year and shall also keep an updated list on the

Department of Education website,” and will send the annual calendar to each school district and charter school “in time for school calendars creation.” The annual list of holidays will not include religious holidays outside of the school year. (2.3.6-2.3.8).

The proposed amendments will also require school districts or charter schools to provide a parent or guardian with a hard copy of the attendance policy “when absences have exceeded ten (10) unexcused absences.” The hard copy of the attendance policy provided must “include phone numbers to area supports and a school contact number.” (3.3) This requirement is in addition to the current requirement that the attendance policy must be provided to each student at the beginning of the school year or upon enrollment and to parents or guardians upon request. Under current policy, the attendance policy must also be available on the school website (with written notice to the parent/guardian and to the student of where the policy can be accessed). The amended policies also propose that the attendance policy must be provided to “educators and support staff at the beginning of each school year.” (3.4).

As stated above, proposed section 2.1 states that “[t]he attendance policy shall include information on how families and students may access supports and resources for student absences due to social, emotional and behavioral wellness.” Council considers this a valuable addition; however, we recommend additional amendments addressing student health and wellness as it relates to attendance, particularly as schools and students return to in-person instruction following the remote learning during the COVID-19 pandemic.

For example, Illinois has enacted legislation permitting students to request up to five excused absences for mental health purposes without requiring a doctor’s note. Under this new Illinois legislation, after a student requests their second excused mental health absence, they will be referred to a mental health professional. This is part of a growing trend and several states (Arizona, Colorado, Connecticut, Maine, Nevada, Oregon, and Virginia) have adopted similar policies permitting excused absences for student mental health.

Council also recommends policies to provide positive, non-punitive support for students and families who are experiencing chronic absenteeism or who have had issues with frequent absenteeism since the beginning of remote instruction in March of 2020.

Finally, Council recommends that the attendance policy be provided to each parent each year. Under the amended language, the attendance policy must be provided to every student, faculty member and support staff member each school year (3.1-3.2; 3.4), but parents are only provided with written notice of where the attendance policy can be found on the school website. Parents will only be provided a hard copy of the policy upon request or after a student has had ten or more absences during a single school year (3.3). It would be more streamlined to provide parents with the attendance policy annually, with additional reminders of the policy if students have ten or more absences during a school year.

Thank you for the opportunity to share our observations. Please contact Pam Weir or me if you have any questions on our comments.

Sincerely,

Ann C Fisher

Ann C. Fisher
Chairperson

ACF: kpc

CC: Whitney Sweeney, State Board of Education
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