

## **Truancy During the Time of Remote Instruction**

With the extension of remote instruction until the end of the academic school year, the issue of how a district should address issues of truancy inevitably arises. As always, the safety of our students remains the paramount concern. As such, the local school district's role in identifying students who are vulnerable to potential abuse or neglect must adapt in step with adjustments to the enforcement of absenteeism and truancy policies during this time.

By way of relevant background, RSA 189:35-a, defines "truancy" as follows:

- I. For the purposes of this subdivision, "truancy" means an unexcused absence from school or class and "unexcused absence" is an absence which has not been excused in accordance with RSA 189:34, II(a)<sup>1</sup>.
- II. Ten half days of unexcused absence during a school year shall constitute habitual truancy.
- III. A school district shall define the term "half day of absence."
- IV. Nothing in this section shall affect or limit a school district's power to adopt bylaws concerning truancy pursuant to RSA 193:16.
- V. Nothing in this section shall affect or limit the duties of a parent pursuant to RSA 193:1.
- VI. School district attendance records shall be presumed to be true and accurate unless evidence to the contrary is presented.

In order to define truancy during this time of remote instruction, districts will first need to build from their revised definition of "attendance" and "absenteeism". During this period of remote instruction, these two terms should be clearly redefined, being mindful that attendance is a flexible construct in this environment. For example, attendance might be determined by having a daily or weekly check-in online. Being mindful that not all students will have equal access to the internet, attendance might be deemed achieved when a student completes and submits the weekly assignments. Under no circumstances, however, should students be marked as attending if there has been no engagement.

In some cases, a local school district policy may need to be amended to reflect changes to the definitions of "attendance" and "absenteeism." In other cases, a revision to school district procedure will be sufficient. However, school districts should consider the potential for additional disruptions to future school years and use this opportunity to make appropriate changes.

Once these terms—attendance and absenteeism—have been redefined, then the term "truancy" can likewise be revised to fit the environment of remote instruction. In so doing, districts should be cognizant to distinguish a remote learning challenge, such as having issues with internet access, from absenteeism. However, if a student is consistently not attending any of the remote

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<sup>1</sup> RSA 189:34, II(a) provides that: "School board policies on truancy shall include but not be limited to: (a) A definition of "excused absence" and a process for considering exceptions to absences not otherwise excused."

instruction meetings and is not completing any of the coursework, that inaction should constitute truancy and needs to be addressed by the district.

During this period of remote instruction, districts are encouraged to take a proactive approach with truancy, being mindful that the lack of attendance might be indicative of an underlying issue of concern of abuse or neglect. It is only by identifying these issues early that a district can offer the tools and support which help to support the social and emotional health of our students.

As such, once a student has failed to engage in remote instruction and has been recorded as absent in accordance with the policy, a district must determine how to engage with the student and family in a safe and effective manner. A recommended best practice might be for a district to utilize an escalated response. For example, but subject to local discretion, the first step would be a phone call or an email from the district to the student and parent. If there is no response, then the district might send a letter. If there is no response to the letter, then a welfare check should be done at the student's home. While some districts might engage staff to undertake this task, best practice would be to utilize the School Resource Officer (SRO), or to request that the local law enforcement agency undertake the welfare check.

When and if these contacts with families occur, school administration and staff should remain mindful of their continuing obligation to report any suspicion that a child might be a victim of abuse or neglect. As a reminder, RSA 169-C:29 provides in relevant part that: "Any . . . teacher, school official, school nurse, school counselor, social worker . . . or any other person having reason to suspect that a child has been abused or neglected shall report . . . ."

In addition, the Department of Child, Youth, and Family services published guidance in April, 2020 that suggests schools contact DCYF to report a concern when "The child is frequently missing school (and the school has exhausted every reasonable effort to address barriers to learning and support the family, e.g. helping with internet access, calling emergency contacts or neighbors)". <https://www.dhhs.nh.gov/dcyf/documents/family-wellbeing-during-covid-19.pdf>