



Student Attendance: Flexibilities and Opportunities for the Fall

The mission of the Nebraska Department of Education is to lead and support the preparation of all Nebraskans for learning, earning, and living. As Nebraska schools begin the complicated transition into the fall, it is critical to address considerations for student and attendance in the fall. *The purpose of this document is to outline questions encountered and highlight flexibilities and opportunities.*

Foundational Values:

- **Equity** - We must ensure our students, especially those who have been historically underserved, maintain access to high quality teaching.
- **Quality** - While flexibility and innovation must be pursued, we must not back down from our standards for quality.
- **Flexibility** - We must pursue flexibilities in regulations and innovations to ensure students have access to high quality teaching.
- **Safety** - Learning cannot occur if the school community does not feel safe in their environment.
- **Decisive** - Given the size and scope of the challenge, we must move deliberately and make tough choices. We will make mistakes, and we will adapt quickly as variables on the ground change.

Why do we even take attendance? Why is it important?

Attendance taking has four basic purposes: allocating funding, triggering additional support, meeting compliance requirements for compulsory education, and informing program and policy decisions ([Attendance Works, 2020](#)). Attendance taking is also required by state statute (NRS 79-205) and regulation (NDE Rule 2).

Additional terms for “attendance” during remote learning (Attendance Works, 2020)

Contact	Working contact information exists for each enrolled student and their family.
Connectivity	Students and families have access to technology (computer, software, and internet access) and school staff are equipped to support digital literacy.
Engagement	Students and families are offered and respond to activities that build relationships and support social, emotional, and physical wellness.
Participation	The extent to which students attend class and complete learning activities.

	What are we (districts, schools & community partners) trying to find out?	What are school/district responsibilities, with support from community partners?	What data can we collect? (Possible data points)	The Equity Implications
Contact	Can we reach students and families?	Maintain regularly updated contact information.	% of families with working contact information. % of students unreachable, disaggregated by race/ethnicity, zip code, homelessness, foster care, free and reduced lunch, disabilities.	Working contact information is essential to offering supports and learning opportunities.
Connectivity	Are we ensuring all students and families have digital access and literacy?	Provide access to technology and equip school staff and families to use it effectively.	% of students/families with technology (have computer, software, and internet). % of staff who have the equipment and skills to support digital learning and literacy. % of students who have logged in to system	Lack of tech = less access to quality learning opportunities. Digital literacy requires offering support in the home languages of families.
Engagement	Are we building relationships with students and families and creating a sense of connection and support?	Ensure students and families have meaningful opportunities to connect regularly with staff and each other and receive needed supports.	% of students documented as regularly participating in activities (adult led and among peers). % of families documented as regularly showing up to activities with school staff or other families and receiving supports.	Students and families who feel connected and supported are more likely to do well academically and stay in school.
Participation	Are students participating in learning opportunities?	Offering the opportunity to participate in meaningful learning opportunities.	% of students participating in classes. % of students partially completing assignments. % of students completing assignments.	Students who participate regularly are less likely to fall behind and drop out.



What do NDE regulations say about attendance and what flexibility is there?

[Title 92, Chapter 2 - Nebraska's Uniform System of Accounting](#) outlines the following about attendance:

*006.02 Attendance. Students shall be counted in attendance when they are present on days when school is in session. A student shall be counted present only when he or she is actually at the school or is present at a school sponsored activity which is supervised by a member or members of the school staff. This may include **authorized independent study**, work-study programs, field trips, athletic contests, music festivals, student conventions, **instruction for homebound students**, or **similar activities when officially authorized under policies of the local school board**. It does not include "making up" school-work at home or activities supervised or sponsored by private individuals or groups.*

As the bolded text indicates, school boards have significant flexibility to design attendance policies given their specific contexts. Students who remain home due to safety concerns but still receive services may be considered in attendance if the district develops and implements a policy describing specifically how it is that attendance will be determined.

Consider reviewing your district's attendance policy to include flexibilities.

What key actions should be taken by school districts/school systems?

Action Step: Review local attendance policies for the entire school year that take into account all possible scenarios students will experience during the school year.

How will students remaining remote be considered for attendance?

- Do students need to check in every day with an adult?
- Do students need to join each section of live required classes?
- Do students need to stay engaged the entire day based on their unique schedules?

For remote and hybrid scenarios consider attendance policy specifics:

- Does your curriculum include live (synchronous) or asynchronous learning? If live, how will attendance be captured for all lessons? If asynchronous, how will you know if students attended class?
- Does completion of work count for attendance?
- What daily experiences or checkpoints will exist each day for all students?

Action Step: Update data systems for attendance where necessary. Specifically consider:

- How will teachers capture daily attendance for all in-person and remote students?
- Where will they input those data?
- How will those data roll up to the school system level each day or week?

Action Step: Determine how the school systems and schools will review weekly attendance data to ensure high attendance rates. Specifically:

- Determine who will review the data each week
- How trends in low data will be analyzed and gaps considered (i.e., Are similar students across schools showing low attendance? Are certain schools showing low attendance? Why?)
- Work with schools to improve attendance rates based on reasons for gaps
- Train teachers on the remote learning practices that boost attendance including:
 - Required daily check-ins
 - Daily feedback on homework
 - Immediate family calls for missed attendance
 - Tech office hours and problem solving support

If we return to remote learning will we need to have period attendance for all classes every day?

No. Minimally, public school districts must take attendance once a day (NRS 79-205 and NDE Rule 2, Section 006.02A) and calculated to the nearest 10th of a day. District policies may have additional guidelines or requirements.

As with any current attendance practices, schools should consider developing attendance monitoring systems that provide valuable information to respond to student and family needs during the COVID context (eg. SAT, MTSS, PBIS, etc)

Our school is offering a virtual option for students. Do we have to take attendance? If so, how?

Yes. For any student enrolled in your school, you must take attendance. Districts should review the school board policy on attendance and ensure language exists or is added to address attendance for students in a school-sponsored virtual program, regardless of whether it is called virtual, distance education, remote learning, instruction for homebound students, etc."

What does the coding for student attendance look like for next year?

There is no change to the student attendance data elements for the 2020-2021 school year. The NDE is only collecting student absences and tardies. We will use the calendar to determine days present and days in session to calculate Average Daily Attendance (ADA) and Average Daily Membership (ADM). Days Present and Days in Session will be derived from student enrollment and school calendar information. Days in Session is the actual number of days (to the nearest hundredth) school is open with teachers and students in school, not what was originally planned. Days in Session should be the same number as the total possible days in attendance. If a student is present every day, the days of attendance and the days in session should be the same for that student.

For further Attendance clarification, refer to Title 92, Nebraska Administrative Code, Chapter 2, Section 006.02 Attendance. Also, see the Attendance section of the [2020-2021 ADVISER Data Elements v5.1](#) guide.

If a student is sent home due to a positive COVID case, but engages in remote learning during their absence, can we count them as in attendance?

Yes, you can count a student in attendance if the student is able to access and participate in remote learning.

Schools may also pursue an alternate health plan ([504 plan](#)) to provide services while that student is recovering.

The student should not be returned until they have a negative COVID test.

What if a member of the household tests positive for COVID, but not the student? Should the student be required to learn remotely? Is this an excused absence?

Work with your local health department to determine if the student should be isolated and engaging with remote learning. Local school boards have the authority to adopt

policies for students who are diagnosed with COVID to be counted present, if the student is able to access and participate in remote learning.

What if a member of the household has a compromised health condition verified by a licensed health practitioner and sending the student to school compromises the health of a member of the household?

Local school boards have the authority to adopt policies for students who are diagnosed with COVID to be counted present, if the student is able to access and participate in remote learning.

What happens if a student is immunocompromised or has other health related concerns and is unable to attend school?

The CDC provides guidance for what conditions could be considered [immunocompromised](#).

Schools may need to work with students' families to establish a [504 plan](#) if the student doesn't already have one. A student's access to the educational environment may also be outlined in the Individualized Education Plan (IEP) if the student is identified as a student with a disability. IEP teams can determine an alternate route of receiving the education through the IEP process or a health plan to meet the individual needs of each child. In situations such as these, students should not be made homebound but rather should have an alternate means of receiving their educational and related services.

What if a student is directly exposed or diagnosed as positive and ignores quarantine and comes to school?

[NSR 79-264](#) directly speaks to student exclusion and under what circumstances.

(1) Any student may be excluded from school in the following circumstances, subject to the procedural provisions of section 79-265, and, if longer than five school days, subject to the provisions of subsection (3) of this section:

(a) If the student has a dangerous communicable disease transmissible through normal school contacts and poses an imminent threat to the health or safety of the school community; or

(b) If the student's conduct presents a clear threat to the physical safety of himself, herself, or others, or is so extremely disruptive as to make temporary removal necessary to preserve the rights of other students to pursue an education.

(2) Any emergency exclusion shall be based upon a clear factual situation warranting it and shall last not longer than is necessary to avoid the dangers described in subsection (1) of this section.

(3) If the superintendent or his or her designee determines that such emergency exclusion shall extend beyond five days, the school board shall adopt a procedure for a hearing to be held and a final determination made within ten school days after the initial date of exclusion. Such procedure shall substantially comply with the provisions of sections 79-266 to 79-287, and such provisions shall be modified only to the extent necessary to accomplish the hearing and determination within this shorter time period.

NOTE: Consult with your legal counsel for further information about when and under what circumstances an emergency exclusion may apply as each case may be different based on the circumstances

What conditions would determine if a student is excluded?

See guidance in “Planning for a Safe Return to School”.

What do we do if a student doesn’t come to school because their parents are unwilling to send them back? Do we count them absent?

Be flexible and make accommodations when appropriate. Flexibility may include creating remote learning environments that allow parents to make this choice for their student, while continuing the education in a public attendance center. Work with your school attorneys or general counsel to create or refine attendance policies and remote learning options that reflect current pandemic policies outlined in the Americans with Disabilities Act.

Alternatively, share with your parents and guardians the option to homeschool (exempt schools) their child. More information can be found [here](#).

Which student groups would most benefit from in-person learning to ensure their success?

As schools and districts engage in scenario-based planning, it is important to have a clear vision of success for the 2020-2021 school year. As such, schools and districts should “Identify the proportion of students who most require in-person services. These could include students with severe disabilities, students who receive related services and early-stage English Language Learners. In any model where at least some students could attend school in-person, these students would be prioritized. It could also include students who have the most unfinished learning from last school year and/or who may be at risk of dropping out of school altogether.” (pg. 3, ERS, <https://www.erstrategies.org/cms/files/4532-covid-decision-points.pdf>)

INSTRUCTIONAL HOURS

What is the NDE's stance on flexibility during this next academic year?

The Nebraska State Board of Education adopted a [declaratory order](#) stating the following stance on Rule 10:

The Board directs the Commissioner to promote innovation and provide reasonable flexibility and guidance on the provisions of Rule 10 and Rule 14 for the 2020-21 school year to school systems and school districts.

The NDE understands and anticipates rapid changes in instruction again this year due to COVID-19, and will provide flexibility when efforts have been made to provide continuity of learning for students during disruptions.

Districts should be considering planning along three different scenarios: in-person, fully remote, and hybrid. More information can be found at <https://www.launchne.com/continuity-of-learning/>

What are the requirements for instructional hours?

Instructional hour means a period of time, at least sixty minutes, which is actually used for the instruction of students ([NRS 79-101\(8\)](#))

Statute then mandates that the school term shall not be less than (1) *one thousand thirty-two (1032)* instructional hours for elementary grades and (2) *one thousand eighty (1080)* instructional hours for high school grades in any public school district or private, denominational, or parochial school. ([NRS 79-211](#))

The school board or board of education of any school district offering a kindergarten program shall provide a program of at least *four hundred clock (400)* hours each school year. ([NRS 79-212](#))

If we are unable to meet the instructional hour requirement due to COVID-19 pandemic, will flexibilities be granted?

Yes. Like the 2019-20 school year, schools that are unable to meet instructional hour requirements due to COVID-19 will be required to submit an affidavit after the end of the school year. See [NRS 79-213](#)

If our district is forced to move to remote learning, how do we ensure we're meeting the instructional hour requirements from statute?

The most important consideration is how to ensure quality continuity of learning during disruptions. This may include **remote** learning, but should focus on knowing your students and tailoring supports and instruction to them.

Remote, synchronous learning **CAN** count for instructional hours. (see options below)

Remote asynchronous learning does not count for instructional hours, unless you have a learning management system that can quantify asynchronous learning time.

Similar, but unrelated to COVID, if we have a significant weather event that would cause us to close schools, can we move to remote learning district-wide and count this as a school day?

Yes, if the learning is remote AND instruction is presented synchronously.

Remote asynchronous learning does not count for instructional hours, unless you have a learning management system that can quantify asynchronous learning time.

INSTRUCTIONAL UNITS

What about instructional units for high schools?

An Instructional Unit as defined by Rule 10 is calculated by 15 clock hours (900 minutes) of classroom instruction in a course offered in the secondary school. As an example, a course which meets for 50 minutes a day for 180 days generates 10 instructional units. Instructional units are computed to the nearest one-tenth.

School systems use the annual Assurance Statement process as a mechanism to self-report on regulations that they are having difficulty in meeting due to the pandemic. This is an established process that would inform the NDE of issues faced by the school systems.

Currently, Rule 10 uses a "seat time" calculation for Total Instructional Units. The NDE understands that in-person classroom instruction may change drastically during the 2020-21 school year. As mentioned above, the most important consideration is how to ensure quality continuity of learning along with the safety of students, staff and families during the COVID-19 context.

Communication of efforts to maintain quality and equity of learning opportunities will be key to providing flexibility in meeting Rule 10 regulations of the required units of instruction for the 2020-21 school year.

INSTRUCTIONAL OPTIONS

Rule 10 Section 004.Rule 10 Section 004.04D - Multi Site and Distance Learning Options for Providing High School Courses. Up to a total of 200 Instructional units of the total 400 unit requirement may be provided through one or more of the following course options.

Remote Learning Instruction*:

“Students participate in instructional activities at home or other location”

- Student and Teacher are within the same school system
- **Synchronous** instruction, with proper attendance monitoring shall count towards instructional hours.
- **Asynchronous** instruction, shall not count for instructional hours when attendance centers are closed, unless there is a learning management system that can quantify asynchronous learning time.

*The term “Remote Learning” is not included in Rule 10 definitions, but is used commonly to describe learning that takes place other than in the school building.

Distance Learning:

“Students participate in instructional activities at home or other location delivered by an instructor employed by an educational entity other than the student’s home school system.”

- Student and Teacher are not within the same school system

<p>Distance Synchronous - “teacher and student are simultaneously present.”</p>	<p>Distance Asynchronous - “communication is delayed between teacher and student”</p> <ul style="list-style-type: none"> • Includes written correspondence and computer-delivered courses.
<p>004.04D1a - Teacher Sharing: (up to 200 of the allowed 200) Instructional units provided through contractual or cooperative arrangement with other school systems, ESU’s, and/or postsecondary institutions. Provisions:</p> <ul style="list-style-type: none"> - a) valid NE certificate, b) each course is reflected on HS schedule, including name of teacher c) at least one student enrolled and participating, d) course if available to all students at the school’s expense, and e) a teacher holding a valid NE Certificate monitors student progress and general appropriateness of the course and is present in the classroom while the course is being taught unless: 	<p>004.04D2a UNL Virtual High School: Provisions:</p> <ul style="list-style-type: none"> - a) course is shown on HS schedule, b) at least one student enrolled and participating c) course is available to all students at the school’s expense, d) teacher holding valid NE certificate is present during the assigned period to monitor and assist instruction. <p>004.04D2b Other Distance Learning (up to 30 of the allowable 200 Units) Options - Courses delivered by other method of technology provided that each course is reviewed in advance and recommended for school use by a committee of at least one local teacher and administration and is approved by</p>

- Off site teachers hold a NE Certificate and a district employee is present in the receiving classroom.
- Off site teacher holds a NE Certificate, maintains two audio and video and has direct telephone connection with supervising adult.

004.04D1b - Interactive Audio-Visual
 (up to 100 of the allowable 200 Units)

Provisions:

- a) each course is taught by a teacher holding a valid NE Teaching Certificate; b) each course is shown on the high school class schedule along with the name of the teacher; c) at least one high school student is enrolled and participating d) course is available to all students at the school's expense; and e) a teacher holding a valid NE Teaching Certificate monitors student progress and general appropriateness of the course and is present in the classroom while the course is being taught unless:
 - Off-site teacher holds a valid NE Certificate and a district employees is present in the receiving classroom, or
 - The off-site teacher holds a valid NE Certificate, maintains two-way audio and video communication with the distance learning classroom, and has a direct telephone connection with a supervising adult in the school.

the local governing body, and the written review and statement of approval are on file in the school system.

Provisions:

- a) course is reflected on HS schedule b) at least one student is enrolled and participating c) the course is available to all students at the schools expense d) teacher holding a valid NE license is present during assigned period (may supervise more than one course) e) students enrolled are assigned to a teacher holding a NE certificate with an appropriate endorsement who monitor progress and the general appropriateness of the course.

How will grading look for a student who is home compared to a student who is at school?

- There are no regulations in Rule 10 regarding grading practices. Grading procedures are established by local school district policy. Examples of grading procedures vary widely across the state.
- It is not recommended to separate grading procedures for students physically attending a class and those who are completing the class remotely.
- Establish grading policies for the entire school year that take into account all possible scenarios students will experience during the school year. Consider:
 - Completion requirements
 - Attendance weights for remote and in-person for grades
 - Grading work across multiple teachers (depending on the schedule) and feedback to students
 - Testing weights based on any assessment changes
 - Unique considerations by scenario
 - Hybrid/remote: Different teachers may teach the same subject but will need to grade collectively
 - Hybrid/remote: Attendance and completion will look different

NOTE: Learning mastery should remain a critical component of grading this school year. Grades should not be determined this school year by completion alone. For students with unique needs, focus on grading policies that reflect what students know.

Are we requiring continuity of learning plans? If so, what guidance are we providing?

At this time, the NDE is not requiring schools to submit their continuity of learning plans. However, the NDE is happy to review and provide guidance. Schools should also consider working with their ESUs to support the development of academic plans for the 2020-21 school year.