

Intradistrict Communication

DATE: December 14, 2023

TO: Building Administrators
Elementary Administrative Assistants
Secondary Attendance Secretaries
Secondary Registrars

FROM: Michael Anderson, Associate Superintendent
Kim Lloyd, Director of Special Education
Travis Hamblin, Director of Student Services
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SUBJECT: Rule Change: Withdrawing Non-Attending Special Education Students

In December's Principal and Assistant Principal meetings, the Special Education Department presented the following updated rule from the [June 2023 update of the USBE Special Education Rules](#):

IX.G. LEA Provision of FAPE (34 CFR § 300.101)

1. Even when a student with a disability has been absent for ten consecutive days or more, an LEA remains obligated to provide a student with a disability with a FAPE. An LEA may continue to count the student with a disability in membership for funding purposes under pupil accounting (Board Rules R277- 419) for up to 30 days if the LEA documents that the LEA is working to locate and engage with the student with a disability.

Please note the following key points from this rule:

1. This rule change only applies to Special Education students with an active IEP.
2. The rule change states that "an LEA **may** continue to count the student" (emphasis added). This is not a change that should automatically apply to every Special Education student who "no shows" for 10 consecutive days.
3. The rule change states that the LEA may continue to count the student "for **up to 30 days if** the LEA documents that the LEA is working to locate and engage with the student" (emphasis added). The ability to continue to count the student in membership is wholly contingent on the school's documentation of their efforts to locate and engage with the student. If the school is not going to attempt to continue to track down a student, they should not continue to claim the student for enrollment.

The standard operating process should be as follows:

1. Any **general education** student who does not attend for 10 consecutive days without parent/guardian excusal or contact should continue to be withdrawn following established

procedures. The school may (if desired) log attendance letters and contact attempts in Skyward Discipline using the code TRC (marked as an incident).

2. For a Special Education student who has not attended for 10 consecutive days without parent/guardian contact, registrars and/or attendance staff with responsibility for monitoring and withdrawing students should consult with school administration. School administration, in consultation with the student's case manager and the IEP team, should determine the appropriate course of action.
 1. Example: A student has not attended for 10 days and there has been no parent/guardian contact. Teachers have reported that other students have seen the student in the neighborhood. The school should continue attempts to reach out to the student and guardian for up to an additional 20 days (for a total of 30).
 2. Example: A student has not attended for 10 days and there has been no parent/guardian contact. Before the student stopped attending, the guardian informed the teachers that the family was moving out of state. If the school has had no response to their contact attempts during the previous 10 days, the student should be withdrawn.
3. If school administration authorizes the student to remain enrolled for additional time (to a maximum of 30 total days, including the initial 10-day period), a log entry should be entered in Skyward Discipline **at least every 10 days** (using the code TRC and being marked as an incident) outlining the steps the school has taken to that point to attempt to contact and engage with the student or parent/guardian.
4. When the student has reached 30 consecutive days of non-attendance without parent/guardian contact or when school administration determines that further efforts would not be effective (whichever comes first), the student should be withdrawn following established 10-day drop procedures.