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**MEMORANDUM**

**TO:** School Committee

**FROM:** Brian Marques, Senior Director of Opportunity Youth

**CC:** Superintendent Brenda Cassellius  
Chief of Staff Mary Dillman  
Senior Advisor Megan Costello

**DATE:** March 29, 2021

**RE:** **Revised SY21-22 Attendance Policy and Procedures**

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The district's Attendance Policy is fundamental to ensuring equity in how we support, motivate, and engage our most vulnerable students to fully participate and benefit in their education. Our most marginalized students have higher chronic absenteeism rates than their peers, including Black and Latinx students, English language learners, students with disabilities, and students who are economically disadvantaged or experiencing homelessness. In the current school year, Black and Latinx students have a chronic absenteeism rate that is 6% higher than the district-wide average. English learners and students with an IEP are also 3% and 11% higher, respectively.

**Background**

Historically, the Massachusetts General Law (M.G.L.) and the BPS district policy have relied on the threat of punishment to dissuade poor attendance. Contemporary research demonstrates that punishment is not an effective response to poor attendance ([Chronic Absence: Busting Myths](#)). Research by national thought leader, [AttendanceWorks](#), shows that reducing chronic absenteeism requires problem solving and support, not blame and punishment. However, elements of punishment remain embedded in the district's policy. For example, a long-time policy enables schools to issue grades of "No Credit" for students who miss four or more absences in a marking period, regardless of whether the student completed the necessary competency-based requirements to pass the course.

Furthermore, the BPS attendance policy has retained language that criminalizes students. Most strikingly is the use of the term "offender" in some instances. Massachusetts has taken steps to decriminalize the state truancy law. On August 7, 2012, Governor Patrick signed the CHINS reform bill (S.2410 An Act Regarding Children and Families Engaged in Services) into law, giving thousands of at-risk youth and their families direct access to help and services in their communities. CHINS stands for *Children in Need of Services*; and refers to the system through which parents, schools and the police sought help when a child was exhibiting high risk and potentially dangerous behavior. The idea was that by filing a CHINS petition, or 'CHINS', a child would gain access to help and services that can improve behavior, support the child and help them avoid future incidents with the criminal justice system. However, in most cases, this is not



how the process unfolded.

'CHINS kids' referred to youth who were in most instances dealing with serious challenges, including substance abuse, undiagnosed mental health conditions, domestic violence, and sexual abuse. They needed services and support, but under the CHINS process, the juvenile justice system was their only option to get help. The child and family went into court seeking help to remain a family and, with alarming frequency, were torn apart. This had a significant, negative emotional impact on their lives. The Reform Act transformed the juvenile court-based system to a community-based and family and child focused system and adopted the terminology Child Requiring Assistance (CRA) to replace "CHINS."

Despite this, one holdover was the use of the term "habitual school offender (HSO);" a specific type of CRA, by the Suffolk County Juvenile Court (SCJC). As a result, the term *offender* continued to appear in the BPS attendance policy in relation to BPS students. Notwithstanding the message it sends to students and families about how they are perceived by the district, this terminology continues a societal pattern of criminalizing Black and Latinx youth, who are chronically absent at disproportionately higher rates in BPS. Interestingly, through the process of scrutinizing the district's attendance policy with a lens on racial equity, the BPS Office of Legal Advisor was consulted regarding options to remove "offender" from the policy. It was determined that the term "habitual school offender" does not actually appear anywhere in the state statutes (M.G.L.), so despite the SCJC's continued use of the term, there was nothing preventing the district from eliminating it entirely from its attendance policy.

Other urban school districts, such as Oakland Unified School District (OUSD), have found that a lack of engagement with families and students is compounded by the fact that their attendance policy was mainly reactive and punitive, occurring when students are usually already experiencing significant absence and related disconnection from school. Truancy is the intervention point in most districts, but truancy is typically a district-level intervention that follows a prescribed legal process and draws families in at a crisis point. The report "[A Closer Look at Attendance of African American Males in OUSD](#)," found a need for greater attention to meaningful prevention and intervention as early as possible after attendance problems are noted, and for more detailed and "real time" tracking of attendance and absence. Research shows that when schools develop programs of school, family, and community partnerships, they have higher levels of parent involvement, and rates of chronic absenteeism are reduced.

## **Stakeholder Engagement**

Beyond the policy considerations, conversations with our students revealed the pervasive punitive element present in our schools, particularly for older students. In early 2019, central office staff convened over 30 BPS high school students at the Youth Attendance Forum to gain their perspectives and empower them to contribute to the vision for the district's attendance practices. The forum revealed a consistent sentiment among students that spoke to punitive experiences in school. One student even noted, "they treat us like we're in a prison," while another shared, "they punish us with detentions and suspensions."

Another area of concern among students, parents, and educators is the district's policy of converting tardies to absences. While not reflected in any M.G.L. truancy statutes, this has been a longstanding policy in BPS. When coupled with the "no credit policy," the result is that students can fail a course based on tardies that have been converted to absences. Not only is this policy not reflected anywhere in M.G.L., it is also contrary to the DESE attendance reporting guidelines, in which students who attend 50% or more of the school day are marked present. Once again, community feedback revealed widespread inequities in the application of this policy

provision, and it disproportionately impacted Black and Latinx students.

### **Data Analysis**

A recent [analysis](#) of the “No Credit Policy” revealed widespread inequities in the application of this policy. While it was established that the percentage of no credit grades issued to students in vulnerable groups, including students experiencing homelessness, students with disabilities, and English learners, did not differ significantly from their proportional representation, it was revealed that Black students were nearly 24% more likely to be issued a grade of no credit in the first marking period of the 2020-21 school year. More troubling, however, was the extent to which the policy was not evenly applied across schools. Only about half of BPS high schools followed the practice of issuing no credit grades to students, and the number of students per school ranged from 1 to 284.

### **Policy Impact**

This proposal will eliminate the provisions in the attendance policy that have perpetuated racial and other inequities, while using a more culturally and linguistically affirming lens to absenteeism prevention and intervention activities. The district’s Attendance Advisory Committee has led the two-year revision process, incorporating an extensive stakeholder engagement and data analysis. The revised attendance policy will better align with the antiracist and culturally and linguistically sustaining practices BPS strives to uphold. Many of the punitive elements of the former policy disproportionately impacted Black and Latinx students, as well as English learners and those in Special Education.