A. Policy Purpose

To establish a policy governing student attendance and enrollment in Frederick County Public Schools (FCPS).

B. Definitions

1. "Absence" is defined to mean the failure of a student to be present at school, in class, or at a school-related or approved school-sponsored activity, including when not physically on school grounds or participating in approved off-campus instruction during the school day.

2. "Attendance" is defined to mean the act of being present at school or school-related activities, including participation in approved school-sponsored activities, on or off campus, during the school day.

3. "Chronically Absent" is defined to mean a year-to-date absence rate of 10% or more, including both lawful and unlawful absences.

4. "Exemplary Attendance" is defined to mean a student having three (3) or fewer lawful absences throughout the school year.

5. "Full Day" is defined to mean a student being in attendance for more than half of the school day.

6. "Habitual Truant" is defined to mean a student who is unlawfully absent from school in excess of 20 percent of the school days within any marking period, semester or year.

7. "Lawful Absence" is defined to mean an excused absence for any portion of the day under the following conditions:
   a. Death in the immediate family.
   b. Illness of the student, including mental illness and/or behavioral health needs.
   c. Pregnancy and parenting related conditions.
   d. Court summons.
   e. Hazardous weather conditions.
   f. Work approved or sponsored by the school, FCPS, or the Maryland State Department of Education (MSDE).
   g. Observance of a religious holiday.
   h. State emergency.
   i. Suspension.
   j. Lack of authorized transportation.

k. Other emergency or set of circumstances which, in the judgment of the superintendent or designee, constitutes a good and sufficient cause for absence from school.

8. "Parent" is defined to mean a biological or adoptive parent, a court-appointed custodian or guardian, a foster parent, or a caregiver (as defined by the Education Article of the Maryland Annotated Code or as designated by the United States Department of Health and Human Services, Office of Refugee Resettlement).

9. "Partial Day" is defined to mean a student being in attendance for 10% (42 minutes) to 50% (3.5 hours) of the school day.

10. "Truant" is defined to mean a student who is absent for a day or any portion of a day for any reason other than those cited as lawful in Code of Maryland Regulations (COMAR) Section 13A.08.01.03 and/or failure to bring a note written by a parent to verify a lawful absence.

11. "Unlawful Absence" is defined to mean an unexcused absence, including absence for any portion of the day, for any reason not specifically recognized as lawful, and such absences are presumed unlawful and may be considered truancy.

C. Policy Statement

1. The Board of Education of Frederick County (Board) values and supports criteria for school attendance to ensure compliance with the law, as well as working with families and students to remove barriers which may prevent a student's access to their education on a regular and consistent basis. The Board recognizes this as a joint effort between the school and home.

D. Implementation

1. **Age Requirements for Enrollment.** It is expected that every student enrolled will remain a student until graduating or officially transferring from Frederick County Public Schools. Maryland law requires every child who is 5 years old or older and under 18 years of age residing in the state to attend public school regularly during the entire period of each school year, unless it can be shown that the child is elsewhere receiving regular, thorough instruction in the studies usually taught in public schools to children of the same age or the child satisfies an applicable exemption.
   a. **Prekindergarten**
      i. Children enrolling in prekindergarten shall be 4 years old or older on September 1 of the school year in which the child applies for entrance. Children who are 5 years old by September 1 are not eligible for prekindergarten enrollment.
      ii. A 3-year-old, upon request by the parent/guardian, may be admitted to prekindergarten if deemed eligible under Maryland law and the child demonstrates educational needs warranting early admission.
   b. **Kindergarten**

i. Children enrolling in kindergarten shall be 5 years old or older on September 1 of the school year in which the child applies for entrance.
ii. In accordance with paragraph C below, a 4-year-old, upon request by the parent/guardian, may be admitted to kindergarten if the Superintendent or designee determines that the child demonstrates capabilities warranting early admission.

c. **Early Entrance – Kindergarten**
i. Parents/guardians may request an exception for early entrance to kindergarten for any child born up to 45 days after the regular cut-off date of September 1 (i.e., September 2 - October 16) in accordance with regulations issued by the Superintendent.
ii. The intent of early entrance to kindergarten is to accommodate those students who show accelerated development both socially and academically.

d. **Waiver to Delay Kindergarten.** Children may apply to receive a one-year waiver to delay attending kindergarten and are then required to enter kindergarten the following school year.

e. **First Grade**
i. A child admitted to the first grade shall be 6 years old or older on September 1 of the school year in which the child applies for entrance and has successfully completed an accredited kindergarten program.
ii. A 5-year-old, upon request by the parent/guardian, may be admitted to first grade if the Superintendent or designee determines that the child demonstrates capabilities warranting early admission.

f. **Age of 21.** Students who have not received a high school diploma and are under 21 years of age prior to the first day of school of that year are legally eligible and highly encouraged to enroll for the current school year. Previous limited formal or interrupted education should not be a barrier for students enrolling in school prior to age 21 years of age.

2. **Attendance Areas.** Students shall attend the school of the attendance area in which they reside and in accordance with procedures outlined in regulation.

3. **Residence Exceptions.** A student may be enrolled in a school other than the one in the attendance area in which the student resides in accordance with procedures outlined in regulation. (Refer to FCPS Regulation 400-15, *Assignment and Transfer of Students*.) Such decision will be evaluated annually in accordance with criteria as it relates to health and wellness for students K-8th grade.

4. **Attendance is Essential/Legitimate Reasons for Absence**
a. Attendance is essential to obtaining all that school has to offer. Therefore, the Board expects all students to attend every school day. Obviously, the Board realizes that there are some legitimate reasons, such as illness, which will cause a student to be absent. (Refer to FCPS Regulation 400-98, *Student Attendance*.)
b. The Board further realizes that occasionally parents will choose to take a trip with their children during the school year. However, absences for students who take trips with approval of their parent/guardian will be considered unlawful. However, these absences will not be considered as truancy for a maximum of 5 days, per school year, with prior written notice to the principal or designee.

c. In this effort to promote good attendance, any student who has more than five unlawful absences in any grading period may fail that course/lose credit in affected class(es) for that grading period.

5. **Attendance – Pregnant and Parenting Students.** The Board recognizes a student's absence due to pregnancy or parenting needs is an excused absence, and directs the Superintendent or designee to modify the existing attendance regulation to comply with Maryland law in this area. Such regulation will include allowances for students to make up work by retaking a semester, participating in an online course credit recovery program, or allowing a student six weeks to continue at the same pace and finish at a later date.

6. **High School Administrative Attendance Waiver.** The school system seeks and expects maximum school attendance on the part of all students. It also recognizes that students must be given the opportunity to assume greater responsibility for their learning. There may be times when an administrative attendance waiver is necessary for some students due to individual factors (family, social or medical) or to explore educational or career opportunities outside the high school setting. The high school administrative attendance waiver should not be confused with the work-study program. Students on approved administrative waiver are not under any direct supervision of school personnel for the released time period. The administrative attendance waiver must be approved by the Director of High Schools.

7. **Modified Day/Shortening a Student's School Day.** Requests to shorten a child's school day outside of what is outlined above or in accordance with FCPS Regulation 400-37, *Home and Hospital Teaching*, should only be instituted on an individual basis by the child's Individualized Education Program (IEP) team, Section 504 Plan team, or Multi-Tiered System of Supports (MTSS)/Student Support Team (SST) team, and in accordance with established standard operating procedures. School teams must not use a modified day as a substitute for positive behavior strategies and supports or a behavior intervention plan.

8. The Superintendent is directed to establish a regulation(s) to ensure there is a process to verify absences and tardiness, to provide for make-up work requirements, for attendance monitoring and record-keeping, and for appealing attendance violations.

E. Related Information

1. **Board Policy**
   a. Policy 200, *School Attendance Areas and Redistricting*
   b. Policy 403, *Student Discipline*
   c. Policy 404, *Student Rights and Responsibilities*
   d. Policy 414, *Field Trips*

2. **Code of Maryland Regulations (COMAR)**
   a. COMAR 13A.02.06.02, *Definitions*
   b. COMAR 13A.03.02.12, *General Provisions*
   c. COMAR 13A.03.05, *Administration of Home and Hospital Teaching for Students*

d. COMAR 13A.06.02.03, *Student Eligibility*
e. COMAR 13A.08.01.01, *Attendance*
f. COMAR 13A.08.01.02, *Age for School Attendance*
g. COMAR 13A.08.01.02-1, *Definitions*
h. COMAR 13A.08.01.02-2, *Exemptions to Kindergarten Attendance Requirement*
i. COMAR 13A.08.01.03, *Lawful Absence*
j. COMAR 13A.08.01.04, *Unlawful Absence*
k. COMAR 13A.08.01.05, *Student Attendance Policy*
l. COMAR 13A.08.05.02, *General Provisions*

3. **FCPS Regulations**
   a. Regulation 400-07, *Enrollment Residency Requirements*
   b. Regulation 400-11, *Frederick County Virtual School (FCVS) Student Enrollment, Attendance and Commencement*
   c. Regulation 400-15, *Out-of-District Enrollment*
   d. Regulation 400-16, *Admission of Non-Resident (Out of County-State) Students – Tuition*
   e. Regulation 400-19, *Placement Process for Students from Out-of-County Alternative Programs or Previous Expulsion-Disciplinary Removal*
   f. Regulation 400-33, *Administrative Attendance Waiver*
   g. Regulation 400-37, *Home and Hospital Teaching*
   h. Regulation 400-40, *Summer Session Programs*
   i. Regulation 400-55, *Homeless Students – Enrollment Procedures*
   j. Regulation 400-74, *Enrollment of Foreign Exchange Students*
   k. Regulation 400-81, *Kinship Care - Enrollment Procedures*
   l. Regulation 400-91, *Pre-Kindergarten Enrollment*
   m. Regulation 400-95, *Kindergarten Enrollment-Registration*
   n. Regulation 400-98, *Student Attendance*
   o. Regulation 400-99, *Pregnant and Parenting Students*
   p. Regulation 408-01, *Suspension and Expulsion*

4. **FCPS Resources**
   a. Attendance Areas/Find Your Feeder Webpage
   b. Enrolling A Student Webpage
   c. FCPS Enrollment Form
   d. FCPS Student Code of Conduct
   e. Home and Hospital Teaching (HHT) Webpage
   f. Notification of Denial of Request for Enrollment or Continued Enrollment Form
   g. Notification of Enrollment in Alternate Kindergarten Program Setting Form
   h. Out of District (Attendance) Area Application Form
   i. Pre-K Out of District (Attendance) Area Application Form
   j. Temporary Administrative Attendance Waiver Application and Contract Form

5. **Federal Law**
   a. Americans with Disabilities Act
   b. Individuals with Disabilities Education Act (IDEA)

c. Section 504 of the Rehabilitation Act of 1973

6. **Maryland Statutes**
   a. Md. Code Ann., Educ. § 4-109
   b. Md. Code Ann., Educ. § 4-139
   c. Md. Code Ann., Educ. § 7-1A-06
   d. Md. Code Ann., Educ. § 7-101
   e. Md. Code Ann., Educ. § 7-301
   f. Md. Code Ann., Educ. § 7-301.1
   g. Md. Code Ann., Educ. § 7-301.2
   h. Md. Code Ann., Educ. § 7-301.3
   i. Md. Code Ann., Educ. § 7-302
   j. Md. Code Ann., Educ. § 7-302.1
   k. Md. Code Ann., Educ. § 7-302.2
   l. Md. Code Ann., Educ. § 7-304.1
   m. Md. Code Ann., Educ. § 7-305

F. Policy History (Maintained by Legal Services)

Responsible Office	Department of Special Education and Student Services
Adoption Dates	Prior to 1998
Review Dates	
Revision Dates	11/09/11; 03/25/15; 03/22/17; 09/13/17; 10/30/19; 01/12/22; 03/26/25