

The Argument is Not Compulsory Law, But How Attendance is Recorded

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Abstract

This paper examines attendance accounting policies and practices for students enrolled in public schools in Texas and in alternative schools of choice (ASC) in particular. Technology advancement allows students to complete their coursework virtually anywhere they have internet access; however, conventional state attendance policies still require students to be in physical attendance unless enrolled in a Texas approved virtual school setting. Our preliminary findings suggest that ASCs and the students who attend them could benefit from more flexible attendance accounting procedures. Policy recommendations are presented and discussed.

Keywords: *attendance, policy, virtual attendance*

Introduction

Following Skrla, Scheurich, Johnson, and Koschoreck's (2010) call for policy actors to engage accountability policies in a tactical, if not practical, manner in which to advocate for educational equity, we present this policy brief in which we, as policy actors, examine the state legal codes and policies relating to compulsory attendance and accounting mechanisms for schools in Texas and the implications of such laws specifically for district-supported alternative schools of choice (ASC). As a principal of an alternative education high school and a researcher of alternative education policy, we are concerned with how current attendance policies can be leveraged for the benefit of all students and in particular for students who are at risk of dropping out of school. Furthermore, this line of inquiry has important implications for policy makers as compulsory laws, school choice, and the use of online programs continue to command their attention.

Background

On the surface, compulsory school laws today are much like they were of years past. Though these laws vary by state, with few exceptions, school-age children (typically up to the age of sixteen or seventeen) are required to attend a public or

state-accredited private school (Rauscher 2014). While the underlying goal of compulsory school laws remains to expand education, some scholars suggest they have had little effect on student attendance (Edwards, 1978; Goldin & Katz 2011). However, rather than focus on the compulsory school laws themselves, we are concerned with whether the attendance accounting procedures currently in place reflect current knowledge and practice in the sciences of teaching and learning and the emerging use of technology, such as online courses, when addressing the varied needs of a diverse student population. In Texas, as well as other states, state aid (in part) is distributed to school districts based on an average daily attendance (ADA) rather than enrollment or membership. While we know that districts with higher-poverty and higher-minority concentrations tend to have lower attendance rates, thus using reducing school funding (Baker & Corcoran, 2012), little is known about the implications when using conventional attendance accounting procedures with district-supported ASCs that typically have a high concentration of students at risk of dropping out of school.

District-supported ASCs serve some of our most vulnerable students in the United States. Students who enroll in these schools do so having first been identified as *at-risk* due to academic failure, truancy, pregnancy, homelessness, and/or disruptive behavior. Additionally, some students are recovering dropouts, are supervised by the court system, or have been expelled (Foley & Pang, 2006; Ruiz de Velasco et al., 2008). Historically, state education policies have allowed local education agencies flexibility to create programs that have paralleled our understanding of the needs of students at risk (Hemmer & Uribe, 2012). Because of the varying constructs of risk we now have disciplinary, choice, magnet, correctional, virtual, dropout recovery, dropout prevention, and language immersion alternative schools among others (Hughes-Hassell, 2008). While many of these schools incorporate contemporary best practices in teaching and learning, blending together specific skills, content knowledge, expertise and literacies with innovative support systems (such as an online instructional platform) to graduate students (Aron, 2006; Raywid, 1994; Quinn & Poiner, 2006; Watson & Watson, 2011) attendance rates are typically much lower than traditional high schools. For instance, in Texas the mean attendance percentage of the 186 district-supported ASCs was 84.1% in school year 2011/12 and 83.2% the following year, compared to state averages of 95.8% and 95.9%, respectively (Texas Education Agency, 2014). These gaps are not surprising given that at-risk students typically are more likely to experience absenteeism compared to students that are not at-risk (Vellos & Vadeboncoeur, 2015). However, with this attendance gap between ASCs and the more prevalent traditional school model, we question whether the conventional means of reporting attendance remains relevant, especially in context of districts taking the initiative to provide the at-risk student with an innovative, if not a different, design of schooling.

To answer this question, we collected data over a three-month period and then conducted a policy analysis of attendance accounting policies. First we took a broad view of what Texas laws govern compulsory education for students. Next, we obtained governmental artifacts from the Texas Education Agency (TEA) reflecting education and administrative codes relating to attendance. Then, using alternative school research as well as our practical experiences of working in the alternative

school setting we created a protocol in which to review state and local attendance policies in place specifically for schools in general, and then more specifically for alternative school and virtual schools. The protocol included data collection prompts that questioned to what extent at-risk factors and/or online learning were explicitly or implicitly framed in the policy text.

Changing Landscape

Important to this policy brief is the notion that online teaching and learning is gaining favor with policy makers and some educators as evidenced by the increased use in classrooms across the nation (Lewis, Whiteside, & Dikkers, 2014; Watson, Murin, Vashaw, Gemin, & Rapp, 2013; Picciano, Seaman, Shea, & Swan, 2012), as well as emerging state education policy that allows students to enroll in online courses for high school credit. In fact, full-time virtual schools are now “being pushed as a new tool for expanding school choice”(Miron & Urschel, 2012, pg. 2). Technological advances have allowed schools to incorporate computer-based instruction as well as online curriculum and learning platforms. When implemented properly, online learning can be utilized to meet the needs of at-risk students in numerous ways. For instance, online platforms allow teachers flexibility to create customized lessons and projects as well as keep track of student progress (Watson & Watson, 2011). Students, in turn, have more flexibility with pacing and autonomy with online learning while still receiving guidance and support from teachers (Lewis et al., 2014).

Created by the Texas Legislature and administered by the TEA, eligible students are allowed to take fully online courses through the Texas Virtual School Network. According to the TEA (n.d.), the Texas Virtual School Network Online Schools (TxVSN OLS) is the component of the Texas Virtual School Network that provides full-time virtual instruction to eligible Texas public school students in grades 3-12 through approved public school districts and open-enrollment charter schools. These online public schools offer 100-percent virtual instructional programs to students who are not physically present on campus during instruction.

Findings

A variety of accounting procedures for attendance are in place in Texas, with the most commonly used procedure outlined in the Texas Education Code (TEC), §25.085 (a). This standardized accounting procedure requires that a child between the ages of six and eighteen attend school each school day and for the entire period of the program of instruction. Following state guidelines, school districts are required to adopt an attendance accounting system to ensure an accurate recording and reporting of student attendance data. According to the TEA Student Attendance Accounting Handbook (2014), the primary purpose of collecting student attendance data is to ensure Texas’ Foundation School Program funds are allocated appropriately to public schools. A student is eligible to generate full-day attendance if they receive at least four hours of instruction each school day.

A second attendance accounting procedure available to Texas school districts is the Optional Flexible School Day Program (OFSDP). This accounting procedure is

geared toward students who are in danger of dropping out of school, have dropped out, or are behind in core subject courses and requires districts to apply for its use. Through TEC §29.0822(a) restrictions are lifted as to specified days of the week, hours and locations that students can attend classes as to when and where instruction can take place. Schools using OFSDP have flexibility in their scheduling of instruction and as such are allowed to record instructional minutes over time rather than per day. In order to generate average daily attendance funding for a student for a particular day students must receive between 45 minutes and 10 hours of instruction time. Interestingly enough, unless an alternative or nontraditional education program (regardless of the setting in which a student is served) applies to use the accounting procedures of OFSDP, their students' attendance must be calculated in accordance to the traditional rules of the standardized accounting system outlined in TEC §25.085 (a).

Unlike the standardized and OFSDP accounting procedures, both of which require students to be physically present in class in order to be counted for attendance, students enrolled in online courses and schools through the Texas Virtual School Network (TxVSN) do not need to occupy a physical space within a specific building or class on any given day to be counted present. Rather, attendance for students in grades 9-12, enrolled through TxVSN is based on course completion. To earn credit, students must complete the course with an average of 70 or higher on a 100-point scale. For purposes of recording a student's daily attendance, a student is considered full-time in TxVSN if he is enrolled in five TxVSN courses and is considered to have been present (in attendance) for each day of instruction in the reporting period. Therefore a student who successfully completes a semester course will have been considered present for an entire semester thus generating 100% average daily attendance (ADA) funding (TEA, 2014).

Discussion

Although Texas policy offers a variety of attendance accounting procedures, school districts and leaders have little flexibility in aligning procedures to fit with changes to teaching and learning that reflects the use of online learning. When current procedures don't offer districts flexibility in accounting for attendance it can be problematic for districts and school leaders, especially when making decisions about specific innovative educational programs (alternative, online) that may better serve the educational needs of a particular student. For instance, ASC principals may hesitate to enroll a student who has a history of truancy. These schools typically have much smaller enrollments compared to comprehensive high schools; therefore, when a student is absent, it can have a more significant effect on ADA than it would at a larger comprehensive high school. In turn, ASCs may receive less funding due to lower ADA percentages, which can have a direct impact on instruction.

Students enrolled in ASCs are often able to progress in a self-paced and/or accelerated model that in turn renders the state attendance accounting a poor match for alternative schools. Alternative schools of choice and the students who attend them could benefit from flexible attendance policies much like those that are afforded to the TxVSN, in which funding and attendance are based on course

completion rather than physical presence in the classroom. Although students who attend ASCs can complete portions of their coursework virtually anywhere, ASCs must adhere to the same attendance policies as comprehensive schools even though they have two distinct accountability systems. With ASCs falling under an alternative accountability system, it would seem reasonable to have its own attendance accounting system. A unique attendance accounting system would offer ASCs the flexibility to better meet the needs of students who need an alternative setting to be successful.

Recommendations

We extend three recommendations in this policy brief that may help with the development of flexible alternative attendance policies. First, alternative attendance policy could include portions of the comprehensive model and the TxVSN model. Eligibility to generate ADA could be derived from and related to the amount of time that a student receives instruction each day of school. However, when a student completes a course, then ADA would be based on the TxVSN model in which a student generates funding based on course completion. Second, attendance policies need to match and work with the increased use of technology in education. However, if policy makers are unwilling to alter attendance policies to be more flexible for ASCs, then furthering technology use in alternative schools of choice may be rendered pointless. Third, attendance policy should be appealing to students, parents, and educators. Socio-institutional factors (e.g. stigma, having to sit in class, boredom) may be preventing students from enrolling in alternative schools (along with ASC principals perhaps serving as gatekeepers). Policy with more flexibility could see more students seek out ASCs and prompt ASCs to accept and enroll students who may have had negligible attendance.

Summary

District-supported alternative schools of choice allow students who are at risk of not graduating an opportunity to earn their high school diploma. However, beyond TxVSN, attendance accounting procedures mandate students to be physically present for instruction, regardless of whether an online instructional program is used. These current policies need to recognize the factors that cause absenteeism and allow technology to be a part of the solution to allow students to continue their education and reduce the risk of students dropping out of school. Having procedures that are a better match for ASCs will allow districts to capture more funding to better meet the needs of the students they serve.

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