

**TITLE 14**  
**Education**  
**CHAPTER 27 - SCHOOL ATTENDANCE**  
**Subchapter I. School Attendance Requirements**

§ 2701. Free public schools.

Subject to other provisions of this title, all the public schools of this State shall be free to all children who are residents of the State and who are of the ages required or authorized for attendance in a public school.

(21 Del. Laws, c. 67, § 22; Code 1915, § 2296; 32 Del. Laws, c. 160, § 41; Code 1935, § 2684; 14 Del. C. 1953, § 2701; 59 Del. Laws, c. 87, § 9.)

§ 2702. Compulsory attendance requirements; evaluation of readiness

[Effective until fulfillment of the contingencies in 75 Del. Laws, c. 440, § 8]

(a) Except as otherwise provided, the following provisions are applicable to school attendance in this State:

(1) Every person in this State who has legal custody, guardianship of the person, or legal control of a child between 5 and 16 years of age, including any person acting as a caregiver pursuant to the provisions of § 202(f) of this title, shall enroll the child in a public school in the school district of the person's residence.

(2) Every person who has legal custody, guardianship of the person, or legal control of a student, including any person acting as a caregiver pursuant to the provisions of § 202(f) of this title, who is enrolled in a public school of this State shall send the student to the school each day of the minimum school term and to any academic improvement activities required by § 153 of this title.

(3) Every student who is enrolled in a public school of this State shall attend the school each day of the minimum school term and any academic improvement activities required by § 153 of this title. A student who has been absent from school without a valid excuse for more than 3 school days in a school year is a truant. A truant and the parent of a truant are subject to the administrative procedures and court proceedings set out in subchapter II of this Chapter.

(b) For the purposes of this section, a child shall be considered 5 years of age if that child celebrates the child's fifth birthday according to the following schedule:

1993-94 school year Fifth birthday on or before November 30, 1993.

1994-95 school year Fifth birthday on or before October 31, 1994.

1995-96 school year Fifth birthday on or before September 30, 1995.

1996-97 school year Fifth birthday on or before August 31, 1996.

Subsequent school years Fifth birthday on or before August 31 of the respective year.

Local school authorities may grant exceptions to the above schedule for entry into school if they determine that such exception is in the best interest of the child.

(c) The following provisions shall be applicable to the administration of subsection (a) of this section in regard to compulsory attendance in the kindergarten for a child age 5 years:

(1) If a child is a resident of the State at the time of that child's eligibility for admission to the kindergarten at age 5, the parents, guardian or legal custodian of that child may request that school authorities evaluate the child's readiness for attendance and may request a delay of 1 year in that attendance. However, admission to first grade will be authorized only after school authorities evaluate the child's readiness for attendance.

(2) If a child was not a resident of the State at the time of that child's eligibility for admission to the kindergarten at age 5, the parents, guardian or legal custodian of that child may request that school authorities evaluate the child's readiness for attendance and on the basis of that evaluation authorize admission to grade 1.

(d) The following provisions shall be applicable in regard to statewide minimum mandatory attendance requirements in each school year for children in grades K through 5.

(1) Following the 10th day of unexcused absence by a student, the school shall immediately notify the parent or parents or guardian and a visiting teacher for the district shall visit the student's home;

(2) Following the 15th day of unexcused absence by a student, the student's parent or parents or guardian shall be notified by certified mail to appear at the school within 10 days of notification for a conference and counseling;

(3) Following the 30th day of unexcused absence by a student, the school shall refer the case for prosecution;

(4) Following the completion of prosecution of the case and the subsequent failure of the student to return to school within 5 school days thereof, the school shall immediately notify the Department of Services for Children, Youth and Their Families requesting intervention services by the Department. The Department shall contact the family within 10 business days.

(e) Following the tenth unexcused day of attendance by a student in grades 6 through 12 inclusive, the building principal shall notify a visiting teacher of such unexcused days.

(f) If contacted by the school pursuant to paragraph (d)(2) of this section, each parent or guardian of a student shall sign a contract with the district agreeing they will make every reasonable effort to:

(1) Have their child or children abide by the school code of conduct;

(2) Make certain their child attends school regularly; and

(3) Provide written documentation for the reasons for any absence.

(g) Any day of summer school, any session of after school or Saturday extra instruction, or any session of mentoring which a child is required to attend as an academic improvement activity in conformity with § 153 of this title shall be considered a school day for purposes of this chapter, and for purposes of § 901 of Title 10, § 1103 of Title 11, and § 301 of Title 31 of this Code, or wherever the term school day or its equivalent is used in a provision of this Code designed to minimize or punish truancy. (24 Del. Laws, c. 121, § 1; Code 1915, § 2313; 32 Del. Laws, c. 160, § 41; Code 1935, § 2685; 14 Del. C. 1953, § 2702; 49 Del. Laws, c. 403, §§ 1-3; 57 Del. Laws, c. 112; 60 Del. Laws, c. 449, § 3; 63 Del. Laws, c. 290, § 2; 64 Del. Laws, c. 315, §§ 6, 7; 69 Del. Laws, c. 28, § 2; 70 Del. Laws, c. 186, § 1; 70 Del. Laws, c. 517, § 1; 71 Del. Laws, c. 36, § 1; 71 Del. Laws, c. 399, §§ 3, 4; 72 Del. Laws, c. 6, § 3; 72 Del. Laws, c. 346, §§ 3-5; 73 Del. Laws, c. 341, §§ 1, 2; 74 Del. Laws, c. 175, §§ 2-5.)

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(1) Every person in this State who has legal custody, guardianship of the person, or legal control of a child between 5 and 16 years of age, including any person acting as a caregiver pursuant to the provisions of § 202(f) of this title, shall enroll the child in a public school in the school district of the person's residence.

(2) Every person who has legal custody, guardianship of the person, or legal control of a student, including any person acting as a caregiver pursuant to the provisions of § 202(f) of this title, who is enrolled in a public school of this State shall send the student to the school each day of the minimum school term and to any academic improvement activities required by § 153 of this title.

(3) Every student who is enrolled in a public school of this State shall attend the school each day of the minimum school term and any academic improvement activities required by § 153 of this title. A student who has been absent from school without a valid excuse for more than 3 school days in a school year is a truant. A truant and the parent of a truant are subject to the administrative procedures and court proceedings set out in subchapter II of this Chapter.

(b) For the purposes of this section, a child shall be considered 5 years of age if that child celebrates the child's fifth birthday according to the following schedule:

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Local school authorities may grant exceptions to the above schedule for entry into school if they determine that such exception is in the best interest of the child.

(c) The following provisions shall be applicable to the administration of subsection (a) of this section in regard to compulsory attendance in the kindergarten for a child age 5 years:

(1) If a child is a resident of the State at the time of that child's eligibility for admission to the kindergarten at age 5, the parents, guardian or legal custodian of that child may request that school authorities evaluate the child's readiness for attendance and may request a delay of 1 year in that attendance. However, admission to first grade will be authorized only after school authorities evaluate the child's readiness for attendance.

(2) If a child was not a resident of the State at the time of that child's eligibility for admission to the kindergarten at age 5, the parents, guardian or legal custodian of that child may request that school authorities evaluate the child's readiness for attendance and on the basis of that evaluation authorize admission to grade 1.

(3) The parent, guardian, legal custodian or relative care giver, as defined in § 202(f)(2) of this title, of a child who is eligible for admission to kindergarten at age 5 may opt for the child to attend kindergarten for a half-day per day, totaling 440 hours in a school year.

(d) The following provisions shall be applicable in regard to statewide minimum mandatory attendance requirements in each school year for children in grades K through 5.

(1) Following the 10th day of unexcused absence by a student, the school shall immediately notify the parent or parents or guardian and a visiting teacher for the district shall visit the student's home;

(2) Following the 15th day of unexcused absence by a student, the student's parent or parents or guardian shall be notified by certified mail to appear at the school within 10 days of notification for a conference and counseling;

(3) Following the 30th day of unexcused absence by a student, the school shall refer the case for prosecution;

(4) Following the completion of prosecution of the case and the subsequent failure of the student to return to school within 5 school days thereof, the school shall immediately notify the Department of Services for Children, Youth and Their Families requesting intervention services by the Department. The Department shall contact the family within 10 business days.

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(f) If contacted by the school pursuant to paragraph (d)(2) of this section, each parent or guardian of a student shall sign a contract with the district agreeing they will make every reasonable effort to:

(1) Have their child or children abide by the school code of conduct;

(2) Make certain their child attends school regularly; and

(3) Provide written documentation for the reasons for any absence.

(g) Any day of summer school, any session of after school or Saturday extra instruction, or any session of mentoring which a child is required to attend as an academic improvement activity in conformity with § 153 of this title shall be considered a school day for purposes of this chapter, and for purposes of § 901 of Title 10, § 1103 of Title 11, and § 301 of Title 31 of this Code, or wherever the term school day or its equivalent is used in a provision of this Code designed to minimize or punish truancy. (24 Del. Laws, c. 121, § 1; Code 1915, § 2313; 32 Del. Laws, c. 160, § 41; Code 1935, § 2685; 14 Del. C. 1953, § 2702; 49 Del. Laws, c. 403, §§ 1-3; 57 Del. Laws, c. 112; 60 Del. Laws, c. 449, § 3; 63 Del. Laws, c. 290, § 2; 64 Del. Laws, c. 315, §§ 6, 7; 69 Del. Laws, c. 28, § 2; 70 Del. Laws, c. 186, § 1; 70 Del. Laws, c. 517, § 1; 71 Del. Laws, c. 36, § 1; 71 Del. Laws, c. 399, §§ 3, 4; 72 Del. Laws, c. 6, § 3; 72 Del. Laws, c. 346, §§ 3-5; 73 Del. Laws, c. 341, §§ 1, 2; 74 Del. Laws, c. 175, §§ 2-5; 75 Del. Laws, c. 440, § 6.)

## Prompt and Regular Attendance Agreement

2011-2012 School Term

I agree with the school that there is a direct correlation between prompt and regular student attendance and student scholastic and social development outcomes I take responsibility as parent/guardian to insure that my child(ren) attend school regularly and promptly as part and parcel to my efforts to assist the school in training my child in scholastics and in social responsibility.

I do desire for my child(ren) to experience enjoyment, pride, and confidence in acceptable accomplishments, and overall success in training in school. As parent or guardian, I feel that prompt and regular daily school attendance may reflect to my child(ren) how I feel about his or her school. I expect my child's teachers and instructors to be responsibly and promptly present for school. I will arrange my affairs so as to assist the school in modeling these important values of promptness and regularity in school attendance as well as being properly prepared to learn and grow when he or she arrives. I understand that homeroom activities are also important to my child's student life and success.

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Signature of Parent

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Date Signed