

The Advocacy Ridge

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PRESENTS

TRUANCY, ABSENCES, AND DISABILITY RIGHTS

When Disability Drives the Absence — and How to Protect Your Family

The difference between truancy and disability-related absence, your legal protections, and what the school must do

General educational information only — not legal advice. Universal guide — applicable in all states. State law may provide additional protections. For case-specific support, contact Mountain to Mountain Advocacy, LLC.

Why This Guide Exists

Families of children with disabilities face a collision that most people never think about: compulsory attendance law on one side, and a child whose disability makes consistent attendance impossible on the other. Medical appointments. Hospitalizations. Flares of chronic illness. Anxiety so severe the child cannot get through the door. Disability-related school refusal that has nothing to do with willfulness and everything to do with an unmet need.

When absences accumulate — regardless of the reason — schools begin generating attendance records, making calls, sending letters, and sometimes filing truancy complaints with courts. Some families have had Child Protective Services contacted. Some have received educational neglect accusations. All of this while the parent is fighting simultaneously for their child's health and their child's education.

This guide explains the legal framework, your rights, how to document disability-related absences properly, what the school is required to do when a student with a disability cannot attend, and how to protect your family when attendance and disability intersect.

This guide also discusses practical strategies families can use to document disability-related absences, work collaboratively with schools, request appropriate evaluations, accommodations, and services, and respond if attendance concerns begin shifting toward truancy or educational neglect. Whether a student receives services through an IEP, a Section 504 Plan, or has not yet been evaluated, understanding how disability and attendance intersect is essential.

IMPORTANT

This guide covers general legal principles. Truancy laws, attendance thresholds, and enforcement practices vary significantly by state. Know your state's specific laws — the consequences of truancy proceedings vary dramatically from place to place.

Section 1 — The Legal Tension: Compulsory Attendance vs. IDEA

Every state has a compulsory attendance law. These laws require children between certain ages to attend school a minimum number of days per year. Violation of compulsory attendance can trigger truancy proceedings — which may involve the school filing a report with the court, juvenile justice involvement, and in some states, consequences for parents including fines or criminal charges.


At the same time, IDEA guarantees that students with disabilities receive a Free Appropriate Public Education regardless of where they are — including when disability prevents them from attending school in person. These two legal frameworks — compulsory attendance and IDEA — exist simultaneously and must be reconciled.

Section 504 and the Americans with Disabilities Act (ADA) also play an important role. Students whose disabilities substantially limit one or more major life activities may be entitled to reasonable accommodations related to attendance, medical absences, scheduling, make-up work, and access to educational services, even if they do not qualify for special education under IDEA.

LEGAL FOUNDATION — IDEA, Section 504, and ADA

FAPE must be available to all eligible children with disabilities. The school district's obligation to provide education does not end when a student cannot physically attend school. When disability is driving repeated absences, the district must first address its obligations under IDEA, Section 504, the ADA, and applicable state law, including determining what educational services or supports are necessary to continue providing FAPE.

The critical legal distinction is this: when a student's absences are driven by a disability, the educational team's first responsibility is to address the disability-related needs, educational programming, and FAPE obligations—not simply rely on truancy proceedings or attendance enforcement. Truancy — in its legal sense — involves willful, unexcused absence without a legitimate reason. A child who cannot attend school because of medical illness, hospitalization, disability-related anxiety, or any other disability-related condition is not willfully absent. The absence has a cause. That cause must be addressed by the school through the IEP process and FAPE obligations — not through the truancy system.

 **RED FLAG:** A school that files truancy charges against a family whose child cannot attend due to a documented disability — without first addressing its FAPE obligation — has put the cart before the horse and may be violating federal law. Document everything when this threat appears.

Section 2 — Types of Absences and What Each Means Legally

Excused Absences

Most states recognize certain absences as excused, such as illness, medical appointments, hospitalization, religious observances, and other reasons permitted by state law or district policy.

Many disability-related absences should qualify as excused when families provide the documentation required under applicable state law or district policy. However, requirements vary by state and district. Families should become familiar with local attendance policies, including documentation requirements, timelines for submitting medical notes, procedures for chronic or intermittent conditions, and any attendance review processes.

For students with chronic or intermittent medical conditions, a treating physician or other qualified provider may be able to provide a standing letter explaining that disability-related absences, medical appointments, late arrivals, shortened days, or periodic flare-ups are expected throughout the school year. Depending on district policy and state requirements, this may reduce the need to obtain a new medical note for every absence.


It is also important to remember that excused does not necessarily mean there is no educational impact. A student who is missing significant amounts of instruction—even for legitimate medical reasons—may still require additional accommodations, services, supports, homebound instruction, modified attendance, or revisions to an IEP or Section 504 Plan to ensure continued access to FAPE.


Unexcused Absences

Unexcused absences are those that do not meet the state's or district's attendance requirements or for which required documentation has not been provided. These absences are more likely to count toward truancy thresholds and may trigger attendance interventions or formal truancy proceedings.

If disability-related absences are being coded as unexcused because of missing documentation, disagreement about the reason for the absence, or another attendance dispute, address the issue immediately and in writing.

Provide any available medical or clinical documentation, request that the attendance coding be reviewed and corrected if appropriate, and maintain copies of all communications. If the issue is not resolved, request a meeting with the appropriate school administrator, special education or Section 504 coordinator, and, if applicable, the IEP or Section 504 team.

 **RED FLAG:** If your child's disability-related absences are being coded as unexcused, contact the school in writing immediately. Attach whatever medical or clinical documentation you have. Request that the classification be corrected. If the school refuses, request a meeting with the principal and the special education director and escalate if necessary.

 **RED FLAG:** Disability-related absences should not automatically be treated as unexcused without considering the student's disability, applicable documentation, and the school's obligations under IDEA, Section 504, the ADA, and state law.

Medical and Disability-Related Absences

Absences related to chronic health conditions, treatment, hospitalization, surgery, mental health conditions, disability-related school refusal, fatigue, pain, or other disability-related needs often require more than simply marking the absence as excused.

Repeated disability-related absences may themselves demonstrate educational impact and indicate the need for:

- additional accommodations
- related services
- health plans
- counseling
- behavioral supports
- modified attendance plans
- homebound or alternative educational services
- an initial evaluation or reevaluation
- revisions to an existing IEP or Section 504 Plan

The goal should not simply be documenting the absence—it should be ensuring the student continues to receive appropriate educational access and FAPE despite disability-related barriers to attendance. Attendance concerns should prompt educational problem-solving—not simply attendance coding.

Disability-Related School Refusal

School refusal — when a student cannot attend school due to disability-related anxiety, sensory overwhelm, emotional dysregulation, or other disability-related barriers — is one of the most contested categories in the truancy framework. Schools sometimes treat school refusal as a behavioral choice or a parenting failure rather than a disability presentation.

When school refusal is rooted in disability, the educational team's response should focus on identifying and addressing the underlying disability-related needs rather than treating the situation solely as truancy or noncompliance. It is a disability-related educational need that the IEP must address. When a child with documented anxiety, autism, or PTSD cannot get through the school door — the question is not 'why is this family not forcing their child to attend?' The question is 'what is in this child's IEP that is supposed to be addressing the barriers to attendance, and is it working?'

LEGAL FOUNDATION — 34 CFR 300.324(a)(2)(i) | 34 CFR 300.320(a)(1), 34 C.F.R. §§ 300.304

When disability-related factors interfere with a student's ability to access education, the district must identify those needs through appropriate evaluation and address them through the IEP. When behavior impedes learning or educational access, the IEP team must consider positive behavioral interventions, supports, and other strategies necessary to provide FAPE.

✓ **ADVOCACY TIP:** If school refusal appears related to a disability, ask the treating therapist, psychologist, psychiatrist, physician, or other qualified provider to document that the attendance difficulty is a symptom of the student's disability or medical condition—not willful misconduct. This documentation can help the educational team better understand the student's needs and may be important if attendance concerns escalate.

Section 3 — What the School Is Required to Do

Document the Absences and Their Cause

When a student with a disability is missing significant amounts of school, the school's first obligation is to document what is happening and why — not to trigger truancy proceedings. The IEP team must understand the pattern: is the student absent on specific days? After specific triggers? Due to medical appointments? Due to anxiety that spikes in specific settings? The team should also consider the functional and educational impact of the absences. Are they affecting academic progress, access to instruction, participation, social relationships, communication, behavior, executive functioning, emotional regulation, or other areas of educational performance? Attendance concerns should be viewed as part of the student's overall educational needs—not simply as an attendance issue.

The pattern analysis matters because it informs what the IEP must address. Random illness is different from consistent Tuesday absences because of a standing medical appointment. School refusal every Monday after a weekend is different from school refusal triggered by a specific class or a specific person.

Educational Team Questions

Rather than focusing only on the number of absences, the educational team should ask:

- Why is the student unable to consistently attend school?
- What disability-related barriers are contributing to the absences?
- Does the current evaluation accurately identify the student's needs?
- Are additional evaluations, accommodations, services, or supports needed?
- Does the student's IEP or Section 504 Plan adequately address the attendance concerns?
- What changes to the educational program are necessary to ensure continued access to FAPE?

Consider Whether Additional Evaluation Is Needed

Repeated disability-related absences may indicate that the student's needs are not yet fully understood or that existing evaluation data no longer accurately reflects the student's current functioning.

Attendance concerns should therefore be considered part of the student's educational data and may support changes to the student's educational program when they interfere with the student's ability to access, participate in, or make progress in education.

Depending on the circumstances, the district should consider whether an initial evaluation, reevaluation, Functional Behavioral Assessment (FBA), or assessment in other areas of suspected disability is warranted.

If the district suspects the student has a disability or that the student's educational needs have changed, Child Find obligations may require additional evaluation rather than simply responding through attendance interventions.

Address Absences Through the IEP or Section 504 plan

When a student's disability is contributing to repeated absences, the educational team should address the attendance concerns through the student's IEP or Section 504 Plan—not simply through attendance interventions.

The focus should be on identifying and addressing the disability-related barriers affecting attendance and determining what additional evaluations, accommodations, related services, specially designed instruction, behavioral supports, health supports, or other interventions may be necessary to ensure the student continues to receive FAPE and meaningful access to education.

Repeated disability-related absences may themselves demonstrate educational impact and indicate that changes to the student's educational program are needed.

Depending on the student's individual circumstances, the educational team should consider whether revisions to the IEP or Section 504 Plan are necessary, including:

- additional accommodations or related services
- counseling or mental health supports
- nursing or health plan revisions
- an updated Functional Behavioral Assessment (FBA)
- revisions to the Behavior Intervention Plan (BIP)
- sensory, executive functioning or self-regulation supports
- communication or social-emotional supports
- modified attendance or gradual re-entry plans
- modified schedules or shortened school days when appropriate
- homebound or other alternative educational services when attendance is not currently possible
- additional specially designed instruction
- a reevaluation or additional assessments if current data no longer adequately identifies or addresses the student's needs

The team should also consider whether attendance concerns are reflecting other unmet educational needs, such as unidentified learning difficulties, communication needs, bullying, anxiety, depression, trauma, autism-related needs, chronic health conditions, executive functioning difficulties, or other disability-related barriers affecting the student's ability to consistently access school.

The goal is not simply to excuse absences or improve attendance numbers. The goal is to understand why the student is struggling to attend, address those underlying needs through appropriate educational programming, and ensure the student continues to receive meaningful educational benefit despite disability-related barriers to attendance.

Provide Appropriate Educational Services When Attendance Is Not Possible

When a student cannot attend school because of their disability, the school's obligation to provide a Free Appropriate Public Education (FAPE) does not stop simply because the student is unable to be physically present at school.

Instead, the educational team should determine what services, supports, and instructional arrangements are necessary to ensure the student continues to receive meaningful educational benefit while addressing the disability-related barriers affecting attendance.

Depending on the student's individual needs, medical circumstances, and applicable state requirements, this may include:

- homebound instruction
- hospital instruction
- virtual or remote instruction
- modified attendance schedules
- gradual re-entry plans
- alternative educational settings
- other individualized methods of providing FAPE

The appropriate educational response should always be based on the student's individual needs—not on district convenience, staffing availability, or a one-size-fits-all approach.

Homebound instruction, when appropriate, should not simply consist of packets of worksheets sent home. Students remain entitled to specially designed instruction, related services, accommodations, and other supports necessary to implement their IEP or Section 504 Plan to the extent appropriate during the period they are unable to attend school.

When disability-related absences become prolonged or recurring, families should request that the IEP or Section 504 team meet promptly to determine what educational services are necessary during the student's absence and how the student will continue making meaningful progress toward educational goals.

The goal is not simply to excuse the student's absences. The goal is to ensure the student continues receiving FAPE despite disability-related barriers to attending school.

Address Disability-Related Needs and FAPE Before Relying on Truancy Proceedings

When a student has a known or suspected disability and repeated absences appear to be related to that disability, the school's first response should be to determine whether it has met its obligations under IDEA, Section 504, the ADA, and applicable state law—not simply whether attendance thresholds have been reached.

Before relying on truancy proceedings or other attendance enforcement measures, the educational team should consider whether it has:

- appropriately identified and evaluated the student's disability-related needs;
- fulfilled its Child Find obligations, when applicable;
- developed or revised an appropriate IEP or Section 504 Plan;
- considered whether additional accommodations, related services, or supports are needed;
- addressed disability-related barriers contributing to the absences;
- considered whether homebound instruction, alternative educational services, or modified attendance arrangements are appropriate; and
- continued providing FAPE to the extent required by law.

When disability-related absences are addressed primarily through truancy proceedings without first considering these obligations, families may wish to carefully document the district's actions and seek guidance regarding their rights.

A truancy filing or attendance intervention does not eliminate a district's responsibilities under IDEA, Section 504, or the ADA. Likewise, the existence of a disability does not automatically exempt a student from state attendance laws. Both legal frameworks must be considered together.

If a school threatens truancy proceedings, document the communication immediately and respond in writing. Request an IEP or Section 504 meeting if appropriate, ask the district to explain how it has addressed the student's disability-related needs, and request Prior Written Notice (PWN) for any proposal or refusal related to evaluation, identification, educational placement, or the provision of FAPE under IDEA.

Sample Parent Response

'My child's absences are related to their documented disability, as supported by [treating provider]. I am requesting that the district address my child's disability-related educational needs by convening an IEP/Section 504 meeting to determine whether additional evaluations, accommodations, services, or other supports are necessary to ensure continued access to FAPE. I also request Prior Written Notice regarding any proposal or refusal related to my child's disability-related attendance concerns, including any decision not to provide additional educational supports or services.'

Section 4 — Documentation Strategy

The Physician or Specialist Letter — Get It at the Start of Every Year

At the start of each school year, request a letter from your child's primary physician or specialist that:

- Names the diagnosis
- Explains that the diagnosis is likely to result in absences — medical appointments, illness, hospitalizations, or other disability-related needs
- States that these absences are medically necessary and not voluntary
- Recommends that absences be excused as medically necessary

Submit this letter to the school on the first day of school. Ask for written confirmation that it has been received and placed in the student's file. Keep a copy for yourself.

Depending on the student's needs, provider letters may also support accommodations such as modified attendance schedules, shortened days, intermittent absences, flexibility with attendance policies, homebound or alternative educational services, or other disability-related supports. The more specific the provider can be about how the disability affects school attendance and educational access, the more helpful the documentation often is.

Sample Treating Provider Letter

Subject: Medical Necessity for Disability-Related School Absences

To Whom It May Concern:

I am the treating [physician/psychologist/psychiatrist/nurse practitioner/physician assistant/therapist] for [Student Name], who is under my care for [diagnosis/medical condition].

Due to the nature of this condition, [Student Name] may experience intermittent or ongoing symptoms that significantly affect school attendance, participation, and educational access. These symptoms may include [fatigue, pain, migraines, dizziness, anxiety, depression, gastrointestinal symptoms, sensory overwhelm, emotional dysregulation, sleep disruption, or other applicable symptoms], and the frequency and severity of these symptoms may vary over time.

As a result of this medical condition, there may be periods when [Student Name] is unable to attend school, arrives late, leaves early, requires a shortened school day, or is unable to fully participate in the school environment. Absences may also be necessary for medical appointments, treatment, recovery, or management of the student's condition. These absences and attendance-related adjustments are medically necessary and should not be viewed as voluntary or willful.

Because this is an ongoing medical condition, disability-related absences and attendance fluctuations may reasonably be expected throughout the school year. Requiring an office visit or a separate medical note for every disability-related absence may not be medically appropriate or necessary when the absences are consistent with the student's diagnosed condition. This

letter is intended to document the anticipated need for intermittent disability-related absences and attendance-related flexibility throughout the school year.

In my medical opinion, this condition is expected to have an ongoing impact on [Student Name]'s ability to consistently attend and fully participate in school. I recommend that the educational team review the impact of this condition on the student's educational access and determine the accommodations, services, supports, or other educational programming necessary to ensure the student continues to appropriately access their education.

Please contact my office if additional medical information or clarification is needed.

Sincerely,

[Provider Name, Credentials]

[Practice Name]

[Address]

[Phone Number]

[Email]

The Absence Log — Track Everything

From the first absence, maintain a log:

- Date of absence
- Reason — medical appointment, illness, hospitalization, school refusal, other
- Class(es) missed (ex: missed science lab, missed speech services, missed homeroom)
- Trigger (if known) (ex: group work in science, work due in homeroom, unknown)
- Educational impact
- Documentation provided to the school — what you submitted and when
- Whether the absence was coded as excused or unexcused
- Any communication from the school about the absence

Compare this log periodically to the school's attendance records — which you can obtain through your records request. Discrepancies between your documentation and the school's records should be addressed in writing immediately.

The Communication Record — Every Contact in Writing

- Every time you notify the school of an absence, do it in writing — email if possible. Keep the record.
- Every time the school contacts you about attendance, respond in writing — confirm what was said, document what you provided. Follow verbal conversations with a brief email summarizing what was discussed.
- Every time you submit documentation, note the date, what you submitted, and to whom.
- If the school threatens truancy proceedings, request that threat in writing and respond to it in writing.

School Documentation

Request and periodically review:

- attendance records
- absence coding
- tardy records
- discipline records
- nurse logs
- counseling logs (if applicable)
- grade reports
- progress reports
- work completion records
- communication logs

Compare these with your own records. Schools sometimes make coding mistakes.

The IEP or Section 504 as Documentation

Your child's IEP or Section 504 Plan is also an important piece of documentation. It reflects the student's disability, educational needs, disability-related impact, and the accommodations, services, and supports the educational team has determined are necessary to provide access to FAPE.

If disability-related attendance concerns are affecting the student's education, those concerns should be reflected in the student's educational program when appropriate. Depending on the student's individual needs, this may include accommodations related to attendance, health plans, counseling, modified schedules, re-entry or transition plans, homebound or other alternative educational services, behavioral supports, or other disability-related services and supports. Parent input, student input when appropriate, information from treating providers, attendance records, progress data, and other relevant educational information should all be considered when determining the disability-related factors contributing to attendance concerns and the supports necessary to provide FAPE.

If the student has repeated disability-related absences but the IEP or Section 504 Plan does not address attendance, the educational team should consider whether revisions are needed. Frequent absences may indicate that additional accommodations, related services, supports, or even a reevaluation are necessary to ensure the student continues to receive FAPE.

Similarly, if a student has a Section 504 Plan or no current disability plan at all and attendance concerns suggest the student's needs are greater than currently recognized, the district should consider whether additional evaluation or Child Find obligations have been triggered.

The absence of any discussion regarding significant disability-related attendance concerns in the student's IEP or Section 504 Plan may itself suggest that the educational team has not fully considered the student's disability-related needs or educational impact. If attendance is becoming a barrier to educational access, request an IEP or Section 504 meeting to review current data, discuss the impact of the absences, and determine whether revisions or additional evaluations are needed.

Section 5 — When Truancy Proceedings Are Threatened or Filed

Receiving notice that truancy proceedings may be initiated can be overwhelming. However, the initiation of truancy proceedings does not eliminate the school's obligations under IDEA, Section 504, the ADA, or applicable state law. If the student's absences are related to a known or suspected disability, families should respond promptly, document all communications, and ensure the educational team addresses the disability-related factors contributing to the attendance concerns.

The Letter You Send When Truancy Is Threatened

As soon as the school indicates it may file or has filed a truancy complaint, send a written response the same day to the principal, the special education director, and the district's legal counsel if you know the contact:

'I am writing in response to the school's indication that truancy proceedings may be initiated. My child, [name], has a disability that is documented in their IEP/504 plan. Their absences are disability-related and are not voluntary or willful. I am requesting that before any truancy proceeding is initiated, the school fulfills its FAPE obligation under IDEA by determining what educational services, accommodations, modified attendance, homebound or other alternative educational services, or other supports are necessary and by convening an IEP/504 meeting to address attendance barriers. I am also requesting Prior Written Notice of any proposed change in the school's approach to my child's absences. I intend to document all communications regarding this matter.'

Child Find

If the student is not currently receiving special education or Section 504 services, or if current evaluations no longer accurately reflect the student's needs, attendance concerns may also trigger Child Find obligations. Families may wish to request an evaluation or reevaluation if disability-related needs appear to be contributing to repeated absences.

At the Truancy Hearing — Presenting Disability Documentation

If a truancy hearing proceeds, bring:

- Your child's IEP or 504 plan — documentation of the disability and its educational impact
- The physician or specialist letter explaining the disability-related nature of absences
- Your absence log — showing dates, reasons, and documentation submitted
- Any evidence that the school was notified of the disability and absences — your emails, their responses
- Any evidence that the school failed to provide alternative educational services — homebound instruction, modified schedule, or IEP revision — before filing truancy charges
- Any additional educational history including evaluations, attendance records, report cards, progress reports, or meeting notes

Organize the documents chronologically and bring multiple copies if possible.


You may also want to bring an advocate or an attorney. Truancy hearings can have serious consequences in some states, and having representation familiar with the intersection of disability law and attendance law is valuable.

When Child Protective Services (CPS) Is Contacted About Educational Neglect

Some schools—and some states—permit or require reports to Child Protective Services (CPS) when attendance falls below certain thresholds. An allegation of educational neglect can be frightening and should always be taken seriously.

If CPS becomes involved due to your child's disability-related absences:

- **Document everything.** Maintain organized records of your child's disability, medical care, attendance history, communications with the school, requests for evaluations, accommodations, services, IEP or Section 504 meetings, and any educational supports you have requested.
- **Continue communicating with the school in writing.** If you have requested evaluations, IEP or Section 504 meetings, homebound or alternative educational services, accommodations, or other disability-related supports, continue documenting those requests and the district's responses.
- **Provide documentation of the disability-related nature of the absences.** Physician or other treating provider letters, evaluation reports, treatment records, and educational records may help demonstrate that the absences are related to the student's disability rather than a lack of parental effort or concern.
- **Be prepared to demonstrate your efforts.** Documentation showing that you have sought appropriate medical care, communicated with the school, requested educational supports, and worked collaboratively to address attendance concerns may be important if questions arise regarding educational neglect.
- **Seek assistance promptly.** If CPS becomes involved, consider contacting a disability rights attorney, family law attorney, advocate, or your state's Protection and Advocacy (P&A) organization. These organizations may be able to provide information, advocacy, or legal assistance depending on your circumstances.

 **RED FLAG:** The intersection of disability-related absence and CPS involvement is one of the most distressing situations a family can face. Do not ignore notices or delay responding. Do not navigate it alone. Consider contacting legal help immediately — Protection and Advocacy organizations provide free legal advocacy to people with disabilities and their families.

Section 6 — Modified Attendance Plans, Gradual Return, and Re-Entry Supports

For some students, immediately returning to a full school day may not be realistic or appropriate. When disability-related barriers prevent consistent attendance, the educational team should consider whether a modified attendance plan, gradual return-to-school plan, or other individualized approach is necessary to support the student's successful re-entry while continuing to provide FAPE.

The purpose of a modified attendance plan is not simply to reduce attendance expectations. Rather, it is to provide structured, individualized supports that help the student gradually increase participation in school while addressing the disability-related factors contributing to the attendance difficulties.

Modified attendance or gradual return plans should always be individualized and based on the student's current needs, present levels of performance, evaluation data, provider recommendations, and input from the student, family, and educational team.

Depending on the student's needs, the plan may include:

- a shortened school day or modified schedule when appropriate
- gradual increases in attendance based on the student's progress and tolerance
- late arrival or early dismissal
- beginning with preferred or less anxiety-provoking classes or activities
- scheduled breaks throughout the day
- access to a designated safe person or safe space
- counseling or social work support
- check-in/check-out systems
- sensory or self-regulation supports
- accommodations related to transitions
- opportunities for virtual participation when appropriate
- homebound or other alternative educational services during periods the student is unable to attend school
- clearly defined criteria for increasing attendance and fading supports as the student's skills improve

Whenever possible, the plan should identify:

- what supports will be provided;
- when and where they will be provided;
- who is responsible for implementing them;
- how progress will be monitored;
- when the team will reconvene to review the student's progress; and
- how decisions regarding increasing attendance or fading supports will be made.

Students should be meaningfully involved in developing the plan whenever appropriate. Understanding the student's concerns, identifying trusted adults, and incorporating the student's preferences can improve participation and increase the likelihood of a successful return to school.

The goal is not simply to increase attendance. The goal is to reduce disability-related barriers, build the skills necessary for successful school participation, and gradually increase independence while ensuring the student continues to receive FAPE.

A modified attendance plan should generally be viewed as a temporary support designed to help the student successfully return to school. The educational team should periodically review the student's progress and revise the plan as the student's needs change.

✓ **DO THIS:** Request in writing that the modified attendance plan be documented in the IEP itself — not in a separate letter or email that has no legal standing. An IEP provision is enforceable. A verbal agreement or a principal's email is not.

Components of an Effective Modified Attendance or Gradual Return-to-School Plan

Every modified attendance or gradual return-to-school plan should be individualized based on the student's disability-related needs, evaluation data, provider recommendations, and input from the student, family, and educational team.

Depending on the student's individual circumstances, the plan may include:

Student Information

- Student name
 - Date the plan begins
 - Date(s) for review and revision
 - Team members involved in developing the plan
-

Attendance Schedule

- Initial attendance schedule (hours, classes, or days)
 - Gradual increases in attendance, when appropriate
 - Expected timeline for reviewing progress
 - Criteria for increasing or modifying attendance
-

Disability-Related Supports

- Accommodations necessary to support attendance
 - Related services (counseling, nursing, OT, speech, etc.)
 - Behavioral or social-emotional supports
 - Sensory supports or regulation strategies
 - Health plan considerations, when applicable
-

Educational Supports

- Access to assignments and instructional materials
 - Flexibility with deadlines and make-up work
 - Access to class notes or recorded instruction, when appropriate
 - Tutoring, reteaching, or other instructional supports
 - Homebound, virtual, or other alternative educational services, if appropriate
-

School-Based Supports

- Designated staff member(s) for daily check-ins
 - Safe space or calming area, if needed
 - Transition supports throughout the school day
 - Breaks or rest periods
 - Transportation considerations, if applicable
-

Communication Plan

- How the school and family will communicate
 - Who is responsible for monitoring attendance and progress
 - How concerns will be addressed if attendance declines
-

Progress Monitoring

- How attendance and educational progress will be monitored
 - Data that will be reviewed by the team
 - Scheduled dates for reviewing and revising the plan
 - Criteria for determining whether additional evaluations, accommodations, services, or supports are needed
-

Goal of the Plan

The goal of a modified attendance or gradual return-to-school plan is not simply to increase attendance. The goal is to reduce disability-related barriers, support the student's successful return to school, and ensure continued access to a Free Appropriate Public Education (FAPE) while working toward increased participation as appropriate.

Section 7 — Quick Reference: What to Do and When

AT THE START OF EVERY SCHOOL YEAR

- Submit physician letter documenting the disability and anticipating absences

- Review the IEP/504 to ensure attendance provisions are current and adequate
- Confirm with the school how absences should be reported and what documentation is required
- Know your state's truancy threshold — how many unexcused absences before formal proceedings begin

WHEN AN ABSENCE OCCURS

- Notify the school in writing — email the same day or the next morning
- Submit documentation within the school's required timeframe — typically 2 to 5 days
- Follow verbal conversations with a brief email summarizing what was discussed and keep copies of all responses.
- Log the absence in your personal attendance record
- Confirm with the school that the absence was coded as excused

WHEN ABSENCES BECOME FREQUENT

- Request an IEP/504 meeting to address attendance as an educational issue
- Request homebound instruction for any period when the student cannot attend in person
- Request a modified attendance plan if full attendance is not currently possible
- Request an FBA if school refusal or behavioral avoidance is driving absences

WHEN TRUANCY IS THREATENED OR FILED

- Send the written response the same day — documented and specific
- Request Prior Written Notice of any truancy filing or formal attendance action
- Request an IEP or 504 meeting be scheduled as soon as possible
- Contact an advocate or attorney immediately
- Contact your state's Protection and Advocacy organization

WHEN CPS IS CONTACTED

- Contact legal help immediately — P&A organization, disability rights attorney, family law attorney
- Compile all documentation of your efforts: medical records, school communications, IEP, physician letters, absence logs
- Do not minimize the disability's role — be clear and documented about why attendance has been impacted

The Bottom Line

Disability-related absences should never be viewed solely as an attendance issue. While students with disabilities are generally subject to the same attendance requirements as other students, schools also have ongoing obligations under IDEA, Section 504, the ADA, and applicable state law to identify disability-related needs, conduct appropriate evaluations, develop and revise educational plans, and ensure students continue to receive a Free Appropriate Public Education (FAPE).

When disability contributes to repeated absences, the educational team's focus should be on understanding and addressing the underlying barriers affecting attendance—not simply responding to the absences themselves through attendance enforcement. Attendance concerns may indicate the need for additional evaluations, accommodations, related services, specially designed instruction, modified attendance plans, homebound or other alternative educational services, or revisions to an existing IEP or Section 504 Plan.

Families should document concerns, communicate with the school in writing, request IEP or Section 504 meetings and evaluations when appropriate, and work collaboratively with the educational team to ensure the student's disability-related needs are appropriately identified and addressed. If attendance concerns escalate toward truancy proceedings or other formal interventions, continue advocating for the educational supports and services necessary to provide FAPE while maintaining thorough documentation of all communications and requests.

Ultimately, the goal is not simply to improve attendance. The goal is to identify and address the disability-related barriers affecting school participation so the student can meaningfully access, participate in, and make progress in their education by receiving the individualized supports, services, and accommodations necessary to provide FAPE.

Disability drove the absence. Address the disability—not just the attendance. That is what the law requires.

Need Advocacy Support?

The Advocacy Ridge is brought to you by experienced non-attorney special education advocates who work with families across multiple states.

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