

## COMPULSORY SCHOOL ATTENDANCE POLICY

Effective Date: - November 13, 2017

### 1.0 PURPOSE:

The Wirt County Board of Education believes that a direct relationship exists between daily attendance, student performance, graduation, and good work habits. Daily attendance is necessary for students to meet their schools' academic program standards as each day's learning builds on the work previously completed. While students and parents/guardians have the ultimate responsibility for daily school attendance, the laws of West Virginia require school administrators to enforce compulsory school attendance and to provide an environment conducive to, and encouraging of, attendance.

The intent of this policy is to promote and increase attendance by encouraging schools to:

Strive for 95

1. create a positive school climate that is conducive to learning;
2. help students develop responsibility, self-discipline and good work habits; and
3. develop a system enlisting parental support for regular school attendance. (Philosophy)

### 2.0 Policy Development:

The Wirt County Schools will provide for input from teachers, principals, attendance directors, parents/guardians, and community leaders when developing or revising the attendance policy.

### 3.0 Definitions

Absence- Not being physically present in the school facility for any reason.

Allowable Deductions for Schools – Beginning with the 2017-18 school year, the only allowable deductions will be absences that result from school approved curricular/co-curricular/extracurricular activities, failure of the bus to run/hazardous conditions, students not in attendance due to disciplinary measures and school/county directed placements outside the traditional classroom environment including but not limited to homebound placement and in-school suspension.

Attendance- For statistical purposes, attendance will be reported and aggregated to the nearest half day according to the definitions in §126-81-4.3.a. and §126-81-4.3.b. Full-day attendance means being present .74 of the school day, and Half-day attendance means being present at least .50 of the school day.

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Attendance Rate- The number of days present divided by the number of days of membership, multiplied by one hundred, equals attendance rate for students on the registers in grades K-12.

Dropout- A dropout is an individual is who was enrolled in school at some time during the previous school year and was not enrolled by October 1 of the current school year; or was not enrolled on October 1 of the previous school year although expected to be in membership (i.e., was not reported as a dropout the year before); and has not graduated from high school, obtained a High School Equivalency Diploma referred to as TASC (Test Assessing Secondary Completion and/or General Education Diploma, GED), and does not meet any of the following exclusionary conditions; transfers to another public school district, private school, home school, or state-or district approved education program; temporary school recognized absence due to suspension or illness; or death.

Dropout Date - For students of compulsory school age or older, the dropout date is defined as the school day after the student’s last day of attendance.

Enrollment - A student is officially enrolled when one of the following conditions occur: student was enrolled the previous year; student appears at school to enroll with or without a parent/guardian; or student and/or guardian appears at school to enroll with or without records.

Enrollment Count- A status count that reports the number of students on the attendance register as required by the West Virginia Department of Education (hereinafter, WVDE).

Excused Student Absences-

A ) Absences that result from school-approved curricular/co-curricular/extracurricular activities; failure of the bus to run/hazardous conditions, SAT Plan, IEP or 504 Plan meetings; and other county board approved excused absences.

B) Personal illness or injury of the student.

C) Personal illness or injury of the student’s parent, guardian, custodian, or family member, provided that the excuse must provide a reasonable explanation for why the student’s absence was necessary and caused by the illness or injury in the family.

D) Medical or dental appointment with written excuse from physician or dentist.

E) documented chronic medical conditions that may require multiple or regular absences (these conditions must be documented annually with a valid physician’s note that explains the condition and anticipated impact on attendance. The necessity for the absences must be approved and reviewed quarterly by the SAT, IEP, or 504 team [see W.Va. §126-81-5.3.c.4.].

F) participation in homebound or hospital instruction due to an illness or injury or extraordinary circumstances that warrants home or hospital confinement;

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G) documented disabilities consisting of any mental or physical impairment that substantially limit one or more major life activities and are documented annually with a valid physicians' note that explains that disability and the anticipated impact on attendance. The necessity for the absences must be approved and reviewed quarterly by the SAT, IEP, or 504 team (see W.Va. §126-81-5.3.c.4.).

H) Calamity, such as fire or flood.

I) Death in the family.

J) Judicial obligation or court appearance involving the student.

K) Military requirements for students enlisted or enlisting in the military.

L) Personal or academic circumstances approved by the principal, and

M) Such other situations as may be further determined by the county board: provided, that absences of students with disabilities shall be in accordance with the Individuals with Disabilities Education Improvement Act of 2004 and the federal and state regulations adopted in compliance therewith.

Homeless Children and Youth – (As defined by McKinney-Vento Act) An individual who lacks a fixed, regular and adequate nighttime residence and includes:

- A) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals.
- B) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings,
- C) children and youths who are living in cars, parks, public places, abandoned buildings, substandard housing, bus or train stations, or similar settings;
- D) migratory children who qualify as homeless because the children or youth are living in circumstances as described in the above descriptions.

Membership Days- The days present plus the days absent.

School of Origin - As defined by the McKinney-Vento Act is the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

Transfer - A process by which a student ends enrollment or attendance in one location and begins enrollment or attendance in a second location (e.g between counties or out-of-state). This can be

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evidenced through a transcript request or other documentation that the student is continuing elementary or secondary education.

Unexcused Absence- means any absence not specifically included in the definition of “excused absence”.

All documentation relating to absences shall be provided to the school no later than three instructional days after the first day the student returns to school.

#### **4.0 Responsibilities:**

The Wirt County Board of Education has the responsibility to encourage daily attendance and mandate that county schools adequately address student absences including tardiness. The Wirt County Board of Education has responsibility for defining allowable deductions for purposes for state attendance reports and statistics. Schools should not be accountable for absences resulting from allowable deductions. These absences shall not be calculated in the school’s/county’s attendance rate.

The Wirt County Board of Education shall employ a certified county director of school attendance as required by W. Va. Code §18-8-3 and support and require the County Attendance Director to implement and execute the duties as defined in WV Code §18-8-4;

1)The Director of Attendance and Student Support Services shall diligently promote regular school attendance and ascertain reasons for unexcused absences from school of students of compulsory school age and students who remain enrolled beyond the compulsory school age. They will also take steps as are, in their discretion, best calculated to encourage the attendance of students and to impart upon the parents and guardians the importance of attendance and the seriousness of failing to attend school regularly.

2) In the case of three (3) total unexcused absences, the attendance director may serve written notice to the parent, guardian, or custodian of if the student has five (5) unexcused absences, a conference with the principal or other designated representative will be required.

3)In the case of five (5) unexcused absences of a student during a school year, the attendance director or assistant shall serve written notice to the parent, guardian or custodian of the student within five (5) days of receipt of the notice, the parent, guardian or custodian, accompanied by the student, shall report in person to the school the student attends for a conference with the principal, administrative head, or other chief administrator of the school in order to discuss and correct the circumstances causing the unexcused absences of the student, including the adjustment of unexcused absences based on the meeting.

4) In the case of ten (10) total unexcused absences of a student during a school year, the attendance director may make a complaint against the parent, guardian, or custodian before a magistrate of the

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county. If it appears from the complaint that there is a probable cause to believe that an offense has been committed, and that the accused has committed it, a summons or a warrant for the accused shall issue to an officer authorized by law to serve the summons or to arrest people or to arrest persons charged with offenses against the state. More than one parent, guardian or custodian may be charged in a complaint. Initial service of the summons or warrant issued pursuant to the provisions of W.Va code §18-8-4 shall be attempted with ten (10) calendar days of the receipt of the summons or warrant and subsequent attempts at service shall continue until the summons or warrant is executed or until the end of the school term during which the complaint is made, whichever is later.

5) When calculating unexcused absences for the purpose of making complaints against a parent, guardian, or custodian before a magistrate, unexcused absences resulting from suspensions or expulsions from school shall not be considered.

6) The magistrate court clerk, or the clerk of the circuit court performing the duties of the magistrate court as authorized in W.Va. Code (§50-1-8), shall assign the case to a magistrate within ten (10) days of execution of the summons or warrant. The hearing shall be held within twenty (20) days of the assignment to the magistrate, subject to lawful continuance. The magistrate shall provide to the accused at least ten (10) days advance notice of the date, time, and place of the hearing.

7) When any doubt exists as to the age of a student absent from school, the attendance director has authority to require a properly attested birth certificate or an affidavit from the parent, guardian, or custodian of the student, stating age of the student. In the performance of his or her duties, the county attendance director has authority to take without warrant any student absent from school in violation of the provisions of this article and to place the student in the school in which he or she is or should be enrolled.

8) All attendance directors hired for more than two-hundred days (200) may be assigned other duties determined by the superintendent during the period in excess of two-hundred (200) days. The county attendance director is responsible under direction of the county superintendent for efficiently administering school attendance in the county.

9) In addition to those duties directly relating to the administration of attendance, the county attendance director shall perform the following duties; 1) Assist in directing the taking of the school census to see that it is taken at the time and in the manner provided by law; 2) confer with principals and teachers on the comparison of school census and enrollment for the detection of possible non-enrollees; 3) Cooperate with existing state and federal agencies charged with enforcing child labor laws; 4) Promote attendance in the county by compiling data for schools and by furnishing suggestions and recommendations for publication through, or in such manner as the county superintendent may direct; 5) Participate in school teachers' conferences with parents and students; 6) Assist in such other ways as the county superintendent may direct for improving school attendance; 7) Make home visits of students

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who have excessive unexcused absences, as provided above, or if requested by the chief administrator, principal, or assistant principal.

Homeless Liaison. The attendance director shall serve as the liaison for homeless children and youth as defined in W. Va. Code §18-8-4. As defined in McKinney-Vento Act, as the liaison for homeless children and youth, the attendance director is required to:

1. ensure that public notice of the educational rights of students in homeless situations is disseminated where children and youths receive services;
2. ensure that parents or guardians are informed of educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children;
3. ensure that parents or guardians are informed of, and assisted in accessing, all transportation services for their children, including to the school of origin;
4. help unaccompanied youth choose and enroll in a school, after considering the youth's wishes, and provide the youth with notice of his or her right to appeal the school district's decision;
5. immediately assist in obtaining immunizations or record of immunizations or other medical records for those students who do not have them, and assure that students are enrolled in school while the records are being obtained;
6. ensure that homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;
7. ensure that homeless children and youths enroll in, and have a full and equal opportunity to succeed in Wirt County Schools.
8. ensure that homeless families, children, and youths receive educational services for which such families, children, and youths are eligible; including Head Start and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services.
9. ensure that enrollment disputes are mediated as outlined in Paragraph (3)(E) of the McKinney-Vento Act.

The Wirt County Schools' Attendance Director shall file with the Superintendent and Wirt County Board of Education, at the close of each month, a report showing activities of the school attendance office and the status of attendance in the county at the time due to provisions in W.Va. Code §18-8-4.

The County Attendance Director shall support and require the school principal to implement and execute the duties as defined in W.Va. Code §18-8-5: The duty of the principal:

1. The principal shall compare school numbers with school enrollment monthly.
2. It shall be the duty of the principal, administrative head, or other chief administrator of each school, to make prompt reports to the county attendance director, of all cases of

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unexcused absences arising within the school which requires services of an attendance worker.

3. A student whose educational services are guided by an existing SAT Plan, IEP, or 504 plan may warrant special consideration when a pattern or multiple, single, or chronic absences exist. The child's current status should be reviewed by the SAT, IEP, or 504 team as deemed appropriate and in accordance with state and federal laws.
4. Each parent, guardian, or custodian shall be responsible for fully cooperating in and completing the enrollment process by providing: immunization documentation (W.Va. Code §16-3-4), copy of a certified birth certificate or affidavit (W.Va. Code §18-2-5c), signed suspension and expulsion document (W.Va. Code §18-5-15), and other documents required by federal, state, and/or local policies or code.
5. Jurisdiction to enforce compulsory attendance school attendance law lies in the county in which a student resides and in the county where the school at which the student is enrolled is located. When the county of residence and enrollment are different, an action to enforce compulsory school attendance may be brought in either county and the magistrates and circuit courts of either county have concurrent jurisdiction for the trial of offenses arising under W.Va. Code §18-8-4.
6. Nothing in this policy is intended to limit the ability of a person having knowledge of a student's habitual absence from school from filing a petition with the circuit court pursuant to W.Va. Code §49-4-704.

#### **5.0 Principles of Operation: The Wirt County Board of Education has:**

1. appointed designated school attendance coordinator (principal or designee) who collects classroom attendance data and makes appropriate referrals to the county attendance director.
2. Reporting system for student attendance information which reflects the allowable deductions as defined by the WVBE.
3. defined excused and unexcused absences in compliance with W.Va. Code §18-8-1 and §18-8-2 and attendance in W.Va. 126CSR42, WVBE Policy 2510, Assuring the quality of Education: Regulations for Education Programs (hereinafter Policy 2510); provided, however, that no county may require more than an parental excuse for absences resulting from a documented chronic medical condition or a documented disability as defined in §126-81-4.10.d. and §126-81-4.10.e.

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4. defined extenuating circumstances for absences which may require homebound/hospital instruction as outlined in Policy 2510.
5. set reasonable preventive measures and consequences for student tardiness.
6. local attendance policies will be posted on a county school district’s website and readily available to the public.
7. Assured that a student may not be suspended solely for failure to attend class. Other methods of discipline may include, but are not limited to, detention, extra class time, or alternative class settings.
8. A system for reporting all dropouts to the WVDE.

#### **5.01 Development of Processes and Procedures: The Wirt County Board of Education is responsible for:**

1. developing a process to notify students and their parents/guardians of the county attendance policy and their responsibility and accountability for regular school attendance.
2. developing procedures and reasonable timelines requiring students with excused and unexcused absences to make up school work.
3. requiring a student maintain satisfactory attendance (satisfactory being defined as no unexcused absences) during one complete semester following the revocation of his/her driver’s license.
4. developing and attendance appeal process for students and parents/guardians.

#### **5.02 Maintenance of Records: Accurate attendance records and related documentation shall be maintained for every student enrolled in public school.**

1. An up-to-date daily register/record of attendance for every student must be maintained.
2. Wirt County Schools has written procedures for; 1 ) Notifying parents/ guardians about absences, 2) monitoring absences, and 3) notifying the county attendance director.
3. Students who are physically absent from school must be documented as absent. This record may become a legal document.



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#### **5.03 Preventive and Corrective Measures designed to meet the developmental needs of students, preventive, and corrective measures should include:**

1. Wirt County Schools has developed a preventive and educational procedures referred to as our “Strive for 95” attendance incentive. This program helps to maintain and improve attendance/and reduce tardiness.
2. Wirt County Schools follow the West Virginia Board of Education Attendance Policy 4110 in notifying parents/ guardians of absences and procedures for securing their involvement to improve attendance.
3. Wirt County Schools’ counseling to address problems related to attendance.
4. Wirt County Schools implement a Multi-Disciplinary Team, that includes outside agencies, to address attendance issues.
5. Wirt County Schools’ utilizes a Juvenile Probation Office to participate in Truancy-Related Conference as a means to further encourage student attendance.
6. Wirt County Schools identifies students with a pattern of excessive absenteeism through a shared attendance spreadsheet document. Once identified student assistance teams, Multi-disciplinary teams, Juvenile Probation Officer, and Magistrate Court are utilized in accordance with Policy 2510.

**6.0 SEVERABILITY:** If any provisions of this policy or application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this policy. Any changes or modifications due to legislative or state policy change may cause a modification to this policy by the superintendent.

#### **Review Schedule:**

This policy will be reviewed in accordance with the policy review schedule published by the superintendent.

**Authorization:** WV State Board of Education Policy 4110; 11/13/2017, West Virginia Constitution, Article XII, §2, W. Va. Code §16-3-14, 17B-2-3, 17B-2-5, 18-2-5, 18-5-15, 18-8-1, 18-8-2, 18-8-3, 18-8-4, 18-8-5, 18-8-11, §49-4-704, §126.81-4.3.1, §126.81-4.3.2, §126.81-5.3.C.4 04/10/17, and Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) (hereinafter, McKinney-Vento Act), 126. CSR81.

**Replaces: JB-R; 1998, J-04 Compulsory School Attendance Policy; 5/13/14; J-04 10/10/15; J-04 9/15/16**