



Book	Policy Manual
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Title	ATTENDANCE
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## **5200 - ATTENDANCE**

The educational program offered by this Board of Education is predicated upon the presence of the student and requires continuity of instruction and classroom participation. The County recognizes that a direct relationship exists between students' daily attendance and academic performance, graduation, and good work habits in the workplace. To facilitate good attendance this school system will maintain a positive, safe environment conducive to learning, and commit to helping students develop responsibility, self-discipline, and other good work habits.

### **Definitions**

#### **Absence**

Not being physically present in the school facility for any reason or failing to engage in virtual or remote learning in accordance with District attendance policy.

All documentation relating to absence shall be provided to the school not later than three (3) instructional days after the first day the student returns to school; failure to submit documentation shall result in an Unexcused Absence.

#### **Allowable Deductions for Schools**

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/District directed placements outside the traditional classroom environment including but not limited to Homebound placement and in-school suspension.

#### **Attendance**

Attendance will be reported and aggregated to the nearest half day:

A. full-day attendance: Being present at least .74 of the school day;

B. half-day attendance: Being present at least .50 of the school day.

#### **Compulsory School Age**

Begins with the school year in which the sixth birthday is reached prior to July 1 of such year or upon enrolling in a publicly supported kindergarten program and continues to the seventeenth birthday for as long as the student continues to be enrolled in a school system after the seventeenth birthday.

#### **Dropout**

A student who:

- A. was enrolled in school at some time during the previous school year and was not enrolled on October 1 of the current school year; or
- B. 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
- C. has not graduated from high school, obtained a Test Assessing Secondary Completion (TASC) diploma, or completed a State- or District- approved education program; and
- D. does not meet any of the following exclusionary conditions:
  - 1. transfer to another in or out-of-state public school system, private school, registered home school, or State- or District-approved education program;
  - 2. participates in a learning pod or micro school;
  - 3. temporary school-recognized absence due to suspension or illness; or
  - 4. death.

### **Dropout Date**

The school day following the student's last day of attendance.

### **Enrollment**

A student is officially enrolled when one (1) of the following conditions occur;

- A. was enrolled the previous year
- B. appears at school to enroll with or without a parent/guardian, or
- C. appears at school to enroll with or without parent/guardian/custodian, and without records

### **Excused Student Absences**

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

- A. Personal illness or injury of the student.
- B. Personal illness or injury of the student's parent, guardian, custodian, or family member. The excuse must provide a reasonable explanation for the student's absence caused by the illness or injury in the family.
- C. Medical or dental appointment with a valid written excuse from a physician or dentist.
- D. Documented chronic medical condition or disability 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 absences must be approved and reviewed quarterly by the SAT, IEP, or 504 team.
- E. Participation in homebound or hospital instruction due to an illness or injury or other extraordinary circumstances that warrant home or hospital confinement. In order to satisfy the requirements of West Virginia Board of Education policy 2510, Assuring the Quality of Education: Regulations for Education Programs, Policy 2412 - Homebound/Hospital Instruction Program is incorporated by reference into this policy.
- F. Documented disability consisting of any mental or physical impairment that substantially limits one (1) or more major life activities and is documented annually with a valid physician's note that explains the disability and anticipated impact on attendance. The necessity for absences must be approved and reviewed quarterly by the SAT, IEP, or 504 Team.

G. Calamity, such as fire or flood.

H. Death in the family.

I. Judicial obligation or court appearance involving the student.

J. Military requirement for students enlisted or enlisting in the military.

K. Personal or academic circumstances approved by the principal.

The District determines the following situations as excused absences 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.

A. observation or celebration of a bona fide religious holiday

B. attendance at approved religious instruction

C. leaves of educational value with the following stipulations:

1. prior approval of the school administrator

2. prior submission and approval of an educational plan detailing objectives and activities of leave

3. verification of the implementation of the educational plan upon the student's return

4. school administrator may approve a plan not to exceed ten (10) days

D. contagious parasite conditions, such as lice, shall be excused absences, not to exceed two (2) days per incident

If the student's absences exceed two (2) days, the absences shall be unexcused unless written verification from a physician supports a longer time period.

### **Absence During the School Day for Professional Appointments**

Parents are to be encouraged to schedule medical, dental, legal, and other necessary appointments other than during the school day. Since this is not always possible, when a student is to be absent for part of the day:

A. the student shall have a statement to that effect from his/her parents;

B. the student shall bring a signed statement from the doctor, dentist, lawyers, counselor, etc. to the effect that s/he reported promptly for the appointment.

C. the student shall report back to school immediately after his/her appointment if school is still in session.

Attendance need not always be within Board-owned school facilities, but a student is considered to be in attendance if present at any place where school is in session by the Board.

The Board shall consider each student assigned to a program of other guided learning experiences to be in regular attendance for the program provided that s/he reports to such staff member s/he is assigned for guidance at the place in which s/he is conducting the study, and regularly demonstrates progress toward the objectives of the course of study. This includes approved home/hospital instruction for medical reasons with written documentation by a licensed physician who specializes in that health condition setting forth those extenuating circumstances requiring homebound instruction for a student deemed to be incapacitated and unable to attend school. The Board shall provide home/hospital instruction to students who are temporarily unable to attend classes for a period that has lasted or will last for more than three (3) consecutive weeks or more due to an injury or for any other reason as certified by a licensed physician who specializes in that health condition. Refer to Policy 2412, Homebound/Hospital Instruction Program.

### **Unexcused Absences**

Any absence not specifically included in the definition of excused absence.

**Tardy**

Any student who arrives at school after the start of the school day or is late reporting to his/her assigned location during the school day shall be considered to be tardy. A tardy may be excused or unexcused and shall be determined by the school.

### **Homeless Children and Youths**

As defined in the McKinney-Vento Act means individuals who lack a fixed, regular, and adequate nighttime residence and includes:

- A. children and youths who share 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; are abandoned in hospitals or other locations;
- 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 ;
- C. children and youths who are living in cars, parks, public spaces, 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.

### **Meaningful Contact**

Process, whereby an attendance director, assistant director, or building level administrator shall make meaningful contact with the parent/guardian/custodian to ascertain the reason(s) for Unexcused Absences and what measures the school, may employ to assist the student in attending and not incurring additional Unexcused Absences.

### **Satisfactory Academic Progress**

Satisfactory academic progress means the attaining and maintaining of grades sufficient to allow for graduation and coursework in an amount sufficient to allow graduation in five (5) years or by age nineteen (19), whichever is earlier. This calculation includes the minimum annual earning of five (5) credits to be on track to graduate in five (5) years based on the graduation requirements set forth in WVBE policy 2510. Three (3) of the five (5) credits earned annually must be in the graduation requirements in WVBE policy 2510.

### **School of Origin**

The school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

### **Transfer**

Transfer is a process by which a student ends enrollment or attendance in one location and begins enrollment or attendance in a second location (e.g., within a district, between districts, or out of state). This can be evidenced through a transcript request or other documentation that the student is continuing elementary or secondary education.

### **Responsibilities**

#### **A. Student and Parent/Guardian/Custodian**

Foremost, it is the legal responsibility of the parent, guardian, or custodian to make sure their child attends school regularly and on time while enrolled in school. Attendance and reporting to class on time shall be required of all students enrolled in the schools during the days and hours that the school is in session.

#### **B. Parent/Guardian/Custodian/Adult Student**

Each Building principal shall require, from the parent, guardian, or custodian of each student of compulsory school age or from an adult student who has been absent from school or from class for any reason written documentation not later than three (3) instructional days after the first day the student returns to class of the cause for such absence. The Board reserves the right to verify such statements and to investigate the cause of each single absence or prolonged absence.

Repeated infractions of Board policy on attendance, including repeated tardiness, may result in disciplinary actions which may include, but are not limited to, detention, extra class time, and/or alternative class settings.

Each parent, guardian, or custodian will 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 18-2-5(c)), signed suspension and expulsion document (W.Va. Code 18-5-15), and any other documents required by Federal, State, and/or local policies or code.

## **Board**

The Board shall establish an attendance policy as described in WV policy 4110.

The Board shall employ a certified Director of Attendance as required by WV Code 18-8-3-4.

The Board shall support and require the Attendance Director to implement and execute the duties as defined in WV Code 18-8-4 including the requirement to serve as the liaison for homeless children and youth.

The Board shall support and require the principal of each school to implement and execute the duties as defined in WV Code 18-8-5.

## **Attendance Director**

The Attendance Director and/or r assistant director shall diligently promote regular school attendance through meaningful contact. They shall ascertain reasons for unexcused absences from school of students of compulsory school age and students who remain enrolled beyond the compulsory school age. They shall take such 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.

In the case of three (3) total Unexcused Absences of a student during a school year, the Attendance Director, assistant, or principal shall make meaningful contact with the parent, guardian, or custodian of the student to ascertain the reasons for the Unexcused Absences and what measures the school may employ to assist the student in attending and not incurring any additional Unexcused Absences. If the student has five (5) unexcused absences, the Attendance Director, assistant or principal shall again make meaningful contact with the parent, guardian, or custodian of the student to ascertain the reasons for the unexcused absences and what measures the school may employ to assist the student in attending and not incurring any additional Unexcused Absences.

In the case of five (5) total Unexcused Absences, the Attendance Director or assistant director, or principal shall again make meaningful contact with the parent/guardian/custodian of the student to ascertain the reasons for the Unexcused Absences and what measures the school may employ to assist the student in attending school and not incurring any additional Unexcused Absences.

In the case of ten (10) total Unexcused Absences during the school year, the Attendance Director or assistant director may file a complaint against the parent, guardian, or custodian before a magistrate of the county. Jurisdiction to enforce compulsory school attendance laws 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 this policy. If it appears from the complaint that there is probable cause to believe that an offense has been committed and that the accused has committed it, a summons or a warrant for the arrest of the accused shall be issued to any officer authorized by law to serve the summons 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 WV Code 18-8-4 shall be attempted within ten (10) calendar days of the receipt of the summons or warrant and subsequent attempts 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.

While 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.

The magistrate court clerk or the clerk of the circuit court performing the duties of the magistrate court as authorized in WV Code 50-1-81 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.

When any doubt exists as to the age of a student absent from school the Attendance Director and assistant director have the authority to require a properly attested birth certificate or an affidavit from the parent, guardian, or custodian of the student, stating the age of the student. In the performance of their duties, the Attendance Director or assistants have the authority to take without warrant any student absent from school in violation of the provisions of this policy and to place the student in the school, in which he or she is or should be enrolled.

All attendance directors and assistant directors hired for more than 200 days may be assigned other duties determined by the Superintendent during the period in excess of 200 days. The Attendance Director is responsible under the direction of the Superintendent for efficiently administering school attendance in the District.

In addition to those duties directly relating to the administration of attendance the Attendance Director and assistant director also shall: 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 District by compiling data for schools and by furnishing suggestions and recommendations for publication through media, or in such manner as the Superintendent may direct; 5) participate in school teachers' conferences with parents and students; 6) assist in such other ways as the Superintendent may direct for improving school attendance; and 7) make home visits of students who have excessive Unexcused Absences, as provided above, or if requested by the chief administrator, principal, or assistant principal.

The Attendance Director shall serve as the liaison for homeless children and youth as defined in EV Code 18-8-4 and McKinney-Vento Act. As the liaison for homeless children and youth, the Attendance Director i shall:

- A. ensure that the public notice of the educational rights of students in homeless situations is disseminated where children and youth receive services;
- B. ensure that parents/guardians/custodians are informed of educational and related opportunities available to their children, are provided with meaningful opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children;
- C. ensure that parents/guardians/custodians are informed of, and assisted in accessing, all transportation services for their children, including to the school or origin;
- D. help unaccompanied youth choose and enroll in a school, after considering the youth's wishes, and provide the youth with notice of the right to appeal the Board's decision;
- E. immediately assist in obtaining immunizations and 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;
- F. ensure that homeless children and youth are identified by school personnel and through coordination activities with other entities and agencies;
- G. ensure that homeless children and youths enroll in, and have a full and equal opportunity to succeed in, schools of that district;
- H. ensure that homeless families, children, and youths receive educational services for which such families, children, and youth 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;
- I. ensure that enrollment disputes are mediated as outlined in Paragraph (3)(E) of Subtitle B of Title VII of the McKinney-Vento Act (42 U.S.C. 11431 et seq.)

The Attendance Director shall file with the Superintendent and Board, at the close of each month, a report showing activities of the attendance office and the status of attendance in the District at the time due to provisions in WV Code 18-8-4.

The Attendance Director shall review the terms of this policy on an annual basis for the purpose of determining the effectiveness and shall make recommendations to the Board regarding proposed amendments to the policy when deemed appropriate. District central staff shall provide opportunities for input from teachers, principals, attendance directors, parents/guardians/custodians, and community leaders when developing or revising the attendance policy.

**Principal**

The principal shall implement and execute the duties as defined in WV Code 18-8-5.

The principal shall compare school numbers with school enrollment monthly.

In the case of five (5) total Unexcused Absences, the Attendance Director or assistant director, or principal shall make meaningful contact with the parent/guardian/custodian of the student to ascertain the reasons for the Unexcused Absences and what measures the school may employ to assist the student in attending and not incurring any additional Unexcused Absences.

It is the duty of the principal of each school, whether public or private, to make meaningful contact and provide prompt reports to the Attendance Director, or proper assistant director, of all cases of Unexcused Absences arising within the school which require the services of an attendance worker.

A student whose educational services are guided by an existing SAT Plan, IEP, or 504 Plan may warrant special consideration when a pattern of single, multiple, or chronic absences exists. The student's current status should be reviewed by the SAT, IEP, or 504 teams as deemed appropriate and in accordance with State and Federal laws.

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 WV Code 49-4-704.

### **Principles of Operation**

- A. The principal or principal's designee are designated as school attendance coordinators and shall collect or cause to be collected classroom attendance data and make appropriate referrals to the Attendance Director.
- B. Persons charged with reporting student attendance information shall provide information that reflects allowable deductions as defined by the West Virginia Department of Education.
- C. Reasonable preventive measures and consequences for student tardiness: Tardiness is considered to be disruptive behavior by a student and is a violation of the Student Code of Conduct and shall be dealt with accordingly. The preventive measures, outlined in a separate section of his policy, shall be observed to reduce tardiness.
- D. Students may not be suspended solely for failure to attend class. Other measures of discipline may include but are not limited to detention, extra class time, or alternative class settings.
- E. All school dropouts shall be reported to the West Virginia Department of Education.
- F. All students in grades 9-12, in order to obtain the full benefit from the educational programs offered, shall be scheduled in the defined high school curriculum, college courses, career/technical programs, credit recovery, Option Pathway, experiential learning, or virtual school courses for the full instructional day for four (4) years except for the following compelling circumstances, which procedures have been approved by the West Virginia Board of Education.
  - 1. enrollment in college or technical programs
  - 2. military enlistment
  - 3. verified and documented financial need
- G. No more than a parental excuse may be required for absences resulting from a documented chronic medical condition or a documented disability as defined in this policy.

### **Process and Procedures**

Parental awareness, support, and involvement are essential to a successful attendance policy. Parents are encouraged to support the policy by sending their children to school regularly and on time. The District recognizes the importance of the home and school connection and strongly encourages parents to become aware of the policies and regulations of the Board and their child(ren)'s school. Parents should become familiar with the rights and responsibilities that are contained in this policy and the school's handbook. Parents will be notified of the District attendance policy annually by the principal during the first week of school. Parents of students enrolling in school after the beginning of the school term will be provided with the policy upon registration.

Students will be provided the opportunity to make-up work missed as a result of an excused or unexcused absence. The makeup work shall be completed within a minimum of two (2) days for each day missed.

Students and parents have the right to appeal decisions regarding the implementation of this policy. Requesting an informal conference shall be the first step in the appeal. If not satisfied after the informal appeal, a citizen's appeal may be filed in accordance with the West Virginia Board of Education policy 7211.

### **Maintenance of Records**

An accurate, up-to-date, daily record of attendance for every student must be maintained using the West Virginia Information System (WVEIS).

Written procedures for notifying parents about absences, monitoring absences, and notifying the Attendance Director must be established.

Students who are physically absent from school must be documented as absent. This document may become a legal document.

### **Prevention and Corrective Measures**

Each school shall develop and implement a system of incentives and rewards to maintain and improve school attendance and to reduce tardiness. Parents, school staff, and students must be involved in its development. These systems or programs may consist but are not limited to personal and group, recognition programs, granting special privileges, free admission to school and community events, etc. These programs shall not violate State or District policies and regulations.

The following preventive and corrective measures will be utilized:

- A. assign the student to a truancy intervention program
- B. assign the student to the SAT team
- C. provide counseling to the student
- D. take appropriate legal action

Students with a pattern of excessive absenteeism shall be referred to appropriate student assistance teams/programs (West Virginia Board of Education policy 2510) for appropriate interventions. Student assistant teams/programs shall periodically review interventions to determine their effectiveness.

### **School Attendance as a Motor Vehicle Driver's License Restriction**

- A. Whenever a student at least fifteen (15) but less than seventeen (17) years of age, withdraws from school, the attendance director or chief administrator shall notify the Division of Motor Vehicles of the student's withdrawal no later than five (5) days from the date of the withdrawal with the following exceptions. No notice shall be sent to the Division of Motor Vehicles to restrict the student's motor vehicle operator's license whenever the withdrawal from school of the student, the student's failure to enroll in a course leading to or to obtain a GED or high school diploma is due to a circumstance or circumstances beyond the control of the student, or the withdrawal from school is for the purpose of transfer to another school as confirmed in writing by the student's parent or guardian to the Division of Motor Vehicles. If the student is applying for a license under the same exceptions above, the attendance director or chief administrator shall provide the student with documentation to present to the Division of Motor Vehicles to excuse the student from permit restrictions. The School District Superintendent (or the appropriate school official) with the assistance of the District attendance director and any other staff or school personnel shall be the sole judge of whether any of the grounds for restriction of a license as provided by this policy are due to a circumstance or circumstances beyond the control of the student.
- B. Within five (5) days of receipt of the withdrawal notice, the Division of Motor Vehicles shall send notice to the student that the student's instruction permit or license to operate a motor vehicle will be restricted to driving for work or medical purposes or education or religious pursuit under the provisions of WV Code 17B-3-6 on the 30th day following the date the notice was sent unless documentation of compliance is received by the Division of Motor Vehicles before that time. The notice shall also advise the student that s/he is entitled to a hearing before the District Superintendent of Schools or his/her designee concerning whether the student's withdrawal from school was due to a circumstance or circumstances beyond the control of the student. If restricted, the division may not reinstate an instruction permit or license until the student returns to school or the student attains seventeen (17) years of age.

- C. For the purposes of this section and pursuant to WV Code 18-8-11, withdrawal is defined as more than ten (10) consecutive, or fifteen (15) days total, unexcused absences during a school year or suspension pursuant to WV Code 18A-5-1a(a) and (b). Suspension or expulsion from school or imprisonment in a jail or a West Virginia correctional facility is not a circumstance beyond the control of the person.
- D. "Circumstances outside the control of the student" shall include, but not be limited to, medical reasons, familial responsibilities, and the necessity of supporting oneself or another.

The Superintendent shall develop administrative guidelines that:

- A. establish proper procedures so the student and his/her parents are provided the opportunity to challenge the attendance records;
- B. establish a school session that is in conformity with the requirements of the rules of the West Virginia State Board of Education;
- C. governing the keeping of attendance records in accordance with the rules of the West Virginia State Board of Education;
- D. identify the habitual and chronic truant, investigate the cause(s) of his/her behavior, and consider modification of his/her educational program to meet particular needs and interests;
- E. provide students an opportunity to make-up work they missed and receive credit for the work, if completed;
- F. refer for evaluation any student who, due to a specifically identifiable physical or mental impairment, exceeds or may exceed the school system's limit on excused absences to determine eligibility either under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973, or other appropriate legislation or policy.

The Board certifies that prior to the most recent revision of this policy, input was sought from teachers, principals, the Attendance Director, parents/guardians/custodians, and community leaders.

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Legal

WV Code 17B-2-3 and 5, 17B-3-6, 18-8-2(d), 18-8-3 and 4, 18-2-5, 18-5-15, 18A-5-1

WV Code 18-8-6, 18-8-11

West Virginia State Board of Education policy 2510

West Virginia State Board of Education policy 4110

West Virginia State Board of Education policy 4373