

**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

Form #5

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WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: W.Va. 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, 18-3-3, 18-8-4, 18-8-5, 18-8-11 and Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.)

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W. Va. Code §§ 29A-3B-1, et seq.; W. Va. Board of Education
v. Hechler, 180 W.Va. 451; 376 S.E.2d 839 (1988).

AMENDMENT TO AN EXISTING RULE: YES X NO _____

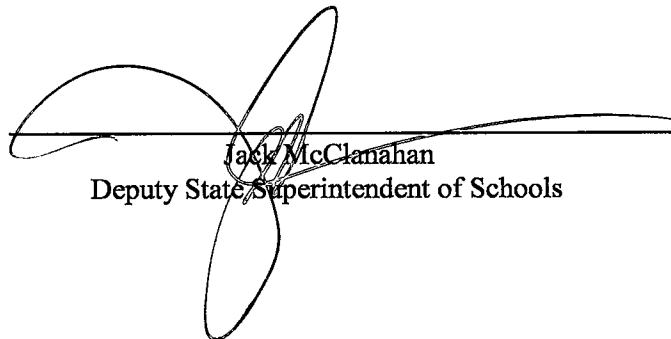
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 81

TITLE OF RULE BEING AMENDED: Attendance (4110)

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS February 15, 2010.


Jack McClanahan
Deputy State Superintendent of Schools

**EXECUTIVE SUMMARY
WEST VIRGINIA OF EDUCATION**

Policy Number and Title: Policy 4110, Attendance

Background:

At any given time there are approximately 2,500 to 3,000 children in out-of-home care, generally referred to as foster care, in West Virginia. In response to concerns raised regarding the educational status of these children, the West Virginia Department of Education revised Policy 4110, Attendance in August, 2009.

Purpose:

The purpose of this Board item is to receive approval of Section 5.3.3.d. which states ; "A student whose educational services are guided by an existing SAT plan, IEP or 504 Plan may warrant special consideration when a pattern of 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."

Impact:

No impact.

Action:

It is requested that Policy 4110, at Section 5.3.3.d., be approved.

Comment Summary:

This policy was on public comment from November 10 until December 11, 2009. Ten comments were received during this time. Two comments were in support of the proposed changes to the policy. Eight comments were not directed toward the proposed changes but to other portions of the policy. Therefore, no changes will be recommended due to the comments received.

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**TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION
SERIES 81
ATTENDANCE (4110)**

OFFICE OF THE
SECRETARY OF STATE

§126-81-1. General.

1.1. Scope. - This rule provides guidelines for the development of local county attendance policies.

1.2. Authority. - 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 and Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) (hereinafter McKinney-Vento Act).

1.3. Filing Date. - January 15, 2010

1.4. Effective Date. - February 15, 2010

1.5. Repeal of Former Rule. - This legislative rule amends W. Va. 126CSR81 West Virginia Board of Education (hereinafter WVBE) Policy 4110, Attendance, filed August 14, 2009 and effective September 14, 2009.

§126-81-2. Rationale.

2.1. The WVBE recognizes that a direct relationship exists between students' daily school attendance and academic performance, graduation, and good work habits. This attendance policy promotes students' daily school attendance. Each county shall be required to develop and implement a county attendance policy in accordance with this policy. 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.

§126-81-3. Policy Development.

3.1. Each county must provide for input from teachers, principals, attendance directors, parents/guardians, and community leaders when developing or revising the

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attendance policy. Counties are to conduct an annual attendance evaluation to determine the effectiveness of the policy. County policies will be reviewed by on-site review teams to ensure compliance with this policy.

§126-81-4. Definitions.

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

4.2. Allowable Deductions for Schools - Absences that result from school-approved curricular/co-curricular activities; failure of the bus to run/hazardous conditions; excused student absences; students not in attendance due to disciplinary measures; and absent students for whom the attendance director has pursued judicial remedies to compel attendance (filed a criminal complaint or juvenile petition) due to provisions in W. Va. Code §18-8-4.

4.3. Attendance - For statistical purposes, attendance will be reported and aggregated to the nearest half day according to the definitions in sections 4.3.1. and 4.3.2.

4.3.1. Full-day attendance means being present at least .74 of the school day.

4.3.2. Half-day attendance means being present at least .50 of the school day.

4.4. 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 attendance registers in grades K-12.

4.5. Awaiting Foster Care Placement - Any child or youth who: 1) is in the custody of the West Virginia Department of Health and Human Resources, 2) has been placed in out-of-home care, and 3) is not in a permanent placement. This includes, but is not limited to, children and youth in family foster care, kinship care, emergency shelter care or in a residential group home.

4.6. Dropout - A dropout is an individual who:

4.6.1. 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

4.6.2. 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

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4. 6.3. has not graduated from high school, obtained a General Educational Development Certificate (hereinafter GED) diploma, or completed a state- or district-approved education program; and

4.6.4. does not meet any of the following exclusionary conditions:

a. transfer to another public school district, private school, registered home school, or state- or district-approved education program;

b. temporary school-recognized absence due to suspension or illness; or

c. death.

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

4.8. Enrollment - A student is officially enrolled when one of the following conditions occur:

4.8.1. student was enrolled the previous year;

4.8.2. student appears at school to enroll with or without a parent/guardian; or

4.8.3. student and/or parent/guardian appears at school to enroll with or without records.

4.9. 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).

4.10. 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 county board approved excused absences.

4.10.1. "Documented chronic medical condition" means any physical or mental condition that may require multiple or regular absences. This condition 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 §5.3.3.d). Such absence(s) shall be considered an allowable deduction for purposes of §126-81-5.2 of this policy.

4.10.2. "Documented disability" means any mental or physical impairment

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that substantially limits one 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 the absences must be approved and reviewed quarterly by the SAT, IEP, or 504 team (See §5.3.3.d). Such absence(s) shall be considered an allowable deduction for purposes of §126-81-5.2 of this policy.

4.11. Homeless Children and Youths - as defined in the McKinney-Vento Act means individuals who lack a fixed, regular, and adequate nighttime residence and includes:

4.11.1. 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; are abandoned in hospitals; or are awaiting foster care placement;

4.11.2. 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;

4.11.3. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

4.11.4. migratory children who qualify as homeless because the children or youth are living in circumstances as described in the above descriptions.

4.12. Membership Days - The days present plus the days absent.

4.13. School of Origin - As defined in 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.

4.14. 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., within a county, between counties, or out-of-state). This can be evidenced through a transcript request or other documentation that the student is continuing elementary or secondary education.

§126-81-5. Responsibility.

5.1. The WVBE has the responsibility to encourage daily attendance and mandate that county school systems adequately address student absences including tardiness.

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5.2. The WVBE has responsibility for defining allowable deductions for purposes of state attendance reports and statistics. Schools shall not be held accountable for absences resulting from allowable deductions. These absences shall not be calculated in the school's/county's attendance rate.

5.3. Each county board of education shall:

5.3.1. employ a certified county director of school attendance as required by W. Va. Code §18-8-3.

5.3.2. support and require the county attendance director to implement and execute the duties as defined in W. Va. Code §18-8-4:

a. The county attendance director and his/her assistants shall diligently promote regular school attendance. They shall ascertain reasons for absences from school of students of compulsory school age and students who remain enrolled beyond the compulsory school age birthday.

b. In the case of five consecutive or ten total unexcused absences of a child during a school year, the attendance director or his/her assistant shall serve written notice to the parent, guardian, or custodian of such child that the attendance of such child at school is required and that within the time frame as specified in W. Va. Code §18-8-4(b) of receipt of the notice the parent, guardian, or custodian, accompanied by the child, shall report in person to the school the child attends for a conference with the principal or other designated representative of the school in order to discuss and correct the circumstances causing the unexcused absences of the child.

c. If the parent, guardian, or custodian does not comply, then the Attendance director or assistant shall make complaint against the parent, guardian, or custodian before a magistrate of the county.

d. 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:

A. ensure that public notice of the educational rights of students in homeless situations is disseminated where children and youths receive services.

B. 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.

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C. ensure that parents or guardians are informed of, and assisted in accessing, all transportation services for their children, including to the school of origin.

D. 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.

E. 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.

F. ensure that homeless children and youths 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 local educational agency.

H. ensure that homeless families, children, and youths Receive educational services for which such families, children, and youths are eligible, including Head Start and Even Start programs 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 the McKinney-Vento Act.

e. The attendance director shall file with the county superintendent and 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.

5.3.3. support and require the school principal to implement and execute the duties as defined in W. Va. Code §18-8-5:

a. The principal shall compare school numbers with school enrollment monthly.

b. The principal shall contact any parent, guardian, or custodian of the student and hold a meeting with such person and the student when the enrolled student has accumulated five unexcused absences from attendance.

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c. It shall be the duty of the principal, administrative head, or other chief administrator of each school, whether public or private, to make prompt reports to the county attendance director, or proper assistant, of all cases of unexcused absences arising within the school which require the services of an attendance worker.

d. A student whose educational services are guided by an existing SAT plan, IEP or 504 Plan may warrant special consideration when a pattern of 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.

5.4. Each parent, guardian, or custodian 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 any other documents required by federal, state, and/or local policies or code.

§126-81-6. County Attendance Policy Components.

6.1. Each county's attendance policy shall address the following components:

6.1.1. Philosophy: A philosophy declaring the board's intent to increase attendance by:

a. creating a positive safe environment conducive to learning and committed to helping students develop responsibility, self-discipline, and other good work habits.

b. developing a system enlisting parental/guardian support for daily school attendance by students.

6.1.2. Principles of Operation: County school districts are responsible for:

a. appointing a designated school attendance coordinator (principal, or designee) who collects classroom attendance data and makes appropriate referrals to the county attendance director.

b. reporting student attendance information which reflects the allowable deductions as defined by the WVBE.

c. defining 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

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2510, Assuring the Quality of Education: Regulations for Education Programs (hereinafter Policy 2510); provided, however, that no county may require more than a parental excuse for absences resulting from a documented chronic medical condition or a documented disability as defined in §126-81-4.10.1 and §126-81-4.10.2 of this policy.

d. defining extenuating circumstances for absences which may require home/hospital instruction.

e. setting reasonable preventive measures and consequences for student tardiness.

f. submitting each revision of the county attendance policy to the WVDE for approval.

g. assuring 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.

h. reporting all school dropouts to the WVDE.

6.1.3. Development of Processes and Procedures: County school districts are responsible for:

a. developing a process to notify students and their parents/guardians of the county attendance policy and their responsibility and accountability for regular school attendance.

b. developing procedures and reasonable timelines requiring students with excused and unexcused absences to make up school work.

c. 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. (Refer to §126-81-7.)

d. developing an attendance appeal process for students and parents/guardians.

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

a. An up-to-date daily register/record of attendance for every student must be maintained.

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b. There must be written procedures for 1) notifying parents/guardians about absences, 2) monitoring absences, and 3) notifying the county attendance director.

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

6.1.5. Preventive and Corrective Measures: Designed to meet the developmental needs of students, preventive and corrective measures should include:

a. developing preventive and educational procedures including incentives, to maintain and improve attendance and reduce tardiness.

b. procedures for notification of parents/guardians of absences and procedures for securing parent/guardian involvement to improve student attendance.

c. procedures for providing adequate counseling for problems related to attendance.

d. procedures for interagency involvement.

e. alternative plans and programs that are positive in nature and encourage improved school attendance.

f. assurances that students with a pattern of excessive absenteeism are referred to appropriate student assistance teams/programs (Policy 2510 and W. Va. 126CSR13, WVBE Policy 2320, Process for Improving Education: Performance Based Accreditation System) for appropriate intervention(s), and that these interventions have been reviewed to determine effectiveness.

§126-81-7. School attendance as condition of licensing for privilege of operation of motor vehicle.

7.1. Any student at least fifteen, but less than eighteen years of age, who is properly enrolled in a West Virginia public school, or who is a West Virginia resident enrolled in an out-of-state school, or who is properly enrolled in an Exemption A, B, or K non-public school may request from the attendance director or chief administrator of the appropriate school system documentation of enrollment/attendance status. This documentation must be provided on a form approved by the WVDE for presentation to the West Virginia Division of Motor Vehicles (hereinafter WVDMV) when making application for, or reinstatement of, an instruction permit or license to operate a motor vehicle.

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7.2. In accordance with the provisions of W. Va. Code §17B-2-3 and §17B-2-5, the WVDVM shall deny a license or instruction permit for the operation of a motor vehicle to any person under the age of eighteen who does not at the time of application present a diploma or other certificate of graduation issued to the person from a secondary high school of this state or any other state, or documentation that the person: (1) is enrolled and making satisfactory progress in a course leading to a GED from a state approved institution or organization, or has obtained such certificate; (2) is enrolled in a secondary school of this state; (3) is a West Virginia resident enrolled in an out-of-state school; (4) is excused from such requirement due to circumstances beyond his or her control; or (5) is enrolled in an institution of higher education as a full-time student in this state or any other state.

7.3. No later than five days after following appropriate due process from the date of withdrawal, the attendance director or chief administrator of the school system shall notify the WVDVM of the withdrawal from school of any student fifteen years of age, but less than eighteen years of age, except as provided in W. Va. Code §18-8-11(d).

7.4. For the purposes of this section and pursuant to W. Va. Code §18-8-11, withdrawal is defined as more than ten consecutive, or fifteen days total, unexcused absences during a school year. 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. If suspended, the WVDVM may not reinstate a license before the end of the semester following that in which the withdrawal occurred.

7.5. If a student's withdrawal from school is beyond the control of the student and such student is applying for a license, the attendance director or chief administrator of the school system shall provide the student with documentation to present to the WVDVM to excuse the student from the provisions of W. Va. Code §18-8-11(d). The school district superintendent (or the appropriate school official of any private secondary school), with the assistance of the county attendance director or any other staff or school personnel, shall be the sole judge of whether such withdrawal is due to circumstances beyond the control of such person.

§126-81-8. Severability.

8.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Policy 4110 - Attendance

Type of Rule: Legislative Interpretive Procedural

Agency: WV Department of Education/Office of Institutional Education Programs

Address: 1900 Kanawha Blvd. Building 6 Room 728
Charleston, WV 25305

Phone Number: 304-558-8833 Email: fwarsing@access.k12.wv.us

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

No state costs or revenues will be impacted by the proposed amendment of W. Va. 126CSR81, Policy 4110: Attendance.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs & Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues			

Rule Title: W. Va. 126CSR81, Policy 4110: Attendance

Rule Title: W. Va. 126CSR81, Policy 4110: Attendance

- 3. Explanation of above estimates (including long-range effect);**
Please include any increase or decrease in fees in your estimated total revenues.

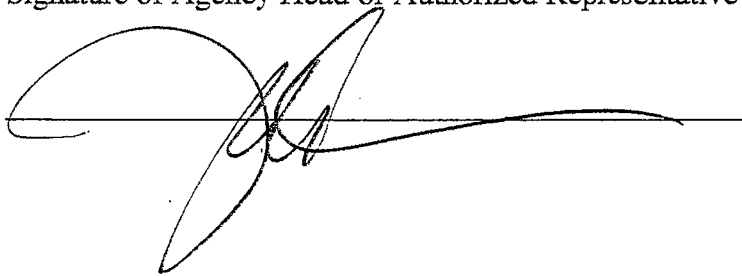
No state costs or revenue will be impacted by the proposed amendment of W. Va. 126CSR81, Policy 4110: Attendance.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

The purpose of this amendment is to receive approval for Section 5.3.3.d.

Signature of Agency Head or Authorized Representative



Date

10-9-09

**Policy 4110: Attendance
Comment Log**

November 11 – December 11, 2009

Action
 N: No Response
 NA: Not Accepted
 A: Accepted
Type
 - Negative
 + Positive
 o Neutral

Date	Individual/Organization	Comments	Action/ Type	Rationale
11/12/09	Erika Woods – WV State University	<p>§126-81-5 Responsibility 5.3.3.d</p> <p>In section 3: Referrals Sources, I believe that excluding parents to request/refer their child for special educational services could prove detrimental to the educational well being of the student. Because students' usually do not advocate for their own education, the responsibility falls on the shoulders of the parent. If the parent does not have a voice in the matter, who does the responsibly fall on?</p> <p>The deletion of training for the SAT could be harmful to the student's educational progression. I feel that the collection and monitoring of data activities that the SAT provides should be documented with the dates so that everyone that is involved in the student's life; the parents and teachers could see the parents and teachers could see the progression of the student. This data could also be an insight on what instructional strategies are working and those that are not.</p>	N	<p>This doesn't exclude parents, rather only addresses planning process to assist children with Special Education considerations.</p> <p>No deletions for the SAT. SAT is documented.</p> <p>Parents are included in IEP.</p>

11/17/09	Carrie Stone	<p>§126-81-5 Responsibility 5.3.3.d</p> <p>The recent H1N1 Swine Flu epidemic has prompted health professionals and government leaders to ask parents to keep a child home from school "if your child is sick."</p> <p>This contradicts the mandatory attendance policy which forces even a small child to take an end of the year test if he or she misses more than 10 days – excused or not.</p> <p>This contradiction forces parents to choose between violating either the stay at home or send to school mandate.</p> <p>Please specify which if these mandates should take precedence over the other.</p>	N	Comments not directed at proposed change.
11/18/09	(No name)	<p>§126-81-5 Responsibility 5.3.3.d</p> <p>Attendance is critical to education. Students who are not in class fall behind and find it difficult to catch up. The attendance policy needs to be strict and enforced...regardless.</p>	N/A	Opinion

11/18/09	Sharon Gallogly – George Ward Elementary School	<p>§126-81-5 Responsibility 5.3.3.d For the year allow only 15 absences for parent and or doctors. My children lived with this rule and it worked well. The big difference was that once 15 days were meant parents and student were immediately in front of a judge who layed down a fine and rules if a logical explanation could not be given or other reasonable proof of absences could not be given. If a student was hospitalized of a death in the family those were excused. Thank you for reading my comment.</p>	N/A	Opinion
11/18/09	Suzanne Swartz – Jefferson High School	<p>§126-81-5 Responsibility 5.3.3.d The state of WV really needs to look at an attendance policy that is more aligned with what will happen to these students when they go to work and think they can miss the number of days they are missing from school. Right now as the policy stands, the only incentive to come to school is to obtain and maintain a driver's license for those 15-17. At the high school level, we have many 18+ year old students. Students need to understand that school is like a job and their grade is their pay check. At a job if x number of days are missed, disciplinary action is usually taken through a point system or other outlined measures. When they "point out" they generally are dismissed from their job. At school, they can miss multiple days and break the continuity of instruction and cause the teacher to divert attention from teaching those who are present consistently in order to issue make up work and oftentimes reteach the material. Presently, their</p>	N	Opinion

grades cannot be penalized for attendance and they do not have to make up their time. My suggestion would be to implement, as other states do, a criteria that if x number of days are missed from school, then they have to redo the semester. Or if x number of days are missed, they have to make up their time afterschool, before school or on Saturdays. If we do not show students they are accountable for their choices and actions, then we are not preparing them for adult life when they will be held accountable and their source of income could be terminated as a result.

11/18/09	Donetta Workman – Logan County Schools	<p>I feel that it would be a good thing to allow special considerations in the absentee area for students who have 504 plans or special e. plans. Most of the time these students have medical problems. I know this because I work in the special education office and have been a secretary in the school system for 33 years. So many times these students' absences cause the attendance rates to drop excessively, even though our schools try so hard to keep the students in school.</p> <p>Do to the excessive absences at our school, I think that the attendance policy should reflect that a student must attend a certain number of days in order to receive credit for the class. If they fail to attend, they will not receive credit for the class. A 502 plan would be sufficient for students that have a medical need or a handicap, but students who can gain access to doctor's pads are writing their own.</p>	N	In support of policy.
11/19/09	Johnny B. Williamson – Mingo County BOE		N	Opinion
11/19/09	VJ Bozeman – WV Educator	<p>It would be helpful if the Attendance Policy was mandated for all counties rather than counties having the option to interpret the policies as they do. Also, when a student is absent 15 consecutive days, the state should make it policy to DROP the student. If the student is under age, fine the parent with NO EXCEPTIONS. This would place the responsibility back to the parent and student. There is too much leniency for students with excessive absences.</p>	N	Opinion
11/19/09	Penny Rinker,	<p>Finally! A provision that allows for special</p>	N	In support of policy

	<p>circumstances!!! – and thank you for allowing the SAT?SAP team to be able to make a determination as well. Thanks for thinking of the children and families who are enduring hardships and medical problems.</p>		
<p>12/9/09</p>	<p>Susan Boore – School Counselor – Marion County</p>	<p>Regarding Proposed Policy #4110 Attendance – First of all: Why are regular education students not addressed in this policy’s “Background” or “Purpose?” the way this is written, it seems as though certain at-risk students are all this Policy is written for. As a Counselor in a K-8 public school for over 22 years, I have witnessed a major decrease in the importance families place on attendance in school. There are no legal consequences like there used to be. It is nothing for a large number of our students to miss over 15 days in a school year. By the time the student reaches high school, they could have missed 135 days, almost an entire school year during 9 years in our school! Last year, in our school we only had about 5 students with perfect attendance. Gone, gone, gone are the days when that was a goal to achieve. Second of all: Section 5.3.b = “in the case of 5 consecutive or 10 total unexcused absences, etc. is not being enforced, I have yet to have heard of any of these letters going out. Then, why should the parents come to the school? This is not a useful step. By the time a referral is made to the Attendance Director, the school has already contacted a family numerous times. There is</p>	<p>N/A</p>
			<p>Primarily commenting on parts of policy not for comment.</p>

really nothing new here. A meeting should be with the Attendance Director, and maybe the Principal as well. That has a much higher level of seriousness attached to it.

Third: Section 5.3.c = "if the parent, etc., does not comply, then the Attendance director shall make complaint against the parent, etc. before a magistrate of the county. My question here is, then what? This code used to have specific penalties against guardians for allowing truancy. This policy does not list any consequences, fine, or jail penalty as it used to. There are many more specific consequences attached to the process of losing a drivers license because of bad attendance. There needs to be more attention paid to consequences of poor attendance at the early elementary end of public schools. Kindergarteners miss school frequently and frequently tardy.

Fourth: Section 6.1.f = school students assistance teams have no authority over families, only what can be done at a school. If a student is not in school, they cannot be helped. When children are elementary/middle school age, if they are not in school it is a parenting problem. Children at that age cannot get to school without adult help, many are not getting that adult help to get up and get ready for school. Don't refer attendance problems to the School Assistance Team, they have no authority to getting better attendance.

Fifth: Really what has changed in this Policy? I read it and the old policy and I didn't see any

		consequential change? There are still not consequences for poor attendance, nothing for magistrates to enforce when a problem has gotten as far as in 5.3.2.c.		
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Rhonda Mahan

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, November 12, 2009 11:27 PM
To: fibanez@wvde.state.wv.us; rmahan@access.k12.wv.us
Subject: Comment Received for Policy 4110 (2009-11-12 23:26:34)

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Comment Received for Policy 4110

Name: Erika Woods
Organization: West Virginia State University
Email: erikarw@yahoo.com
Title: Teacher Candidate
Address1: 1518 court ave
Address2:
City/State/Zip: St. Albans, WV 25177
Role: Community Member
Posted: 2009-11-12 23:26:34
Posted from IP: 32.178.222.41

Comments for section 126-81-5 "Responsibility" 5 3 3 d

1. In section 3: Referrals Sources, I believe that excluding parents to request/ refer their child for special educational services could prove detrimental to the educational well being of the student. Because students' usually do not advocate for their own education, the responsibility falls on the shoulders of the parent. If the parent does not have a voice in the matter, who does the responsibly fall on?

The deletion of training for the SAT could be harmful to the student's educational progression. I feel that the collection and monitoring of data activities that the SAT provides should be documented with the dates so that everyone that is involved in the student's life; the parents and teachers could see the progression of the student. This data could also be an insight on what instructional strategies are working and those that are not.

Rhonda Mahan

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, November 17, 2009 9:39 AM
To: fibanez@wvde.state.wv.us; rmahan@access.k12.wv.us
Subject: Comment Received for Policy 4110 (2009-11-17 09:39:05)

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Comment Received for Policy 4110

Name: Carrie Stone
Organization:
Email: carrie@rainbowlaw.com
Title:
Address1: RR1 Box 266C
Address2:
City/State/Zip: Wallace, West Virginia 26448
Role: Parent-Family
Posted: 2009-11-17 09:39:05
Posted from IP: 74.44.113.202

Comments for section 126-81-5 "Responsibility" 5 3 3 d

The recent H1N1 Swine Flu epidemic has prompted health professionals and government leaders to ask parents to keep a child home from school "if your child is sick."

This contradicts the mandatory attendance policy which forces even a small child to take an end of the year test if he or she misses more than 10 days -- excused or not.

This contradiction forces parents to choose between violating either the stay at home or send to school mandate.

Please specify which if these mandates should take precedence over the other.

Thank you,

Carrie Stone

Rhonda Mahan

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, November 18, 2009 11:02 AM
To: fibanez@wvde.state.wv.us; rmahan@access.k12.wv.us
Subject: Comment Received for Policy 4110 (2009-11-18 11:01:54)

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Comment Received for Policy 4110

#####

Name:
Organization:
Email:
Title:
Address1:
Address2:
City/State/Zip: ,
Role:
Posted: 2009-11-18 11:01:54
Posted from IP: 168.216.25.186

Comments for section 126-81-5 "Responsibility" 5 3 3 d

Attendance is critical to education. Students who are not in class fall behind and find it difficult to catch up. The attendance policy needs to be strict and enforced...regardless.

Rhonda Mahan

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, November 18, 2009 11:39 AM
To: fibanez@wvde.state.wv.us; rmahan@access.k12.wv.us
Subject: Comment Received for Policy 4110 (2009-11-18 11:38:48)

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Comment Received for Policy 4110

#####

Name: Sharon Gallogly
Organization: George Ward Elementary School
Email: sgallogl@access.k12.wv.us
Title: School Counselor
Address1: PO Box 278
Address2:
City/State/Zip: Mill Creek, WV 26280
Role: Teacher
Posted: 2009-11-18 11:38:48
Posted from IP: 168.216.216.80

Comments for section 126-81-5 "Responsibility" 5 3 3 d

for the year allow only 15 absences for parent and or doctors. My children lived with this rule and it worked well. the big difference was taht once 15 days were meant parents and student were immediately in front of a judge who layed down a fine and rules if a logical explanation could not be given or other resonable proof of absences could not be given. If a student was hospitalized of a death in the family those were excused.
Thank you for reading my comment.
Sharon Gallogly

Rhonda Mahan

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, November 18, 2009 12:16 PM
To: fibanez@wvde.state.wv.us; rmahan@access.k12.wv.us
Subject: Comment Received for Policy 4110 (2009-11-18 12:16:16)

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Comment Received for Policy 4110

#####

Name: Suzanne Swartz
Organization: Jefferson High School
Email: sswartz@access.k12.wv.us
Title: Chair of Special Ed Programs
Address1: 57 Van Clevesville Road
Address2:
City/State/Zip: Kearneysville, WV 25430
Role: Teacher
Posted: 2009-11-18 12:16:16
Posted from IP: 168.216.227.170

Comments for section 126-81-5 "Responsibility" 5 3 3 d

The state of WV really needs to look at an attendance policy that is more aligned with what will happen to these students when they go to work and think they can miss the number of days they are missing from school. Right now as the policy stands, the only incentive to come to school is to obtain and maintain a driver's license for those 15-17. At the high school level, we have many 18+ year old students. Students need to understand that school is like a job and their grade is their pay check. At a job if x number of days are missed, disciplinary action is usually taken through a point system or other outlined measures. When they "point out," they generally are dismissed from their job. At school, they can miss multiple days and break the continuity of instruction and cause the teacher to divert attention from teaching those who are present consistently in order to issue make up work and oftentimes reteach the material. Presently, their grades cannot be penalized for attendance and they do not have to make up their time. My suggestion would be to implement, as other states do, a criteria that if x number of days are missed from school, then they have to redo the semester. Or if x number of days are missed, they have to make up their time afterschool, before school or on Saturdays. If we do not show students they are accountable for their choices and actions, then we are not preparing them for adult life when they will be held accountable and their source of income could be terminated as a result.

Rhonda Mahan

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, November 18, 2009 2:16 PM
To: fibanez@wvde.state.wv.us; rmahan@access.k12.wv.us
Subject: Comment Received for Policy 4110 (2009-11-18 14:15:53)

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Comment Received for Policy 4110

#####

Name: Donetta Workman
Organization: Logan County Schools
Email: dnworkma@access.k12.wv.us
Title: Secretary
Address1:
Address2:
City/State/Zip: Logan, WV 25601
Role: School System Staff
Posted: 2009-11-18 14:15:53
Posted from IP: 168.216.97.130

Comments for section 126-81-5 "Responsibility" 5 3 3 d

I feel that it would be a good thing to allow special considerations in the absentee area for students who have 504 plans or special ed. plans. Most of the time these students have medical problems. I know this because I work in the special education office and have been a secretary in the school system for 33 years. So many times these students' absences cause the attendance rates to drop excessively, even though our schools try so hard to keep the students in school.

Rhonda Mahan

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, November 19, 2009 8:55 AM
To: fibanez@wvde.state.wv.us; rmahan@access.k12.wv.us
Subject: Comment Received for Policy 4110 (2009-11-19 08:54:57)

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Comment Received for Policy 4110

Name: Johnny B. Williamson
Organization: Mingo County BOE
Email: jhbwilli@access.k12.wv.us
Title: Teacher of English/ Language Arts
Address1: 16 w 4th Avenue
Address2: \\apatment 309
City/State/Zip: Williamson, WV 25661
Role: Teacher
Posted: 2009-11-19 08:54:57
Posted from IP: 168.216.16.50

Comments for section 126-81-5 "Responsibility" 5 3 3 d

Do to the excessive absences at our school, I think that the attendance policy should reflect that a student must attend a certain number of days in order to receive credit for the class. If they fail to attend, they will not recieve credit for the class. A 502 plan would be sufficient for students that have a medical need or a handicap, but students who can gain access to doctor's pads are writing their own.

Rhonda Mahan

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, November 19, 2009 1:06 PM
To: fibanez@wvde.state.wv.us; rmahan@access.k12.wv.us
Subject: Comment Received for Policy 4110 (2009-11-19 13:06:06)

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Comment Received for Policy 4110

#####

Name: VJ Bozeman
Organization: WV Educator
Email:
Title: Assistant Administrator
Address1:
Address2:
City/State/Zip: Huntington, WV 25704
Role: Principal
Posted: 2009-11-19 13:06:06
Posted from IP: 168.216.70.138

Comments for section 126-81-5 "Responsibility" 5 3 3 d

It would be helpful if the Attendance Policy was mandated for all counties rather than counties having the option to interpret the policies as they do. Also, when a student is absent 15 consecutive days, the state should make it policy to DROP the student. If the student is under age, fine the parent with NO EXCEPTIONS. This would place the responsibility back to the parents and student. There is too much leniency for students with excessive absences.

Rhonda Mahan

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, November 19, 2009 3:40 PM
To: fibanez@wvde.state.wv.us; rmahan@access.k12.wv.us
Subject: Comment Received for Policy 4110 (2009-11-19 15:40:10)

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Comment Received for Policy 4110

#####

Name: Penny Rinker
Organization: Moorefield High School
Email: pmorgan@access.k12.wv.us
Title: Counselor
Address1: 410 Main Street
Address2:
City/State/Zip: Romney, WV 26757
Role: Professional Support
Posted: 2009-11-19 15:40:10
Posted from IP: 168.216.184.16

Comments for section 126-81-5 "Responsibility" 5 3 3 d

Finally! A provision that allows for special circumstances!!!-and thank you for allowing the SAT/SAP team to be able to make a determination as well. Thanks for thinking of the children and families who are enduring hardships and medical problems.

Rhonda Mahan

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, December 09, 2009 8:40 PM
To: fibanez@wvde.state.wv.us; rmahan@access.k12.wv.us
Subject: Comment Received for Policy 4110 (2009-12-09 20:40:02)

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Comment Received for Policy 4110

#####

Name: Susan K. Boore
Organization: Marion Co. Board of Eduaction
Email: sboore@access.k12.us
Title: school counselor
Address1: P.O. Box 843
Address2: 311 Manley Street
City/State/Zip: Barrackville, WV 26559
Role: Professional Support
Posted: 2009-12-09 20:40:02
Posted from IP: 72.84.43.161

Comments for section 126-81-5 "Responsibility" 5 3 3 d

Regarding Proposed Policy #4110, Attendance

First of all: Why are regular education students not addressed in this policy's "Background" or "Purpose"? The way this is written, it seems as though certain at-risk students are all this Policy is written for. As a Counselor in a K-8 public school for over 22 years, I have witnessed a major decrease in the importance families place on attendance in school. There are no legal consequences like there used to be. It is nothing for a large number of our students to miss over 15 days in a school year. By the time the student reaches high school, they could have missed 135 days, almost an entire school year during 9 years in our school! Last year, in our school we only had about 5 students with perfect attendance. Gone, gone, gone are the days when that was a goal to achieve.

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Third: Section 5.3.c = "if the parent, etc., does not comply, then the Attendance director shall make complaint against the parent, etc. before a magistrate of the county. My question here is, then what? This code used to have specific penalties against guardians for allowing truancy. This policy does not list any consequences, fine, or jail penalty as it used to. There are many more specific consequences attached to the process of losing a drivers license because of bad attendance. There needs to be more attention paid to consequences of poor attendance at the early elementary end of public schools. Kindergarteners miss school frequently and are frequently tardy.

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Fifth: Really what has changed in this Policy? I read it and the old policy and I didn't see any consequential change? There are still no consequences for poor attendance, nothing for magistrates to enforce when a problem has gotten as far as in 5.3.2.c.