

**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

Form #5

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OFFICE 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 September 14, 2009 .



Jack McClabahan
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 formed a West Virginia Out-of-Home Care Education Task Force in 2004. The Task Force found that a large number of West Virginia children in out-of-home care are seriously behind in educational achievement and a number of barriers persist in limiting their receipt of full access to public education. Findings and recommendations of the Task Force were documented in a report submitted to the West Virginia Board of Education in September 2005 entitled *Reaching Every Child: Addressing Educational Attainment of Out-of-Home Care Children in West Virginia*. The work of the Task Force has been continued via the formation of an implementation group called the Out-of-Home Care Education Advisory Committee. This committee has worked to remove the barriers to educational access and success for children in out-of-home care. In April of 2008, the committee recommended, and the State Board of Education approved, a revision to Policy 4110 defining the phrase "awaiting foster care placement" to ensure that eligible West Virginia children in out-of-home care are covered under the McKinney-Vento Homeless Assistance Act (42 U.S.C. §11431 et seq.) (hereinafter McKinney-Vento Act).

The McKinney-Vento Act guarantees access to school and a meaningful opportunity for educational success to children and youth covered under the Act. The Act covers children and youth "who lack a fixed, regular, and adequate nighttime residence", specifically including children and youth "awaiting foster care placement." The McKinney-Vento Act does not define the phrase "awaiting foster care placement." In its Non-Regulatory Guidance, the U.S. Department of Education does not define the term either, addressing the issue only briefly to suggest that local education liaisons should confer and coordinate with local public social service agency providers in determining how best to assist children and youth who are awaiting foster care placement. It has therefore been left up to states to define this terminology. To ensure that eligible West Virginia children in out-of-home care are covered under the provisions of the McKinney-Vento Act, Department of Education and Department of Health and Human Resources staff involved in the Education of Out-of-Home Care initiative developed a proposed definition of "awaiting foster care children" which was approved by the Board in April of 2008.

Policy 4110 provides guidelines for the development of the local county attendance policies. A group of eighteen (18) educators, parents and legislators met

during the months of April and May 2009 to discuss and recommend revisions to the Attendance Policy (See Stakeholders List). The following minor policy revisions from the committee are requested to be placed on public comment.

Purpose:

The purpose of this Board item is to further amend the definition of “awaiting foster care placement” under Section 4.5 of Policy 4110. The revised definition will ensure that children in interim social service placements have protections under the McKinney-Vento Act as administered through Policy 4110. Children in interim social service placements have been found to encounter the kinds of barriers to educational access and success that the McKinney-Vento Act was designed to eliminate. The revised definition will also remove language that may suggest that children in a residential treatment center who receive their education in an on-grounds school are under the McKinney-Vento Act.

Major Revisions:

- Section 4.5 was amended to revise the definition of “awaiting foster care placement.” This amendment will serve to clarify who is covered under this terminology in West Virginia under the McKinney-Vento Act and Policy 4110.
- The definition of “awaiting foster care placement” includes 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 in family foster care, kinship care, emergency shelter care, or group home care.
- Section 4.10.1 and 4.10.2 were added to define a documented chronic medical condition and a documented disability.

Impact:

The revisions to Policy 4110 will 1) further define excused absences to include chronic medical conditions and disabilities and 2) ensure that children in interim social service placements have protections under the McKinney-Vento Act.

Action:

The Department requests the attached policy be approved.

Comment Summary:

Six comments were received during the comment period from June 12 – July 13, 2009. Two comments were in agreement with the changes, three were not directed to the proposed changes and the proposed changes addressed the concerns in one comment.

Stakeholders Listing:

Fran Warsing, Superintendent of Institutional Education Programs, WVDE
Patricia Lucas, Coordinator of Education of Homeless and Attendance, WVDE
Jan Barth, Special Assignment, Curriculum and Instruction, WVDE
Lynn Boyer, Executive Director of Special Programs, Extended and Early Learning, WVDE
Melanie Purkey, Executive Director, Student Services and Health Promotion, WVDE
Rebecca King, Office of Healthy Schools, WVDE

Kathy Green, Parent of Boone County Child

India Hosch, Raleigh County School Nurse
Jim Kirby, Harrison County Attendance Director
Sherry Woods, Cabell County Attendance Director
Eddie Ivy, Kanawha County Attendance Director
Sandra Boggs, Kanawha County Special Education Director
Ruth Isaacs, Kanawha County School Nurse
Glenn Sweet, Barbour County Attendance Director

Mary Poling, Chairperson for House Education
Carrie Webster, Chairperson for House Judiciary
Mark Hunt, Kanawha County Delegate
David Mohn, House Education

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

OFFICE WEST VIRGINIA
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. - August 14, 2009

1.4. Effective Date. - September 14, 2009

1.5. Repeal of Former Rule. - This legislative rule amends W. Va. 126CSR81 West Virginia Board of Education (hereinafter WVBE) Policy 4110, Attendance, filed April 11, 2008 and effective May 12, 2008.

§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.

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 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

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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.

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.

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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.

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

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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 WVDMV 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 WVDMV 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 WVDMV 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: Attendance – Policy 4110

Type of Rule: Legislative Interpretive Procedural

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

Address: 1900 Kanawha Boulevard, 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	0	0	0

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.

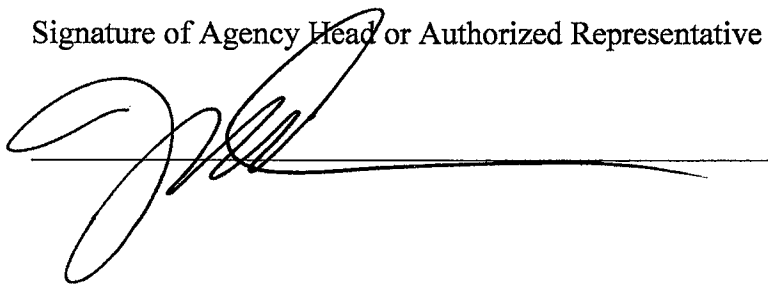
No state costs or revenue will be impacted by the proposed amendment of W. Va. 126CSR81, Policy 4110: Attendance.

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 further amend the definition of "awaiting foster care placement" under Section 4.5 of Policy 4110. The revised definition will ensure that children in interim social service placements have protections under the McKinney-Vento Act as administered through Policy 4110. The revised definition will also remove language that may suggest that children in a residential treatment center who receive their education in an on-grounds school are under the McKinney-Vento Act.

Signature of Agency Head or Authorized Representative



Date

5-20-09

**Policy 4110: Attendance
Comment Log
June 12 – July 13, 2009**

Action
 N: No Response
 NA: Not Accepted
 A: Accepted or Neutral

Type
 - Negative
 + Positive

Date	Individual/Organization	Comments	Action/ Type	Rationale
6/22/09	Michael Hince – Washington Lands Elementary – Principal	<p>§126-81-4 – Definitions 4-10-1</p> <p>The potential for abuse by parents/guardians is great. One of the greatest obstacles to school's attendance problems is parents who either condone or enable absences. Annually is not an appropriate (too long) time frame for a doctor's note. You cavalierly also put the burden to review the situation on the SAT team. The SAT already takes upon its plate (in the real world) all RTI and at the elementary level that is a large plate. I do not think this is a good decision to change. Doctors can provide more frequent documentation of care and school will work with the parents.</p>	N-	This was an opinion about proposed changes and requires no response.
6/25/09	Carla King – Mason County Board of Education	<p>§126-81-6 – County Attendance Policy Components</p> <p>The attendance policy does not have enough teeth. I spent one year as the attendance director of Pt. Pleasant High School and the parents/students do not take the current policy seriously. When the parents/students get to the point if going up in front of the magistrate they may have already missed 50-70 days of school and then they are given a period of improvement. Very few parents (less than 10% attend the school attendance meetings.) The only policy that</p>	N	Comments not directed at proposed changes

		<p>has worked in the past is to enforce seat time for the students who miss continually, It is so unfair that students graduate high school (sometimes missing a whole year of school when you add up grades 9-12 and their days of absences and this is not an exaggeration) and we cannot enforce our attendance policy, We need to rethink this policy because currently it is not working. Please consider adding seat time for the time missed.</p>		
<p>7/6/09</p>	<p>Becky Stalnaker – Robert Bland Middle School</p>	<p>§126-81-4 – Definitions 4-10-5 I agree with the addition of awaiting foster placement or out of home care.</p> <p>§126-81-4 – Definitions 4-10 I agree with this addition because parents of children with chronic conditions are overwhelmed as it is. It is good that these are included on IEP's, SAT's etc...</p> <p>§126-81-4 – Definitions 4-10-1 I do not agree with the addition of quarterly I think this may be too often for the parents to meet with the school if they are taking care of a child with a chronic condition. They should be updated annually or biannually instead.</p> <p>§126-81-4 – Definitions 4-10-2 I agree with this annual doctor's note.</p> <p>§126-81-5 – Responsibility 5.3.3d I agree with this.</p> <p>§126-81-6 – County Attendance Policy I agree with this change that allows for a parental note in the case of chronic conditions.</p>	<p>N+</p> <p>N+</p> <p>NA-</p> <p>NA+</p> <p>NA+</p> <p>NA+</p>	<p>Comment in agreement</p> <p>Comment in agreement</p> <p>Parents do not have to meet at School, could use telephone conference.</p> <p>Comment in agreement.</p> <p>Comment in Agreement.</p> <p>Comment in Agreement</p>

<p>7/7/09</p>	<p>Ruth Caplinger – Mason County Schools</p>	<p>§126-81-6 – County Attendance Policy At one time Mason County had a "make up time" policy, (about 5 years ago) and this was a deterrent to absenteeism. After so many days absent, (excused and unexcused) the student was required to make up the class time. This was done before school, at noon, after school or on Saturday. This make up time did not take away the absence, but it did give the student additional time with the teacher and time to make up missed work. Because students do not want to give up "their time" for make up time, their attendance was better. Make up time is a great deterrent to unnecessary absences. Suggestions: Students could not miss more than 10 days (excused and unexcused) or they would have to make up the time. After making up the time, the absence could be removed from the student's record. Students who miss a set number of days (10 or 15) and do not make up the time or do not have a statement of severe medical disability on file should not earn the credit for the class. Physicians are business people they have to satisfy their clients, the patient to stay in business. Some will write blanket excuses for the student when the parents request it. When a excuse for a "severe disability" is written it should be signed by two physicians and then the student is placed in a homebound or other special program. I hope that this will be taken into consideration, as we need an Attendance policy that is more effective. We cannot depend on courts to correct all of the attendance issues. Courts vary by county. Some counties have a strong juvenile court that will address truancy, while other counties do not. Magistrate courts vary between counties also.</p>	<p>NA -</p>	<p>Majority of comment was not Related to proposed changes. Those statements related to Proposed changes were more Restrictive to parents of students With severe medical disabilities.</p>
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7/10/09	Lynn Proudfoot – Randolph County Schools	<p>§126-81-4 – Definitions 4-10-1 Excusing multiple or regular absences is only one part of a comprehensive treatment plan for a student with a documented chronic medical condition. The recommendation of a SAT, IEP or 504 team cannot be made on a quarterly basis unless it is contingent upon a quarterly report of progress from the student's attending physician, noting counseling and/or prescription therapy(ies).</p> <p>§126-81-4 – Definitions 4-10-2 Excusing multiple or regular absences is only one part of a comprehensive treatment plan for a student with a documented disability. The recommendation of a SAT, IEP or 504 team cannot be made on a quarterly basis unless it is contingent upon a quarterly report of progress from the student's attending physician, noting counseling and/or prescription therapy(ies).</p>	NA –	This was addressed in proposed Changes in the policy.
7/14/09	Susan Borror – Pocahontas County Schools	<p>§126-81-6 – County Attendance Policy I agree with these changes. However, I do think that every county should have a full time attendance director, regardless of enrollment, and legislators need to take into consideration that several rural counties have distances of sixty miles or more between county lines. They need to consider that schools may be as much as an hour and one half or more away from each other and that home visits may take more time than they would in the city because of the ruralness of these counties.</p>	N+	Comment in support of proposed Changes.

Rhonda Mahan

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, June 18, 2009 3:47 PM
To: fibanez@wvde.state.wv.us; rmahan@access.k12.wv.us
Subject: Comment Received for Policy 4110 (2009-06-18 15:46:33)

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Comment Received for Policy 4110

Name: Michael Hince
Organization: Washington Lands Elementary
Email: mhince@access.k12.wv.us
Title: Principal
Address1: RD 4 Box 255
Address2:
City/State/Zip: Moundsville, WV 26041
Role: Principal
Posted: 2009-06-18 15:46:33
Posted from IP: 24.3.163.184

Comments for section 126-81-4 Definitions 4 5

Comments for section 126-81-4 Definitions 4 10

Comments for section 126-81-4 Definitions 4 10 1

The potential for abuse by parents/guardians is great. One of the greatest obstacles to school's attendance problems is parents who either condone or enable absences. Annually is not an appropriate (too long)time frame for a doctor's note. You cavalierly also put the burden to review the situation on the SAT team. The SAT already takes upon its plate (in the real world) all RTI and at the elementary level that is a large plate. I do not think this is a good decision to change. Doctors can provide more frequent documentation of care and schools will work with the parents.

Comments for section 126-81-4 Definitions 4 10 2

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

Comments for section 126-81-6 County Attendance Policy Components 6 1 2 c

Rhonda Mahan

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, June 25, 2009 2:31 PM
To: fibanez@wvde.state.wv.us; rmahan@access.k12.wv.us
Subject: Comment Received for Policy 4110 (2009-06-25 14:30:40)

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Comment Received for Policy 4110

#####

Name: carla king
Organization: mason county board of educ.
Email: cking@access.k12.wv.us
Title: school counselor
Address1: 281 scenic drive
Address2:
City/State/Zip: Point Pleasant , WV 25550
Role: Professional Support
Posted: 2009-06-25 14:30:40
Posted from IP: 70.100.78.188

Comments for section 126-81-4 Definitions 4 5

Comments for section 126-81-4 Definitions 4 10

Comments for section 126-81-4 Definitions 4 10 1

Comments for section 126-81-4 Definitions 4 10 2

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

Comments for section 126-81-6 County Attendance Policy Components 6 1 2 c

The attendance policy does not have enough teeth. I spent one year as the attendance director of Point Pleasant High School and the parents/students do not take the current policy seriously. When the parents/students get to the point of going in front of the magistrate they may have already missed 50-70 days of school and then they are given a period of improvement. Very few parents (less than 10% attend the school attendance meetings). The only policy that has worked in the past is to enforce seat time for the students who miss continually. It is so unfair that students graduate high school (sometimes missing a whole

year of school when you add up grades 9-12 and their days of absences and this is not an exaggeration) and we can not enforce our attendance policy. We need to rethink this policy because currently it is not working. Please consider adding seat time for the time missed.

Rhonda Mahan

From: Nobody [nobody@wvde.state.wv.us]
Sent: Monday, July 06, 2009 9:51 PM
To: fibanez@wvde.state.wv.us; rmahan@access.k12.wv.us
Subject: Comment Received for Policy 4110 (2009-07-06 21:50:46)

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Comment Received for Policy 4110

#####

Name: Becky Stalnaker
Organization: Robert Bland Middle School and Sch Law for Support Personnel - LS-693-431
Marshall
Email: rstalnak@access.k12.wv.us
Title: teacher
Address1: 57 Ridge Lane
Address2:
City/State/Zip: Horner, WV 26372
Role: Teacher
Posted: 2009-07-06 21:50:46
Posted from IP: 64.181.19.4

Comments for section 126-81-4 Definitions 4 5

I agree with the addition of awaiting foster placement or out-of-home care.

Comments for section 126-81-4 Definitions 4 10

I agree with this addition because parents of children with chronic condtions are overwhelmed as it is. It is good that these are included on IEPs, SATs, etc...

Comments for section 126-81-4 Definitions 4 10 1

I do not agree with the addition of quarterly, I think this may be too often for the parents to meet with the school if they are taking care of a child with a chronic condition. They should be updated annually or biannually instead.

Comments for section 126-81-4 Definitions 4 10 2

I agree with this annual doctor's note.

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

I agree with this.

Comments for section 126-81-6 County Attendance Policy Components 6 1 2 c

I agree with this change that allows for a parental note in the case of chronic conditions.

Rhonda Mahan

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, July 07, 2009 5:23 PM
To: fibanez@wvde.state.wv.us; rmahan@access.k12.wv.us
Subject: Comment Received for Policy 4110 (2009-07-07 17:22:48)

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Comment Received for Policy 4110

#####

Name: Ruth Caplinger
Organization: Mason County Schools
Email: rcapling@access.k12.wv.us
Title: Director
Address1: MCCC
Address2: 281 Scenic Drive
City/State/Zip: Point Pleasant , WV 25550
Role: School System Staff
Posted: 2009-07-07 17:22:48
Posted from IP: 168.216.37.229

Comments for section 126-81-4 Definitions 4 5

Comments for section 126-81-4 Definitions 4 10

Comments for section 126-81-4 Definitions 4 10 1

Comments for section 126-81-4 Definitions 4 10 2

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

Comments for section 126-81-6 County Attendance Policy Components 6 1 2 c

At one time Mason County had a "make up time" policy, (about 5 years ago) and this was a deterrent to absenteeism. After so many days absent, (excused and unexcused) the student was required to make up the class time. This was done before school, at noon, after school or on Saturday. This make up time did not take away the absence, but it did give the student additional time with the teacher and time to make up missed work. Because students do not want to give up "their time" for make up time, their attendance was better. Make up time is a great deterrent to unnecessary absences.

Suggestions: Students could not miss more than 10 days (excused and unexcused) or they would have to make up the time. After making up the time, the absence could be removed from the student's record.

Students who miss a set number of days (10 or 15) and do not make up the time or do not have a statement of severe medical disability on file should not earn the credit for the class. Physicians are business people they have to satisfy their clients, the patient to stay in business. Some will write blanket excuses for the student when the parents request it. When a excuse for a "severe disability" is written it should be signed by two physicians and then the student is placed in a homebound or other special program.

I hope that this will be taken into consideration, as we need an Attendance policy that is more effective. We cannot depend on courts to correct all of the attendance issues. Courts vary by county. Some counties have a strong juvenile court that will address truancy, while other counties do not. Magistrate courts vary between counties also.

Rhonda Mahan

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, July 10, 2009 11:58 AM
To: fibanez@wvde.state.wv.us; rmahan@access.k12.wv.us
Subject: Comment Received for Policy 4110 (2009-07-10 11:57:44)

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Comment Received for Policy 4110

#####

Name: Lynn Proudfoot
Organization: Randolph County Schools
Email: lproudfo@access.k12.wv.us
Title: Attendance Director
Address1: 40 Eleventh Street
Address2:
City/State/Zip: Elkins, WV 26241
Role: School System Staff
Posted: 2009-07-10 11:57:44
Posted from IP: 168.216.255.146

Comments for section 126-81-4 Definitions 4 5

Comments for section 126-81-4 Definitions 4 10

Comments for section 126-81-4 Definitions 4 10 1

Excusing multiple or regular absences is only one part of a comprehensive treatment plan for a student with a documented chronic medical condition. The recommendation of a SAT, IEP or 504 team cannot be made on a quarterly basis unless it is contingent upon a quarterly report of progress from the student's attending physician, noting counseling and/or prescription therapy(ies).

Comments for section 126-81-4 Definitions 4 10 2

Excusing multiple or regular absences is only one part of a comprehensive treatment plan for a student with a documented disability. The recommendation of a SAT, IEP or 504 team cannot be made on a quarterly basis unless it is contingent upon a quarterly report of progress from the student's attending physician, noting counseling and/or prescription therapy(ies).

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

Comments for section 126-81-6 County Attendance Policy Components 6 1 2 c

Rhonda Mahan

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, July 14, 2009 1:09 AM
To: fibanez@wvde.state.wv.us; rmahan@access.k12.wv.us
Subject: Comment Received for Policy 4110 (2009-07-14 01:08:41)

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Comment Received for Policy 4110

Name: Susan Borrer
Organization: Pocahontas Counth Schools
Email: susanborrer@yahoo.com
Title: Attendance Director / Homeless Liaison
Address1: Pocahontas County High School
Address2: Rt. 1, Box 33A
City/State/Zip: Dunmore, WV 24934
Role: Professional Support
Posted: 2009-07-14 01:08:41
Posted from IP: 70.100.194.242

Comments for section 126-81-4 Definitions 4 5

I agree with this change for better clarification.

Comments for section 126-81-4 Definitions 4 10

I agree with this change for better clarification.

Comments for section 126-81-4 Definitions 4 10 1

I agree with this change for better clarification.

Comments for section 126-81-4 Definitions 4 10 2

I agree with this change for better clarification.

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

I agree with this.

Comments for section 126-81-6 County Attendance Policy Components 6 1 2 c

I agree with these changes. However, I do think that every county should have a full time attendance director, regardless of enrollment, and legislators need to take into consideration that several rural counties have distances of sixty miles or more between county lines. They need to consider that schools may be as much as an hour and one half or more away from each other and that home visits may take more time than they would in the city because of the ruralness of these counties.