

WEST VIRGINIA
SECRETARY OF STATE

BETTY IRELAND

ADMINISTRATIVE LAW DIVISION

Form #5

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2006 APR 14 A 10:38

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 _____

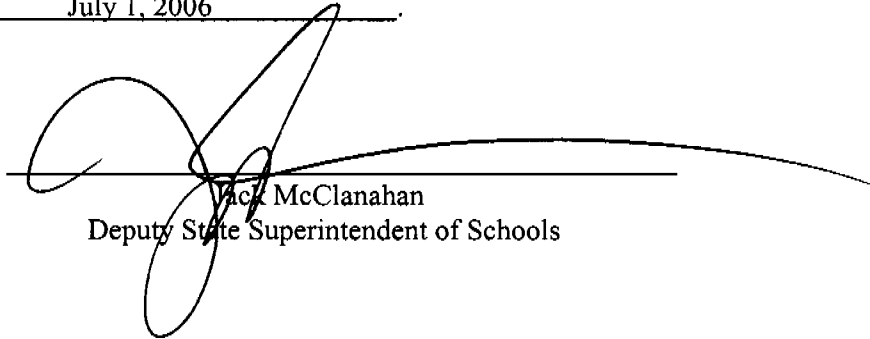
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 81

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 July 1, 2006


Deputy State Superintendent of Schools

\$11.00

EXECUTIVE SUMMARY

WEST VIRGINIA DEPARTMENT OF EDUCATION

Policy Number and Title: Policy 4110 Attendance Policy

Background: Comments for revisions to Policy 4110, Attendance Policy, were accepted from February 9, 2006 through March 13, 2006. Twenty-six comments were received and there are no additional revisions made to the policy as a result of the comments.

Purpose: The revisions update Attendance Policy 4110.

Contents: Policy 4110, Attendance Policy, has been revised to redefine half-day attendance and remove the identification of specific ages for compulsory school attendance. The policy defines satisfactory attendance related to the revocation of drivers' license.

Impact: The revision of Policy 4110: Attendance Policy creates greater flexibility for county systems and schools to implement attendance policies that encourage the regular attendance of all students. The West Virginia Department of Education will also disseminate a guidance document to provide directions to county systems and schools as they update local attendance policies.

126CSR81
TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION
SERIES 81
ATTENDANCE (4110)

FILED
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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.).

1.3. Filing Date. - April 14, 2006

1.4. Effective Date. - July 1, 2006

1.5. Repeal of Former Rule. - This legislative rule amends W. Va. 126CSR81 "County Attendance Policy" filed November 14, 2003 and effective December 14, 2003.

§126-81-2. Rationale.

2.1. The West Virginia Board of Education (hereinafter 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

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directors, parents/guardians, and community leaders when developing or revising the 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. Dropout - A dropout is an individual who:

4.5.1. 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

4.5.2. 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

4.5.3. 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

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

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- 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.

4.6. 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.

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

- 4.7.1. student was enrolled the previous year;
- 4.7.2. student appears at school to enroll with or without a parent/guardian; or
- 4.7.3. student and/or parent/guardian appears at school to enroll with or without records.

4.8. 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).

4.9. Excused Student Absences - Absences that result from school-approved curricular/co-curricular activities; failure of the bus to run/hazardous conditions, and other county board approved excused absences.

4.10. Homeless Children and Youths - as defined in Subtitle B of Title VII of McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) means individuals who lack a fixed, regular, and adequate nighttime residence and includes:

4.10.1. 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;

4.10.2. children and youths who have a primary nighttime residence that is

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a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

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

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

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

4.12. School of Origin - As defined in Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) is the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

4.13. 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.

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

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

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

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

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.

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.

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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 WVDE.

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).

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:

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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 Section 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.

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.

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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 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

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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 WORKSHEET
(Submit 4 Copies)

DRAFT NO _____ BILL NO _____ RESOLUTION NO _____

SUBJECT Policy 4110 - Attendance FUND _____

SOURCE OF REVENUE: GENERAL FUND SPECIAL OTHER (SPECIFY) _____ NA _____

COST OF ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____ NA _____

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____ NA _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$	\$	\$	\$	\$
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$	\$	\$	\$	\$
2. ESTIMATED TOTAL REVENUES	\$	\$	\$	\$	\$

EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

There are no fiscal cost associated with this policy revision

DATE _____

AGENCY _____

AUTHORIZED REPRESENTATIVE _____

West Virginia Department of Education

R. Stewart Upine

POLICY 4110 - Attendance Policy

COMMENT LOG

DATE	INDIVIDUAL ORGANIZATION	COMMENTS	ACTION/TYPE	RATIONALE
§126-81-4 Definitions				
DATE	INDIVIDUAL ORGANIZATION	COMMENTS	ACTION/TYPE	RATIONALE
02-16	Sandra H. Dougherty Attendance Officer sdougher@access.k12.wv.vus Jefferson County Board of Educaion 110 Mordington Ave. Charles Town WV 25414	Good!	A/+	Comment agrees with the suggested changes.
02-20	Nancy Benson dreamonmom47@msn.com Rt 1 Box 254-A Rivesville WV 26588	please explain attendance policy for child with a disability that misses school that is related their disability and medication given for disability so they may function in there school eviroment	N/-	Does not affect the policy revisions.
02-21	David A. Nelson mrdan1963@yahoo.com Parent 113 Setzer Drive Barboursville WV 25504	I do agree that partial day calculations are needed as my daughter was counted absent for more that half a day when she had a doctor appointment to remove her cast. I don't agree that students should be excused from school, for several days for school activities as these can be planned for after school and weekends, these students loose no school attendance, yet even an hour at a doctor's office yields an absence.	N/-	Does not affect the policy revisions.

02-22	<p>Charles Keller Principal cekeller@access.k12.wv.us Mineral County Schools Elk Garden Primary School Rt. 1 Box 320 Elk Garden WV 26717</p>	<p>4.3.2. Half-day attendance means being present at least .50 of the school day</p> <p>In our school, the length of the school day is approximately 400 minutes (8:00 a.m. - 2:40 p.m.) This is not all instructional as it includes time for lunch and recess. One-half (.50) of this number would be about 200 minutes (or three hours and 20 minutes). It possible a student could be present until 11:0 a.m. (180 minutes) but still be counted absent for the entire day. Or, a student could be excused at noon, miss only the afternoon classes, but still be marked absent for the entire day. This could become a public relations nightmare for the principals as they try to explain to upset parents why their children were in school but counted absent for the entire day. This could also encourage some parents to simply keep their children out for the entire day as opposed to sending them to school for part of the day.</p> <p>There should be some provision made for students who are attending at least one-fourth of the day. If no such provisions are made, I prefer the policy remain as it is. It may not be perfect but it will create fewer headaches for principals, attendance directors, parents and students.</p>	NA/-	<p>The revision to the policy makes half-day attendance more strict then it was in the old policy. Therefore, this will allow schools/counties to be more accurate in their accounting of attendance.</p>
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02-24	<p>Raymond Dube ACCESS Dir. Rdube@jwu.edu Johnson & Wales University 8 Abbott Park Place Providence RI 02903</p>	<p>Note that the WV Vision for Success August 2005 identifies as one of the goals to its mission that “students shall have the opportunity to complete accelerated courses and graduate with college credit...” It also states that “public education needs to form effective partnerships with higher education. A WV student has applied and been accepted for the ACCESS program at Johnson & Wales. ACCESS is a dual enrollment program that fits the “rigorous academic challenge section of “No Child Left Behind Act.” She is being prohibited by your current attendance policy to participate because it has declared that her participation would be illegal. The attendance policy needs to reflect that dual enrollment is an acceptable attendance option for a high school senior.</p>	NA/-	Does not affect the policy revisions.
02-24	<p>Patrick Leggett School Counselor pleggett@access.k12.wv.us Mason County Schools Point Pleasant WV 25550</p>	<p>4.3.2 50% is raising the expectation</p> <p>4.6* Compulsory School Attendance age might need to be above 16 years of age</p>	<p>A/+</p> <p>NA/o</p>	<p>Comment agrees with the revision for .50.</p> <p>Does not affect the policy revisions.</p>

03-06	<p>Linda Berlin Adult Education Coordinator lberlin@access.k12.wv.us Marshall County Schools 2700 4th Street Moundsville WV 26041</p>	<p>While I feel that 16 is really too young to quit school for many obvious reasons, I am not sure that simply raising the age to 18 will really help our problem. It is easy to take the stroke of a pen and just say, let's make the dropout age 18, but you are now dealing with another set of serious problems. You will have kids in school that really do not want to be there for a longer period of time. (If so, there needs to be a plan in place for true alternative schools and/or programs for these kids). We, as educators, cannot think that just because we raise the bar, it is going to make everything better. We are dealing with many problems outside of the school environment that we do not have any control over. You also are going to add more work to already overworked counselors, attendance directors and overloaded court systems. I feel that the drivers license law was a great asset to helping parent's and educators help keep kids stay in school, but I am very skeptical about raising the age to 18 without thinking through how we will deal with what it will bring. This also should not mean that counties get another unfunded mandate on alternative schooling, because we will keep going with what we have now.....alternative</p>	NA/-	Does not affect the policy revisions.
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		programs that are a waste of time and money for everyone, and do not work. I think it is time to concentrate on the kids that can and want to learn in school. We cannot save them all.		
03-09	A. Kaplan Assistant Principal akaplan@access.k12.wv.us HHS Huntington wv 25701	exempted absence should also include: religious holiday and military induction.	NA/o	Does not affect the policy revisions.
02-17	Gary L. Cross Principal Ravenswood Grade Rt 2 Box 22-A Ravenswood WV 26164	Please address students who are tardy frequently	N/o	Does not affect the policy revisions.
§126-81-5 Responsibility				
DATE	INDIVIDUAL ORGANIZATION	COMMENTS	ACTION/TYPE	RATIONALE
02-16	Sandra H. Dougherty Attendance Officer sdougher@access.k12.wv.us Jefferson County Board of Educaion 110 Mordington Ave. Charles Town WV 25414	Good!	A/+	Comment supports changes to policy.
02-20	Nancy Benson dreamonmom47@msn.com Rt 1 Box 254-A Rivesville WV 26588	dr has wrote a letter that explains long term effects that will continue from 9 th thur 12 th grade taking Medication will cause and can cause attendance problems that is related to disability related issues	NA/o	Does not affect the policy revisions.

02-22	<p>Brenda Bolyard <u>bebolyar@access.k12.wv.us</u> Route 2 Box 114B1 Moatsville WV 26405</p>	<p><i>fu126-81-5. Responsibility.</i></p> <p>How unfortunate it is that we are enabling an entire generation of young adults to not embrace qualities such as promptness and dedication. Is this the workforce we wish to hire in the future? OF course, the answer should be NO.</p> <p>In Virginia where I attended public school, if a student missed thirty-one days, they were automatically retained. Of course, there was an appeal process. But as a student, I knew there was a limit to allowable absences.</p> <p>Our students know there is no limit. They also know they can be absent forever and no one will do anything about it. I work in the school system. I send out the attendance letters. We need help! We need some backbone in our state policy so that our county policy has some support!</p>	NA/-	Does not affect the policy revisions.
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02-27	<p>Rebecca King Coordinator rjking@access.k12.wv.us WVDE Bldg 6, room 309</p>	<p>Policy 4110, Section 5.4 should properly align with Policy 4350 regarding requirements for enrollment:</p> <p>Policy 4350, Section 29.1.3. reads:</p> <p>b. Effective July 1, 2003, prior to admittance to a public school in the state, the county board of education must request from the parent, guardian, or responsible person the social security number of each child who is to be enrolled.</p> <p>C. The county board of education must inform the parent, guardian, or other responsible person that, if he or she declines to provide the student social security number, the county board of education will assign the student an alternate nine digit number as designated by the West Virginia Board of Education.</p>	NA/o	<p>While this revision request does not affect the policy revisions suggested, the comment should be considered and added since it would allow all to be informed of the new requirements.</p>
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02-28	<p>Linda Kirk counselor linkdakirk@frontiernet.net Valley HS PO box 343 Pine Grove WV 26419</p>	<p>I, too, agree that attendance is the main component to successful academics. I also believe it is the parent's responsibility to see that children are in school. However, this uyear, we have had several students dropout and the main reason is so parents do NOT have to pay fines due to unexcused absences. I don't know where the happy medium is. Our school is probably not going to meet AYP this year because of high number of dropouts. We are very rural, very poor, and obviously, parents are less concerned about children receiving a quality education than forcing them to attend school regularly.</p>	N/o	Does not affect the policy revisions.
02-17	<p>Gary L. Cross Principal Ravenswood Grade Rt 2 Box 22-A Ravenswood WV 26164</p>	<p>Please develop a statement saying: If you have five tardies, it is counted as one <u>unexcused absence</u>. Parents bring in children late in morning and take them out of school early. A stiff consequence needs to be placed in policy.</p>	NA/o	Does not affect the policy revisions.

§126-81-6 County Attendance Policy Components

DATE	INDIVIDUAL ORGANIZATION	COMMENTS	ACTION/ TYPE	RATIONALE
02-16	Sandra H. Dougherty Attendance Officer sdougher@access.k12.wv.us Jefferson County Board of Educaion 110 Mordington Ave. Charles Town WV 25414	Good!	A/+	Comment agrees with the suggested revisions.
02-20	Nancy Benson dreamonmom47@msn.com Rt 1 Box 254-A Rivesville WV 26588	marion county	N/o	Does not affect the policy revisions.
02-21	Arthur L. Rogers Attendance Director arogers@access.k12.wv.us Webster County Board of Education 315 S. Main St Web Co Bd of Ed Webster Springs WV 26288	Please add to this section the ability of the county to apply a semester test exemption policy as an incentive to attend school regularly. Other counties are using this successful policy even though Webster County has been advised not to do it. Section 6.1.5 subsections a, and e, both ask us for incentives and programs to improve attendance.	NA/o	Does not affect the policy revisions.

02-22	<p>Randy L. Adkins <u>ihsbiology@myway.com</u> private citizen, parent, and teacher 104 Pin Court Beckley WV 25801</p>	<p>One of the most heinous things the state board has done for attendance rates is to remove the county's ability to set attendance guidelines for semester exam exemptions. Many students made sure to attend school so that they would be exempt. Since attendance can no longer be a factor, attendance rates have dropped.</p> <p>My sincere hope would be that the state reverse its mistake and do so now while changes to the policy can be made.</p> <p>Even better– if the state is really serious about high standards and high attendance would be a provision that X number of absences would make passing a course impossible, even with an A. The children need to be in school to learn.</p>	NA/-	Does not affect the policy revisions.
02-24		<p>Compulsory school attendance exemptions should include higher level education; for example, allow advanced high school students to attend college. As the availability of college level courses within our state high schools is very limited, the option to attend college without the compulsory high school attendance requirement should be available.</p>	NA/o	Does not affect the policy revisions.

02-28	<p>Linda Dyer Counselor lsdyer@access.k12.wv.us Webster County High 1 Highlander Dr. Upper Glade WV 26266</p>	<p>It is my understanding that the current interpretation that grades in no way be affected by attendance that has caused the problem with attendance. In the past, students could be exempt from semester tests if they had no more than 3 absences per semester. Since we have eliminated that policy, our absences have skyrocketed. We have tried incentives, such as awarding cash prizes. This had no affect on attendance. I am of the opinion that students' grades should be affected by attendance. If students do not need to be in school to "master" the content, there is something lacking in the curriculum and we could eliminate teachers and let the student do homestudy. Ultimately the decision to attend regularly attend highschool is the student's choice. However, the parents and community must value school attendance and the courts uphold the law.</p>	NA/-	Does not affect the policy revisions.
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03-01	<p>Cheryl J Moore Assistant Principal cjmoore@access.k12.wv.us Mason County Schools 90 Hawthorne Lane Point Pleasant WV 25550</p>	<p>As a school which sits on a state line with Ohio we have trouble with students coming to our school for the sole purpose of dropping out. I believe the dropout age in the Gallipolis Ohio area is higher than the age in WV. Shouldn't there be some amount of time that a student has to be in your school before they can be counted as a drop out from your school. We have students who come to Point Pleasant High School because their parents have asked them to try one more time. Since we have open enrollment if you transport your student, we have students who are having trouble at one of the other high schools in the county enroll at our school. In a week or so the student will say to their parent "I have it there, too" At this point the parent will allow the student to drop out. They become a drop out for us. I don't think this is fair. We also have students who have quit long before they get to high school, they just haven't dropped out because they weren't old enough. We get students who haven't passed a single core content class in 3 or 4 years. These students are just waiting to be 16 to drop out. Many of them turn 16 during their freshman year. That means they may have only been with us a few months when they drop out. They are</p>	NA/-	Does not affect the policy revisions.
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		<p>counted as our drop outs. This seems unfair as the other schools have had them a lot longer than we have.</p> <p>Is there some way these problems could be figured into the drop out rate?</p>		
03-10	<p>Diane Zinn teacher dzinn@access.k12.wv.us South Preston Middle School Route 1, Box 154 Tunnelton WV 26444</p>	<p>As an educator, I am discouraged with the attendance of many of the students at our school. We have several students who come to school weekly with doctors' notes. Some of these students know people who work for the doctors' offices or else they literally go to the doctor every week and get a note to be dismissed from school. Education is not a top priority of families if a student is missing 25 or more days a year and there is no long-term medical problem. Many of our students, by law, are missing 20 to 40 days of school and most of the absences fall under allowable excuses. Until the state puts some real substance into an attendance policy, I can only see attendance rates decreasing. Other than having long-term illness or an accident, a student who misses more than 25 days (about 1/7 of the school year should not be ready to go on to the next grade.</p>	NA/-	Does not affect the policy revisions.

03-10	Caren Lilly President clilly@sunlitsurf.com W V Professional Educators 8 Kepner Street Buckhannon WV 26201	Members have expressed concern that this policy takes away the power to influence good attendance. The concern is that unexcused absences will grow, and administrators and teachers will be unable to discipline. They are also concerned about no timeline for completing make-up work. They feel that this policy change may devalue attendance and work ethic.	NA/-	Does not affect the policy revisions.
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03-13	<p>Dawn Anderson Attendance Director daanders@access.k12.wv.us Mason Co. Schools 1200 Main Street Pt. Pleasant WV 25550</p>	<p>I have received numerous complaints from school staff (especially teachers), since our county policy changed in June, 2003. The biggest complaint is that our policy has no "teeth" and the student has little if any accountability for attending school. Court is the consequence they face and that is directed to the parents. Some students could care less if their parent goes to court or jail. Revoking the permit to drive is effective for some students, but not all. Prior to the policy change, Mason County had make up time for students who missed than 6 days per semester. This was a deterrent to absenteeism. I have looked at attendance policies form other states and noted such deterrents as: No credit given if the student missed more than 15% of class time (grades 9-12); school work missed due to unexcused absences resulting in the loss of credit for make-up work; retention for elementary students who miss more than 10 days per year; class time, hour for hour, make up time after 3 absences per nine weeks (this is what Mason County did previously); five tardies (or whatever the county determines an appropriate number), would equal a day absent. Mason County's Attendance Committee met on March 2, 2006 and strengthening the policy was</p>	NA/-	Does not affect the policy revisions.
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		their goal. Several members were to comment on the State Attendance Policy.		
02-17	Gary L. Cross Principal Ravenswood Grade Rt 2 Box 22-A Ravenswood WV 26164	<p>I believe students should be required to attend school until they are 18 years old or have completed all course work to graduate from high school satisfactorily.</p> <p>Please consider changing “unexcused absences” from 10 a year to <u>6 a year</u>. Three unexcused absence per semester.</p> <p>With the “No Child Left Behind” mandate, we <u>must have students in school.</u></p>	NA/o	Does not affect the policy revisions.

POLICY 4110 - Attendance Policy

COMMENT LOG

DATE	INDIVIDUAL ORGANIZATION	COMMENTS	ACTION/TYPE	RATIONALE
§126-81-4 Definitions				
02-16	Sandra H. Dougherty Attendance Officer sdougher@access.k12.wv.us Jefferson County Board of Educaion 110 Mordington Ave. Charles Town WV 25414	Good!		
02-20	Nancy Benson dreamonmom47@msn.com Rt 1 Box 254-A Rivesville WV 26588	please explain attendance policy for child with a disability that misses school that is related their disability and medication given for disability so they may function in there school eviroment		
02-21	David A. Nelson mrdan1963@yahoo.com Parent 113 Setzer Drive Barboursville WV 25504	I do agree that partial day calculations are needed as my daughter was counted absent for more that half a day when she had a doctor appointment to remove her cast. I don't agree that students should be excused from school, for several days for school activities as these can be planned for after school and weekends, these students loose no school attendance, yet even an hour at a doctor's office yields an absence.		
		4.3.2. Half-day attendance means being present at least .50 of the school day In our school, the length of the school day is approximately 400 minutes (8:00 a.m. - 2:40 p.m.) This is not all instructional as it includes time for lunch and recess. One-half (.50)of this number would be about 200 minutes (or three hours and 20		

<p>02-22</p>	<p>Charles Keller Principal cekeller@access.k12.wv.us Mineral County Schools Elk Garden Primary School Rt. 1 Box 320 Elk Garden WV 26717</p>	<p>minutes). It possible a student could be present until 11:00 a.m. (180 minutes) but still be counted absent for the entire day. Or, a student could be excused at noon, miss only the afternoon classes, but still be marked absent for the entire day. This could become a public relations nightmare for the principals as they try to explain to upset parents why their children were in school but counted absent for the entire day. This could also encourage some parents to simply keep their children out for the entire day as opposed to sending them to school for part of the day. There should be some provision made for students who are attending at least one-fourth of the day. If no such provisions are made, I prefer the policy remain as it is. It may not be perfect but it will create fewer headaches for principals, attendance directors, parents and students.</p>		
<p>02-24</p>	<p>Raymond Dube ACCESS Dir. rdube@jwu.edu Johnson & Wales University 8 Abbott Park Place Providence RI 02903</p>	<p>Note that the WV Vision for Success August 2005 identifies as one the goals to its mission that "students shall have the opportunity to complete accelerated courses and graduate with college credit..." It also states that "public education needs to form effective partnerships with higher education. A WV student has applied and been accepted for the ACCESS program at Johnson & Wales. ACCESS is a dual enrollment program that fits teh "rigorous academic challenge section of "No Child Left Behind Act." She is being prohibited by your current attendance policy to participate because it has declared that her participation would be illegal. The attendance policy needs to reflect that dual enrollment is an acceptable attendance option for a high school senior.</p>		
	<p>Patrick Leggett School Counselor</p>	<p>4.3.2 50% is raising the expectation 4.6 * Compulsory School Attendance</p>		

02-24	<p>pleggett@access.k12.wv.us Mason County Schools Point Pleasant WV 25550</p>	<p>age might need to be above 16 years of age</p>		
03-06	<p>Linda Berlin Adult Education Coordinator lberlin@access.k12.wv.us Marshall County Schools 2700 4th Street Moundsville WV 26041</p>	<p>While I feel that 16 is relly too young to quit school for many obvious reasons, I am not sure that simply raising the age to 18 will really help our problem. It is easy to take the stroke of a pen and just say, let's make the dropout age 18, but you are now dealing with another set of serious problems. You will have kids in school that really do not want to be there for a longer period of time. (If so,there needs to be a plan in place for true alternative schools and/or programs for these kids). We, as educators, cannot think that just because we raise the bar, it is going to make everything better. We are dealing with many problems outside of the school envioronment that we do not have any control over. You also are going to add more work to already overworked counselors, attendance directors and overloaded court systems. I feel that the drivers license law was a great asset to helping parent's and educators help keep kids stay in school, but I am very skeptical about raising the age to 18 without thinking through how we will deal with what it will bring. This also should not mean that counties get another unfunded mandate on alternative schooling, because we will keep going with what we have now.....alternative programs that are a waste of time and money for everyone, and do not work. I think it is time to concentrate on the kids that can and want to learn in school. We cannot save them all.</p>		
03-09	<p>A. Kaplan Assistant Principal akaplan@access.k12.wv.us HHS Huntington wv 25701</p>	<p>exempted absences should also include: religious holiday and military induction.</p>		
<p>§126-81-5 Responsibility</p>				

02-16	<p>Sandra H. Dougherty Attendance Officer sdougher@access.k12.wv.us Jefferson County Board of Educaion 110 Mordington Ave. Charles Town WV 25414</p>	<p>Good!</p>		
02-20	<p>Nancy Benson dreamonmom47@msn.com Rt 1 Box 254-A Rivesville WV 26588</p>	<p>dr has wrote a letter that explains long term effects that will continue from 9th thur 12 th grade taking Medication will cause and can cause attendance problems that is related to disability related issues</p>		
02-22	<p>Brenda Bolyard bebolyar@access.k12.wv.us Route 2 Box 114B1 Moatsville WV 26405</p>	<p>fu126-81-5. Responsibility.</p> <p>How unfortunate it is that we are enabling an entire generation of young adults to not embrace qualities such as promptness and dedication. Is this the workforce we wish to hire in the future? Of course, the answer should be NO.</p> <p>In Virginia where I attended public school, if a student missed thirty-one days, they were automatically retained. Of course, there was an appeal process. But as a student, I knew there was a limit to allowable absences.</p> <p>Our students know there is no limit. They also know they can be absent forever and no one will do anything about it. I work in the school system. I send out the attendance letters. We need help! We need some backbone in our state policy so that our county policy has some support!</p>		
02-24	<p>Patrick Leggett School Counselor pleggett@access.k12.wv.us</p>	<p>5.3.2 b. In secondary schools utilizing the 4 block design, 5 consecutive days is 150% to 200% more than the standard day. Therefore a clause noting '4 block schools' attendance is 3 consecutive days or 6 total unexcused absences of a child during a school year.....</p>		

	<p>Mason County Schools Point Pleasant WV 25550</p>	<p>5.3.3 b for a school using the 4 block design, a clause noting accumulated unexcused absences is 3 instead of five</p>		
<p>02-27</p>	<p>Rebecca King Coordinator rjking@access.k12.wv.us WVDE Bldg 6, room 309</p>	<p>Policy 4110, Section 5.4 should properly align with Policy 4350 regarding requirements for enrollment:</p> <p>Policy 4350, Section 29.1.3. reads:</p> <p>b. Effective July 1, 2003, prior to admittance to a public school in the state, the county board of education must request from the parent, guardian, or responsible person the social security number of each child who is to be enrolled.</p> <p>c. The county board of education must inform the parent, guardian, or other responsible person that, if he or she declines to provide the student social security number, the county board of education will assign the student an alternate nine digit number as designated by the West Virginia Board of Education.</p>		
<p>02-28</p>	<p>Linda Kirk counselor lindakirk@frontiernet.net Valley HS PO Box 343 Pine Grove WV 26419</p>	<p>I, too, agree that attendance is the main component to successful academics. I also believe it is the parent's responsibility to see that children are in school. However, this year, we have had several students dropout and the main reason is so parents do NOT have to pay fines due to unexcused absences. I don't know where the happy medium is. Our school is probably not going to meet AYP this year because of high number of dropouts. We are very rural, very poor, and obviously, parents are less concerned about children receiving a quality education than forcing them to attend school</p>		

		regularly.		
§126-81-6 County Attendance Policy Components				
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<p>03-10</p>	<p>Diane Zinn teacher dzinn@access.k12.wv.us South Preston Middle School Route 1, Box 154 Tunnelton WV 26444</p>	<p>As an educator, I am discouraged with the attendance of many of the students at our school. We have several students who come to school weekly with doctors' notes. Some of these students know people who work for the doctors' offices or else they literally go to the doctor every week and get a note to be dismissed from school. Education is not a top priority of families if a student is missing 25 or more days a year and there is no long-term medical problem. Many of our students, by law, are missing 20 to 40 days of school and most of the absences fall under allowable excuses. Until the state puts some real substance into an attendance policy, I can only see attendance rates decreasing. Other than having a long-term illness or an accident, a student who misses more than 25 days (about 1/7 of the school year should not be ready to go on to</p>		

		the next grade.		
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	Attendance Policy.		
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126CSR81

POLICY4110: Attendance

COMMENT PERIOD ENDS: March 13, 2006

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 4110: Attendance. Additional sheets may be attached, if necessary.

Name: Gary L. Cross Organization: _____

Title: Principal of Ravenswood Grade

Street Address: Rt 2 Box 22-A

City: Ravenswood State: WV Zip: 26164

Please check the box below that best describes your role.

- School System Superintendent
- Principal
- Professional Support Staff
- School System Staff
- Teacher
- Service Personnel
- Parent/Family
- Business/Industry
- Community Member

COMMENTS/SUGGESTIONS

§126-81-4. Definitions.

Please address students who are tardy frequently.

§126-81-5. Responsibility.

Please develop a statement saying: If you have five tardies, ~~it is counted~~ it is counted as one unexcused absence. Parents bring in children late in morning AND take them out of school early. A stiff consequence needs to be placed in policy.

Revised

126CSR81

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

I believe students should be required to attend school until they are 18 years old or have completed all course work to graduate from High School satisfactorily.

Please direct all comments to:

Lisa Burton, Coordinator
Office of Student Services and Health Promotion
West Virginia Department of Education
Capitol Building 6, Room 309
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
E-Mail Address: lgburton@access.k12.wv.us
Fax No.: (304) 558-3787

Please consider changing "unexcused absence" from 10 a year to 6 a year. Three unexcused absences per semester.

With the "No Child Left Behind" mandate, we must have students in school.

126CSR81

POLICY4110: Attendance

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With the "No Child Left Behind" mandate, we must have students in school.

Lisa Burton

From: Theresa Easton [teaston@access.k12.wv.us]

Sent: Thursday, March 09, 2006 11:10 AM

To: lgburton@access.k12.wv.us

Subject: Attendance Policy

Lisa,

My name is Theresa A. Easton and I am a Guidance counselor in Mineral County. I have read the proposed revisions to the attendance policy and would like to see the State reinstate the tenths of a day as policy to monitor attendance. If feel that when we had that we had more clout with those students who often came to school late or left early for a variety of reasons.

Thank you for listening and possibly considering my requested change to the attendance policy.

Theresa A. Easton

Where do I put this?