

WEST VIRGINIA
SECRETARY OF STATE

JOE MANCHIN, III

ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In This Box

FILED

2003 NOV 14 P 3: 56

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, 18-8-4, 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 December 14, 2003.



Steven L. Paine
Deputy State Superintendent of Schools

**EXECUTIVE SUMMARY
WEST VIRGINIA DEPARTMENT OF EDUCATION**

**POLICY 4110
ATTENDANCE**

BACKGROUND:

The Legislature amended West Virginia Code §18-8-4, by Senate Bill 522, to set forth student absences that shall be excluded for accountability purposes. "The absences shall include 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 to the extent of his or her authority". This policy should remain aligned with Policy 2510 which defines which absences will count in the calculation with attendance and with Policy 2320 which states accountability measures for attendance.

PROPOSALS:

Revisions to Policy 4110 are being recommended due to federal and state legislation changes. West Virginia Code §18-8-4, required changes be made to the allowable deductions for accountability purposes. Specifically, sections 4.1., 4.2., 4.10 were deleted, and section 5.3.2.e was revised. West Virginia Code §18-8-11 required changes be made to the driver's license law, see specifically section 7.4. Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.), required the addition of the definition of homeless children and youth and school of origin, see specifically sections 4.10 and 4.12. The attendance director's duties as the liaison for homeless children and youth were revised due to the federal legislation changes, see specifically sections 5.3.2.d. A new definition was added, section 4.9., to define excused student absences. Grammatical revisions were made throughout the policy.

IMPACT:

The impact regarding the revisions to Policy 4110 due to changes in state legislation requirements regarding allowable deductions for accountability purposes should allow all schools to meet adequate yearly progress for attendance. The proposed revisions due to federal legislation regarding homeless students will greatly impact the understanding and services provided for these students.

RESPONSE TO COMMENTS:

Five comments were received during the comment period. Two of the comments dealt with the revision to West Virginia Code §18-8-4, one dealt with the definition for full and half day attendance which is defined using the Guidelines set forth by the National Center for Educational Statistics, and another dealt with a misunderstanding regarding the coding of excused student absences. Therefore, those revisions were not accepted. The following changes were made to the policy for grammatical reasons and consistency within the policy due to the fifth public comment received: 1.1., 1.5., 3.1., 4.3.1., 4.3.2., 5.2., 5.4., 6.1.1.(b), 6.1.2.(e), 6.1.3.(d), 6.1.4.(b), and 6.1.5(a).

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

FILED

2003 NOV 14 P 3: 56

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§126-81-1. General.

1.1. Scope. - This rule provide 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. - November 14, 2003

1.4. Effective Date. - December 14, 2003

1.5. Repeal of Former Rule. - This legislative rule revises W.Va. 126CSR81 "County Attendance Policy" filed June 7, 2002 and effective July 7, 2002.

§126-81-2. Rationale.

2.1. The West Virginia Board of Education 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 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.

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§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 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 .26 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 classes 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 GED diploma, or completed a state- or district-approved education program; and

4.5.4. 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.

4.6. Dropout Date - For students of ages 16 or older, the dropout date is defined as the school

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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.

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 the 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 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.

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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 West Virginia Board of Education has the responsibility to encourage daily attendance and mandate that county school systems adequately address student absences including tardiness.

5.2. The West Virginia Board of Education 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 sixteenth 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 ten days 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

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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 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.

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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.

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 West Virginia Department of Education.

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c. defining excused and unexcused absences in compliance with W.Va. Code §18-8-1 and §18-8-2 and attendance in W.Va. 126CSR 42, West Virginia Board of Education 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 West Virginia Department of Education 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 West Virginia Department of Education.

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 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.

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

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

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

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

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

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

d. procedures for interagency involvement.

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

f. assurances that students with a pattern of excessive absenteeism are referred to appropriate student assistance teams/programs (Policy 2510 and W.Va. 126CSR13, West Virginia Board of Education 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 West Virginia Department of Education for presentation to the West Virginia Division of Motor Vehicles 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 West

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Virginia Division of Motor Vehicles 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 general educational development certificate (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 West Virginia Division of Motor Vehicles 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 West Virginia Division of Motor Vehicles 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 West Virginia Division of Motor Vehicles 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)

HD NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____

SUBJECT Policy 4110: Attendance FUND _____

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

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

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

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	- 0 -		- 0 -		

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

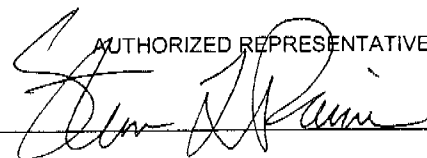
DATE

AGENCY

AUTHORIZED REPRESENTATIVE

11/14/03

West Virginia Department of Education



**POLICY 4110: ATTENDANCE
COMMENT LOG
September 22 – October 23, 2003**

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

Date	Individual/Organization	Comments	Action/Type	Rationale
		§126-81-1. General.		
9/30/03	Carol A. Egnatoff Individual	In 1.1: These <u>This</u> rules provides In 1.5: This legislative <u>rule</u> rule repeals and replaces <u>revises...</u> (the word "rule" is stricken from your proposed rule. It appears to be needed in that sentence.)	A/O A/O	Grammatical changes made to policy. Grammatical changes made to policy.
		§126-81-2. Rationale.		
9/30/03	Carol A. Egnatoff Individual	In 2.1: Strike number (2.1), as this is the only paragraph contained in §126-81-2.	NA/O	Following legislative format
		§126-81-3. Policy Development.		

9/30/03	Carol A. Egnatoff Individual	In 3.1: Strike number (3,1), as this is the only paragraph contained in §126-81-3. 3.1- Each county must provide for input from teachers, principals, attendance directors, parents/guardians, and community leaders when developing or revising attendance policy.	NA/O	Following legislative format	Change was made to ensure consistency. Other revisions in the policy were made regarding this correction.
		§126-81-4. Definitions.			
9/30/03	Carol A. Egnatoff Individual	In 4.3.1.: Full-day attendance is <u>means</u> being present at least .74 of the school day. In 4.3.2.: Half-day attendance is <u>means</u> being present at least .26 of the school day. In 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. <u>Student absences due to illness must be excused when written documentation from a licensed health care provider is submitted that states that the student was unable to attend school due to illness. If an absence is of 2 consecutive days during or less, a parent or guardian may provide documentation to excuse the student. Such parent documentation may not be used to excuse a student's absence for more than 2 days in any one calendar month. Student absences at school request, due to illness or infestation that present a risk of</u>	A/O A/O NA/O	Grammatical changes made to policy. Grammatical changes made to policy. A committee was formed in 2001 comprised of WVDE employees and county attendance directors to revise the State Attendance Policy. It was the consensus of the committee to leave the determination of defining excused student absences to the county school systems.	

		transmission to other students, shall also be considered excused absences due to illness. A school that requests that a student not attend due to a transmittable condition shall, at the time of the request, set forth the period for which such absence is excused. In 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, short-term or transient housing, or camping grounds due to the lack of alternative adequate accommodations... (I respectfully suggest that there are students whose families reside in trailer parks who consider their residences to be permanent and of an adequate nature) In 4.10.2: children and youths In 4.10.3.: children and youths	NA/O NA/O NA/O NA/O	Grammatically correct and taken from federal legislation Federal legislation through the McKinney-Vento Homeless Assistance Act Grammatically correct and taken from federal legislation Grammatically correct and taken from federal legislation
10/14/03	Timothy C. Miller, M.D. Member, Vice President, Preston Co. Board of Education	Comment regarding excused student absences: There are a few students who strive to achieve a perfect attendance record. By making absence due to school approved curricular/co-curricular activity or failure of the bus to run an excused absence, just as absence due to illness, etc. these students will be counted absent and will thus not qualify for perfect attendance. This is extremely unfair to the student, to have such a black mark on their record. In order to achieve a	NA/N	These excused absences are not deducted from the student's attendance record. Counties use a code that does not deduct for these excused absences. The reasoning behind the marking of absent or not present in the school building is for legal purposes as stated in the State Policy.

			perfect attendance record, they will have to AVOID entering any social studies fairs, math field days, or any other activity, which may take them away from the campus—not to mention the fact that if their bus doesn't run, they will lose their perfect attendance record through no fault of their own. In addition, it would seem that students who leave campus for a field trip would be counted absent, which, in the elementary grades, would include every student in every grade (practically) at some time in the year. It would be impossible for a student to earn a perfect attendance record. We should be ENCOURAGING students to participate in worthwhile school approved extra-curricular and co-curricular activities, not PENALIZING them for it. A better solution to this dilemma would be to introduce the term "uncharged absence". Uncharged Absence – An uncharged absence will be noted when a student is away from the school campus for the purpose of participation in approved curricular, co-curricular, or extracurricular activities, or because of failure of the bus to run or hazardous conditions, on a day when school is otherwise in session. The student's attendance record will reflect an uncharged absence, but the student will not be charged with an absence. There could be three categories of absence: Excused, unexcused, and uncharged. Furthermore, Policy 2510.7.2.12a states that... Absences that result from school-approved curricular, co-curricular or extra-curricular activities or failure of the bus to run/hazardous conditions shall not be counted in the calculation of attendance.		
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		The exemption for participation in extra-curricular activities was omitted from the current proposed attendance policy, which would seem to make this proposal in conflict with 2510. If absence from school to participate in a school approved extra-curricular activity is not an excused absence, then are we to conclude that such absence is an unexcused absence??? I doubt that is your intent, as I would think this would be entirely unacceptable. We should be ENCOURAGING students to participate in worthwhile school approved and supervised extra-curricular activities, not PENALIZING them for it.			
10/23/03	Wyoming County Career & Technical Center Faculty Senate – Shelia Mann, Chair	We feel that a student needs to be in school <u>100%</u> of the day to be counted as being in attendance a full day. By the current definition a student could miss 1 class each day (block sched.) & still be considered in attendance for a full day. In preparing students for adulthood and the responsibilities than <sic> come with it, furthering their education or going to work, this allowance is not realistic. No post secondary institution or place of employment would even consider such a definition. How can you count a student as present when they are physically not there, as stated by the Def. of Absence (126-81-4.1) This definition encourages irresponsible behavior.	NA/N	The defining of a full and half day attendance in the State Policy is through the use of guidelines from the National Center for Education Statistics for defining attendance.	
		§126-81-5. Responsibility.			
9/30/03	Carol A. Egnatoff Individual	In 5.2.: The West Virginia [Department] Board of Education has the responsibility of for defining allowable deductions for purposes of state attendance reports and statistics. <u>Schools shall not</u>	A/O	Grammatical changes made to policy.	

		be held accountable for Absences resulting from allowable deductions. <u>These absences</u> shall not be calculated in the school's/county's attendance rate [<u>for accountability</u>]. (The revisions already proposed to the preceding paragraph are bracketed [] to distinguish them from my suggestions. One of my suggestions would remove newly-proposed language from the end of the paragraph). In 5.3.2.(d)(7): ensure that homeless children and youths... In 5.3.2.(d)(8) ensure that homeless families, children and youths receive educational services for which such families, children and youths are eligible... In 5.3.3.(a): The principal shall compare school numbers attendance with school enrollment monthly. In 5.4.: Each parent, guardian, or custodian shall have the responsibility of be responsible for fully cooperating in and completing the enrollment process...	NA/O NA/O NA/O A/O	Grammatically correct and taken from federal legislation Grammatically correct and taken from federal legislation State legislation Grammatical changes made to policy.
9/25/03	Susanna Villers Wetzel County Schools Attendance Director/Student Support Services Coordinator	My understanding is that this is legislated, but I believe it should be questioned and revisited with the legislature. Per state policy, the attendance director, as well as other administrators, must set and document goal achievement with the superintendent. Is the superintendent not capable of	N/A/N	State legislation requirement

	Coordinator	monitoring the attendance director's efforts on his/her own? Why are attendance directors being singled out for monthly reports to the superintendents and boards of education? Currently reports are made to our board on a semester basis, which is manageable. Being attendance director is just one-half of my job. The other half consists of supervision of health service, guidance counselors, homebound, home instruction, harassment investigations, Title II, Title IV, Title V, alternative education, SAT, Student Code of Conduct, libraries, homeless, Life Skills Training, appropriate staff development, etc. (Just to name a few). Would the legislature prefer we document more and spend less time assisting students and families so that our county can meet the No Child Left Behind standards? If someone is not doing their job, it is the superintendent's responsibility to deal with it, but let the others be accountable through the measures in place for all administrators.		
		§126-81-6. County Attendance Policy Components.		
9/30/03	Carol A. Egnatoff Individual	Strike 6.1., as there is no 6.2. Renumber the sections which follow the existing 6.1 to become: 6.1. Philosophy...6.1.1. creating a positive safe...6.1.2. developing a system... 6.2. Principles of Operation (with 6.2.1. through 6.2.8) 6.3. Development of Processes and Procedures (with 6.3.1. through 6.3.4.) 6.4. Maintenance of Records (with 6.4.1. through 6.4.3.)	NA/O	Following legislative format

		6.5. Preventive and Corrective Measures (with 6.5.1 through 6.5.7.) (Renumbering as suggested above will also reduce the number of times paragraphs are indented.) In 6.1.2.(e): setting reasonable <u>preventions</u> preventive <u>measures</u> and consequences for student <u>tardies</u> tardiness. (or alternative, "for students who are <u>tardy</u> <u>tardies</u> .)	A/O	Grammatical changes made to policy
		In 6.1.5(a): developing preventive and <u>educative</u> <u>educational</u> procedures, including incentives, to maintain and improve attendance and reduce <u>tardies</u> <u>tardiness</u> .	A/O	Grammatical changes made to policy
10/14/03	Karen Mruk Elementary Counselor Rosemont Elementary	It would be helpful if the state would setup guidelines to deal with constant tardies. There is nothing in the code that assist the school with chronic tardies. Each school is expected to deal with their tardies, however there is no consequence for those who fail to comply.	NA/O	County, as set forth in state policy, has the responsibility for setting reasonable <u>preventions</u> and consequences for student tardies.
		§126-81-7. School attendance as condition of licensing for privilege of operation of motor vehicle.		
9/30/03	Carol A. Egnatoff Individual	In 7.1., last sentence: This documentation must be provided on a form approved by the West Virginia Department of Education for presentation to the West Virginia Division of Motor Vehicles when making application <u>for</u> issuance or reinstatement of, reinstatement of , an instruction permit or license to operate a motor vehicle.	NA/O	State legislation

		§126-81-8. Severability.			

POLICY 4110
SERIES 81
ATTENDANCE
COMMENT RESPONSE FORM

ENTERED

rec'd
10/23/03

Comment Period Ends: October 23, 2003

Please use this form when commenting on proposed Policy 4110. You may attach additional sheets if necessary.

Individual/Organization: Wyoming County Career + Technical Center

Title: Faculty Senate - Shelia Mann, Chair

Street Address: HCR 72 Box 200

City/State/Zip Code: Pineville, WV 24874

§126-81-1. General

§126-81-2. Rationale.

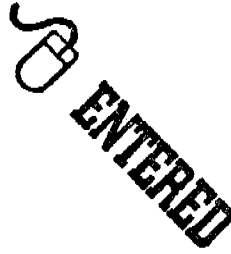
§126-81-3. Policy Development.

§126-81-4. Definitions. We feel that a student needs to be in school 100% of the day to be counted as being in attendance a full day. By the current definition a student could miss 1 class each day (block sched.) & still be considered in attendance for a full day. In preparing students for adulthood and the responsibilities that come with it, furthering their education or going to work, this allowance is not realistic. No post secondary institution or place of employment would even consider such a definition. How can you count a

§126-81-5. Responsibility. Student as present when they are physically not there, as stated by the Def. of Absence (126-81-4.1) This definition encourages irresponsible behavior.

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

**POLICY 4110
SERIES 81
ATTENDANCE
COMMENT RESPONSE FORM**

 ENTERED

11/08
9/23/03

Comment Period Ends: **October 23, 2003**

Please use this form when commenting on proposed Policy 4110. You may attach additional sheets if necessary.

Individual/Organization: Carol A. Egnatoff
Title: Individual
Street Address: 2174 Oakridge Drive
City/State/Zip Code: Charleston, WV 25311

§126-81-1. General

To 1.1: ~~These~~ This rules provides

To 1.5: This legislative rule ~~rule repeals and replaces~~ revises . . . (the word "rule" is stricken from your proposed rule. It appears to be needed in that sentence).

§126-81-2. Rationale.

In 2.1: Strike number (2.1), as this is the only paragraph contained in §126-81-2.

§126-81-3. Policy Development.

In 3.1: Strike number (3.1), as this is the only paragraph contained in §126-81-3.

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

§126-81-4. Definitions.

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

In 4.3.2.: Half-day attendance is means being present at least .26 of the school day.

In 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. Student absences due to illness must be excused when written documentation from a licensed health care provider is submitted that states that the student was unable to attend school due to illness. If an absence is of 2 consecutive days duration or less, a parent or guardian may provide documentation to excuse the student. Such parent documentation may not be used to excuse a student's absence for more than 2 days in any one calendar month. Student absences at school request, due to illness or infestation that present a risk of transmission to other students, shall also be considered excused absences due to illness. A school that requests that a student not attend due to a transmittable condition shall, at the time of the request, set forth the period for which such absence is excused.

In 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~~, short-term or transient housing, or camping grounds due to the lack of alternative adequate accommodations . . .

(I respectfully suggest that there are students whose families reside in trailer parks who consider their residences to be permanent and of an adequate nature)

In 4.10.2.: children and youths

In 4.10.3.: children and youths

§126-81-5. Responsibility.

In 5.2.: The West Virginia [~~Department~~] Board of Education has ~~the~~ responsibility ~~of~~ 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 [~~for accountability~~].

(The revisions already proposed to the preceding paragraph are bracketed [] to distinguish them from my suggestions. One of my suggestions would remove newly-proposed language from the end of the paragraph).

In 5.3.2.(d)(7): ensure that homeless children and youths . . .

In 5.3.2.(d)(8) ensure that homeless families, children and youths receive educational services for which such families, children and youths are eligible . . .

In 5.3.3.(a): The principal shall compare school ~~numbers~~ attendance with school enrollment monthly.

In 5.4.: Each parent, guardian, or custodian shall ~~have the responsibility of~~ be responsible for fully cooperating in and completing the enrollment process . . .

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

Strike number 6.1., as there is no 6.2. Renumber the sections which follow the existing 6.1 to become:

6.1. Philosophy . . . 6.1.1. creating a positive safe . . . 6.1.2. developing a system . . .

6.2. Principles of Operation (with 6.2.1. through 6.2.8.)

6.3. Development of Processes and Procedures (with 6.3.1. through 6.3.4.)

6.4. Maintenance of Records (with 6.4.1. through 6.4.3.)

6.5. Preventive and Corrective Measures (with 6.5.1 through 6.5.7.)

(Renumbering as suggested above will also reduce the number of times paragraphs are indented.)

In 6.1.2.(e): setting reasonable ~~preventions~~ preventive measures and consequences for student ~~tardies~~ tardiness. (or alternative, "for students who are tardy ~~tardies~~.)

In 6.1.5(a): developing preventive and ~~educative~~ educational procedures, including incentives, to maintain and improve attendance and reduce ~~tardies~~ tardiness.

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

In 7.1., last sentence: This documentation must be provided on a form approved by the West Virginia Department of Education for presentation to the West Virginia Division of Motor Vehicles when making application for issuance or reinstatement of, ~~reinstatement of~~, an instruction permit or license to operate a motor vehicle.

§126-81-8. Severability.

Please return comments to:

**Lisa Burton, Coordinator
Office of Student Services and Health Promotion
West Virginia Department of Education
Building 6, Room 309, Capitol Complex
1900 Kanawha Boulevard East
Charleston, West Virginia 25305-0330**

**POLICY 4110
SERIES 81
ATTENDANCE
COMMENT RESPONSE FORM**

10/14/03
ENTERED

Comment Period Ends: October 23, 2003

Please use this form when commenting on proposed Policy 4110. You may attach additional sheets if necessary.

Individual/Organization: Timothy C. Miller, M.D. _____

Title: Member, Vice President, Preston Co. Board of Education

Street Address: 201 East High St _____

City/State/Zip Code: Kingwood, WV 26537 _____

§126-81-1. General

§126-81-2. Rationale.

§126-81-3. Policy Development.

§126-81-4. Definitions.

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.

There are a few students who strive to achieve a perfect attendance record.

By making absence due to school approved curricular/co-curricular activity or failure of the bus to run an excused absence, just as absence due to illness, etc, these students will be counted absent and will thus not qualify for perfect attendance.

This is extremely unfair to the student, to have such a black mark on their record. In order to achieve a perfect attendance record, they will have to AVOID entering any social studies fairs, math field days, or any other activity which may take them away from the campus -- not to mention the fact that if their bus doesn't run, they will lose their perfect attendance record through no fault of their own. In addition, it would seem that students who leave campus for a field trip would be counted absent, which, in the elementary grades, would include every student in every grade (practically) at some time in the year. It would be impossible for a student to earn a perfect attendance record. We should be ENCOURAGING students to participate in worthwhile school approved extra-curricular and co-curricular activities, not PENALIZING them for it.

A better solution to this dilemma would be to introduce the term "uncharged absence"

Uncharged Absence – An Uncharged Absence will be noted when a student is away from the school campus for the purpose of participation in approved curricular, co-curricular, or extracurricular activities, or because of failure of the bus to run or hazardous conditions, on a day when school is otherwise in session. The student's attendance record will reflect an uncharged absence, but the student will not be charged with an absence.

There could be three categories of absence: Excused, unexcused, and uncharged.

Furthermore Policy 2510.7.2.12a states that...

Absences that result from school-approved curricular, co-curricular or **extra-curricular activities** or failure of the bus to run/hazardous conditions shall not be counted in the calculation of attendance.

The exemption for participation in extra-curricular activities was omitted from the current proposed attendance policy, which would seem to make this proposal in conflict with 2510. If absence from school to participate in a school approved extra-curricular activity is not an excused absence, then are we to conclude that such absence is an *unexcused* absence??? I doubt that is your intent, as I would think this would be entirely unacceptable. We should be ENCOURAGING students to participate in worthwhile school approved and supervised extra-curricular activities, not PENALIZING them for it.

§126-81-5. Responsibility.

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

POLICY 4110

SERIES 81

ATTENDANCE

COMMENT RESPONSE FORM


ENTERED

10/14/03

Comment Period Ends: October 23, 2003

Please use this form when commenting on proposed Policy 4110. You may attach additional sheets if necessary.

Individual/Organization: KAREN MRUKTitle: Elementary CounselorStreet Address: Rosemont Elementary
301 S. Ala Ave Mtsbg WV 25401City/State/Zip Code:

§126-81-1. General

§126-81-4. Definitions.

§126-81-5. Responsibility.

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

It would be helpful if the state would setup guidelines to deal with constant tardies. There is nothing in the code that assist the school with chronic tardies. Each school is expected to deal with their tardies, however there is no consequence for those who fail to comply.

**POLICY 4110
SERIES 81
ATTENDANCE
COMMENT RESPONSE FORM**

*rec'd
9/25/03*

 **ENTERED**

Comment Period Ends: October 23, 2003

Please use this form when commenting on proposed Policy 4110. You may attach additional sheets if necessary.

Individual/Organization: Susanna Villers/Wetzel County Schools

Title: Attendance Director/Student Support Services Coordinator

Street Address: 333 Foundry Street

City/State/Zip Code: New Martinsville, WV 26155

§126-81-1. General

§126-81-2. Rationale.

§126-81-3. Policy Development.

§126-81-4. Definitions.

§126-81-5. Responsibility.

5.3.2 e. My understanding is that this is legislated, but I believe it should be questioned and revisited with the legislature. Per state policy, the attendance director, as well as other administrators, must set and document goal achievement with the superintendent. Is the superintendent not capable of monitoring the attendance director's efforts on his/her own? Why are attendance directors being singled out for monthly reports to the superintendents and boards of education? Currently reports are made to our board on a semester basis which is manageable. Being attendance director is just one-half of my job. The other half consists of supervision of health services, guidance counselors, homebound, home instruction, harassment investigations, Title II, Title IV, Title V, alternative education, SAT, Student Code of Conduct, libraries, homeless, Life Skills Training, appropriate staff development, etc. (Just to name a few). Would the legislature prefer we document more and spend less time assisting students and families so that our county can meet the No Child Left Behind standards? If someone is not doing their job, it is the superintendents responsibility to deal with it, but let the others be accountable through the measures in place for all administrators.