

Lincoln County Schools
Bylaws and Policies

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5200 - ATTENDANCE

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

Definitions

Absence

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

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 provision WV Code 18-8-4.

Attendance

For statistical purposes, attendance will be reported and aggregated to the nearest half day:

- A. Full-day attendance means being present at least .74 of the school day.
- B. Half-day attendance means being present at least .50 of the school day.

Dropout

A dropout is an individual who:

- A. was enrolled in school at some time during the previous school year and was not enrolled on October 1 of the current school year; or
- B. was not enrolled on October 1 of the previous school year although expected to be in membership (i.e., was not reported as a dropout the year before); and

- C. has not graduated from high school, obtained a Test Assessing Secondary Completion (hereinafter TASC) diploma, or completed a State- or County-approved education program; and
- D. does not meet any of the following exclusionary conditions:
 - 1. transfer to another public school county, private school, registered home school, or State or County-approved education program;
 - 2. temporary school-recognized absence due to suspension or illness, or
 - 3. death.

Dropout Date

For students of compulsory school attendance age (six (6) to seventeen (17) years of age) or older, the dropout date is defined as the school day after the student's last day of attendance.

Enrollment

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

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

Excused Student Absences

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

- A. "Documented chronic medical condition" means any physical or mental condition that may require multiple or regular absences. This condition must be documented annually with a valid physician's note that explains the condition and anticipated impact on attendance. The necessity for the absences must be approved and reviewed quarterly by the SAT, IEP or 504 team. Such absence(s) shall be considered an allowable deduction and not be calculated in the school's/county's attendance rate.

- B. "Documented disability" means any mental or physical impairment that substantially limits one or more major life activities and is documented annually with a valid physician's note that explains the disability and anticipated impact on attendance. The necessity for the absences must be approved and reviewed quarterly by the SAT, IEP or 504 Team. Such absence(s) shall be considered an allowable deduction and not be calculated in the school's/County's attendance rate.

Absences of students with disabilities shall be in accordance with the Individuals with Disabilities Education Improvement Act of 2004 and the Federal and State regulations adopted in compliance therewith.

The Board considers the following factors to be reasonable excuses for time missed at school:

- A. personal illness or injury of the student or in the family with physician's written verification (Parents are limited to five (5) parent notes per semester if physicians verification is not provided)
- B. medical or dental appointment with written excuse from physician or dentist
- C. chronic medical condition or disability that impacts attendance
- D. participation in home or hospital instruction due to an illness or injury or other extraordinary circumstance that warrants home or hospital confinement
- E. calamity, such as a fire or flood
- F. death in the family, with a limit of three (3) days for each occurrence, except in extraordinary circumstances

"Family" is defined as: mother, father, brother, sister, grandmother, grandfather, aunt, uncle, brother-in-law, sister-in-law, brother's children, sister's children, student's children, or any person living in the same household. Exceptions may be approved by the school administrator.
- G. school-approved or county-approved curricular or extra-curricular activities
- H. judicial obligation or court appearance involving the student
- I. military requirement for students enlisted or enlisting in the military and students with parents on military leave

J. personal or academic circumstances approved by the principal

K. observation or celebration of a bona fide religious holiday

L. attendance at approved religious instruction

M. failure of bus to run

N. leaves of educational value with the following stipulations:

1. prior approval of school administrator

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

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

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

5. Superintendent may approve a plan for more than ten (10) days

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

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

Absence During the School Day for Professional Appointments

Parents are to be encouraged to schedule medical, dental, legal, and other necessary appointments other than during the school day. Since this is not always possible, when a student is to be absent for part of the day the student shall bring a signed statement from the doctor, dentist, lawyers, counselor, etc. to the effect that s/he reported promptly for the appointment.

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

The Board shall consider each student assigned to a program of other guided learning experiences to be in regular attendance for the program provided that s/he reports to such staff member s/he is assigned for guidance at the place in which s/he is conducting study, and regularly demonstrates progress toward the

objectives of the course of study. This includes approved home/hospital instruction for medical reasons with written documentation by a licensed physician who specializes in that health condition setting forth those extenuating circumstances requiring homebound instruction for a student deemed to be incapacitated and unable to attend school. The Board shall provide home/hospital instruction to students who are temporarily unable to attend classes for a period that has lasted or will last for more than three (3) consecutive weeks or more due to an injury or for any other reason as certified by a licensed physician who specializes in that health condition.

Unexcused Absences

A student's absence will be considered as an unexcused absence if it does not meet the criteria for excused absences listed above.

Tardy

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

Homeless Children and Youths

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

- A. children and youths who 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.
- B. children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- C. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
- D. migratory children who qualify as homeless because the children or youth are living in circumstances as described in the above descriptions.

School of Origin

As defined in the McKinney-Vento Act, it is the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

Transfer

Transfer is a process by which a student ends enrollment or attendance in one location and begins enrollment or attendance in a second location (e.g., within a 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.

Responsibilities

A. Student and Parent/Guardian/Custodian

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

B. Parent/Guardian/Custodian/Adult Student

Each Building principal shall require, from the parent, guardian, or custodian of each student of compulsory school age or from an adult student who has been absent from school or from class for any reasons, a written statement on the day of return of the cause for such absence. The Board reserves the right to verify such statements and to investigate the cause of each single absence or prolonged absence.

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

Each parent, guardian, or custodian will be responsible for fully cooperating in and completing the enrollment process by providing: immunization documentation (WV Code 16-3-4), copy of a certified birth certificate or affidavit (WV Code 18-2-5(c)), signed suspension and expulsion document (WV Code 18-5-15), and any other documents required by Federal, State, and/or local policies or code.

C. Board

The Board shall employ a certified County Director of Attendance as required by WV Code 18-8-34.

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

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

D. County Attendance Director

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 (six(6) to seventeen (17) years old) and students who remain enrolled beyond the compulsory school age birthday and take such steps as are, in their discretion, best calculated to encourage the attendance of students and to impart upon the parents and guardians the importance of attendance and the seriousness of failing to do so.

In the case of three (3) total unexcused absences of a student during a school year, the Attendance Director or his/her assistant shall serve written notice to the parent, guardian, or custodian of such student that the attendance of such child at school is required and that if the student has five (5) unexcused absences, a conference with the principal or other designated representative will be required. In the case of five (5) total unexcused absences, the Attendance Director or assistant shall serve written notice to the parent, guardian, or custodian of the student that within five (5) days of receipt of the notice the parent, guardian, or custodian, accompanied by their 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 student, including the adjustment of unexcused absences based upon such meeting.

In the case of ten (10) total unexcused absences during the school year, the Attendance Director or assistant shall file a complaint against the parent, guardian, or custodian before a magistrate of the county. Jurisdiction to enforce compulsory school attendance laws lies in the county in which a student resides and in the county where the school at which the student is enrolled is located. When the county of residence and enrollment are different, an action to enforce compulsory school attendance may be brought in either county, and the magistrates and circuit courts of either county have concurrent jurisdiction for the trial of offenses arising under this policy. If it appears from the complaint that there is probable cause to believe that an offense has been committed and that the accused has committed it, a summons or a warrant for the arrest of the accused shall be issued to any officer authorized by law to serve the summons or to arrest persons charged with offenses against the state. More than one parent, guardian or custodian may be charged in a complaint. Initial service of the summons or warrant issued pursuant to this policy shall continue until the summons or warrant is executed or until the end of the school term during which the complaint is made, whichever is later.

The magistrate court clerk, or the clerk of the circuit court performing the duties of the magistrate court as authorized in WV Code 50-1-81 shall assign the case to a magistrate within ten (10) days of execution of the

summons or warrant. The hearing shall be held within twenty (20) days of the assignment to the magistrate, subject to lawful continuance. The magistrate shall provide to the accused at least ten (10) days advance notice of the date, time, and place of the hearing.

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

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

In addition to those duties directly relating to the administration of attendance the Attendance Director and assistant director also shall perform the following duties: 1) assist in directing the taking of the school census to see that it is taken at the time and in the manner provided by law; 2) confer with principals and teachers on the comparison of school census and enrollment for the detection of possible non-enrollees; 3) cooperate with existing state and Federal agencies charged with enforcing child labor laws; 4) promote attendance in the County by compiling data for schools and by furnishing suggestions and recommendations for publication through school bulletins and the press, or in such manner as the Superintendent may direct; 5) participate in school teachers' conferences with parents and students; 6) assist in such other ways as the Superintendent may direct for improving school attendance; and 7) make home visits of students who have excessive unexcused absences, as provided above, or if requested by the chief administrator, principal, or assistant principal.

The Attendance Director shall serve as the liaison for homeless children and youth. As the liaison for homeless children and youth, the Attendance Director is required to:

1. ensure that the public notice of the educational rights of students in homeless situations is disseminated where children and youth receive services;
2. ensure that parents or guardian 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;

3. ensure that parents or guardians are informed of, and assisted in accessing, all transportation services for their children, including to the school of origin;
4. help unaccompanied youth choose and enroll in a school, after considering the youth's wishes, and provide the youth with notice of his/her right to appeal the Board's decision;
5. 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;
6. ensure that homeless children and youth are identified by school personnel and through coordination activities with other entities and agencies;
7. ensure that homeless children and youths enroll in, and have a full and equal opportunity to succeed in, schools of that local educational agency;
8. 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;
9. ensure that enrollment disputes are mediated as outlined in Paragraph (3)(E) of Subtitle B of Title VII of the McKinney-Vento Act (42 U.S.C. 11431 et seq.).

The Attendance Director shall file with the County Superintendent and County Board, 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 WV Code 18-8-4.

The Attendance Director shall review the terms of this policy on an annual basis for the purpose of determining effectiveness and shall make recommendations to the Board regarding proposed amendments to this policy when deemed appropriate.

E. Principal

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

The principal shall compare school numbers with school enrollment monthly.

The principal shall contact any parent, guardian, or custodian, of the student and hold a meeting with such person, the student, and any other person that the principal deems a relevant participation when the enrolled student has accumulated five (5) unexcused absences from attendance.

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.

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

Principles of Operation

- A. The principal or principal's designee are designated as school attendance coordinators and shall collect or cause to be collected classroom attendance data and make appropriate referrals to the County Attendance Director.
- B. Persons charged with reporting student attendance information shall provide information that reflects allowable deductions as defined by the West Virginia Department of Education.
- C. Reasonable preventive measures and consequences for student tardiness: Tardiness is considered to be disruptive behavior by a student and is a violation of the Student Code of Conduct and shall be dealt with accordingly. The preventive measures, outlined in a separate section of this policy, shall be observed to reduce tardiness.
- D. Students may not be suspended solely for failure to attend class. Other measures of discipline may include, but are not limited to detention, extra class time or alternative class settings.
- E. All school dropouts shall be reported to the West Virginia Department of Education.

- F. All students in grades 9-12, in order to obtain the full benefit from the educational programs offered, shall be scheduled in the defined high school curriculum, college courses, career/technical programs, credit recovery, Option Pathway, experiential learning or virtual school courses for the full instructional day for four (4) years except for the following compelling circumstances, which procedures have been approved by the West Virginia Board of Education.
 - 1. Enrollment in college or technical programs
 - 2. Military enlistment
 - 3. Verified and documented financial need
- G. No more than a parental excuse may be required for absences resulting from a documented chronic medical condition or a documented disability as defined in this policy.

Process and Procedures

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

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

Students shall be required to maintain satisfactory attendance (satisfactory being defined as no unexcused absences) during one (1) complete semester following the semester in which the revocation/suspension or denial of his/her driver's license or permit occurred. (Refer to policy section relating to school attendance as a condition of licensing for privilege of operation of motor vehicle).

Students and parents have the right to appeal decisions regarding the implementation of this policy. Requesting an informal conference shall be the first step in the appeal. If not satisfied after the informal appeal, a citizens' appeal may be filed.

Maintenance of Records

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

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

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

Prevention and Corrective Measures

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

The following preventive and corrective measures will be utilized:

- A. assign the student to a truancy intervention program
- B. assign the student to the SAT Team
- C. provide counseling to the student

- D. take appropriate legal action

Students with a pattern of excessive absenteeism shall be referred to appropriate student assistance teams/programs (West Virginia State Board of Education policy 2510 and West Virginia State Board of Education policy 2320) for appropriate interventions. Student assistant teams/programs shall periodically review interventions to determine their effectiveness.

School Attendance as Condition of Licensing for Privilege of Operation of Motor Vehicle

- A. Any student at least fifteen (15), but less than eighteen (18) 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 (herein WVDVMV) when making application for, or reinstatement of, an instruction permit or license to operate a motor vehicle.

- B. In accordance with the provisions of WV Code 17B-2-3 and 17B-2-5, the WVDVMV shall deny a license or instruction permit for the operation of a motor vehicle to any person under the age of eighteen (18) 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: a) is enrolled and making satisfactory progress in a course leading to a TASC from a State-approved institution or organization, or has obtained such certificate; b) is enrolled in a secondary school of this State; c) is a West Virginia resident enrolled in an out-of-state school; d) is excused from

such requirement due to circumstances beyond his/her control; or e) is enrolled in an institution of higher education as a full-time student in this State or any other state.

- C. No later than (5) 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 (15) years of age, but less than eighteen (18) years of age, except as provided in WV Code 18-8-11(d).
- D. For the purposes of this section and pursuant to WV Code 18-8-11, withdrawal is defined as more than ten (10) consecutive, or fifteen (15) days total, unexcused absences during a school year. Suspension or expulsion from school or imprisonment in a jail or a West Virginia correctional facility is not a circumstance beyond the control of the person. If suspended, the WVDMV may not reinstate a license before the end of the semester following that in which the withdrawal occurred.
- E. 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 WV Code 18-8-11(d). The 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.

The Superintendent shall develop administrative guidelines that:

- A. establish proper procedures so the student and his/her parents are provided the opportunity to challenge the attendance records;
- B. establish a school session which is in conformity with the requirements of the rules of the West Virginia State Board of Education;
- C. governing the keeping of attendance records in accordance with the rules of the West Virginia State Board of Education;
- D. identify the habitual and chronic truant, investigate the cause(s) of his/her behavior, and consider modification of his/her educational program to meet particular needs and interests;
- E. provide students an opportunity to make-up work they missed and receive credit for the work, if completed;

- F. refer for evaluation any student who, due to a specifically identifiable physical or mental impairment, exceeds or may exceed the school system's limit on excused absences to determine eligibility either under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973, or other appropriate legislation or policy.

The Board certifies that prior to the most recent revision of this policy, input was sought from teachers, principals, the Attendance Director, parents/guardians, and community leaders. The Board also certifies that the most recent revision of this policy has been submitted to the West Virginia Department of Education for approval.

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

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

West Virginia State Board of Education policy 2510

West Virginia State Board of Education policy 4110

West Virginia State Board of Education policy 4373

42 U.S.C. 11431 et seq.

Updated 10-12-16 KGP