

Chapter V

5.1 Attendance (Revised 07/07/03), (Revised 02/24/04), (Revised 01/11/05) (Revised 01/13/09) (Revised 09/29/10) (Revised 01/13/11) (Revised 06/14/11) (Revised 07/28/15) (Revised 07/12/16)

5.1.1 General Policy

The Marshall County Board of Education adopts this policy to promote daily school attendance. Some parts of the policy are required by state and federal law. In adopting this policy, the Board of Education emphasizes the following points as applicable:

- A. Any discrepancy between this policy and state or federal law will be resolved by following the state or federal law.
- B. The Superintendent of Schools may institute administrative procedures and forms to implement this policy.

5.1.2 Policy Development

Marshall County Schools shall meet with a team comprised of teachers, principals, parents, community leaders and the attendance director when developing or revising the attendance policy. Marshall County Schools will annually review the policy to determine effectiveness. Nothing in this policy may supersede WV Code or WVDE policies.

5.1.3 Student Admission Requirements

5.1.3.1 Students Who Are Being Enrolled in School for the First Time Meeting the Following:

- * To enroll in kindergarten the student's birth certificate must indicate that he or she was 5 before September 1, or, regardless of age, the student previously enrolled in public school kindergarten program or an approved nonpublic or Montessori kindergarten program.
- * To enroll in first grade the student's birth certificate must indicate that he or she was 6 before September 1, or, regardless of age, the student has successfully completed a public school kindergarten program or an approved nonpublic or Montessori kindergarten program.

5.1.3.2 Information Required for Enrollment Completion

The adult who seeks to enroll a student must present a certified copy (raised seal) of the student's birth certificate that has been issued by

the state registrar of vital statistics or affidavit (WV Code §18-2-5c), immunization documentation, (WV Code §16-3-4), signed suspension and expulsion document (WV Code §18-5-15) and any other documents required by federal, state, and/or local policies or code.

5.1.3.3 Information Required for School Attendance

The adult who seeks to enroll a student for the first time must present proof of immunization against **diphtheria, polio, pertussis, measles, rubella, and tetanus.**

5.1.3.3.1 If the Birth Certificate is not Presented

The principal or person designated by the principal must **immediately** notify the law enforcement agency that is responsible for providing law enforcement services to the school of the enrollment of a student without a certified birth certificate. See Appendix B. The notice must include a copy of the affidavit and copies of any submitted records that show the student's identity and age.

5.1.3.3.2 If Proof of Immunization is not Presented

The adult who seeks to enroll the student must present a certificate from a reputable physician showing that an immunization for diphtheria, polio, measles, rubella, tetanus and pertussis has been done or is impossible or improper or other sufficient reason why such immunizations have not been done. If such a certificate is not presented, the student may not be denied enrollment, but will not be admitted until the required immunizations have been administered.

5.1.3.4 Students Who Seek Early Entrance Into Kindergarten or First Grade Must Meet the Following:

The parent or guardian of the student must request early admission prior to the start of the school year and must participate in a meeting to discuss early entrance procedures.

All other requirements for admission must be met.

For early entrance into kindergarten, the student must submit to an evaluation by Marshall County Schools' personnel and must meet the criteria for early entrance as well as demonstrate sufficient social and behavioral skills. After consulting with personnel who performed evaluations and the parents or guardian, the principal shall make a final decision upon the request for early entrance.

For early entrance into first grade, the student must successfully complete an entrance test of basic readiness skills.

5.1.3.5 Students Who Previously Received Home Instruction

The adult wishing to enroll a student shall notify the building principal 14 calendar days prior to anticipated enrollment.

Placement instruments will be administered to students in grades K-8 to determine appropriate grade placement.

Students must attend a Marshall County School both semesters of the 12th Grade and successfully complete the state and county requirements in order to receive a diploma.

5.1.3.6 Pre-K Enrollment and Attendance

Enrollment in an approved participating WV Pre-K program is voluntary, however, once the child is enrolled, attendance must follow WV Code §18-8-1, et. Seq., which allows the program administrator (i.e. principal, director), teacher and parent/guardian to disenroll the child if they concur that requiring further attendance for that school year is not in the best interest of the child.

5.1.4 Compulsory Student Attendance

5.1.4.1 Rationale and Philosophy

The Marshall County Board of Education believes that regular attendance is a requirement for the delivery of formal education to the county's public school students. The basic intent of this attendance policy is to promote school attendance and meet the individual needs of students to help them reach their potential. Since programs of studies are planned and learning outcomes taught so that each day's work builds on work previously completed, all students are expected to attend school regularly and to be on time for classes. A direct relationship exists between good attendance, student performance, graduation, and good work habits in the marketplace.

It is the intent of the Marshall County Board of Education to increase attendance by encouraging schools to:

1. Create a positive climate conducive to learning.
2. Help students develop responsibility, self-discipline, and good work habits.
3. Develop a system enlisting parental support for regular school attendance.

5.1.4.2 Responsibility

The Marshall County Board of Education has the responsibility to encourage student attendance, motivate daily attendance, and specify components used by the respective schools to implement this attendance. They must also seek input from teachers, principals, attendance directors, parents, and community leaders when revising the attendance policy.

Marshall County Schools has the responsibility for:

1. reporting student attendance information which reflects the allowable deductions as defined by the WVDE.
2. Defining excused and unexcused absences in compliance with WV Code §18-8-1 and §18-8-2 and attendance in WV §126CSR42, WVBE Policy 2510, Assuring the Quality of Education: Regulations for Education Programs.

The attendance director has the responsibility of diligently promoting regular school attendance, ascertaining reasons for absences from school of pupils of compulsory school age and students who remain enrolled beyond the-seventeenth birthday. He/She shall prepare attendance reports and such other reports as the county superintendent may request.

Each principal has the responsibility to implement this policy through the following actions:

Appointment of a designated school attendance coordinator who collects classroom attendance data and makes appropriate referrals to the director of attendance.

Make available when requested a copy of the policy.

Appointment of a school based attendance committee which shall include the school attendance coordinator, counselor and teacher.

Maintain current and accurate attendance records and related documentation which include:

a register of attendance for every student enrolled in the school (WVEIS)

comparing of school numbers with school enrollment monthly

documenting reasons for absences (WVEIS)

Recording each child who is not physically present in the school facility for any reason as absent.

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.

Provide adequate counseling for problems related to attendance.

Develop procedures to report absences to a student's enrolled school while the student is receiving instruction in an alternative environment.

Develop procedures for effectively communicating with parents regarding absences.

each school will send out letters notifying parents, guardians, or custodians that their student has missed five (5), ten(10), and fifteen (15) days of school, regardless of whether these absences were excused or unexcused.

each school will notify parents via Parentlink of a students unexcused absence. Parents will be responsible for providing up to date phone contacts for these calls to be received.

1. Comply with WV Code §18-8-11. The attendance director shall notify the division of motor vehicles of the withdrawal of any student 15 years of age but less than 18 years of age not later than five days from the withdrawal date. A student withdrawal is defined as more than ten consecutive or fifteen total days of unexcused absences during a school year, or suspension or expulsion from school or imprisonment in a jail or a West Virginia correctional facility. 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. If a student's withdrawal is beyond the control of the student, the attendance director 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. The superintendent, with the assistance of the county attendance director or other staff or school personnel, shall be the judge of whether the withdrawal is due to circumstances beyond the control of such person.

5.1.4.3 Principles of Operation

Compulsory school attendance shall begin with the school year in which the sixth birthday is reached prior to the first day of September of such year or upon enrolling in a publicly supported kindergarten program and continue to the seventeenth birthday or for as long as the student shall continue to be enrolled in a school system after the seventeenth birthday (§18-8-1a). Absence is defined as not being physically present in the school facility for any reason. These absences must be documented.

Allowable deductions for schools - Absences that result from school-approved curricular/co-curricular activities; failure of the bus to run/ hazardous conditions; SAT plan, IEP or 504 plan; excused student absences, students not in attendance due to disciplinary measures and absent students from 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.

Each school should identify preventive and educative procedures including incentives to maintain and improve attendance using the following definition for excused and unexcused absences.

5.1.4.3.1 LSIC Waiver – Dropout Prevention

The State Board of Education approved LSIC Waiver raises from 17 to 18 the age for compulsory school attendance in Marshall County Schools and provides a procedure for a pupil who is at least 17 years of age to obtain a withdraw waiver.

A student who is at least seventeen (17) years of age but less than eighteen (18) years of age is bound by the requirements of compulsory school attendance and may not withdraw from school before graduation unless:

(1) Students can only withdraw if the withdrawal is due to:

- a. Financial hardship and the individual must be employed to support the individual's family or a dependent;
- b. Illness; or
- c. An order by a court that has jurisdiction over the student

(2) If the student wishes to withdraw from school and meets the criteria to do so, a request for a meeting with the Compulsory Attendance Committee must be submitted by the student. All meetings need to occur within 3 school days of the student's initial request to withdraw. If the meeting cannot occur during the

allotted timeframe, at no fault to the student, the meeting requirement will be waived. Students will be considered enrolled in Marshall County schools until the withdrawal procedures are completed and are, therefore, still subject to all rules and regulations including compulsory attendance regulations.

- The Compulsory Attendance Committee shall consist of the Principal/Assistant Principal, the student's Counselor, and the Superintendent's Designee. The committee will also include those from outside agencies such as DHHR, probation, and therapists that are working with the student. Special Education students must also meet with his/her special education case manager or designee.

(3) If all parties involved agree that the student meets the criteria to withdraw from school, a signed consent from all parties must be completed and kept on file at the school. The signed

5.1.4.3.2 Excused Student Absences

1. Illness or injury of the student requiring physician's verification. Physician excuses must be presented to the school within 5 days of the student's return to school.
2. Medical and/or dental appointment which cannot be scheduled outside the school day when the absence is verified in writing by the physician or dentist. Physician excuses must be presented to the school within 5 days of the student's return to school.
3. Absence of student verified by parents/guardian not to exceed ten (10) total days per year. Verification by a physician will be required if absences exceed ten (10) days in the year. Parent verification must be presented to the school within 5 days of the student's return to school.
4. Illness or injury in family when student absence is verified as essential by physician. Physician excuses must be presented to the school within 5 days of the student's return to school.
5. Calamity, such as fire in the home, flood, or family emergency upon approval by the school principal.
6. Death in the family, limited 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 child(ren), or any person living in the same household.

7. Leaves of educational value adhering to these stipulations:
 - a. Prior approval of school administrator
 - b. Prior submission and approval of educational plan detailing objectives and activities
 - c. Leave not to exceed ten (10) continuous days - verification of implementation of the education plan upon student's return
 - d. Leave to extend more than ten (10) continuous days requires county board approval.
8. School approved curricular or extra-curricular activities.
9. Legal obligation with verification. Legal verification must be presented to the school within 5 day of the date of the legal matter.
10. Failure of bus to run or extremely hazardous conditions.
11. Observance of religious holidays with verification.
12. Students with disabilities as defined by IDEA absences should be addressed in accordance with Policy 2419 Regulations for the Education of Exceptional Students, Section 1.10.
13. Participation in home/hospital instruction due to an illness/injury or other extraordinary circumstance that warrants home or hospital confinement.

5.1.4.3.3 Unexcused Student Absences

Any absence not meeting the above requirements shall be considered an unexcused absence. Suspension and employment (unless school associated program) are unexcused absences.

Parents have the right to appeal the application of this policy through the Appeals Procedure for Citizens (7211) available through the county board of education.

5.1.4.3.4 Missed Work for Absences

All students shall be given the opportunity to make up missed work due to school absences. Students shall have two days to make up missed work. Any exemption to this timeframe for extenuating circumstances must be approved by the principal and classroom teacher.

Regardless of the reason for an absence, all teachers shall make themselves available upon a request by a student and/or parent to answer questions a student might have concerning instruction that was missed while absence from class.

5.1.4.4 Tardies to School, Early Dismissal, and Half-Day Credit

1. Students in attendance at least 74% of the day will be reported as a full day of attendance.
2. Students in attendance at least 50% of the day will be reported as a half-day attendance.
3. Each school shall develop procedures for prevention of tardies as well as consequences for student tardies.

5.1.4.5 Preventive Actions

1. Marshall County Schools shall take a proactive roll to enlist parental support for daily school attendance and promptness.
2. Each school shall report student absences - on report cards.
3. Each school shall provide students and parent with policy requirements and responsibility/accountability for regular school attendance and promptness through methods which may include annual distribution of student handbooks, student assemblies, and/or school newsletters. Any person shall be provided a copy of the policy upon request.
4. Classroom discussions will be held on the importance of regular school attendance and promptness and obtaining a high school diploma for future career choices.
5. School officials should design alternative plans and programs for individual students that are positive in nature and encourage improved attendance.

5.1.4.6 Corrective Action

The Marshall County Board of Education has put into operation the following corrective actions designed to meet the developmental needs of students.

1. Students may not be suspended solely for failure to attend class.
2. In order to ensure accurate documentation of student attendance, the teacher will be required to report student absence or tardiness

to the school secretary for recording in WVEIS.

3. School officials, in cooperation with the attendance director, shall continually review attendance data. When absenteeism or tardiness become a concern, a referral shall be made to the Student Assistance Team (SAT). Areas of consideration and intervention might include, but are not limited to, a review of the student's academic progress, referrals to a school tutoring program, schedule adjustments, alternative plans or programs that are positive in nature which might encourage improved school attendance, referral to the guidance counselor for individual counseling, parent conferences, referral for multi-disciplinary assessment, and/or involvement with other programs or community agencies. Interventions shall be reviewed for effectiveness. The SAT will notify the attendance director if absences for the referred child exceeds ten (10) un-excused days.
4. In the case of three (3) total unexcused absences of a child during a school year, the attendance director or assistant shall serve written notice to the parent, guardian, or custodian of the student that the attendance of the student 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.
5. 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 days of receipt of the notice the parent, guardian, or custodian, accompanied by the student, shall report in person to the school the student 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 based upon such meeting.

In the case of ten (10) total unexcused absences of a student during a school year, the attendance director or assistant shall make a complaint against the parent, guardian, or custodian before the magistrate of the county. 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 warrant for the arrest of the accused shall issue 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 the provisions of this section 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.

8. Names of students who withdraw from school will be supplied to the appropriate agencies, e.g., Department of Health and Human Services, Department of Motor Vehicles, Adult Basic Education Programs, or programs to assist out-of-school youth.

5.1.4.7 Attendance Appeal Process

If the parent/guardian finds disagreement with the attendance record of a student, they may appeal to the school principal for possible record rectification. If the parent/guardian does not find satisfaction with the decision of the school principal, they may appeal to the attendance director for a recommendation by the superintendent.

5.1.4.8 Attendance Incentives and Programs

1. School principals shall implement awards/recognition programs for students who have obtained perfect or faithful (three or fewer) attendance. Schools may choose to positively recognize student attendance achievement by method of:
 - student assemblies
 - certificates
 - local media
 - school newsletters
 - prize incentive programs

Homerooms with the highest yearly attendance rate and least amount of tardies to school and classes may engage in a school planned activity or reward.

Upon graduation from high school, each student will receive a “Certificate of Proficiency” which includes the number of days in attendance during their four years of high school.

5.1.4.9 Truancy/Dropout Diversion

The Marshall County Board of Education authorizes and encourages secondary schools to adopt truancy/dropout diversion plans which formalize the CORRECTIVE MEASURES listed above, and include the following components:

1. Provisions for the support of specifically identified teachers, counselors and administrators charged with the responsibility for identifying students with attendance problems, providing early intervention strategies and family involvement.

2. Provisions for addressing truancy problems with students, parents, teachers, counselors and administrators through joint conferences and/or home visits.
3. Provisions for making referrals within the school system for testing and evaluation, psychological services, health services, special placement and/or tutoring.
4. Provisions for referring students and parents for services available within the community from the Department of Health and Human Resources, mental health facilities, family services, higher education centers, and private counseling.
5. Provisions for working with the local court system when a pattern of truancy is first established to meet specified behavior and academic requirements.
6. School dropouts are reported to the West Virginia State Department of Education through the WVEIS system.
7. Provisions for transferring repeated dropouts to a Marshall County Alternative Learning Center until they meet specified attendance, behavior, and academic requirements to warrant their re-admittance to their home school. A 93% attendance rate coupled with behavioral and academic criteria established by the Alternative Learning Center will be required. "Repeated dropouts" shall be defined as students who have withdrawn from school more than once during the current school year.

5.1.4.10 Education of Homeless Children and Youth

As required by West Virginia State Law §18-8-4, the attendance director shall serve as the liaison for homeless children and youth. Homeless children and youth 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:

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; 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; who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or

train stations, or similar settings, and migratory children who qualify as homeless because the children or youth are living in circumstances as described in the above descriptions.

As the liaison, the attendance director is required to:

1. Ensure that public notice of the educational rights of students in homeless situations is disseminated where children and youth receive services.
2. Ensure that parents or guardians are made aware that their children have been identified as eligible for homeless services.
3. Ensure that parents or guardians are informed that their children identified as homeless qualify for free school nutrition program.
4. Ensure that parents or guardians are informed that their children identified as homeless qualify for Title 1 services.
5. Ensure that parents or guardians are informed of services, rights, and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children.
6. Ensure that parents or guardians are informed of, and assisted in accessing, all transportation services for their children, including to the school or origin.
7. 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.
8. 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.
9. Ensure that homeless children and youth are identified by school personnel and through coordination activities with other entities and agencies.
10. Ensure that homeless children and youths enroll in, and have a full and equal opportunity to succeed in, schools of that local educational agency.

11. 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.
12. Ensure that homeless youth are not stigmatized or segregated on the basis of their homeless status.
13. Ensure that enrollment disputes are mediated as outlined in Paragraph (3) (E) of the McKinney-Vento.
14. Support and require the school principal to implement and execute the duties as defined in WV Code §18-8-5

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.

5.1.4.11 Instructional Day

Students shall be scheduled for the full instructional day. Exceptions may be made on an individual basis via prior approval of the school principal and superintendent for the following reasons:

1. Off-campus enrollment of college courses
2. WV Virtual School
3. Advanced technical program

5.1.4.12 Homebound/Hospital Instruction

Procedures for Homebound/Hospital instruction is filed in Appendix K of Marshall County Policies.

5.1.4.13 Conditions for Operation of Motor Vehicle

1. Any student age 15-17 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/behavior and academic progress status. This documentation must be provided on a form approved by the WVDE 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.

2. 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 WV Code §18-8-11(d).
 - For the purposes of this section and pursuant to WV 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 pursuant to WV Code 18A-5-1a and 18A-5-1b which include the following behaviors when committed on the premises of an education facility, at a school-sponsored function, or on a school bus; assault and/or battery on school employees, possessing deadly weapons, sale of a narcotic drug, committing an act or engaging in conduct that would constitute a felony under West Virginia Code if committed by an adult, unlawfully possessing a controlled substance governed by the uniform controlled substances act as described in WV Code 60A-1-1 et seq., 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.
 - Marshall County Schools shall require a student to maintain satisfactory attendance (no unexcused absences or no more than 10 excused absences) during one complete semester following the revocation of his/her driver's license.
 - The attendance director or chief administrator of the school system shall notify the WVDMV no later than five days from the end of the school year of any student who fails to maintain satisfactory academic progress, which is the minimum annual earning of five (5) academic credits, three (3) of which are core requirements as identified in WVBE Policy 2510, except when the withdrawal or failure to make satisfactory academic progress is due to circumstances outside the control of the student.
 - A student who has been denied a Driver's Eligibility Certificate or has received a revocation notice, shall be provided the opportunity, upon request, to have a hearing before the county superintendent of schools or his/her

designee concerning whether the student's circumstance or circumstances are beyond the control of the student. 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 school district superintendent 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, or his/her designee, shall provide a review process that allows students to have their Driver's Eligibility Certificate reinstated upon demonstration of satisfactory progress as follows:
 1. Reinstatement requests related to withdrawal for unexcused absences shall be reviewed, as outline in WV §126CSR81, WVBE Policy 4110: Attendance, at the end of the semester following that in which the withdrawal occurred.
 2. Reinstatement requests related to failure to make satisfactory academic progress shall be reviewed at the end of each school year for the purpose of reinstating the Driver's Eligibility Certificate.
 3. Reinstatement requests related to withdrawal for suspension pursuant to WV Code §18A-5-1a and §18A-5-1b shall be reviewed after all disciplinary sentences have been severed for the purpose of reinstating the Driver's Eligibility Certificate.

5.1.4.13 Policy Approval

Each revision of this Attendance Policy will be submitted to the Marshall County Board of Education and the West Virginia Department of Education for approval.

5.1.4.14 Evaluation

An attendance evaluation will be conducted annually to determine the effectiveness of the policy.