

RALEIGH COUNTY ATTENDANCE POLICY

The Raleigh County School System will provide for input from teachers, principals, attendance directors, parents and community leaders when developing or revising the attendance policy.

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

Each revision of the county attendance policy will be submitted to the West Virginia Department of Education for approval.

Compulsory school attendance shall begin with the school year in which the sixth birthday is reached prior to September 1 of such year and continue to the sixteenth birthday or for as long as the pupil is enrolled in the school after the sixteenth birthday.

Compulsory school attendance shall begin with the school year in which the sixth birthday is reached prior to September 1st of such year or upon enrolling in a publicly supported kindergarten program and continue to the sixteenth birthday or for as long as the pupil shall continue to be enrolled in a school system after the sixteenth birthday: Provided, that child may be removed from such kindergarten program when the principal, teacher and parent or guardian concur that the best interest of the child would not be served by requiring further attendance: Provided, however, that the principal shall make the final determination with regard to the compulsory school attendance provision of this article; Provided further, that the compulsory school attendance provision of this article shall be enforced against a person eighteen years of age or older for as long as the person continues to be enrolled in a school system, and shall not be enforced against the parent, guardian, or custodian of such person. WV Code 18-8-1(a).

1. REGULAR SCHOOL ATTENDANCE

The Raleigh County Board of Education believes that regular school attendance is vital to a pupil's academic program. Pupils must attend school regularly and be on time to classes in order to realize maximum instructional benefits. Regular school attendance and punctuality develop self-discipline and responsibility. Based on this philosophy, the following guidelines are adopted:

- (a) All students shall be scheduled for the full instructional day for all four years. Exceptions may be made by county boards for college courses, advanced technical programs and participation in the WV Virtual School.
- (b) Pupils are expected to attend all classes in which they are registered every day that classes are in session. Absences will be counted on an individual class basis.
- (c) Students are expected to follow the provisions of the Student Code of Conduct which will lead to the creation of a positive, safe environment conducive to learning.
- (d) Raleigh County Schools will cooperate with parents to try to improve their child's attendance. The administration, faculty and guidance department of the school, as well as the attendance worker assigned to that school, will work with the pupil, in cooperation with the parents, to solve problems which lead to poor attendance. In the final analysis, the pupil and parent must assume responsibility for regular school attendance.

2. ENTRY PROCEDURES

Preschool students ages 3 and 4 may enroll in preschool programs offered by the Raleigh County Board of Education. The preschool student will need to produce immunization records which reflect that minimum immunization has been administered to the student after the first birthday. (Appendix 6).

The immunization records will be forwarded to the school nurses' office where tracking will occur to ensure that the preschooler gets the minimum immunization. (Appendix 6).

No allowances from the immunization requirements will be made on behalf of any preschooler for reasons of religion or conscience.

Kindergarten programs shall be provided for all children who have attained the age of five prior to September 1st of the school year in which the pupil enters such kindergarten program. All children entering public and private schools for the first time in West Virginia shall be given screening tests to determine if they might have vision or hearing impairments or speech and language disabilities. After entering school, these screening tests are required on an annual basis.

See Appendix 7 for Immunization Requirements for New School Enterers.

Prior to entrance into the first grade, each child must have either, (1) successfully completed such public or privately supported, state approved kindergarten program or Montessori kindergarten program, or (2) successfully completed an entrance test of basic readiness skills approved by the county. Policy D.2.6 sets forth the appropriate procedures.

Parents must provide the school authorities a copy of the child's birth certificate and such other records as county may need. Although it is not required, the Board strongly recommends that each child have a complete physical examination prior to entrance in school for the first time. All children entering school for the first time in this State shall have been immunized against diphtheria, polio, rubeola, rubella, tetanus and whooping cough.

Kindergarten pupils and first grade pupils will no longer be required to receive a tuberculin skin test prior to school. (HB 4578 passes March 11, 2000).

Pupils moving into the Raleigh County school district shall be admitted to school immediately. Records will be requested from the sending school. In all cases, the pupil's progress and performance shall be evaluated by the teachers of this pupil and the building principal who shall have the final responsibility for placing the child in the grade or program which most closely meets the needs of the pupils.

3. EXEMPTIONS – WEST VIRGINIA CODE 18-8-1

Exemption from the foregoing requirements of compulsory public school attendance shall be made on behalf of any child for the following causes or conditions, each such cause or condition being subject to confirmation by the attendance authority of the county.

- a) Instruction in a private, parochial or other approved school.
- b) Instruction in home or other approved place.
- c) Physical or mental incapacity (illness).
- d) Residence more than two miles from school or school bus route.

- e) Hazardous conditions.
- f) High school graduation.
- g) Granting work permits.
- h) Serious illness or death in the immediate family of the pupil.
- i) Destitution in the home.
- j) Church ordinances: observances or regular church ordinances.
- k) Alternative, private, or religious school instruction. (See Appendix 1 for further definition of excused and unexcused absences.)

**Raleigh County Policy E.2 sets forth the Raleigh County Policy on Home/Hospital Instruction – See Appendix 4)*

4. HANDLING OF ABSENCES IN THE ELEMNETARY AND SECONDARY SCHOOLS

In order that principals may make prompt reports to the attendance department on unlawful absentees and that all pupils in the school may be fully aware that the principal has a daily check on all absentees, each building principal shall establish a simplified procedure for handling attendance and absentees. The principal or designee will maintain accurate registers/records of attendance on WVEIS. These records will be located in the principal's office. Students who are physically absent from school must be documented as absent. This record may become a legal document.

A full day attendance is being present at least .74 of the school day. Half-day attendance is being present at least .50 of the school day.

Pupils will receive excused absences for:

- (a) personal illness
- (b) serious illness or death in the immediate family of the pupil (3 days)
- (c) medical appointments
- (d) two college visitations based on prior approval of the principal
- (e) other excused absences at the discretion of the principal

The principal may require verification of sufficient cause for absences (see Appendix 1). Students who are out of school with head lice will be marked unexcused after three (3) days of absences.

Parents are requested to notify the school for each absence. A conference may be set up at any time to discuss the pupil's absences.

Arrangements for make-up work must be made through the joint responsibility and cooperation of the teacher and pupil on the first day that the pupil returns to that class. Pupils having prior knowledge of any scheduled testing or assignment may be required to make up work on the first day of returning to class. This includes both excused and unexcused absences.

5. TRUANCY PROCEDURES

- a) The county attendance director and assistants shall diligently promote regular school attendance. They shall ascertain reasons for unexcused absences and shall take steps to correct attitudes of parents and pupils which result in absences from school even though not clearly in violation of law. The county attendance director and assistants will perform their duties as outlined in WV Code 18-8-4 (Appendix 2).

- b) It shall be the duty of each school to appoint a designated school attendance coordinator (principal or designee) who will collect classroom attendance data and make appropriate referrals to the county attendance director. These referrals should be made before 10:00 AM. The school attendance coordinator will determine which cases will be reported to the county attendance director.
- c) The absence of a student not covered by any exemptions (Appendix 1) should be treated as an unexcused absence or truancy from school.

6. ALLOWABLE DEDUCTIONS

- (a) 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 WV Code 18-8-4.
- (b) Absences resulting from the suspension of a student due to a violation of Level 4 of the Safe Schools Act are UNEXECUSED ABSENCES but do not count in the schools Average Daily Attendance (ADA).
- (c) Absences resulting from the suspension of a student due to a violation of Levels 1, 2, 3 of the Safe Schools Act are UNEXECUSED ABSENCES and count in the schools Average Daily Attendance (ADA). Neither #1 or #2 will count against the schools' ADA.

7. PUPIL OPERATOR'S LICENSES

If a student is between the age of 15 and 18 the following applies to his/her driving privilege:

- a) If a student attains 10 consecutive or 15 cumulative unexcused absences in an academic year, he/she will lose the privilege to operate a motor vehicle.
- b) The student must complete one semester following the revocation of his/her driving license with satisfactory attendance (satisfactory being defined as no unexcused absences.)
- c) See Appendix 5 for more complete information.

8. RESPONSIBILITIES OF PRINCIPAL

- a) Parents and students will be provided a copy of the Attendance Policy through each school's Student Handbook.
- b) After five (5) total unexcused days absent (excluding suspension days) in a year, the principal shall notify the parent or guardian and conduct a conference with the parent or guardian.
- c) The Principal will monitor student attendance throughout the school year.
- d) After five (5) total unexcused days absent (excluding suspension days), the principal will notify the county attendance director.

- e) After the parent is served with the CA-2 form, the principal must submit, in writing to the attendance department, the date the required conference is held.
- f) School dropouts are reported to the WV Department of Education through the WVEIS System.

9. ATTENDANCE INCENTIVE PLAN

Pursuant to WV Code 18-8-5 it is the responsibility of each school principal to develop an Attendance Incentive Plan.

By May 1st of each school year, the School Improvement Council of each secondary school, in cooperation with the designated school attendance coordinator, will submit in writing any amendments to the school's Attendance Incentive Plan anticipated for the following school year. Proposed amendments must include justification for changing the plan. Elementary schools will compile and have on file their attendance incentives.

This plan should incorporate the following areas of responsibility:

- (a) Faithful attendance, alternative placement, positive student recognition with media, award assemblies, and responsible student program.

The plan shall include procedures for notifying parents/guardians of unexcused absences and procedures for securing parent involvement for improvement.

The plan shall include alternative plans and/or programs that encourage school attendance. These alternatives may include, but are not limited to: in-school suspension programs, after-school detention, Saturday detention and evening school. Out of school suspension solely for failure to attend class will not be utilized. These alternatives may be used at all offense levels.

- (b) The plan shall include procedures for providing adequate counseling for problems related to attendance.

The principal may refer students to the guidance counselor before a referral is made to the Student Assistance Team (SAT). This will give the student an opportunity to have counseling before further referrals are deemed necessary.

If the SAT is unsuccessful in addressing the problems of students who have excessive absences or tardies, the SAT may refer these students to the principal (guidance counselor) for counseling to address attendance issues or to impose disciplinary action.

- (c) The plan shall include procedures for interagency involvement.

The principal or assistant principal will request the assistance of appropriate agencies to address needs of students not addressed by school resources. It should be documented that resources of the school have been utilized without evidence of desired outcomes.

The principal will notify the Attendance Worker of his/her school when a case is referred to an agency outside the Raleigh County school system.

- (d) The plan shall include procedures for notifying parents/guardians of unexcused absences and procedures for securing parent involvement for improvement.
- (e) The plan shall include incentives to improve attendance as well as preventative measures and consequences for student tardies. Schools will not convert tardies to days absent. Each school shall schedule classes with ample time allowed between classes to enable students to move from the furthest point of the building without being tardy for class.

Students are expected to arrive at school within a time frame to allow for all preparation for class without infringing on allotted classroom instruction.

Students who are tardy for class will be referred to the office of the principal. The principal will follow the student handbook regarding how to handle consequences for tardies. The principal or his/her designee may use before school, after school, lunch detention or other consequences for student tardies.

- (f) Students and parents will be notified of the county Attendance Policy and their responsibilities and accountability for regular school attendance through each school's STUDENT HANDBOOK.

10. RESPONSIBILITIES OF ATTENDANCE DIRECTOR

After five (5) total unexcused days absent, the attendance director will notify the parent or guardian with form CA-2. If parent or guardian does not comply with the CA-2, the attendance director will file a complaint against the parent, guardian or custodian in magistrate court.

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. (WV Code 18-8-4).

The Attendance Director will serve as the liaison between homeless children and youth and the Raleigh County School Systems.

11. SCHOOL ASSISTANCE TEAM (SAT)

The school shall establish a Student Assistance Team (SAT) to assist in encouraging regular pupil attendance. There will be an ongoing review of these interventions to determine effectiveness. The SAT will be utilized for all parts of the Attendance Policy excluding driver's licenses.

12. GENERAL OUTLINE FOR APPEAL OF ABSENCES

- a) Further appeal will be the school's SAT.
- b) Parent of student may file an appeal with the designated attendance coordinator of the school.
- c) A final appeal may be made to the Attendance Director of the Raleigh County Schools.

This process pertains to all parts of the Attendance Policy excluding the driver's license revocation process.

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ATTENDANCE POLICY

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ATTENDANCE POLICY**APPENDIX I****EXCUSED ABSENCES**

1. Illness or injury of the pupil requiring physician's verification.
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.
3. Illness of pupil verified by parents/guardian, not to exceed three (3) consecutive or five (5) total days per semester. Illness verified by parent note must be returned on the first day back to school. Note will not be accepted after the return day: no exception to the policy. Verification by a physician will be required if absences exceed three (3) consecutive days.
4. Illness or injury in family when pupil absence is verified as essential by a physician.
5. Calamity, such as fire in the home, flood, or family emergency upon approval by the school principal.
6. Death in the family, limit three (3) days for each occurrence except in extraordinary circumstances. "Family" defined as mother, father, brother, sister, grandmother, grandfather, aunt, uncle, brother-in-law, sister-in-law, brother's children, sister's children, pupil's child(ren), or any person living in the same household.
7. Leaves of education value adhering to these stipulations:
 - Prior approval of school administrator
 - Prior submission and approval of education plan detailing objectives and activity
 - Leave not to exceed 10 days – verification of implementation of the education plan upon pupil's return
 - Leave to extend more than 10 days requires county board approval
8. School approved curricular or co-curricular activities
9. Legal obligation with verification
10. Failure of bus to run or extremely hazardous conditions
11. Observance of religious holidays
12. Handicapped pupils' absences should be addressed in accordance with Policy 2419, Regulations for the Education of Exceptional Students, Section 1.10 Home/Hospital Instruction

UNEXCUSED ABSENCES

Any absence not meeting the above requirements shall be considered an unexcused absence.

ATTENDANCE POLICY DEFINITIONS

1. **ABSENCE** – not being physically present in the school facility for any reason.
2. **ALLOWABLE DEDUCTIONS** – 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 WV Code 18-8-4.
3. **ATTENDANCE** – for statistical purposes, attendance will be reported and aggregated to the nearest half-day according to the definitions in 4.2.1 and 4.2.2.
4. **FULL-DAY ATTENDANCE** – being present at least .74 of the school day
5. **HALF-DAY ATTENDANCE** – being present at least .50 of the school day.
6. **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.
7. **DROPOUT** – a dropout is an individual who:
 - 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
 - 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
 - Has not graduated from high school, obtained a GED diploma, or completed a state or district approved education program; and
 - 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;
 - (c) Death.
8. **DROPOUT DATE** – for students of compulsory school attendance age or older, the dropout date is defined as the school day after the student’s last day of attendance.
9. **ENROLLMENT** – a student is officially enrolled when one of the following conditions occur:
 - Student was enrolled the previous year
 - Student appears at school to enroll with or without a parent/guardian; or
 - Student and/or parent/guardian appear at school to enroll with or without records
10. **ENROLLMENT COUNT** – a status count that reports the number of students on the attendance register as required by the West Virginia Department of Education.

11. **HOMELESS CHILDREN AND YOUTH** – as defined in Subtitle B of Title VII of McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) means individuals who lack a fixed, regular and adequate nighttime residence and includes:

- (a) Children and youth 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; private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.
- (b) Children and youth 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 youth 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.
- (e) Awaiting Foster Care Placement – any child or youth who:
 - Is in the custody of the West Virginia Department of Health and Human Resources
 - Has been placed in out-of-home care
 - Is not in a permanent placement

This includes, but is not limited to, children and youth in family foster care, kinship care, emergency shelter care of in a facility used to provide treatment services.

12. **MEMBERSHIP DAYS** – the days present plus the days absent.

13. **SAFE SCHOOLS VIOLATION** - a violation by a student of any of the provisions in 18A-5-1(a) for which WV Code requires that a pupil shall be suspended (i.e. possession of deadly weapons or controlled substances on the premises of an educational facility, or assault and battery committed by a student upon a teacher or other school personnel.)

14. **SCHOOL OF ORIGIN** – as defined in Subtitle B or 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.

15. **TRANSFER** – a process by which a student ends enrollment or attendance in one location and begins enrollment or attendance in a second location (i.e. 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.

16. **CIRCUMSTANCES OUTSIDE THE CONTROL OF THE STUDENT** – shall include, but not be limited to, medical reasons, familial responsibilities and the necessity of supporting oneself or another. 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 student, and for purposes of this policy shall be considered an unexcused absence.

RESPONSIBILITY FOR ATTENDANCE IN RALEIGH COUNTY SCHOOLS

1. The West Virginia Department of Education has the responsibility to encourage daily attendance and mandate that county school systems adequately address student absences including tardies.
2. The West Virginia Department of Education has the responsibility of defining allowable deductions for purposes of state attendance reports and statistics. Absences resulting from allowable deductions shall not be calculated in the school/county attendance rate for accountability.

EACH COUNTY BOARD OF EDUCATION SHALL:

1. Employ a certified county director of school attendance as required by WV Code 18-3-3.
2. Support and require the county attendance director to implement and execute the duties as defined in WV 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 student of compulsory school-age and students who remain enrolled beyond the compulsory school age.
 - (b) In case of five (5) 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 (10) days as specified in WV Code 18-8-4(b) 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, the attendance director or assistant shall make complaint against the parent, guardian or custodian before a magistrate of the county.
 - (d) Require the county attendance director and all school administrators to implement and execute the duties defined in WV Code 18-8-11 regarding driver's eligibility for a license or instruction permit to operate a motor vehicle.
 - (e) Provide upon request, a Driver's Eligibility Certificate on a form (hard-copy or electronic) approved by West Virginia Department of Education (hereinafter WVDE) to any student at least fifteen but less than eighteen years of age who is in satisfactory standing with regard to attendance, behavior and academic progress in a school under the jurisdiction of the official for presentation to the West Virginia Department of Motor Vehicles (WVDMV) on application for or reinstatement of an instruction permit or license to operate a motor vehicle.
 - (f) In accordance with the provisions of WV Code 17B-2-3 and 17B-2-5, the WVDMV 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:

- Is enrolled and making satisfactory progress in a course leading to a GED from a state approved institution or organization, or has obtained such certificate
 - Is enrolled in a secondary school of this state
 - Is a West Virginia resident enrolled in an out-of-state school
 - Is excused from such requirement due to circumstances beyond his or her control
 - Is enrolled in an institution of higher education as a full-time student in this state or any other state
- (g) Provide notification to the WVDMV whenever a student at least fifteen but less than eighteen years of age withdraws from school, is suspended pursuant to WV Code 18A-5-1 a and 18A-5-1 (b) and/or fails to maintain satisfactory academic progress, except when the withdrawal or failure to make satisfactory academic progress is due to circumstances outside the control of the student. Notification must be provided to the WVDMV no later than five (5) days from the date of the withdrawal and/or suspension. Notification must be provided to the WVDMV no later than five (5) days from the end of the school year for failure to maintain satisfactory academic progress.
- (h) Provide the opportunity, upon request, for a student who has been denied a Driver's Eligibility Certificate or has received a revocation notice, to have a hearing before the county superintendent of schools or his/her designee concerning whether the student withdrawal from school or failure to make satisfactory academic progress was due to a circumstance or circumstances beyond the control of the student. The county superintendent, with the assistance of appropriate staff, shall be the sole judge of whether any of the grounds for denial or suspension of a license or instruction permit are due to a circumstance or circumstances beyond the control of the student.
- (i) The attendance director shall serve as the liaison for homeless children and youth as defined in WV Code 18-8-4; as defined in Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et.seq.) As the liaison for homeless children and youth, the attendance director is required to:
- Ensure that public notice of the educational rights of students in homeless situations is disseminated where children and youth receive services.
 - 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.

- Ensure that parents or guardians are informed of, and assisted in accessing, all transportation services for their children, including to the school of origin.
 - 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.
 - Immediately assist in obtaining immunizations or record of immunization 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.
 - Ensure that homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies.
 - Ensure that homeless children families, children and youth receive educational services for which such families, children and youth 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.
 - 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).
- (j) The principal shall compare school numbers with school enrollment monthly.
- (k) 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 (5) unexcused absences from attendance.
- (l) It shall be the duty of the principal, administrative head, or other chief administrator of each school, whether public or private, to make prompt report 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.
3. Each parent, guardian or custodian shall have the responsibility of 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 18-515), and any other documents required by federal, state, and/or local policies or code.

APPENDIX 2**WEST VIRGINIA CODE 18-8-4 – Duties of attendance director and assistant directors: complaints, warrants, and hearings**

The county attendance director and the assistants shall diligently promote regular school attendance. They shall ascertain reasons for inexcusable absences from school of pupils of compulsory school age as defined under this article and shall take such steps as are, in their discretion, best calculated to correct attitudes of parents and pupils which results in absences from school even though not clearly in violation of the law.

In the case of five (5) total unexcused absences of a child during a year, the attendance director or 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 (10) days of receipt of such 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 inexcusable absences of the child; and if the parent, guardian or custodian does not comply with the provisions of this article, then the attendance director or assistant shall make complaint against such parent, guardian or custodian before a magistrate of the county. The attendance director or assistant shall serve such notice for other absences from school found to be in violation of the law. For any similar subsequent offense in any school year no notice shall be required. 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 warrant for the arrest of the accused shall issue to any officer authorized by law to arrest persons charged with offenses against the state. More than one warrant may be issued on the same complaint. The warrant shall be executed within ten days of its issuance.

The magistrate court clerk, or the clerk of the circuit court performing the duties of the magistrate court as authorized in section eight, article one, chapter fifty of this code, shall assign the case to a magistrate within ten (10) days of execution of the 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 child absent from school, the attendance director shall have authority to require a properly attested birth certificate or an affidavit from the parent, guardian or custodian of such child, stating age of such child. The county attendance director or assistant shall, in the performance of his duties, have authority to take, without warrant, any child absent from school in which such child is or should be enrolled.

The county attendance director shall devote such time as is required by section three of this article to the duties of attendance director in accordance with this section during the instructional term and at such other times as the duties of an attendance director are required.

All attendance directors hired for more than two hundred days may be assigned other duties determined by the superintendent during the period in excess of two hundred days. The county attendance director shall be responsible, under direction of the county superintendent, for the efficient administration of school attendance in the county.

In addition to those duties directly relating to the administration of attendance, the county attendance director and assistant directors shall also perform the following duties:

D. STUDENTS

POLICY D.3.1

- (a) Assist in taking the school census to assure that it is taken at the time and in the manner provided by the law;
- (b) Confer with principals and teachers on the comparison of school census and enrollment for the detection of possible non-enrollees;
- (c) Cooperate with existing state and federal agencies charged with enforcement of child labor laws;
- (d) Prepare a report for submission by the county superintendent to the state superintendent of schools on school attendance, at such times and in such detail as may be required; also 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;
- (e) Promote attendance in the county by the compilation of data for schools and by furnishing suggestions and recommendations for publication through school bulletins and the press, or in such manner as the county superintendent may direct;
- (f) Participate in school teachers' conferences with parents and students;
- (g) Assist in such other ways as the county superintendent may direct for improving school attendance
- (h) Make home visits of students who have excessive unexcused absences, as provided above, or if requested by the chief administrator, principal or assistant principal.

APPENDIX 3

WEST VIRGINIA CODE 18-8-4 - Addendum to Attendance Policy: (Senate Bill 14)

RE: Compulsory Attendance Conditions Related to Pupil Operator's License

1. All pupils from kindergarten through and after age 16 who are enrolled in school shall comply with the compulsory attendance laws (K-12).
2. Any pupil 15 years of age to 18 years of age, who needs to apply for a driver's license or instruction permit shall request a form (WVDE 25-24-03) from the principal or Attendance Director, and shall cause the form to be completed with the necessary information.
3. The principal shall sign the form (WVDE 25-24-03) and the pupil shall become responsible for sending the form to the West Virginia Department of Motor Vehicles for proper processing of license or instructional permit.
4. In cases where a pupil has accumulated ten (10) consecutive or fifteen (15) unexcused days absence in a year, notification will be made to the Department of Motor Vehicles by the Attendance Director. Notifications will be made monthly of all violators of this section of the Compulsory School Attendance Law. On the 30th of each month, the principal will send the Attendance Director a list of all those pupils who have:

Withdrawal – for the purpose of driver's license eligibility, withdrawal is defined as the following reasons for which the county shall deny or revoke a Driver's Eligibility Certificate from any student as least fifteen but less than eighteen years of age:

- (a) Suspension pursuant to WV Code 18A-5-1(a) and 18A-5-1(b) which include the following behaviors when committed on the premises of an educational 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 of engaging in conduct that would constitute a felony under West Virginia Code if committed by an adult, and/or
 - Unlawfully possessing a controlled substance governed by the uniform controlled substances act as described in WV Code 60A-1.1 et. Seq.

DEFINITIONS RELATED TO PUPIL OPERATOR'S LICENSE

Driver's Eligibility Certificate – documentation provided by the county to the student verifying that the student has met the attendance, behavioral and academic expectation set forth by WV Code 18-8-11 that are required to obtain a license or instruction permit to drive a motor vehicle.

Satisfactory Academic Progress – attaining and maintaining grades sufficient to allow for graduation and course-work in an amount sufficient to allow graduation in five years or by age nineteen, whichever is earlier (beginning with the completed 2008-09 school year.)

This would calculate in the minimum annual earning of five (5) credits to allow graduation in five (5) years based on the graduation requirements set forth in WV 126CSR42, WVDE Policy 2510: Assuring the Quality of Education, Regulations for Education Programs.

Three (3) of the five (5) credits earned annually must be from the core requirements identified in WV 126CSR42, WVDE Policy 2510: Assuring the Quality of Education, Regulations for Education Programs.

The list will include pupil's name, address, social security number, date of birth and exact dates of unexcused absences.

The Attendance Director will forward this list to the WV Department of Motor Vehicles.

5. Right of Appeal (WV Code 18-8-11) – any pupil allegedly in violation of WV Code 18-8-11 shall have the right of appeal. The county school superintendent (or the appropriate school official of any private secondary school) with the assistance of the county attendance director and 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.
6. Upon request for a reinstatement form, the principal will check the attendance record for attendance compliance before affixing a signature to this form.
7. Provide a review process that allows students to have their Driver's Eligibility Certificate reinstated upon demonstration of satisfactory progress as follows:
 - (a) As outline in WV126CSR81, WVDE Policy 4110: Attendance, reinstatement requests related to withdrawal for unexcused absences shall be at the end of the semester following that in which the withdrawal occurred.
 - (b) 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.
 - (c) Reinstatement requests related to withdrawal for suspension pursuant to WV Code 18A-5-1(b) shall be reviewed after all disciplinary sentences have been served for the purpose of reinstating the Driver's Eligibility Certificate.
8. All of the above procedures refer only to "school attendance as a condition of licensure for the privilege of the operation of motor vehicles."

These procedures do not refer to the regular attendance dropout reporting procedures and do not preclude a pupil's participation in school.

NEW GRADUATED DRIVER'S LICENSE REQUIREMENTS

Any person under the age of 18, who did not obtain a Junior Driver's License or Full License before January 1, 2011, will fall under the new GDL law.

Level One Instruction Permit – Fee \$5.00 (2 attempts) An instruction permit allows you to operate a motor vehicle in order to learn to drive.

Requirements:

1. Age 15 years old and less than 18 years old.
2. Application signed by parents, surviving parent, or legal guardian.
3. Expiration date: 14 months, or 18th birthday (whichever comes first).
4. This permit is not renewable. If your permit expires, the permit must be held for another 180 consecutive days before the Level II License exam will be given. If the Level I permit has expired, you must obtain a new permit and wait another 180 consecutive day's infraction fee before applying for Level II License.
5. If you are under the age of 18, both parents, surviving parent, single parent having custody or legal guardian must sign application before you can be tested.
6. Parental consent is not required for married applicants under the age of 18; however, you must present a certified copy of your marriage certificate. You must have a current Student Eligibility Form.

Issuance Period: Fourteen Months, non-renewable

Fee: \$5.00

Privileges/Conditions/Restrictions:

1. May only drive with a licensed driver age 21 or older, who will be the only other occupant of the front seat.
2. May only drive between the hours of 5:00 AM and 10:00 PM.
3. May only operate the vehicle if all passengers are properly using safety belts. All occupants must use safety belts in accordance with state law.
4. Zero alcohol tolerance.
5. Must maintain enrollment in school.

6. May not use a wireless communication device while operating a motor vehicle, unless use of the wireless communication device is for contacting a 911 system.

Level Two Intermediate Driver's License – Fee \$5.00

Requirements:

1. Be least 16 years of age.
2. Must have held Level I permit for a period of six months.
3. Must be infraction free for six months immediately preceding date of application for Level II.
4. Must have 50-hour certification form completed, of which 10 hours must be at night and certified by parent or legal guardian or Driver's Education Card.
5. Take Road Skills Test.
6. Present current Driver's Eligibility Certificate.

Expiration Date – 18th birthday. If you receive two moving violations on a Level II, your license will be suspended until your 18th birthday. Once you turn 18, you must pay a reinstatement fee and retake the test. Married applicants under the age of 18 are not required to have parental consent; however, you must present a copy of your marriage certificate.

Issuance Period: One to two years (until licensee reaches age 18)

Fee: \$5.00

Privileges/Conditions/Restrictions:

1. May drive without a supervising adult driver between the hours of 5:00 AM and 10:00 PM
2. Must drive with a supervising adult driver, age 21 or older, between the hours of 10:00 PM and 5:00 AM.
3. All occupants must use safety belts in accordance with state law.
4. No unrelated passengers under the age of 20 during the first 6 months.

5. One unrelated passenger under the age of 20 during the second 6 months.
6. Zero alcohol tolerance.
7. Must maintain school enrollment.

Must maintain twelve consecutive months without any conviction for a moving violation.

Level Three Full Fee: \$2.50 for each year until the month of the applicant's 21st birthday (plus .50 Motor vehicle fee). (Class E License).

Requirements:

1. Must have at least 1 year with Level II.
2. Must be infraction free for 1 year (excludes head lamp violation and improper backing violation).
3. Must be at least 17 years of age.
4. Expiration date: 21st birthday

Issuance Period: Date of qualification until month of 21st birthday (currently a new license is issued at age 21).

Restriction for Level III:

1. Zero alcohol tolerance.
2. All occupants must use safety belts in accordance with state law.

Out-Of-State Transfer Under 18:

The Division does not transfer permits from any state. If the state you currently hold a permit in is a GDL state, the Division will give you driving time credit. The permit must be issued more than 30 days and non-expired. The applicant must provide a certified driving record from that state with no infractions or moving violations. The applicant is required to take the written test, and provide all documents as a first time applicant.

If you have a Level II Intermediate Driver's License, you need to take a written test and transfer. If you have been infraction free for 6 months, your issue date will be the same as your out-of state issue date, meaning your one year with a Level II would start from the day you received

your out-of-state Level II. If you have infractions, your issue date will be today's date, meaning your one-year with a Level II would start today.

If you have a Level III, you will get a Level III license in West Virginia upon passing a written Test.

INS Documents:

Resident Alien Care 1-551 (will not accept blue 1.551)
Employment Authorization Care (I-699A, I699B, or I-766)
Record of Arrival and Departure
Valid Foreign Passport Containing an 1-551 Stamp/Document

Provided one of the primary documents has been submitted, any of the following documents may, at the discretion of the photo license examiner, serve as the second proof of identify.

SECONDARY IDENTIFICATION DOCUMENTS:

All primary documents

Court Order containing full name and date of birth (abstract of criminal or civil conviction not included)

Photo Driver's License/State issued ID Card (expired more than 1 year)

Employer Photo ID Card

Foreign Birth Certificate (translated by approved translator if not in English) (must be accompanied by INS Document.

Health Insurance Card

Marriage Certificate (issued by county or state government)

Medical Records from doctor or hospital

Gun permit

School records/transcripts (must be certified)

Social Security Card (metal card is not acceptable)

Student ID card with photo

Prison release documents

Hunting and fishing license

Voter Registration Card

Bureau of Indian Affairs Card/Indian Treaty Card (Tribal ID card not acceptable)

If the Social Security Number is not in the system, then the Social Security Card is mandatory as a secondary document. A Taxpayer Identification Number (TIN) will be accepted if the applicant cannot acquire a Social Security Card because of legal status.

APPENDIX 4

HOME/HOSPITAL INSTRUCTION
(HOMEBOUND INSTRUCTION)

Homebound instruction shall be offered to those pupils who are unable to attend school due to mental or physical illness or injury.

Application forms for children desiring homebound instruction may be obtained at the office of the Home/Hospital Specialist located in the Raleigh County Schools Central Office, 105 Adair Street, Beckley, West Virginia.

Students applying for homebound instruction must submit each of the following documents to the Home/Hospital specialist prior to any consideration for homebound instruction service:

1. Application
2. Recommendation for homebound instruction by a medical doctor or licensed psychologist. The recommendation must include:
 - (a) Diagnosis (medical or DSM-IV code if from a psychiatrist.
 - (b) Recommended length of homebound instruction (not to exceed one (1) semester.
 - (c) Specific reasons why the student must remain at home or in the hospital for three (3) or more consecutive weeks.
3. Signed release authorizing the release of information from the recommending physician.
4. The application, physician's letter and signed release must be submitted to the Home/Hospital Specialist before a teacher can be assigned to the pupil.
5. Homebound teachers **do not** go back and assist the student in making up past assignments. Homebound instruction begins at the time the application has been approved. It is the responsibility of the school and the student to make arrangements for work missed prior to approval of homebound.

Any student approved for homebound instruction may not be employed (neither part-time nor full-time employment) while receiving homebound services.

Attendance of all scheduled homebound instruction sessions is essential. Therefore, an accumulation of three (3) unexcused absences for the duration of the homebound instruction period may result in the loss of service. Further, any homebound instruction student who accumulated three (3) unexcused absences will be considered truant and the appropriate attendance personnel will be notified.

APPENDIX 5

EDUCATION OF HOMELESS CHILDREN AND YOUTH POLICY

PHILOSOPHY

The Raleigh County Board of Education strives to ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth of the county.

The Raleigh County Board of Education will review the compulsory residency requirement that is a component of the county's and state's compulsory attendance laws and policies or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance or success in school of homeless children and youth.

The Raleigh County Board of Education will undertake steps to revise such rules, regulations, practices or policies to ensure that homeless children and youth are afforded the same free, appropriate public education as provided to other children and youth.

The Raleigh County Board of Education recognizes that homelessness alone is not sufficient reason to separate students from the mainstream school environment.

The Raleigh County Board of Education recognizes further, that homeless children and youth should have access to the education and other services that children and youth need to ensure that such children and youth have an opportunity to meet the same challenging State and County student academic achievement standards to which all students are held.

DEFINITION OF THE TERM "HOMELESS CHILDREN AND YOUTH"

The term "homeless children and youth" is defined in federal legislation as:

- A. An individual who lacks a fixed, regular and adequate nighttime residence and
- B. Includes:
 - (1) Children and youth who are sharing the housing of other persons or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement.
 - (2) Child and youth who have primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
 - (3) Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
 - (4) Migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (1) through (3);

- (5) Children or youth who:
- (a) Are in the custody of the West Virginia Department of Health and Human Resources
 - (b) Have been placed in out-of-home care
 - (c) Are not in permanent placement.

This includes, but is not limited to, children and youth in family foster care, kinship care, emergency shelter care or in a facility used to provide treatment services.

SELECTION

The Raleigh County Board of Education shall, to the extent feasible, keep students in homeless situations in their school of origin (defined as the school attended when permanently housed or the school in which they were last enrolled), unless it is against the parent or guardian's wishes.

Students can stay in their school of origin the entire time they are homeless and until the end of any academic year in which they move into permanent housing.

Students may also choose to enroll in any public school that students living in the same attendance area are eligible to attend.

Homeless liaison must help unaccompanied youth (youth who are not in the physical custody of a parent or guardian) choose and enroll in a school, after considering the youth's wishes, and provided youth with notice of their right to appeal an enrollment choice that goes against their wishes.

ENROLLMENT

Schools must immediately enroll students in homeless situations, even if they do not have required documents, such as school records, medical records, proof of residency, or other documents. The term "enroll" is defined as attending classes and participating fully in school activities.

Enrolling schools must obtain school records from the previous school, and students must be enrolled in school while records are obtained.

If a student does not have immunization or medical records, the student must be enrolled in school in the interim while the liaison assists in the records.

Schools must maintain records for students who are homeless so they are available quickly.

RESOLUTION OF DISPUTES

If a student is enrolled in school other than the school of origin or the school requested by parent/guardian, the liaison will provide a written explanation of his/her decision and the right to appeal to the county superintendent of schools, who shall review the facts in the dispute and offer a written decision to both the parent/guardian, unaccompanied youth and the liaison.

TRANSPORTATION

The Raleigh County Board of Education will strive to accommodate the request of a parent or guardian of a homeless student to and from the school of origin.

For unaccompanied youth, transportation to and from the school of origin must be provided at the liaison's request.

If the student's temporary residence and the school of origin are in Raleigh County, the county will provide transportation. If the student is living outside the school of origin's county, Raleigh County Schools and the county school system where the school of origin is located must determine how to divide the responsibility and cost of providing transportation, or they must share the responsibility and cost equally.

In addition to providing transportation to the school of origin, Raleigh County Schools will provide students in homeless situations with transportation services comparable to those provided to other students.

COMPARABLE SERVICES

The Raleigh County Board of Education will assist each homeless child or youth in accessing services comparable to services offered to other students in the school selected, including the following:

- A. Transportation services
- B. Educational services for which the child or youth meets the eligibility criteria, such as services provided under Title I of the Elementary and Secondary Education Act of 1965 or similar state or local programs, educational programs for children with disabilities and educational programs for students with limited English proficiency.
- C. Head Start, Even Start programs
- D. Programs in Vocational and Technical Education
- E. Programs for gifted and talented students
- F. School nutrition programs
- G. Before school and after school programs
- H. Tutoring programs
- I. Referrals for medical and mental health services

- J. Pre-school programs
- K. Parent education
- L. Counseling services
- M. Social work services
- N. Other services that may not otherwise have been provided by the public school program

LIAISON

The West Virginia State Department of Education has named county Attendance Directors to be the county liaison for homeless students and youth as defined in WV Code 18-8-4. As defined in H.R.1 (No Child Left Behind).

Duties of Liaison:

County liaison must ensure that:

- A. Children and youth in homeless situations are identified by school personnel and through coordinated activities with other entities and agencies.
- B. Children and youth enrolling, have full and equal opportunity to succeed in Raleigh County Schools.
- C. Families, children and youth receive educational services for which they are eligible, including Head Start, Even Start and Pre-school programs administered by the Raleigh County Board of Education and referrals to health, mental health, dental and other appropriate services.
- D. 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.
- E. Public notice of the educational rights of students in homeless situations is disseminated where children and youth receive services under the McKinney-Vento Homeless Assistance Act (such as schools, family shelters, and soup kitchens.)
- F. Enrollment disputes are mediated in accordance with the Resolution of Disputes section.

- G. Parents and guardians and unaccompanied youth are fully informed of all transportation services, including the school of origin, and are assisted in accessing transportation services.

- H. Liaison must collaborate and coordinate with state coordinators and community and school personnel responsible for the provision of education and related services to children and youth in homeless situations.

RALEIGH COUNTY BOARD OF EDUCATION RESPONSIBILITY

County School Systems must inform school personnel, service providers and advocates who work with families in homeless situations of the duties of the liaison.

Approved: July 12, 2011

