

## West Virginia Code of State Rules Currentness

### Title 126. Board of Education

#### Legislative Rule (Ser. 81)

#### + Series 81. Attendance (4110) (Refs & Annos)

#### >> s 126-81-4. Definitions.

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

4.2. Allowable Deductions for Schools - Absences that result from school-approved curricular/co-curricular activities; failure of the bus to run/hazardous conditions; excused student absences; students not in attendance due to disciplinary measures; and absent students for whom the attendance director has pursued judicial remedies to compel attendance (filed a criminal complaint or juvenile petition) due to provisions in W. Va. Code s 18-8-4.

4.3. Attendance - For statistical purposes, attendance will be reported and aggregated to the nearest half day according to the definitions in sections 4.3.1. and 4.3.2.

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

4.3.2. Half-day attendance means being present at least .50 of the school day.

4.4. Attendance Rate - The number of days present divided by the number of days of membership, multiplied by one hundred, equals attendance rate for students on the attendance registers in grades K-12.

4.5. Awaiting Foster Care Placement - Any child or youth who: 1) is in the custody of the West Virginia Department of Health and Human Resources, 2) has been placed in out-of-home care, and 3) 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 or in a residential group home.

4.6. Dropout - A dropout is an individual who:

4.6.1. was enrolled in school at some time during the previous school year and was not enrolled on October 1 of the current school year; or

4.6.2. was not enrolled on October 1 of the previous school year although expected to be in membership (i.e., was not reported as a dropout the year before); and

4.6.3. has not graduated from high school, obtained a General Educational Development Certificate (hereinafter GED) diploma, or completed a state- or district-approved education program; and

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

4.6.4.a. transfer to another public school district, private school, registered home school, or state- or district-approved education program;

4.6.4.b. temporary school-recognized absence due to suspension or illness; or

4.6.4.c. death.

4.7. Dropout Date - For students of compulsory school attendance age or older, the dropout date is defined as the school day after the student's last day of attendance.

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

4.8.1. student was enrolled the previous year;

4.8.2. student appears at school to enroll with or without a parent/guardian; or

4.8.3. student and/or parent/guardian appears at school to enroll with or without records.

4.9. Enrollment Count - A status count that reports the number of students on the attendance register as required by the West Virginia Department of Education (hereinafter WVDE).

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

4.10.1. "Documented chronic medical condition" means any physical or mental condition that may require multiple or regular absences. This condition must be documented annually with a valid physician's note that explains the condition and anticipated impact on attendance. The necessity for the absences must be approved and reviewed quarterly by the SAT, IEP or 504 team (See s 5.3.3.d). Such absence(s) shall be considered an allowable deduction for purposes of s 126-81-5.2 of this policy.

4.10.2. "Documented disability" means any mental or physical impairment that substantially limits one or more major life activities and is documented annually with a valid physician's note that explains the disability and anticipated impact on attendance. The necessity for the absences must be approved and reviewed quarterly by the SAT, IEP, or 504 team (See s 5.3.3.d). Such absence(s) shall be considered an allowable deduction for purposes of s 126-81-5.2 of this policy.

4.11. Homeless Children and Youths - as defined in the McKinney-Vento Act means individuals who lack a fixed, regular, and adequate nighttime residence and includes:

4.11.1. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

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

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

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

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

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

4.13. School of Origin - As defined in the McKinney-Vento Act is the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

4.14. Transfer - A process by which a student ends enrollment or attendance in one location and begins enrollment or attendance in a second location (e.g., within a county, between counties, or out-of-state). This can be evidenced through a transcript request or other documentation that the student is continuing elementary or secondary education.