

West Virginia Code of State Rules Currentness

Title 126. Board of Education

Legislative Rule (Ser. 81)

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

>> s 126-81-5. Responsibility.

5.1. The WVBE has the responsibility to encourage daily attendance and mandate that county school systems adequately address student absences including tardiness.

5.2. The WVBE has responsibility for defining allowable deductions for purposes of state attendance reports and statistics. Schools shall not be held accountable for absences resulting from allowable deductions. These absences shall not be calculated in the school's/county's attendance rate.

5.3. Each county board of education shall:

5.3.1. employ a certified county director of school attendance as required by W. Va. Code s 18-8-3.

5.3.2. support and require the county attendance director to implement and execute the duties as defined in W. Va. Code s 18-8-4:

5.3.2.a. The county attendance director and his/her assistants shall diligently promote regular school attendance. They shall ascertain reasons for absences from school of students of compulsory school age and students who remain enrolled beyond the compulsory school age birthday.

5.3.2.b. In the case of five consecutive or ten total unexcused absences of a child during a school year, the attendance director or his/her assistant shall serve written notice to the parent, guardian, or custodian of such child that the attendance of such child at school is required and that within the time frame as specified in W. Va. Code s 18-8-4(b) of receipt of the notice the parent, guardian, or custodian, accompanied by the child, shall report in person to the school the child attends for a conference with the principal or other designated

representative of the school in order to discuss and correct the circumstances causing the unexcused absences of the child.

5.3.2.c. If the parent, guardian, or custodian does not comply, then the Attendance director or assistant shall make complaint against the parent, guardian, or custodian before a magistrate of the county.

5.3.2.d. The attendance director shall serve as the liaison for homeless children and youth as defined in W. Va. Code s 18-8-4. As defined in McKinney-Vento Act, as the liaison for homeless children and youth, the attendance director is required to:

5.3.2.d.A. ensure that public notice of the educational rights of students in homeless situations is disseminated where children and youths receive services.

5.3.2.d.B. ensure that parents or guardians are informed of educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children.

5.3.2.d.C. ensure that parents or guardians are informed of, and assisted in accessing, all transportation services for their children, including to the school of origin.

5.3.2.d.D. help unaccompanied youth choose and enroll in a school, after considering the youth's wishes, and provide the youth with notice of his or her right to appeal the school district's decision.

5.3.2.d.E. immediately assist in obtaining immunizations or record of immunizations or other medical records for those students who do not have them, and assure that students are enrolled in school while the records are being obtained.

5.3.2.d.F. ensure that homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies.

5.3.2.d.G. ensure that homeless children and youths enroll in, and have a full

and equal opportunity to succeed in, schools of that local educational agency.

5.3.2.d.H. ensure that homeless families, children, and youths Receive educational services for which such families, children, and youths are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services.

5.3.2.d.I. ensure that enrollment disputes are mediated as outlined in Paragraph (3)(E) of the McKinney-Vento Act.

5.3.2.e. The attendance director shall file with the county superintendent and county board of education, at the close of each month, a report showing activities of the school attendance office and the status of attendance in the county at the time due to provisions in W. Va. Code s 18-8-4.

5.3.3. support and require the school principal to implement and execute the duties as defined in W. Va. Code s 18-8-5:

5.3.3.a. The principal shall compare school numbers with school enrollment monthly.

5.3.3.b. The principal shall contact any parent, guardian, or custodian of the student and hold a meeting with such person and the student when the enrolled student has accumulated five unexcused absences from attendance.

5.3.3.c. It shall be the duty of the principal, administrative head, or other chief administrator of each school, whether public or private, to make prompt reports to the county attendance director, or proper assistant, of all cases of unexcused absences arising within the school which require the services of an attendance worker.

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

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