

Student Attendance Policy

PHILOSOPHY

1.1 The Monroe County Board of Education believes that regular school attendance correlates with success in the classroom. Failure of regular attendance interferes with successful learning and can result in failure to acquire needed basic skills and needed credentials for employment, higher education and success in life. Not only must compulsory school attendance law be enforced, but regular attendance for all students must be encouraged and demanded. It is the responsibility of parents to require students to attend on a regular basis, to arrive on time and stay the full instructional day.

1.2 The basic intent of this attendance policy is to promote school attendance and help meet the needs of students in reaching their potential and desired quality of life. A direct relationship exists between good attendance and student performance, graduation and good work habits in the market place.

1.3 In order to create a positive, safe environment conducive to learning and committed to helping students develop responsibility, self-discipline, and other good work habits, as well as to develop a system enlisting parental support for daily attendance by students, this policy shall govern the expectation of mandatory student attendance. County school systems are monitored by the West Virginia Department of Education annually and by the Office of Educational Performance Audits periodically regarding district and school performance in attendance. For the indicator to be met, the school/county daily attendance rate must be ninety three percent (93.0 %) or above.

1.3.1 The student attendance rate will be adjusted for students excluded as a result of the Productive and Safe Schools Act (W.Va. Code 18A-5-1a) school bus transportation interruptions (Policy 4110), and shortened school days as outlined in an IEP (Policy 2419).

COMPULSORY SCHOOL ATTENDANCE

2.1 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 until the eighteenth birthday, or for as long as the student shall continue to be enrolled after the eighteenth birthday. Exemption from attending the public schools during these years shall be for the causes or conditions listed in W.VA. Code §18-8-1a.

2.2 All students, upon admission to Monroe County Schools, shall complete emergency care forms listing the name of parent, guardian, or custodian for the purpose of emergency notification.

3.0 POLICY DEVELOPMENT

- 3.1 Monroe County Schools, when revising the attendance policy, shall provide opportunities for input from teachers, principals, attendance directors, parents, and community leaders.
- 3.2 The Board of Education shall annually review the attendance policy and receive recommendations from those above.
- 3.3 Monroe County shall submit a copy of each revision of the county attendance policy to the West Virginia Department of Education.

DEFINITIONS

- 4.1 Absence — Not being physically present in the school facility for any reason.
- 4.2 Allowable deductions—Absences resulting from school approved curricular / co-curricular activities; failure of the bus to run/hazardous conditions; school/county directed placements outside the traditional classroom environment including but not limited to homebound placement and in-school suspension.
- 4.3 Attendance- -For statistical purposes, attendance will be reported and aggregated to the nearest half day according to the definitions in 4.3.1 and 4.3.2.
- 4.3.1 Full Day Attendance is being present at least 74% of the school day.
- 4.3.2 Half Day Attendance is 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 register in classes K-12.
- 4.5 Awaiting Foster Care Placement-Any child of 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 facility used to provide treatment services.
- 4.6 Documented chronic medical condition - Any physical or mental condition that may require multiple or regular absences. This condition must be documented annually with a valid physician's note that explains the condition and anticipated impact on attendance. The necessity for the absences must be approved and reviewed quarterly by the SAT, IEP or 504 Team. Such absence(s) shall be considered an allowable deduction.

4.7 Documented disability - Any mental or physical impairment that substantially limits one or more major life activities (such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working;) and is documented annually with a valid physician's note that explains the disability and anticipated impact on attendance. The necessity for the absences must be approved and reviewed quarterly by the SAT, IEP, or 504 team. Such absence(s) shall be considered an allowable deduction.

4.8 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 certificate, or completed a state-or district-approved education program; and

does not meet any of the following exclusionary conditions:

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

temporary school-recognized absence due to suspension or illness; or death

4.8.1 Drop Date - For students of compulsory school age, the dropout date is defined as the school day after the student(s) last day of attendance.

4.9 Early Departure - The term early departure refers to a student leaving school less than two hours prior to dismissal bell (end of instructional day.)

4.10 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/custodian; or student and/or parent/guardian/custodian appear at school to enroll with or without records.

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

4.12 Excused Absence — Refer to Sec. 7.2 of this policy.

4.13 Homeless Children and Youth — As defined in the McKinney —Vento Homeless Assistance Act, homeless means individuals who lack a fixed, regular and adequate nighttime residence and includes:

Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternate, adequate accommodations; are living in emergency

or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

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;

Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train settings, or similar settings; and

Migratory children who qualified as homeless because the children or youth are living in circumstances as described in the above descriptions.

4.14 Membership Days—The days present plus the days absent.

4.15 School of Origin—As defined in subtitle B of Title VQ of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432 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.

4.16 Suspension—A temporary dismissal from school for a disciplinary infraction or a violation of school rules. WV Code 18-8-8 considers all suspensions unexcused absences.

4.17 Tardy—The term refers to a student reporting to school or homeroom up to two hours after the commencement bell (beginning of instructional day).

4.18 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.

4.19 WVEIS- West Virginia Education Information System—Computer system used by all West Virginia Schools to maintain student data.

5.0 RESPONSIBILITY

5.1 The Monroe County Board of Education has the responsibility to encourage daily attendance and mandate that the schools adequately address student absences including tardies and early departures through the implementation of this policy.

5.2 The West Virginia Department of Education has the responsibility of defining allowable deductions for purpose of state attendance reports and statistics. Absences resulting from allowable deductions shall not be calculated in the school(s)/county(s) attendance rate.

5.2.1 The list of allowable deductions as well as all reason codes shall be available to principals via WVEIS.

5.3 Monroe County Board of Education shall employ a certified county director of school attendance as required by W.Va. Code 18-8-3 as well as require the county director to implement and execute the duties as defined in W.Va. Code 18-8-4:

5.3.1 The county attendance director shall diligently promote regular school attendance. He/she shall ascertain reasons for absences from school of students of compulsory school age and students who remain enrolled beyond the eighteenth birthday. The attendance director shall 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 due to provisions in WV Code 18-8-4.

5.3.2 In the event that a child accumulates five unexcused absences during a school year, the attendance director shall serve written notice to the parents, guardian, or custodian of the child that the attendance is required and that within ten days of receipt of the notice the parent, guardian, or custodian, accompanied by the child, shall report to the school the child attends for a conference with the principal or other designated representative(s) of the school in order to discuss and correct the circumstances causing the unexcused absence of the child.

5.3.3 If the parent, guardian, or custodian does not comply, then the Attendance Director shall file a complaint against the parent, guardian, or custodian before a magistrate of the county. If it appears from the complaint that there is probable cause to believe that an offense has been committed, a summons or a warrant for the arrest of the accused shall be issued to any officer authorized by law to serve the summons or to arrest persons charged with offenses against the state. More than one parent, guardian or custodian may be charged in a complaint. Initial service of the summons or warrant issued pursuant to this policy shall continue until the summons or warrant is executed or until the end of the school term during which the complaint is made, whichever is later.

5.3.4 The magistrate court clerk or the clerk of the circuit court performing the duties of the magistrate court as authorized in WV Code 50-1-81 shall assign the case to a magistrate within ten (10) days of execution of the summons or warrant. The hearing shall be held within twenty (20) days of the assignment to the magistrate, subject to lawful continuance. The magistrate shall provide to the accused at least ten (10) days advance notice of the date, time, and place of the hearing.

5.3.5 Each school shall have a designated school attendance coordinator (principal or designee) who collects classroom data and makes appropriate electronic referrals to the county attendance director. The name(s) of the coordinator shall be supplied in writing to the county attendance director. Also the name of the person(s), if not the principal who has been designated to schedule and/or conduct five-day meetings shall be supplied to the county attendance director, in writing.

5.3.6 The attendance director shall serve as the liaison for homeless children and youth as defined in W. Va. Code 18-8-4. As defined 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 (or custodians) are informed of educational 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 (or custodians) 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 districts decision.

Immediately assist in obtaining immunizations or records of immunizations or other medical records for those students who do not have them, and assure that the students are enrolled in school while the records are being obtained. This also applies to other records needed by the student such as birth certificates. It is the job of the school to inform the attendance director, within five school days when any student enrolls and has not supplied the appropriate records. If Special Education records are not received within two weeks, the Director of Special Education must be notified.

Ensure that homeless families, children, and youth 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 education agency (Monroe County BOE) and referrals to health care services, dental services, mental health services, and other appropriate services.

Ensure that the 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. 11431et seq.)

5.4 Monroe County Schools shall support and require the school principal to implement and execute the duties as defined in W.Va. Code 18-8-5:

5.4.1 The principal shall compare school numbers with enrollment monthly.

5.4.2 The principal, or designee 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. The meetings may include other persons as deemed necessary. Upon conclusion of a five-day meeting, the principal or designee shall, within five school days, inform the county attendance director:

5.4.3 It shall be the duty of the principal or designee of each school, whether public or private, to make prompt electronic referrals to the county attendance director in all cases of unexcused absences arising within the school which require the service of the attendance director.

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

6.0 SCHOOL BASED ATTENDANCE

6.1 The principal, or designee shall be responsible for collecting all classroom attendance data and maintaining these records on WVEIS. This shall be the official student attendance record. All absence, tardy and early departures shall be recorded in this system for all students assigned to the school.

6.2 The function of the school's intervention teams shall include SAT/IEP committees.

6.2.1 Frequent or excessive tardiness or early departures cannot be tolerated because they disturb the educational process of all students and the school. A tardy/early departure may be excused or unexcused dependent upon the reason for being late/leaving early. At the beginning of each school year and throughout, each principal will communicate to the parents the importance of the students arriving to school on time and remaining for the full school day. Each homeroom teacher will periodically explain to the students and parents the inconvenience and disruption caused by arriving late or leaving early. Tardies/early departures will be handled according to professional hierarchy. All schools shall have tardy/early departure procedures. Development of these procedures will involve the parent and the students and be age appropriate. These procedures will incorporate the following:

6.2.1.1 Upon late arrival or early departure, all students shall be signed in or out through the office to document the official time of arrival or departure. Students who fail to sign in shall be counted absent for the full school day. Once a child has accumulated five (5) unexcused tardies or early departures, the principal may notify the parent in writing. Once a child has ten (10) unexcused tardies, the principal shall refer the student to the Attendance Committee, who shall contact the parent regarding the student tardiness. The Attendance Director will become involved with excessive tardies/early departures at the request of the school administrator. The Attendance Director may refer the student to other appropriate agencies as he/she deems appropriate.

6.2.1.2 Possible disciplinary action may include but is not limited to, before/after school detention, in-school detention, loss of certain privileges, including parking on school property, etc. Additional strategies may include letters home to parent, meetings with the principal or designee, lunch detention, etc. Students may not be suspended solely for failure to attend class.

6.2.2 Develop and establish school-based procedures regarding the make-up of class work that clearly outlines student responsibilities with respect to excused and unexcused absences, tardies and early departures where class work is missed.

6.2.3 Resolve any issue relating to an absence, tardy, or early departure as to whether it is excused or unexcused based on this policy. Keep written records of any and all decisions, with

copies of decisions available for public review in the principal's office. Student identities shall remain private according to FERPA and student confidentiality laws and policies. Copies of decisions shall be forwarded to the superintendent's office at the end of each semester.

7.0 DEFINITION OF EXCUSED ABSENCES, UNEXCUSED ABSENCES, NON-ABSENCES, TARDIES AND EARLY DEPARTURES BOTH EXCUSED AND UNEXCUSED

7.1 All absences, tardy or early departure of student shall be recorded in the West Virginia Education Information System (WVEIS) in accordance with the definitions set forth in this policy. Student absences for failure for the bus to run due to hazardous conditions, curricular or co-curricular activities, approved homebound or hospital instruction are defined as non-absence reason for being out of school and shall be recorded as such for every student. These absence reasons will not penalize any student for any reason. Absences for extra-curricular are outlined further in this policy.

7.2 Excused Absences shall include:

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

B. Personal illness or injury of the student or in the family.

C. Medical or dental appointment with written excuse from physician or dentist.

D. Documented chronic medical conditions that may require multiple or regular absences. These conditions 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 §126-81-5.3.c.4.).

E. Participation in homebound or hospital instruction due to an illness or injury or other extraordinary circumstances that warrants home or hospital confinement.

F. Documented disabilities consisting of any mental or physical impairments that substantially limit one or more major life activities and are documented annually with a valid physician's note that explains the disability and the anticipated impact on attendance. The necessity for the absences must be approved and reviewed quarterly by the SAT, IEP, or 504 team (See §126-81-5.3.c.4.).

G. Calamity, such as fire or flood.

H. Death in the family.

I. Judicial obligation or court appearance involving the student.

J. Military requirements for students enlisted or enlisting in the military.

K. Personal or academic circumstances approved by the principal, and

L. Such other situations as may be further determined by the county board: *Provided*, that absences of students with disabilities shall be in accordance with the Individuals with Disabilities Education Improvement Act of 2004 and the federal and state regulations adopted in compliance therewith.

M. Students enrolled in the Monroe County GED Option program are excused from school attendance requirements for any part of the regular school day that occurs before or after regularly scheduled GED classes in which they are properly enrolled. For such students who attend all required GED Option classes during the normal scheduled class time, late arrival or early departure procedures are not required.

7.3 Unexcused Absence: Any absence, not meeting the above requirements shall be considered unexcused. Students have the right to appeal these decisions to the Superintendent and to the Monroe County Board of Education.

7.4 Students may not be suspended solely for failure to attend class (WV Code 18A-4-1d). Other methods of discipline may include, but are not limited to detention, extra class time, or alternative class setting.

7.5 Monroe County schools shall report student attendance information, which reflects the allowable deductions as defined by the West Virginia Department of Education.

7.6 Students or parents have the right to appeal the application of this policy through the Appeals Procedure for Citizens available through the Board of Education Office.

8.0 HOSPITAL OR HOME INSTRUCTION

8.1 In cases of extended hospital confinement and/or prolonged illness at home, the parents are responsible for contacting the school. Given appropriate documentation of a medical condition, arrangements can be made for a homebound or hospital teacher to be assigned to the student. The homebound instruction program provides such students an opportunity to make up work without the loss of course credit. Homebound/hospital instruction can be provided to any student who cannot attend because of a temporary or serious health problem as certified by a licensed physician, and who is homebound for a period that has lasted or will last more than three weeks.

9.0 MAKE UP PROCEDURES FOR WORK MISSED DURING AN ABSENCE

9.1 Any student who anticipates being absent from school, shall in all cases possible, make prior arrangements to have the missing work completed on return to school. Students have the right to request and receive make-up work prior or during the time of their absence(s). However, requests for make-up work made after 8:30 a.m. may not be available until the next school day. A student must make up assigned work within two consecutive school days after a single day's absence. For two or more days of consecutive absence, the student has up to five (5) consecutive school days to complete the assignment. An extension of time may be granted by the principal. All make-up work shall be completed during the time allotted unless the make-up period is extended by mutual consent of the student and teacher or by appeal as described in 7.6.

9.2 In cases of absences in which a student does not return to school prior to the end of the school term, the student must arrange through the principal to make up missed work. The principal will establish time limits, but all work should be completed prior to the final workday for teachers.

10.0 INCENTIVES TO IMPROVE ATTENDANCE

10.1 Schools are encouraged to develop programs and procedures as incentives to promote regular attendance in school. Additionally, schools may adopt policies designed to improve attendance that are different from or in addition to the county policy with approval from the board. Some examples may include:

10.1.1 Attendance Certificates and Awards. Perfect attendance is defined as attending school for a full day for all days school is in session. Faithful attendance is defined as missing no more than a total of five full days of school. Special recognition for those students who have significantly improved attendance may be allowed.

10.1.2 Special recognition to students who attain successive year's perfect attendance or one year(s) perfect attendance with no tardies or early departures.

10.1.3 Recognition for those with perfect attendance each grading period by publishing in the local newspaper. Further, schools may designate particular privileges or free admission to school activities for perfect attendance.

10.1.4 In an elementary school, a rotating banner for the class with the highest monthly attendance. Class attendance must be 95% or above.

10.1.5 In each middle school and high school, the class with the highest yearly average may engage in a school or county wide planned activity. Class attendance must be 95% or above.

10.2 All awards and selections will be based on WVEIS class attendance records/registers.

11.0 STUDENT WITHDRAWAL FROM SCHOOL

11.1 Students who are over the age of eighteen may legally withdraw from school.

11.2 If a student transfers to another school, the student or his/her parent/legal guardian shall notify the home school as soon as possible after the decision is made. All bills owed must be paid and all uniforms, textbooks and assigned materials must be returned prior to departure. Any outstanding debts or materials not returned shall be referred to the magistrate for prosecution.

11.3 A student dropping out of school shall notify the school principal or designee and participate in an exit interview to assure the school that no materials or bills are outstanding and to document the school's attempt to meet the needs of the student and thereby prevent the dropping out. Enrollment in some G.E.D or adult basic education programs under the auspices of Monroe County School or the West Virginia Department of Education shall/may require the verification of this exit interview for enrollment.

11.4 Students who have previously dropped out of school may not reenter until a conference is held with the principal or designee.

11.5 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 (for student under age eighteen who possess a learners or drivers permit), Veterans Administration, Department of Social Security and Mountaineer Challenge Academy, in accordance with Family Educational Rights Privacy Act (FERPA).

12.0 REPORTING SCHOOL DROPOUTS

12.1 The principal or designee shall report dropouts through the WVEIS dropout data file.

This information will be available to the Attendance Director, Superintendent, and other appropriate county officials and to the West Virginia Department of Education.

13.0 MAINTENANCE OF RECORDS

13.1 Student attendance will be taken at the beginning of each school day and will be recorded on a daily basis by the assigned individual in the WVEIS attendance system. A daily absence list shall be prepared and distributed to each teacher in the school each morning, within two (2) hours of the beginning of school. A copy of this list shall be maintained in the school office and filed with student attendance documents for the school year. Student attendance shall be checked and recorded each class period by each teacher.

13.2 For any student absence, the parent/guardian/custodian will be contacted the first day absent and thereafter, as directed by the principal or designee. If the parent/ guardian/custodian do not have a telephone; they may be notified by mail.

13.3 In the case of three (3) total unexcused absences of a student 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.

13.4 In the case five (5) total unexcused absences, the attendance director or assistant shall serve written notice to the parent, guardian or custodian of the student that within five (5) days of receipt of the notice the parent, guardian or custodian, accompanied by 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 of the student, including the adjustment of unexcused absences based upon such meeting.

13.5 In the case of ten (10) total unexcused absences of a student during a school year, the attendance director or assistant shall make complaint against the parent, guardian, or custodian before a magistrate of the county. If it appears from the complaint that there is a probable cause to believe that an offense has been committed and that the accused has committed it, a summons or a warrant for the arrest of the accused shall 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 W. Va. Code §18-8-4 shall be attempted within ten (10) calendar days of the receipt of the summons or warrant and subsequent attempts at service 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.

13.6 When calculating unexcused absences for the purpose of making complaints against a parent, guardian, or custodian before a magistrate, unexcused absences resulting from suspensions or expulsions from school shall not be considered.

~~13.3~~ 13.7 When a student has been absent for any reason, the student is to bring a note from home when returning to school. Notes are to be returned to the school within three (3) days. This note must include:

- A. Student's legal name.
- B. Date(s) of absence(s)
- C. Reason(s) for absence(s)
- D. Signature of parent, guardian/custodian, physician/designee or other legal representative.
- E. Date of note
- F. WVEIS number (Lunch number)

13.5 Schools shall maintain student absence notes during the school year in the school office in a manner that they are reasonably obtainable. These are to be maintained by the attendance director for at least one additional year.

14.0 CORRECTIVE MEASURES

14.1 When a student(s) absences become excessive, excused or unexcused, the student(s) progress should be reviewed by the SAT or IEP team, which includes the principal or designee and the student's classroom teacher(s). Areas of consideration might include a review of the student(s) academic progress; consideration of whether the school could develop alternative plans or programs that are positive in nature which might encourage improved school attendance; referral for counseling for problems related to attendance; referral to determine appropriate academic placement, referral to the county attendance director, referral to outside agencies for assistance and/or referral to a Multi-Disciplinary Team Meeting.

14.2 Schools shall assure that students with a pattern of excessive absenteeism are referred to the Attendance Committee.

15.0 Student Driver Eligibility Certificate

The Board of Education, along with the West Virginia Board of Education (hereinafter WVBE), recognizes that driving a vehicle is a privilege and that West Virginia Code requires young people at least fifteen (15) but less than eighteen (18) year of age to maintain specified driver eligibility requirements related to school attendance, personal behavior and academic progress in order to obtain and maintain a West Virginia license or instruction permit for the operation of a motor vehicle. While the West Virginia Department of Motor Vehicle (hereinafter WVDMV) has the authority to deny and suspend a license or instruction permit for the operation of a motor vehicle, the West Virginia Code places certain responsibilities on school administrators to identify students who do not meet any or all of the driver eligibility requirements and communicate this information to the WVDMV.

15.1 Definitions

A. 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 operating a motor vehicle only shall be considered an unexcused absence.

B. Driver's Eligibility Certificate - documentation provided by the County to the student verifying that the student has met the attendance, behavioral and academic expectations set forth by WV Code 18-8-11 that are required for application or reinstatement of an instruction permit or license to operate a motor vehicle.

C. Satisfactory Academic Progress - attaining and maintaining grades sufficient to allow for graduation and course-work in an amount sufficient to allow graduation in five (5) years or by age nineteen (19), whichever is earlier (beginning with the completed 2008-09 school year).

1. 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 in WVBE Policy 2510.

2. Three (3) of the five (5) credits earned annually must be from the core requirements identified in WVBE Policy 2510.

D. 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 at least fifteen (15) but less than eighteen (18) years of age:

1. More than ten (10) consecutive or fifteen (15) total days unexcused during a school year.
2. Suspension pursuant to WV Code 18A-5-1a and 18A-5-1b, which include the following behaviors when committed on the premises of an educational facility, at a school-sponsored function, or on a school bus:
 - a. assault and/or battery on school employees,
 - b. possessing deadly weapons,

- c. sale of a narcotic drug,
- d. committing an act or engaging in conduct that would constitute a felony under West Virginia Code if committed by an adult, and/or
- e. unlawfully possessing a controlled substance governed by the uniform controlled substances act as described in WV Code 60A-1.1 et seq.

15.2 The Board shall support and require the County Attendance Director and all school administrators to implement and execute the following duties defined in WV Code 18-8-11, regarding driver's eligibility for a license or instruction permit to operate a motor vehicle and WVBE Policy 4110, Attendance:

A. Provide, upon request, a Driver's Eligibility Certificate on a form (hard-copy or electronic) approved by West Virginia Department (hereinafter WVDE) to any student at least fifteen (15) but less than eighteen (18) 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 WVDMV on application for or reinstatement of an instruction permit or license to operate a motor vehicle.

B. Provide notification to the WVDMV whenever a student at least fifteen (15) but less than eighteen (18) years of age withdraws from school, is suspended pursuant to WV Code 18A-5-1a and 18A-5-1b 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.

C. 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 principal or his/her designee concerning whether the student's withdrawal from school or failure to make satisfactory academic progress was due to a circumstance or circumstances beyond the control of the student. The principal, 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.

D. 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 outlined in WV Code CSR 81, WVBE Policy 4110: Attendance, at the end of the semester following that in which the withdrawal occurred.

2. Reinstatement requests related to withdrawal for 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 served for the purpose of reinstating the Driver's Eligibility Certificate.

15.3 The Driver's Eligibility Certificate for a license or instruction permit may be obtained in the school administrative office. The completed form will be submitted to the Attendance Director by way of the school mail. Once verified, the application will be sent back to the school office by way of the school mail for completion by the principal. Students are responsible to get the Driver's Eligibility Certificate two (2) weeks prior to summer vacation. During the summer months, the form is valid from June 1 to the following school term. Students must submit this form to West Virginia Driver's License Examination Center along with their social security card and birth certificate. No forms will be issued during the summer months.

FULL DAY ATTENDANCE REQUIRED

16.1 All students are required to attend the full day for the full year unless approved for participation in the co-operative education program, taking an approved college class, documented in an IEP, or for extenuating circumstances approved by the Monroe County Board of Education.

18.0 DISTRIBUTION

A written synopsis of this policy will be provided to all students and parents at the beginning of each school year or when they enroll in school. A synopsis of the policy will be posted in all schools and be sent in a copy of the student handbook. A copy of the full policy will be made available to the public via written media. It shall also be made available electronically through the county web page at <http://monroe-k12.wvnet.edu/policies/>

Adopted: Board of Education Minutes 6-28-93

Revised and newly adopted April 20,1999, September 19,2000, July 2,2001, October 1,2002, August 6, 2003, August 3,2004, March 8,2005, August 1,2006, July 24,2007, June 9,2008.

Amended June 16, 2009 to include satisfactory academic progress section (15.5)

Amended and Updated June 17, 2013

Amended and Updated by Board Action: September 6, 2016