

1 COMMITTEE SUBSTITUTE

2 FOR

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4 FOR

5 **Senate Bill No. 447**

6 (By Senators Palumbo and Plymale)

7 _____
8 [Originating in the Committee on the Judiciary;
9 reported February 25, 2011.]

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12
13 A BILL to amend the Code of West Virginia, 1931, as amended, by
14 adding thereto two new sections, designated §18-8-2a and §18-
15 8-12, all relating to improving school attendance generally;
16 requiring county school superintendents or their designees to
17 request and obtain an investigation by the Department of
18 Health and Human Resources of the household of a student with
19 five or more unexcused absences; exceptions; authorizing
20 prosecuting attorneys to request and obtain attendance of
21 Child Protective Services workers or youth services workers at
22 hearings and meetings related to prosecution of violation of
23 school attendance laws; requiring appointment of a truancy and
24 dropout prevention team in every county; requiring
25 representatives of certain entities be included on team;
26 requiring development and adoption of truancy and dropout
27 prevention plan; and setting forth minimum terms to be

1 included in the plan.

2 *Be it enacted by the Legislature of West Virginia:*

3 That the Code of West Virginia, 1931, as amended, be amended
4 by adding thereto two new sections, designated §18-8-2a and §18-8-
5 12, all to read as follows:

6 **ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.**

7 **§18-8-2a. Procedures to assist in assuring attendance of**
8 **students.**

9 (a) Whenever a child in kindergarten or grades one through
10 twelve is determined after an investigation by a county
11 superintendent or his or her designee to have more than five
12 unexcused absences from school in any one school year the
13 superintendent or his or her designee shall inform the Community
14 Service Manager for the Department of Health and Human Resources
15 county office who shall cause a child protective services worker or
16 youth services worker to contact the household of the student and
17 attempt to determine the cause or causes of the unexcused absences
18 within three school days of receipt of the information and
19 promulgate a written report of his or her findings and provide the
20 report to the superintendent or his or her designee and the
21 prosecuting attorney of the child's county of residence within ten
22 business days of the contact to the household: *Provided*, That
23 should the parent or guardian provide reasonable justification for
24 the absences the investigation may cease and the board of education
25 so notified.

26 (b) Whenever a prosecuting attorney is pursuing a prosecution
27 pursuant to the provisions of subsection (a), section two of this
28 article he or she may request the attendance of a child protective

1 services worker or youth services worker at court proceedings or
2 meetings that are undertaken to resolve the cause of the unexcused
3 absences. At the request of the prosecuting attorney the community
4 services manager for the child's county of residence shall ensure
5 the attendance of a child protective services worker or youth
6 services worker at the proceeding or meeting.

7 **§18-8-12. Truancy and dropout prevention teams and plan.**

8 (a) The county superintendent of each county shall appoint a
9 truancy and dropout prevention team. The truancy and dropout
10 prevention team shall include representatives of the circuit court
11 of the county, the county Department of Health and Human Resources
12 office and the school district.

13 (b) The truancy and dropout prevention team shall meet as
14 needed and shall develop a recommended truancy and dropout
15 prevention plan. The plan may be in addition to or made a part of
16 the student retention and graduation rate plan required by section
17 six of this article. The truancy and dropout prevention team shall
18 submit the plan to the county board for its consideration. The
19 county board shall consider the recommended plan and adopt the
20 plan, adopt a modified plan or adopt its own plan for
21 implementation by the county.

22 (c) The plan shall include but is not limited to the
23 following:

24 (1) Operational procedures designed to increase attendance and
25 reduce truancy specifically applicable to the elementary school
26 level, the middle school level and the high school level. The
27 operating procedures shall include any procedures required by this
28 article. Other operational procedures that shall be included are

1 as follows:

2 (A) An automated attendance phone call is made to the parent,
3 guardian or custodian when a student is absent one or more periods
4 during the school day;

5 (B) An attendance letter is sent home to the parent, guardian
6 or custodian after three days of unexcused absences;

7 (C) A meeting between a school administrator or guidance
8 counselor, a parent, guardian or custodian and the student is held
9 to correct attendance issues after three days of unexcused
10 absences; and

11 (D) The conference with the principal or other designated
12 representative of the school required by section four of this
13 article after five total unexcused absences shall include a
14 representative of the truancy and dropout prevention team and
15 representatives of the circuit court and Department of Health and
16 Human Resources; and

17 (2) Methodologies for early identification of students at risk
18 of dropping out of school. In developing these methodologies for
19 early identification, the truancy and dropout prevention team and
20 the county board shall consider including the following potential
21 indicators in the plan:

22 (A) Attendance;

23 (B) Grade retention;

24 (C) Behavioral issues;

25 (D) Kindergarten attendance;

26 (E) Whether grade appropriate reading and mathematic scores
27 indicate that a student is functioning at grade level;

28 (F) Whether students entering middle school and high school

1 are functioning at grade level;

2 (G) Whether a student is eligible for the McKinney-Vento
3 program; and

4 (H) Any indicators identified in the comprehensive statewide
5 individual student data system required to be developed in
6 accordance with section five, article eight-b of this chapter.