

COMMITTEE SUBSTITUTE

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## **Senate Bill No. 447**

(By Senators Palumbo and Plymale)

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[Originating in the Committee on the Judiciary;  
reported February 25, 2011.]

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A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §18-8-2a and §18-8-12, all relating to improving school attendance generally; requiring county school superintendents or their designees to request and obtain an investigation by the Department of Health and Human Resources of the household of a student with five or more unexcused absences; exceptions; authorizing prosecuting attorneys to request and obtain attendance of Child Protective Services workers or youth services workers at

hearings and meetings related to prosecution of violation of school attendance laws; requiring appointment of a truancy and dropout prevention team in every county; requiring representatives of certain entities be included on team; requiring development and adoption of truancy and dropout prevention plan; and setting forth minimum terms to be included in the plan.

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

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

**ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.**

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

1 (a) Whenever a child in kindergarten or grades one through  
2 twelve is determined after an investigation by a county  
3 superintendent or his or her designee to have more than five  
4 unexcused absences from school in any one school year the  
5 superintendent or his or her designee shall inform the  
6 Community Service Manager for the Department of Health  
7 and Human Resources county office who shall cause a child  
8 protective services worker or youth services worker to  
9 contact the household of the student and attempt to deter-

10 mine the cause or causes of the unexcused absences within  
11 three school days of receipt of the information and promul-  
12 gate a written report of his or her findings and provide the  
13 report to the superintendent or his or her designee and the  
14 prosecuting attorney of the child's county of residence within  
15 ten business days of the contact to the household: *Provided,*  
16 That should the parent or guardian provide reasonable  
17 justification for the absences the investigation may cease and  
18 the board of education so notified.

19 (b) Whenever a prosecuting attorney is pursuing a prosecu-  
20 tion pursuant to the provisions of subsection (a), section two  
21 of this article he or she may request the attendance of a child  
22 protective services worker or youth services worker at court  
23 proceedings or meetings that are undertaken to resolve the  
24 cause of the unexcused absences. At the request of the  
25 prosecuting attorney the community services manager for the  
26 child's county of residence shall ensure the attendance of a  
27 child protective services worker or youth services worker at  
28 the proceeding or meeting.

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

1 (a) The county superintendent of each county shall appoint  
2 a truancy and dropout prevention team. The truancy and

3 dropout prevention team shall include representatives of the  
4 circuit court of the county, the county Department of Health  
5 and Human Resources office and the school district.

6 (b) The truancy and dropout prevention team shall meet as  
7 needed and shall develop a recommended truancy and  
8 dropout prevention plan. The plan may be in addition to or  
9 made a part of the student retention and graduation rate  
10 plan required by section six of this article. The truancy and  
11 dropout prevention team shall submit the plan to the county  
12 board for its consideration. The county board shall consider  
13 the recommended plan and adopt the plan, adopt a modified  
14 plan or adopt its own plan for implementation by the county.

15 (c) The plan shall include but is not limited to the follow-  
16 ing:

17 (1) Operational procedures designed to increase attendance  
18 and reduce truancy specifically applicable to the elementary  
19 school level, the middle school level and the high school  
20 level. The operating procedures shall include any procedures  
21 required by this article. Other operational procedures that  
22 shall be included are as follows:

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

26 (B) An attendance letter is sent home to the parent,  
27 guardian or custodian after three days of unexcused ab-  
28 sences;

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

33 (D) The conference with the principal or other designated  
34 representative of the school required by section four of this  
35 article after five total unexcused absences shall include a  
36 representative of the truancy and dropout prevention team  
37 and representatives of the circuit court and Department of  
38 Health and Human Resources; and

39 (2) Methodologies for early identification of students at  
40 risk of dropping out of school. In developing these methodol-  
41 ogies for early identification, the truancy and dropout  
42 prevention team and the county board shall consider includ-  
43 ing the following potential indicators in the plan:

44 (A) Attendance;

45 (B) Grade retention;

46 (C) Behavioral issues;

47 (D) Kindergarten attendance;

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

50 (F) Whether students entering middle school and high  
51 school are functioning at grade level;

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

54 (H) Any indicators identified in the comprehensive state-  
55 wide individual student data system required to be devel-  
56 oped in accordance with section five, article eight-b of this  
57 chapter.