

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

## **House Bill 2620**

BY DELEGATES WESTFALL, DEAN, ATKINSON, HANNA AND

R. THOMPSON

[Introduced January 24, 2019; Referred  
to the Committee on Education then the Judiciary.]

1 A BILL to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended, relating  
 2 to modifying the contact requirements with a student’s guardians upon accrual of  
 3 unexcused absences; specifying that a principal may make meaningful contact with  
 4 guardians after a student has accrued three unexcused absences; and requiring  
 5 meaningful contact be made with guardians after a student has accrued three and five  
 6 unexcused absences.

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

**ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.**

**§18-8-4. Duties of attendance director and assistant directors; complaints, warrants and hearings.**

1 (a) The county attendance director and the assistants shall diligently promote regular  
 2 school attendance. The director and assistants shall:

3 (1) Ascertain reasons for unexcused absences from school of students of compulsory  
 4 school age and students who remain enrolled beyond the compulsory school age as defined  
 5 under section one-a of this article;

6 (2) Take such steps as are, in their discretion, best calculated to encourage the attendance  
 7 of students and to impart upon the parents and guardians the importance of attendance and the  
 8 seriousness of failing to do so; and

9 (3) For the purposes of this article, the following definitions shall apply:

10 (A) “Excused absence” shall be defined to include:

11 (i) Personal illness or injury of the student or in the family;

12 (ii) Medical or dental appointment with written excuse from physician or dentist;

13 (iii) Chronic medical condition or disability that impacts attendance;

14 (iv) Participation in home or hospital instruction due to an illness or injury or other  
 15 extraordinary circumstance that warrants home or hospital confinement;

16 (v) Calamity, such as a fire or flood;

- 17 (vi) Death in the family;
- 18 (vii) School-approved or county-approved curricular or extra-curricular activities;
- 19 (viii) Judicial obligation or court appearance involving the student;
- 20 (ix) Military requirement for students enlisted or enlisting in the military;
- 21 (x) Personal or academic circumstances approved by the principal; and
- 22 (xi) Such other situations as may be further determined by the county board: *Provided,*

23 That absences of students with disabilities shall be in accordance with the Individuals with  
24 Disabilities Education Improvement Act of 2004 and the federal and state regulations adopted in  
25 compliance therewith.

26 (B) "Unexcused absence" shall be any absence not specifically included in the definition  
27 of "excused absence".

28 (b) In the case of three total unexcused absences of a student during a school year, the  
29 attendance director or assistant, or principal shall ~~serve written notice to the parent, guardian or~~  
30 ~~custodian of the student that the attendance of the student at school is required and that if the~~  
31 ~~student has five unexcused absences, a conference with the principal or other designated~~  
32 ~~representative will be required~~ make meaningful contact with the parent, guardian, or custodian  
33 of the student to ascertain the reasons for the unexcused absences and what measures the  
34 school may employ to assist the student in attending and not incurring any additional unexcused  
35 absences.

36 (c) In the case of five total unexcused absences, the attendance director or assistant shall  
37 ~~serve written notice to the parent, guardian or custodian of the student that within five days of~~  
38 ~~receipt of the notice the parent, guardian or custodian, accompanied by the student, shall report~~  
39 ~~in person to the school the student attends for a conference with the principal or other designated~~  
40 ~~representative of the school in order to discuss and correct the circumstances causing the~~  
41 ~~unexcused absences of the student, including the adjustment of unexcused absences based upon~~  
42 ~~such meeting~~ again make meaningful contact with the parent, guardian, or custodian of the

43 student to ascertain the reasons for the unexcused absences and what measures the school may  
44 employ to assist the student in attending school and not incurring any additional unexcused  
45 absences.

46 (d) In the case of 10 total unexcused absences of a student during a school year, the  
47 attendance director or assistant shall make complaint against the parent, guardian, or custodian  
48 before a magistrate of the county. If it appears from the complaint that there is probable cause to  
49 believe that an offense has been committed and that the accused has committed it, a summons  
50 or a warrant for the arrest of the accused shall issue to any officer authorized by law to serve the  
51 summons or to arrest persons charged with offenses against the state. More than one parent,  
52 guardian, or custodian may be charged in a complaint. Initial service of a summons or warrant  
53 issued pursuant to the provisions of this section shall be attempted within 10 calendar days of  
54 receipt of the summons or warrant and subsequent attempts at service shall continue until the  
55 summons or warrant is executed or until the end of the school term during which the complaint is  
56 made, whichever is later.

NOTE: The purpose of this bill is to modify the contact requirements with a student's guardians upon accrual of unexcused absences; specifying that a principal may make meaningful contact with guardians after a student has accrued three unexcused absences; and requiring meaningful contact be made with guardians after a student has accrued three and five unexcused absences.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.