

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 447**

4 (By Senators Palumbo and Plymale)

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6 [Originating in the Committee on Education;
7 reported February 23, 2011.]
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11 A BILL to amend the Code of West Virginia, 1931, as amended, by
12 adding thereto two new sections, designated §18-8-2a and §18-
13 8-12, all relating to improving school attendance generally;
14 requiring county school superintendents or their designees to
15 request and obtain an investigation by the Department of
16 Health and Human Resources of the household of a student with
17 five or more unexcused absences; authorizing prosecuting
18 attorneys to request and obtain attendance of Child Protective
19 Services workers or youth services workers at hearings and
20 meetings related to prosecution of violation of school
21 attendance laws; requiring appointment of a truancy and
22 dropout prevention team in every county; requiring
23 representatives of certain entities be included on team;
24 requiring development and adoption of truancy and dropout
25 prevention plan; and setting forth minimum items to be
26 included in the plan.

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

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

4 **ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.**

5 **§18-8-2a. Procedures to assist in assuring attendance of**
6 **elementary and middle school students.**

7 (a) Whenever a child in kindergarten or grades one through
8 eight is determined by a county superintendent or his or her
9 designee to have more than five unexcused absences from school in
10 any one school year the superintendent or his or her designee shall
11 inform the Community Service Manager for the Department of Health
12 and Human Resources county office who shall cause a child
13 protective services worker or youth services worker to visit the
14 household of the student and attempt to determine the cause or
15 causes of the unexcused absences and promulgate a written report of
16 his or her findings and provide the report to the superintendent or
17 his or her designee and the prosecuting attorney of the child's
18 county of residence within ten business days of the visit to the
19 household.

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

1 **§18-8-12. Truancy and dropout prevention teams and plan.**

2 (a) The county superintendent of each county shall appoint a
3 truancy and dropout prevention team. The truancy and dropout
4 prevention team shall include representatives of the circuit court
5 of the county, the county Department of Health and Human Resources
6 office and the school district.

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

16 (c) The plan shall include but is not limited to the
17 following:

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

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

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

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

5 (D) The conference with the principal or other designated
6 representative of the school required by section four of this
7 article after five total unexcused absences includes the entire
8 truancy and dropout prevention team or other representatives of the
9 circuit court and Department of Health and Human Resources; and

10 (2) Methodologies for early identification of students at risk
11 of dropping out of school. In developing these methodologies for
12 early identification, the truancy and dropout prevention team and
13 the county board shall consider including the following potential
14 indicators in the plan:

15 (A) Attendance;

16 (B) Grade retention;

17 (C) Behavioral issues;

18 (D) Kindergarten attendance;

19 (E) Whether third grade reading and math scores indicate that
20 a student is functioning at grade level;

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

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

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