

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 442

**FISCAL
NOTE**

By Senator Deeds

[Introduced January 16, 2026; referred

to the Committee on Education; and then to the

Committee on Finance]

1 A BILL to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended; and to
2 amend the code by adding a new section, designated §18-8A-5, relating to homeless
3 children; clarifying the duties of the attendance director and assistant directors; and
4 creating a homeless education coordinator position in counties designated by the state
5 board as an urban county.

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) For the purposes of this article, the following definitions apply:
2 (1) "Excused absence" means:
3 (A) A medical or dental appointment with written excuse from physician or dentist;
4 (B) Personal illness or injury of the student accompanied by a timely written excuse from
5 the student's parent, guardian, or custodian: *Provided*, That the total absences under this section
6 combined with absences permitted under paragraph (C) of this subdivision do not exceed more
7 than 10 per school year unless supported by a physician's note: *Provided, however*, That a
8 medically documented chronic health condition or disability that adversely impacts in-person
9 attendance approved by a county school board or the principal is not subject to this limitation, and
10 that absences of students with disabilities shall be in accordance with the Individuals with
11 Disabilities Education Improvement Act of 2004 and the federal and state regulations adopted in
12 compliance therewith;
13 (C) Personal illness or injury of the student's parent, guardian, custodian, or family
14 member: *Provided*, That the excuse must provide a reasonable explanation for why the student's
15 absence was necessary and caused by the illness or injury in the family, and the total absences
16 under this section in combination with paragraph (B) of this subdivision may not exceed more than
17 10 excuses per school year;

- (D) Death in the family;
- (E) School-approved or county-approved curricular or extra-curricular activities;
- (F) A judicial obligation or court appearance involving the student;
- (G) A military requirement for students enlisted or enlisting in the military;
- (H) Up to five college visits; and
- (I) A student in any West Virginia Department of Education recognized and sanctioned organization to enhance student enrichment and success, including, but not limited to, FFA, Future Business Leaders of America (FBLA), Health Occupations Students of America (HOSA), the Common Ground Partnership, or 4-H or FFA-sanctioned activity or program, subject to the following:

(i) A student who participates in an activity or program sanctioned in paragraph (I) of this subdivision shall be credited as present by the school in which the student is enrolled in the same manner as a student participating in an educational field trip. A school principal, or the principal's designee, shall not count a student absent for participating in an activity or program sanctioned in paragraph (I) of this subdivision.

(ii) An agent of a sanctioned organization set forth in paragraph (I) of this subdivision shall provide documentation as proof of a student's participation in an activity or program sanctioned in paragraph (I) of this subdivision.

(iii) A student shall make up any schoolwork missed while the student was participating in an activity or program sanctioned by paragraph (I) of this subdivision and shall not have the student's class grades adversely affected for lack of attendance or participation due to the student's participation in an activity or program sanctioned in paragraph (I) of this subdivision.

(iv) A school principal, or the principal's designee, shall not credit a student who participates in an activity or program sanctioned in paragraph (I) of this subdivision as present if the student's participation in the activity or program sanctioned in paragraph (I) of this subdivision during any period of time for which the student has been suspended, expelled, or assigned

44 to an alternative school or alternative program under this chapter and the student's suspension,
45 expulsion, or assignment to an alternative school or alternative program would preclude the
46 student from participating in an educational field trip.

47 (J) The total amount of excused absences under paragraphs (E), (H), and (I) of this
48 subdivision may not exceed more than 10 per school year.

49 (K) Nothing in this section shall interfere with the Every Student Succeeds Act (2015),
50 which does not differentiate between excused and unexcused absences.

51 (2) "Meaningful contact" means two-way communication by the school administrator or
52 other school designee and the student's parent, guardian, or custodian to discuss the student's
53 attendance record in an effort to prevent subsequent truancy or other legal proceedings relating to
54 compulsory school attendance, and to minimize additional absences. Methods of meaningful
55 contact include, but are not limited to, phone calls, video conferencing, home visits, and the use of
56 digital platforms.

57 (3) "System of Support Plan" ("SOS Plan") refers to a plan to be developed by the State
58 Board of Education designed to encourage students to attend school. It shall, at a minimum,
59 require county attendance directors, principals, or other school designees to make periodic
60 contact with the parent, guardian, or custodian of a student subject to compulsory school
61 attendance to ascertain the reason or reasons for the student's absence or absences and what
62 measures the school may employ to assist the student in attending school and not incurring
63 additional absences. It shall also impart upon the student's parents, guardians, and custodians the
64 importance of the student's attendance and the seriousness of failing to do so.

65 (4) "Unexcused absence" means any absence not specifically included in the definition of
66 "excused absence".

67 (b) The county attendance director and his or her assistants shall diligently promote regular
68 school attendance. The director and assistants shall:

69 (1) Ascertain the reasons for unexcused absences from school of students of compulsory

70 school age; and students who remain enrolled beyond the compulsory school age;

71 (2) Ensure the implementation of the SOS Plan as developed by the state board, including
72 encouraging the attendance of students and imparting upon the parents, guardians, and
73 custodians the important of attendance and the seriousness of failing to do so.

74 (c) All documentation relating to absences shall be provided to the school no later than
75 three instructional days after the first day the student returns to school. In the event
76 documentation is not provided to the school within three instructional days after the first day the
77 student returns to school, the absences are unexcused.

78 (d) In the case of three total unexcused absences of a student during a school year, the
79 attendance director, his or her assistant, or the principal shall make meaningful contact with the
80 parent, guardian, or custodian of the student to ascertain the reasons for the unexcused absences
81 and what measures the school may employ to assist the student in attending and not incurring any
82 additional unexcused absences.

83 (e) In the case of five total unexcused absences, the attendance director, his or her
84 assistant or the principal shall again make meaningful contact with the parent, guardian, or
85 custodian of the student to ascertain the reasons for the unexcused absences and what measures
86 the school may employ to assist the student in attending school and not incurring any additional
87 unexcused absences.

88 (f) In the case of 10 total unexcused absences of a student during a school year, the
89 attendance director or assistant may make a complaint against the parent, guardian, or custodian
90 before a magistrate of the county. If it appears from the complaint that there is probable cause to
91 believe that an offense has been committed and that the accused has committed it, a summons or
92 a warrant for the arrest of the accused shall issue to any officer authorized by law to serve the
93 summons or to arrest persons charged with offenses against the state. More than one parent,
94 guardian, or custodian may be charged in a complaint. Initial service of a summons or warrant
95 issued pursuant to the provisions of this section shall be attempted within 10 calendar days of

96 receipt of the summons or warrant and subsequent attempts at service shall continue until the
97 summons or warrant is executed or until the end of the school term during which the complaint is
98 made, whichever is later.

99 (g) The magistrate court clerk, or the clerk of the circuit court performing the duties of the
100 magistrate court as authorized in §50-1-8 of this code, shall assign the case to a magistrate within
101 10 days of execution of the summons or warrant. The hearing shall be held within 20 days of the
102 assignment to the magistrate, subject to lawful continuance. The magistrate shall provide to the
103 accused at least 10 days' advance notice of the date, time, and place of the hearing.

104 (h) When any doubt exists as to the age of a student absent from school, the attendance
105 director and his or her assistants may require a properly attested birth certificate or an affidavit
106 from the parent, guardian, or custodian of the student stating the age of the student. In the
107 performance of his or her duties, the county attendance director and his or her assistants have
108 authority to take without warrant any student absent from school in violation of the provisions of
109 this article and to place the student in the school in which he or she is or should be enrolled.

110 (i) The county attendance director and his or her assistants shall devote as much time as is
111 required to the duties of attendance director in accordance with this section during the instructional
112 term and at any other times as the duties of an attendance director are required. All attendance
113 directors and assistants hired for more than 200 days may be assigned other duties determined by
114 the superintendent during the period in excess of 200 days. The county attendance director is
115 responsible under direction of the county superintendent for efficiently administering school
116 attendance in the county.

117 (j) In addition to those duties directly relating to the administration of attendance, the
118 county attendance director and his or her assistant directors also shall perform the following
119 duties:

120 (1) Assist in directing the taking of the school census to see that it is taken at the time and in
121 the manner provided by law;

122 (2) Confer with principals and teachers on the comparison of the school census and
123 enrollment for the detection of possible non-enrollees;

124 (3) Cooperate with existing state and federal agencies charged with enforcing child labor
125 laws;

126 (4) Promote attendance in the county by compiling data for schools and by furnishing
127 suggestions and recommendations for publication through school bulletins and the press, or in
128 any manner directed by the county superintendent;

129 (5) Participate in school teachers' conferences with parents and students;

130 (6) Assist in any other ways directed by the county superintendent for improving school
131 attendance;

135 (8) Serve as the liaison for homeless children and youth.

ARTICLE 8A. ATTENDANCE OF HOMELESS CHILDREN

§18-8A-5. Homeless education coordinator.

1 (a) The county board shall employ a full-time homeless education coordinator in each
2 county designated by the state board as an urban county and a part-time homeless education
3 coordinator in each county designated by the state board as a rural county. Urban and rural
4 designations may be based on the Metropolitan Statistical Area designations of metropolitan and
5 non-metropolitan or a substantially similar method of delimitating urban and rural areas.

6 (b) The county board may establish special and professional qualifications for homeless
7 education coordinators as are deemed expedient and proper and are consistent with rules of the
8 state board.

9 (c) A homeless education coordinator is responsible for:

(1) Ensuring that homeless children and youth are identified by school personnel, are

11 enrolled in, and have a full and equal opportunity to succeed in schools of that county;

12 (2) Coordinating the referrals of homeless children to health care, dental care, mental

13 health services, and other appropriate services;

14 (3) Expediting school placement decisions;

15 (4) Identifying homeless children, youth, and families in the community;

16 (5) Coordinating programs and services to prevent duplication of services;

17 (6) Monitoring programs and projects to ensure compliance with applicable statutory and

18 regulatory requirements, if the county board receives funds under the McKinney-Vento Homeless

19 Assistance Act;

20 (7) Informing parents or guardians of homeless children and youth of the educational and

21 related opportunities available to their children, ensuring that they are provided with meaningful

22 opportunities to participate in the education of their children; disseminating public notice of the

23 educational rights of homeless children and youth in the schools, community agencies, family

24 shelters, soup kitchens, and organizations where children and youth receive services;

25 (8) Ensuring that the parent or guardian of a homeless child or youth, and that any

26 unaccompanied youth is fully informed of all transportation services;

27 (9) Working with Title I administrators to ensure that Title I services are provided in

28 accordance with the reservation of funds required by McKinney-Vento Act;

29 (10) Coordinating and collaborating with the state coordinator and community and school

30 personnel responsible for the provision of education and related services to homeless children

31 and youth;

32 (11) Developing and implementing a program to train school personnel on the educational

33 rights of homeless children and youth, policies and procedures to identify and serve homeless

34 children and youth, and on the special needs of homeless children and youth;

35 (12) Assisting unaccompanied homeless youth in the school selection process; ensuring

36 that they are provided with meaningful opportunities to participate fully in educational activities.

37 and

38 (13) Ensuring that enrollment disputes are mediated according to the county board's
39 appeal process.

NOTE: The purpose of this bill is to create a homeless education coordinator in counties designated by the state board as an urban county.

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