

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 925

BY SENATORS HART, SMITH (MR. PRESIDENT), THORNE,

CLEMENTS, AND BARNHART

[Introduced February 12, 2026; referred
to the Committee on Education]

1 A BILL to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended, relating
2 to providing that a Future Farmers of America-sanctioned activity or program shall not
3 count toward the 10-day limit for excused 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) 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
17 than 10 excuses per school year;

18 (D) Death in the family;

19 (E) School-approved or county-approved curricular or extra-curricular activities;

20 (F) A judicial obligation or court appearance involving the student;

21 (G) A military requirement for students enlisted or enlisting in the military;

22 (H) Up to five college visits; and

23 (I) A student in any West Virginia Department of Education-recognized and -sanctioned
24 student organization to enhance student enrichment and success, including, but not limited to,
25 SkillsUSA, Future Business Leaders of America, Health Occupations Students of America, the
26 Common Ground Partnership, or 4-H or Future Farmers of America-sanctioned activity or
27 program, subject to the following:

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

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

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

40 (iv) A school principal, or the principal's designee, shall not credit a student who
41 participates in an activity or program sanctioned in paragraph (I) of this subdivision as present if
42 the student's participation in the activity or program sanctioned in paragraph (I) of this subdivision
43 occurs 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), and (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
54 to 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
56 of 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
64 the 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
68 regular 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
82 any 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
92 or 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
111 is required to the duties of attendance director in accordance with this section during the
112 instructional term and at any other times as the duties of an attendance director are required. All
113 attendance directors and assistants hired for more than 200 days may be assigned other duties
114 determined by the superintendent during the period in excess of 200 days. The county attendance
115 director is responsible under direction of the county superintendent for efficiently administering
116 school 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
121 in 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;

132 (7) Make home visits of students who have excessive unexcused absences, as provided
133 in subsection (a) of this section, or if requested by the chief administrator, principal, or assistant
134 principal; and

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