

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Attendance

Series: J19

Reference: W. Va. Code §18-8-1 et seq.; 126 CSR 18; 126 CSR 84

Issued: 06.18.1987

**Revised: 06.15.2000; 06.21.2001; 06.09.2003; 02.19.2004;
03.18.2004; 10.21.2009; 03.17.2011; 06.10.2016; 07.11.17; 08.06.2018;**

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19.01 Philosophy - The fundamental purpose of the attendance policy is to assure and increase attendance. The Kanawha County Board of Education recognizes that a direct relationship exists between daily school attendance, student performance, graduation, and work habits in the workplace. All students are expected to attend school regularly and be on time for class. To facilitate acceptable attendance levels, the schools will provide a positive climate and a safe environment conducive to learning. Students will have the opportunity to develop responsibility, self-discipline, and good work habits.

19.02 Parental Philosophy – Parental awareness, support, and involvement are essential ingredients in a successful attendance policy. Parents are encouraged to support the attendance policy by sending their children to school regularly. Kanawha County Schools recognizes the importance of the home and school connection and strongly encourages parents to become aware of the policies and procedures of Kanawha County Schools and their child’s school. Parents should become familiar with their rights and responsibilities that are outlined in this policy and their child’s school handbook. With good attendance the students can maximize the development of good work habits, self-discipline, responsibility, and a higher level of achievement. Good attendance is essential to better academic performance.

19.03 Definitions

19.03.1 Absence – Not being physically present in the school facility for any reason.

19.03.2 Excused Student Absences – Shall mean absences from school or individual classes due to:

19.03.2.1 School- approved or county-approved curricular/co-curricular/extra-curricular activities; failure of the bus to run in hazardous conditions, SAT Plan, IEP or 504 Plan meetings; and other county board approved excused absences.

19.03.2.2 Personal illness or injury of the student.

19.03.2.3 Personal illness or injury of the student’s parent, guardian, custodian, or family member, provided that the excuse must provide a reasonable explanation for why the student’s absence was necessary and caused by the illness or injury in the family.

19.03.2.4 Medical or dental appointment with written excuse from physician or dentist.

19.03.2.5 Documented chronic medical conditions that may require multiple or regular absences. These conditions must be documented annually with a valid physician’s note that explains the condition and anticipated impact on attendance. The necessity for the absences must be approved and reviewed quarterly by the SAT, IEP, or 504 team (See W. Va. 126-81-5.3.c.4.).

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19.03.2.6 Participation in homebound or hospital instruction due to an illness or injury or other extraordinary circumstances that warrants home or hospital confinement.

19.03.2.7 Documented disabilities consisting of any mental or physical impairment that substantially limit one or more major life activities and are documented annually with a valid physician's note that explains the disability and the anticipated impact on attendance. The necessity for the absences must be approved and reviewed quarterly by the SAT, IEP, OR 504 team (See W. Va. 126-81-5.3.c.4.).

19.03.2.7 Calamity, such as fire or flood.

19.03.2.8 Death in the family.

19.03.2.9 Judicial obligation or court appearance involving the student.

19.03.2.10 Military requirements for students enlisted or enlisting in the military.

19.03.2.11 Personal or academic circumstances approved by the principal.

19.03.2.12 Such other situations as may be further determined by the county board: Provided, That absences with disabilities shall be in accordance with the Individuals with Disabilities Education Improvement Act of 2004(IDEA) and the federal and state regulations adopted in compliance therewith.

19.03.3 Unexcused absences means any absence from school or an individual class not specifically included in the definition of "excused absence" pursuant to section 19.03.2 of this policy.

19.03.4 Tardy shall mean arrival by a student after the appointed time for the commencement of school or an individual class which a student is scheduled to attend. Students who leave prior to the end of the school day will be counted as an early departure. Students must make up work missed for arriving late or leaving early. Excessive tardiness shall be addressed by schools using the following procedures: five (5) tardies – phone call from the teacher or other designated school representative; seven (7) – eight (8) tardies – letter via U.S. mail; ten (10) tardies – conference with student, teacher, principal and parent; eleven (11) tardies – refer to SAT; fifteen (15) tardies – refer to central office. Parents must come in to the school office and sign the student in if tardy. Tardiness due to medical and dental appointments must have a written excuse from the doctor's office. Each school may adopt such additional procedures as it may deem appropriate in order to address tardiness, which shall not be in conflict with this policy or any other provision of law. Schools may impose corrective/disciplinary action in accordance with the individual school policy. Schools may refer to the information provided by the County Tardy Committee for additional strategies on addressing tardiness.

19.03.5 All documentation relating to absences shall be provided to the school not later than three (3) instructional days after the first day the student returns to school.

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19.03.6 Student shall mean any student enrolled in Kanawha County Schools including any Pre-K student.

19.03.7 Home/Hospital instruction for medical reasons – A physician must provide written documentation defining those extenuating medical circumstances requiring homebound instruction for a student deemed to be incapacitated and unable to attend school. The school will provide work until the placement is approved. Upon approval a homebound education shall be provided and the student will then be classified as no longer in the building and shall not be counted absent using the state approved WVEIS code. If the student does not meet with the educational plan prescribed as scheduled, and there is not a medical reason for not keeping the scheduled instruction time, truancy action will be pursued when deemed appropriate by the County Attendance Director.

19.03.8 Suspension – A principal may suspend a student under the provision of W.Va. Code 18-8-5-1a or any other violation listed in the County Code of Conduct. Students may not be suspended solely for tardiness, early departures or absences. The County Board of Education assures that a student may not be suspended solely for failure to attend class. Some methods of discipline for failure to attend class may include, but are not limited to, detention, extra class time, or alternative class settings. Absences resulting from the suspension of a student are unexcused. Make-up work shall be provided in accordance with Section 19.09 herein.

19.03.9 Expulsion – When a student is suspended pending expulsion, the school shall make provision for the class work to be picked up by the parent/guardian or designee so that the student may continue pursuing education either until the student returns to school or the student is assigned an alternative placement. If the hearing results in an expulsion the County SAT or IEP will provide an educational placement for the student. The student shall not be dropped from the school attendance record but shall be assigned the allowable WVEIS deduction code as defined by the WVDE.

19.03.10 Enrollment – A student is officially enrolled when one of the following conditions occur: 1) the student was enrolled the previous year and did not graduate; 2) the student appears at the school to enroll with or without a parent or guardian; or 3) the student and/or parent/guardian appears at school to enroll with or without records.

19.04 Records and Reporting - The Attendance Director shall monitor absenteeism reporting through the WVEIS system for the purpose of maintaining an accurate account of daily attendance for every student. WVEIS codes shall be uniform in recording absences in all schools and should reflect the allowable deductions as defined by the WVDE.

19.04.1 Allowable Deductions for Schools – Beginning with the 2017-2018 school year, the only allowable deductions will be absences that result from school-approved curricular/co-curricular/extracurricular activities, failure of the bus to run in hazardous conditions, students not in attendance due to disciplinary measures resulting from a Level 4: Safe Schools Act Behaviors violation as

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defined in W. Va. 126CSR99, WVBE Policy 4373, Expected Behavior in Safe and Supportive Schools (hereinafter 4373) and school/ county directed placements outside the traditional classroom environment including but not limited to homebound placement and in-school suspension.

19.04.2 Attendance – for statistical purposes, attendance will be reported and aggregated to the nearest half day according to the definitions in 19.04.2.a and 19.04.2.b.

19.04.2.a Full day attendance means being present at least .74 of the school day.

19.04.2.b Half day attendance means being present at least .50 of the school day.

19.05 School Referral Responsibilities and Procedures - Each school shall appoint a designated school attendance coordinator, principal or designee, who monitors and collects attendance data on a regular and ongoing basis. Student attendance data will be recorded on WVEIS on a daily basis using the allowable deductions, as defined by the WVDE. Absence reason codes and five day unexcused notification shall be current at all times. The coordinator will meet at a regularly scheduled time with the County Attendance Director/Assistant Attendance Director or Truancy Diversion Specialist and make appropriate referrals for services and/or legal action in accordance with W.Va. Code 18-8-1. The County Attendance Director will provide each school with handbook containing information on referral procedures and referral forms.

19.06 School Attendance Procedures - The Board recognizes that a variety of approaches may be successful in maintaining acceptable attendance levels and those individual schools should be free to develop innovative methods within the requirements of this policy. Each school shall develop and maintain a written attendance procedure which should include incentives to maintain and improve attendance. This procedure should be filed with and monitored by the County Attendance Director.

19.07 Parental Notification Requirements – School attendance procedures shall contain at least the following notification components:

19.07.1 At the commencement of each school year parents/guardians and students shall be provided with a copy of the county attendance policy and school procedures. New arrivals during the school year shall also be provided with a copy of the same information.

19.07.2 Parents/guardians shall be advised of their responsibility to report the absence of their children and their accountability for the regular school attendance of their children. Each day a student is absent, the parent shall contact the school to advise that the student will not be in attendance. A written note with parent signature or any allowable excuse documentation, defined in 19.03.02, should be sent to the school when the student returns with the reason for absence. Upon a student's return, the student will have three days to turn in his/her excuse for their absence.

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19.07.3 The school will notify the parent promptly, if a call is not received from the home, to notify of the student's absence.

19.07.4 Parents shall be notified, and invited to attend, Student Assistance Team (SAT) meetings wherein a recommendation concerning attendance is to be considered with respect to their child.

19.07.5 The principal shall contact, by letter, any parent, guardian, or custodian of the student and hold a meeting with such person and the student when the student has accumulated five unexcused absences.

19.07.6 A student whose educational services are guided by an existing SAT plan, IEP OR 504 plan may warrant special consideration when a pattern of single, multiple or chronic absences exists. The student's current status should be reviewed quarterly by the SAT, IEP or 504 team and in accordance with state and federal laws.

19.08 Preventive and Educative Procedures and Incentives – Early prevention of absenteeism shall include educative brochures from the county attendance office being sent to the home with the student at the start of each school year. New enrollees throughout the year will be provided these brochures, as well as new kindergarten enterers at spring roundup. Brochures included are entitled Attendance Procedures and The Law, Driver's License Attendance Policy and Procedures and Tardiness Procedures and Guidelines.

19.08.1 The County attendance director and assistants shall develop incentives and recognition for those students showing and maintaining improved attendance. A county wide perfect attendance award for high school seniors shall be implemented. Partnerships with local businesses will be sought to be of assistance in providing the rewards.

19.08.2 Schools shall develop attendance incentives for perfect and faithful attendance and use school wide recognition programs for students attaining these accomplishments. Perfect attendance shall be awarded to those students who have been present every day of the school year for at least .74 of each school day. Faithful attendance shall be awarded to those students who have been absent no more than five days of the school year.

19.08.3 Preventive In-School Resources – Students may be referred to the school counselor, other student support personnel, student assistance team (SAT), mentoring program, or peer program for students with excessive absences. Incentives may be included as a part of the interventions used to address the absenteeism.

19.08.4 Interagency Resources – Shall be used for alternative plans and programs that are positive in nature and encourage improved school attendance. The County Attendance Director and assistants shall maintain contact and utilize these outside resources. Parents and students shall be made aware of

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counseling, mentoring, behavioral, mental health, substance abuse, domestic violence, health, and other services available.

19.09 Opportunity To Make Up Work and Evaluation – All students are expected to make up work missed due to absences.

19.09.1 Absences of Two Days or Less. For students in grades K – 8, it is the teacher’s responsibility to provide makeup work within two school days of the return of the student to school. For students in grades 9 – 12 it is the responsibility of the student to request makeup work within two school days of return to school.

19.09.2 Absences of More than Two Days. After a student has been absent for more than two consecutive days, the school will make provision for the class work to be picked up by the parent/guardian or designee so that the student may continue pursuing education until the student returns to school.

19.09.3 Make up Procedure. Upon receiving makeup work from the teacher, student must submit the work within a time line designated by the teacher or school policy. Students will be afforded the opportunity to learn missed concepts occasioned by excused or unexcused absences in order to progress through their program of studies. Teachers are responsible for providing a minimum of one day for each day’s absence for students to make up missed work assignments and/or evaluation that are occasioned by excused or unexcused absences. Teachers may, in their discretion, require alternative work assignments and/or evaluation procedures.

19.10 Failure to Make up Work and/or Evaluations within the guidelines established in section 19.09 of this policy will result in loss of credit for that work or evaluation and could result in failing the class.

19.11 Credit – In all cases, credit shall be based upon completion of assigned instructional activities and academic performance as defined by established evaluation procedures.

19.12 Penalties for Unexcused Absences – School attendance procedures may include reasonable penalties for the accumulation of unexcused absences or tardiness. Excessive absenteeism and tardiness shall be referred to the County Attendance Director or Assistant Attendance Director for appropriate legal action.

19.12.1 In the case of three (3) total unexcused absences of a student during a school year, the attendance director or assistant **may** serve written notice to the parent, guardian, or custodian of the student that the attendance of the student at school is required and that if he student has five (5) unexcused absences, a conference with the principal or other designated representative will be required.

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19.12.2 In the case of five (5) total unexcused absences, the attendance director or assistant **shall** serve written notice to the parent, guardian or custodian of the student that within five (5) days of receipt of the notice the parent, guardian or custodian, accompanied by the student, shall report in person to the school the student attends for a conference with the principal, administrative head, or other chief administrator of the school in order to discuss and correct the circumstances causing the unexcused absences of the student, including the adjustment of unexcused absences based on the meeting.

19.12.3 In the case of ten (10) total unexcused absences of a student during a school year, the attendance director or assistant **may** make complaint against the parent, guardian, custodian, or student (18 years old or older) before a magistrate of the county. More than one parent, guardian or custodian may be charged in the complaint.

19.12.4 When calculating unexcused absences for the purpose of making complaints against a parent, guardian, or custodian before a magistrate, unexcused absences resulting from suspensions or expulsions from school shall not be considered.

19.13 Attendance Appeal Procedure – An appeal of an attendance decision may be made by a student or parent to the school principal or the county Attendance Director. An appeals committee which shall include the principal, County Attendance Director/Assistant Attendance Director, school counselor, or other school personnel as needed will address the appeals.

19.14 Homeless Reporting – The County Attendance Director shall serve as the liaison for homeless children and youth as defined in W.Va. Code §18-8-4. Duties of the liaison for homeless children and youth were expanded as defined in Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.), as the liaison for homeless children and youth, the attendance director is required to:

19.14.1 Ensure that public notice of the educational rights of students in homeless situations is disseminated where children and youth receive services.

19.14.2 Ensure that parents or guardians are informed of educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children.

19.14.3 Ensure that parents or guardians are informed of, and assisted in accessing, all transportation services for their children, including to the school or origin.

19.14.4 Help unaccompanied youth choose and enroll in a school, after considering the youth's wishes, and provide the youth with notice of his or her right to appeal the school district's decision.

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19.14.5 Immediately assist in obtaining immunizations or record of immunizations or other medical records for those students who do not have them, and assure that students are enrolled in school while the records are being obtained.

19.14.6 Ensure that homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies.

19.14.7 Ensure that homeless children and youths enroll in, and have a full and equal opportunity to succeed in, schools of that local educational agency.

19.14.8 Ensure that homeless families, children, and youths receive educational services for which such families, children, and youths are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services.

19.14.9 Ensure that enrollment disputes are mediated as outlined in Paragraph (3) (E) of Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

19.15 Homeless Children and Youth – Federal definition for homeless children and youth added to policy as defined in Subtitle B of the title VII of McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) means individuals who lack a fixed, regular, and adequate nighttime residence and includes:

19.15.1 Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals;

19.15.2 Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

19.15.3 Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

19.15.4 Migratory children who qualify as homeless because of the children or youth are living in circumstances as described in the above descriptions.

19.16 School of origin defined in Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) is the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

19.17 Drop Out Reporting – The County Attendance Director shall monitor the reporting of dropouts to the State Department of Education.

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19.18 Alternative School /Out of School Environment (OSE) – Educational programs where instruction is provided to students that have been removed from school by expulsion, violation of safe school policy, or continuous violation of school rules and regulations supported by the County Code of Conduct. The student may be assigned to receive instruction through an alternative setting.

19.18.1 Middle and high school students attend a day program in an educational setting with smaller classes and support provided by a psychologist, counselor, and assistant attendance director in addition to the educational team.

19.18.2 The academy program is designed for grades six (6) through twelve (12). The classes are small and meet during the day at identified school locations.

19.18.3 Homebound instructors are assigned to meet with students at an assigned site for up to four (4) hours of instruction weekly.

19.18.4 The school shall provide work until the educational placement instruction is in place.

19.19 Instructional Day Guidelines and Exceptions – All students shall be scheduled for the full instructional day including all four years of high school. Exceptions made by the County Board for college courses, advanced technical programs, and participation in the WV Virtual School are included in Kanawha County Board of Education Policy, Series J20, pursuant to State Board Policy 2510.

19.20 Drivers License. A Driver Eligibility Certificate is issued to any student who is at least fifteen but less than eighteen years of age who is in satisfactory standing with regard to attendance, school behavior and academic progress. In order to obtain a Driver Eligibility Certificate a student's absences cannot exceed ten (10) consecutive unexcused or fifteen (15) unexcused absences in a year pursuant to West Virginia Code § 18-8-11. Also, a student must earn five credits annually (three of the five credits must be from the core requirements identified in West Virginia Board of Education Policy 2510). In order to obtain a Driver Eligibility Certificate a student may not be suspended or expelled for any of the following behaviors when committed on the premises of an educational facility, at a school-sponsored function, or on a school bus: a) assault and/or battery on school employees regardless of the time or place of the action; b) possessing deadly weapons; c) sale of a narcotic drug; d) committing an act or engaging in conduct that would constitute a felony under either federal law or the West Virginia Code if committed by an adult; or; e) unlawfully possessing a control substance governed by the uniform controlled substances act as described in W.Va. Code 60A-1.1 et seq. The foregoing are reasons to deny a driver eligibility certificate or to revoke a driver's license. Expulsion or suspension shall not be considered a circumstance beyond the control of the student. Relating to attendance, a semester of satisfactory school attendance, not to exceed five (5) consecutive or ten (10) total unexcused absences, shall be required for reinstatement of a revoked license. Academic progress will be reviewed at the end of each school year and school behavior shall be reviewed after all disciplinary suspension or expulsions have been served. All forms require the signature of the principal and the County Attendance Director.

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Students who are on homebound for medical reasons should submit a physician's statement indicating that the student's condition does not impair the student's driving ability. For the purposes of this section and pursuant to W.Va. Code §18-8-11, withdrawal is defined as more than ten consecutive, or fifteen days total, unexcused absences during a school year. Suspension or expulsion from school or imprisonment in a jail or a West Virginia correctional facility is not a circumstance beyond the control of the person. If suspended, the West Virginia Division of Motor Vehicles may not reinstate a license before the end of the semester following that in which the withdrawal occurred. Excuses for absences must be turned in to the attendance clerk within **three days** of student's return. Any excuse(s) turned in after the allotted time will not be accepted for driver's eligibility approval.

19.21 County Attendance Report – The attendance director shall file with the county superintendent and county board of education, at the close of each month, a report showing activities of the school attendance office and status of attendance in the county at the time due to provisions in W.VA. Code § 18-8-4.

19.22 Severability – If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

Policy Development – The Kanawha County Schools Attendance Policy has been developed by a committee which included the county attendance director, an assistant attendance director, principals, assistant principals, teachers, counselors, student affairs/alternative schools director, parents community leader, community agency case manager, and attorney. An annual attendance review/evaluation will be conducted to determine the effectiveness of this policy. Comparative data collected for current and preceding year will be reviewed to determine increased/decreased levels of attendance for each school. Each revision of the county attendance policy shall be submitted to the WVDE for approval.