

# 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; 02.19.04;

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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(ren's) schools. Parents should become familiar with their rights and responsibilities that are outlined in this policy and the school's 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 performance.

### 19.03      Definitions

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

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

19.03.2.1      School approved curricular or co-curricular activities.

19.03.2.2      Failure of the school bus to run or other hazardous condition.

19.03.2.3      Illness or injury of the student requiring physician's verification.

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- 19.03.2.4 Medical and/or dental appointment which cannot be scheduled outside the school day when the absence is verified in writing by the physician or dentist.
- 19.03.2.5 Illness of student verified by parent/guardian not to exceed five (5) days per school year.
- 19.03.2.6 Illness or injury in family when student absence is verified as essential by physician.
- 19.03.2.7 Calamity, such as fire in the home, flood, family emergency, or hazardous condition shall be approved by the school principal.
- 19.03.2.8 Death in the family. Limit three (3) days for each occurrence except in extraordinary circumstances. "Family" is defined as mother, father, brother, sister, grandmother, grandfather, aunt, uncle, brother in-law, sister in-law, brother's children, sister's children, student's child(ren), or any person living in the same household.
- 19.03.2.9 Leaves of educational value adhering to these stipulations: (1) Prior approval of school administrator. (2) Prior submission and approval of educational plan detailing objectives and activities. (3) Leave not to exceed ten (10) days. (4) Verification of implementation of the educational plan upon student's return. (5) Leave to extend more than ten (10) days requires County Board approval.
- 19.03.2.10 Legal obligation with verification.
- 19.03.2.11 Observance of religious holidays with verification.
- 19.03.2.12 Contagious parasite conditions, such as lice, which has been verified by school personnel, shall be excused absences not to exceed two (2) days per incident. If student's absences exceed two days they will then be counted as unexcused unless physician verification is received to support the extended time period.

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19.03.2.13 “Documented chronic medical condition” means any physical or mental condition that may require multiple or regular absences. This condition must be documented annually with a valid physician’s note that explains the condition and anticipated impact on attendance. The necessity of the absences must be approved and reviewed quarterly by the SAT, IEP or 504 team. Such absence(s) shall be considered an allowable deduction for purposes of this policy.

19.03.2.14 “Documented disability” means any mental or physical impairment that substantially limits one or more major life activities and is documented annually with a valid physician’s note that explains the disability and anticipated impact on attendance. The necessity of the absences must be approved and reviewed quarterly by the SAT, IEP or 504 team. Such absence(s) shall be considered an allowable deduction for purposes of this policy.

19.03.3 Unexcused absences shall mean an absence from school or an individual class that is not excused 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

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

19.03.6 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.

19.03.7 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.

19.03.8 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

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school attendance record but shall be assigned the allowable WVEIS deduction code as defined by the WVDE.

19.03.9      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.

19.03.10     Awaiting Foster Care Placement – Any child or youth who: 1) is in the custody of the West Virginia Department of Human Resources; 2) has been placed in out-of-home care; and 3) is not in a permanent placement. This includes, but is not limited to, children and youth in family foster care, emergency shelter or in a facility used to provide treatment services.

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 – absences that result from school-approved curricular/co-curricular activities; failure of the bus to run/hazardous conditions; excused student absences; student not in attendance due to disciplinary measures; and absent students whom the Attendance Director/Assistant Attendance Director is pursuing judicial remedies to compel attendance (filed criminal complaint or juvenile petition) due to the provision of W. Va. Code §18-8-4.

19.04.2      Attendance reporting – 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.

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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 deduction, 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 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 that 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.

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.

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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

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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 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.



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- 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. Parents/guardian shall be contacted by written legal notice when the student accumulates five (5) consecutive or ten (10) total unexcused absences in a school year. A conference shall be required within ten (10) days to resolve any problems contributing to the absences. Continued absences after a legal notice has been served may result in legal action against the parents/guardian or the student in the event the student is 18 years old or older. State Code stipulates that a fine of \$50 - \$100 or jail sentence may result for each unexcused day.
- 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.

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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.

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 McKenny-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

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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; or are awaiting foster care placement;

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.

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.

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

19.18.2 The academy program is designed for grades nine (9) through twelve (12). The classes are small and meet in the evening at identified high 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

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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. 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 five 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.

19.23     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

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school. Each revision of the county attendance policy shall be submitted to the WVDE for approval.