



**Fast-Track Regulation
Agency Background Document**

Agency name	Virginia Department of Education
Virginia Administrative Code (VAC) citation(s)	8 VAC20-730
Regulation title(s)	Regulations Governing the Collection and Reporting of Truancy
Action title	Proposed Revisions to the <i>Regulations Governing the Collection and Reporting of Truancy</i> (8VAC20-730)
Date this document prepared	March 1, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

In November 2016, the Board of Education approved 8 VAC20-730. The Chapter defined terms related to truancy, identified the intervention process for students as it relates to student non-attendance, and identified the data elements required to be reported to the VDOE.

In 2018, the Virginia General Assembly, amended [§ 22.1-258](#) of the *Code of Virginia*, relating to the appointment of attendance officers; notification when pupil fails to report to school; plan; conference; and court proceedings. In response, the Virginia Department of Education drafted amendments to 8 VAC20-730: *Regulations Governing the Collection and Reporting of Truancy*.

Substantive changes made to the regulations include expanding the number of days a parent has to provide an excuse for an absence from three days to five days. The amendment will provide school division personnel the time to work with students and families to address excused versus unexcused absences. Additionally, in response to feedback from data specialists from around the Commonwealth, the amendments remove the specific data collection requirements and reflect that data will be collected based on [§ 22.1-258](#) of the *Code of Virginia*. The change to data collection requirements reflect a need for the agency to be responsive to changes in [§ 22.1-258](#) of the *Code of Virginia*.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the “Definition” section of the regulations.

There are no acronyms or technical terms that are not also defined in the definitions section of the regulations.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

The State Board of Education approved the proposed revisions to the *Regulations Governing Unexcused Absences and Truancy* on April 25, 2019.

Mandate and Impetus

Please identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, board decision, etc.). For purposes of executive branch review, “mandate” has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

As required by Virginia Code § 2.2-4012.1, please also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track process.

In 2018, the Virginia General Assembly amended [§ 22.1-258](#) of the *Code of Virginia*, relating to the appointment of attendance officers; notification when pupil fails to report to school; plan; conference; and court proceedings.

The Virginia Department of Education (VDOE) proposes to fast-track the regulatory process as the amendments to 8 *VAC20-730* are to align the chapter with the *Code of Virginia* [§ 22.1-258](#).

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

§ 22.1-16. Bylaws and regulations generally.

“The Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title.”

§ 22.1-254. Compulsory attendance required; excuses and waivers; alternative education program attendance; exemptions from article.

A summation of the compulsory attendance code relevant to this regulation is as follows:

“...every parent, guardian, or other person in the Commonwealth having control or charge of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday shall, during the period of each year the public schools are in session and for the same number of days and hours per day as the public schools, cause such child to attend a public school or a private, denominational, or parochial school or have such child taught by a tutor or teacher of qualifications prescribed by the Board of Education and approved by the division superintendent, or provide for home instruction of such child as described in § [22.1-254.1](#).”

§ 22.1-269. Board to enforce.

The *Code of Virginia* authorizes and requires the Board of Education to enforce Virginia's compulsory school attendance statutes as follows:

“The Board of Education shall have the authority and it shall be its duty to see that provisions of this article are properly enforced throughout the Commonwealth.”

§ 22.1-258. Appointment of attendance officers; notification when pupil fails to report to school.

In summary, the *Code of Virginia* requires each school division to create an attendance plan for any student with five unexcused absences and to schedule a conference after the seventh unexcused absence to be held within 10 school days of the 10th unexcused absence. The conference team shall monitor the student's progress and refer to the attendance officer, if necessary. The attendance officer may “... (i) file a complaint with the juvenile and domestic relations district court alleging the pupil is a child in need of

supervision as defined in § [16.1-228](#) or (ii) institute proceedings against the parent pursuant to § [18.2-370](#) or of § [22.1-261](#).

§ 22.1-267. Proceedings against habitually absent child.

“Any child permitted by any parent, guardian, or other person having control thereof to be habitually absent from school contrary to the provisions of this article may be proceeded against as a child in need of supervision as provided in Chapter 11 ([§ 16.1-226 et seq.](#)) of Title 16.1.”

§ 22.1-262. Complaint to court when parent fails to comply with law.

“...If the parent (i) fails to comply with the provisions of § [22.1-261](#) within the time specified in the notice or (ii) fails to comply with the provisions of § [22.1-254](#), it shall be the duty of the attendance officer, with the knowledge and approval of the division superintendent, to make complaint against the pupil's parent in the name of the Commonwealth before the juvenile and domestic relations district court. If proceedings are instituted against the parent for failure to comply with the provisions of § [22.1-258](#), the attendance officer is to provide documentation to the court regarding the school division's compliance with § [22.1-258](#). In addition thereto, such child may be proceeded against as a child in need of services or a child in need of supervision as provided in Chapter 11 ([§ 16.1-226 et seq.](#)) of Title 16.1.

Purpose

Please explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it's intended to solve.

It is the primary goal of these amendments to align 8 VAC 20-730 with [§ 22.1-258](#) of the *Code of Virginia*. Students, who attend school regularly, beginning in Kindergarten, are more likely to succeed academically. Academic achievement, especially in math, is affected by attendance. Moreover, student non-attendance affects standardized test scores, graduation rates, and dropout rates (Balfanz, R. & Byrnes, V., 2012). These regulatory changes guide an early identification and intervention process that provides school division personnel additional time to address barriers that disengage a student from school, thus improving school attendance.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of Changes” section below.

The substantive changes to 8 VAC 20-730 are reflective of [§ 22.1-258](#) of the *Code of Virginia* and feedback from school division personnel across the Commonwealth. Changes made that were reflective of stakeholder feedback include expanding the number of days a parent(s) can

responds to a school division’s request for information to make decisions on excused versus unexcused absences from three days to five days. Additionally, changes to the regulations reflect a need to remove specific data element specifications and indicate that data will be collected reflective of [§ 22.1-258](#) of the *Code of Virginia* and definitions within 8 *VAC* 20-730. Data specifications regarding the collection of unexcused absences will be outlined in a manner prescribed by the Virginia Department of Education.

Issues

Please identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

The proposed amendments to 8 *VAC* 20-730 pose no disadvantage to the public or the Commonwealth. The proposed amendments will serve to collect daily attendance data and non-attendance data, and guide an early identification and intervention process that provides school division personnel additional time to thoughtfully and purposefully remove barriers that disengage a student from school, thus improving school attendance.

Requirements More Restrictive than Federal

Please identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no requirements more restrictive than applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Please identify any other state agencies, localities, or other entities particularly affected by the regulatory change. “Particularly affected” are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

Not Applicable

Localities Particularly Affected

The regulations will affect all school divisions but none will be materially impacted disproportionately.

Other Entities Particularly Affected

Not Applicable

Economic Impact

Pursuant to § 2.2-4007.04 of the Code of Virginia, please identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Please keep in mind that this is change versus the status quo.

Impact on State Agencies

<p><i>For your agency:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources</p>	<p>There is minimal cost to the agency to implement and enforce the proposed amendments. Existing budgets should be sufficient to cover any costs as most of these activities are already accounted for under the current regulations.</p>
<p><i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	<p>There is a minimal cost to the state to implement and enforce the proposed regulations. However, existing budgets should be sufficient since most of these activities and practices already exist.</p>
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p>The amended regulations will produce uniformity among school divisions to intervene with student engaging in truancy. This uniformity will assist other agencies that work with K-12 students to access accurate data and intervene with students and their families.</p>

Impact on Localities

<p>Projected costs, savings, fees or revenues resulting from the regulatory change.</p>	<p>The Commonwealth has 132 school divisions each with varying membership and resources allocated to addressing truancy. While it is difficult to estimate if there will be an increase in projected costs, savings, fees, or revenues, it is doubtful that these changes will be burdensome on local school divisions</p>
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	as these divisions are already implementing the previous regulations.
Benefits the regulatory change is designed to produce.	These regulatory changes will align the VDOE regulations guiding the truancy intervention process with <u>§ 22.1-258</u> of the <i>Code of Virginia</i> . These changes provide school divisions more time to implement and progress monitor interventions with individual students and the proposed data collection elements will assist school divisions with intervention efforts.

Impact on Other Entities

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	School divisions and Juvenile and Domestic Relations Courts.
Agency's best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	There are 132 school divisions in the Commonwealth. Each school division has a school board with varying numbers of members and a superintendent.
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Please be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	The Commonwealth has 132 school divisions each with varying membership and resources allocated to addressing truancy. While it is difficult to estimate if there will be an increase in projected costs, savings, fees, or revenues, it is doubtful that these changes will be burdensome on local school divisions as these divisions are already implementing the previous regulations. The VDOE does not anticipate that the amendments and data collection clarification will result in the need for additional staff, beyond those staff already employed by school divisions to report attendance data to the VDOE.
Benefits the regulatory change is designed to produce.	The amended attendance regulations will enhance and align data collection efforts for

	each school division. These elements should strengthen practices to improve student attendance through data-based decision making efforts and ultimately impact the number of students who access high quality instruction as they matriculate to graduation.
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Alternatives

Please describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

The alternative to these amendments is to continue to follow the current version of 8 VAC20-730. In its current form 8 VAC20-730 does not align with [§ 22.1-258](#) of the *Code of Virginia*. The amendments offer alignment with [§ 22.1-258](#) of the *Code of Virginia* and amendments to data collection that will assist school divisions with intervention selection for students and their families and provide reliable data to the Virginia Department of Education to offer technical assistance to school divisions.

The proposed amendments offer attendance definitions for reporting data and implementing an early identification and intervention process. The amendments offer a process for utilizing individual student data at the school building level in order to intervene and provide support services to prevent the damaging consequences of continued absences from school. The amendments will produce consistent data and effective practices that will assist a school division with continuous improvement of daily school attendance.

Regulatory Flexibility Analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

This regulation does not affect small business.

Public Participation

If an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either

house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register; and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

Detail of Changes

Please list all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation.

If the regulatory change will be a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory change. Delete inapplicable tables.

If the regulatory change is intended to replace an emergency regulation, please follow the instructions in the text following the three chart templates below. Please include citations to the specific section(s) of the regulation that are changing.

For changes to existing regulation(s), please use the following chart:

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
8VAC20-730-10	N/A	Provides definitions to assist readers in understanding regulations and assist with consistency in implementation by school divisions in the Commonwealth.	This regulation remains the area that provides definitions to assist readers in understanding regulations guiding the truancy intervention process. Amendments made to 8 VAC20-730-10 were procedural changes made in response to changes to § 22.1-258 of the <i>Code of Virginia</i> .
8VAC20-730-20	N/A	Provides the intervention process and responsibilities associated with addressing students who accumulate unexcused absences.	This regulation remains the area that provides guidance to school divisions on the intervention process and responsibilities associated with addressing students who accumulate unexcused absences. Amendments made to 8 VAC20-730-20 were procedural changes made in response to changes to § 22.1-258 of the <i>Code of Virginia</i> .
8VAC20-730-30	N/A	Provides information regarding the data collection and reporting process for school	This regulation remains the area that provides guidance to school divisions on data collection and reporting as it relates to § 22.1-258 of the <i>Code of</i>

		divisions as it relates to compulsory school attendance and the intervention process outlined in § 22.1-258 of the <i>Code of Virginia</i> and 8VAC20-730-20.	<p><i>Virginia</i> and 8 VAC20-730-20.</p> <p>Amendments made to 8 VAC20-730-30 were changes made in response to changes to § 22.1-258 of the <i>Code of Virginia</i> and subsequently 8 VAC20-730-20.</p> <p>School divisions will report truancy data in a manner determined by the Virginia Department of Education, as described in 8 VAC20-730-30. The amendments to 8 VAC20-730-30 will assist school divisions to provide reliable data for school division personnel to intervene with students and families as well as the Virginia Department of Education to provide technical assistance to school divisions in the area of truancy.</p>
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If an existing regulation or regulations (or parts thereof) are being repealed and replaced by one or more new regulations, please use the following chart:

Current chapter-section number	New chapter-section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements

If a new regulation is being promulgated, that is not replacing an existing regulation, please use this chart:

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements

If the regulatory change is intended to replace an emergency regulation, and is identical to the emergency regulation, please choose and fill out the appropriate chart template from the choices above. In this case “current section number” or “current chapter-section number” would refer to the **pre-emergency** regulation.

If the regulatory change is intended to replace an emergency regulation, but includes changes made since the emergency regulation, please create two charts:

1. A chart describing changes from the **pre-emergency** regulation to the regulatory change, as described in the paragraph above; or if a new chapter is being promulgated, a chart describing the proposed new regulation.
2. A chart describing changes from the **emergency** regulation to the regulatory change. For the second chart please use the following title: "Changes from the Emergency Regulation." In this case "current section number" or "current chapter-section number" would refer to the **emergency** regulation.

8VAC20-730-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Attendance conference" means a face-to-face meeting, or an interaction that is conducted through the use of communication technology, ~~at a minimum,~~ *initiated* after the ~~sixth unexcused~~ *seventh unexcused absence and held no later than 10 school days after the tenth unexcused absence. The attendance conference is held with* ~~among~~ school staff, *and may include* parents, and student. The conference may include community representatives to participate in resolving issues related to nonattendance and revisions to the current attendance plan if necessary.

"Attendance plan" means a plan developed jointly by a school representative, such as a school principal or his designee ~~or attendance officer~~, parent; and student to resolve the student's nonattendance and engage the student in regular school attendance. The plan shall identify reasons for nonattendance and academic, social, emotional, and familial barriers that impede daily attendance along with positive strategies to address such reasons and impedances and support regular attendance. This plan may include school-based activities or suggested referrals to community supports, or both.

"Court referral" means filing a complaint to the Juvenile and Domestic Relations Court after the ~~student's seventh unexcused absence~~ *multidisciplinary school team has held an attendance conference and attempted interventions to address the student's continued nonattendance.* Documentation of interventions regarding the student's unexcused absences, such as copies of the attendance plan and documentation of conference meetings, and compliance with § [22.1-258](#) of the Code of Virginia will be provided to the intake worker.

"Excused absence" means an absence of an entire assigned instructional school day with a reason acceptable to the school administration that is provided by the parent. If circumstances permit, the parent should provide the school administration with the reason for the nonattendance prior to the absence. Examples of an excused absence may include, but are not limited to, the following reasons: funeral, illness (including mental health and substance abuse illnesses), injury, legal obligations, medical procedures, suspensions, religious observances and military obligation. ~~Expelled and~~ *Suspended* students continue to remain under the provisions of compulsory school attendance as described in § [22.1-254](#) of the Code of Virginia. An absence from school attendance resulting from a suspension ~~or expulsion~~ *may shall* be considered

~~excused~~ *recorded in compliance with 8VAC20-730-30* for the period of the suspension ~~or~~ *expulsion*.

"Instructional school day" means the length of a regularly scheduled school day for an individual student.

"Multi-disciplinary team" means a school-based team that may be convened to review student records and to participate in prevention, early intervention, and provision of support services to address unexcused absences, including school-based case management. These services should address academic, social, emotional, and familial issues in order to improve regular school attendance. Team members may include, but are not limited to, the following: an administrator, school counselor, social worker or psychologist, student assistance specialist, special education and ~~regular~~ *general* education teacher, and *may include the* attendance officer *and community representatives*.

"Parent" means the parent or parents, guardian or guardians, legal custodian or legal custodians, or other person or persons having legal control or charge of the student.

"Truancy" means the act of accruing one or more unexcused absences.

"Unexcused absence" means an absence where the student misses his scheduled instructional school day in its entirety and (i) no indication has been received by school personnel within ~~three~~ *five* days of the absence that the student's parent is aware and supports the absence, or (ii) the parent provides a reason for the absence that is unacceptable to the school administration.

The school administration may change an unexcused absence to an excused absence when it determines that the parent has provided an acceptable reason meeting criteria for the student's absence or there are extenuating circumstances.

8VAC20-730-20. Unexcused Absences Intervention Process and Responsibilities.

A. Each local school board shall provide guidance regarding what would constitute an excused absence in order to address when the explanation provided by the parent will be determined to be reasonable and acceptable.

B. Each local school board shall develop procedures to ensure that appropriate interventions will be implemented when a student engages in a pattern of absences less than a full day, the explanation for which, if it were a full-day absence, would not be deemed an excused absence.

C. The following intervention steps shall be implemented to respond to unexcused absences from school and to engage students in regular school attendance.

1. Whenever a student fails to report to school on a regularly scheduled school day and no information has been received by school personnel that the student's parent is aware of and supports the absence *or the parent provides a reason for the absence that is unacceptable to the school administration*, the school principal or designee, ~~attendance officer~~, or other school personnel or volunteer will notify the parent by phone or email or any other electronic means to obtain an explanation. The school staff shall record the student's absence for each day as "excused," "unexcused". Early intervention with the student and parent or parents shall take place for repeated unexcused absences.

2. When a student has received five unexcused absences, the school principal or designee ~~or the attendance officer~~ shall make a reasonable effort to ensure that direct contact is made with the parent. The parent shall be contacted in a face-to-face conference, by telephone, or through the use of other communication devices. During the direct contact with the parent and the student (if appropriate), reasons for nonattendance shall be documented and the consequences of nonattendance explained. An attendance plan shall be made with the student and parent or parents to resolve the nonattendance issues. The student and parent may be referred to a school-based multi-disciplinary team for assistance implementing the attendance plan and case management.

3. *When the student accrues a seventh unexcused absence*, ~~the school principal or designee or the attendance officer~~ shall schedule a face-to-face attendance conference, or an interaction that is conducted through the use of communication technology, ~~within 10 school days from the date of the student's sixth unexcused absence for the school year.~~ The attendance conference must be held within ~~15~~ 10 school days from the date of the ~~sixth unexcused~~ *tenth unexcused* absence. *The principal or principal's designee shall make reasonable efforts to contact the student's parent or parents to attend the attendance conference either in person or via communication technology. If the principal or principal's designee, after reasonable efforts have been made, are unable to contact the student's parent or parents, the conference shall be held regardless of whether the student's parent approves of the conference.* The conference shall *incorporate a multidisciplinary team that includes the parent, student, principal or principal's designee,* ~~and~~ school personnel (which may be a representative or representatives from the multi-disciplinary team) and may include community service providers.

4. The multi-disciplinary team shall monitor the student's attendance and, as necessary, meet again to address concerns and plan additional interventions if the student's attendance does not improve. If additional meetings are necessary the principal or principal's designee should make reasonable efforts to contact the student's parent or parents and schedule a face-to-face meeting, or an interaction that is conducted through the use of communication technology. If the principal or principal's designee, after reasonable efforts have been made, are unable to contact the student's parent or parents, the conference shall be held regardless of whether the student's parent approves of the conference.

4. 5. *In circumstances in which the parent is intentionally noncompliant with compulsory attendance requirements or the student is resisting parental efforts to comply with compulsory attendance requirements*, ~~the school principal or designee shall notify~~ *make a referral to* the attendance officer or division superintendent of the student's ~~seventh unexcused absence for the school year~~ *lack of progress towards resolving nonattendance issues, given sufficient intervention to address the student's nonattendance. The attendance officer shall schedule a conference with the student and the student's parent or parents within 10 days of receiving the referral.* The ~~division superintendent or designee~~ *attendance officer shall* ~~may~~ contact the Juvenile and Domestic Relations Court intake to (i) file a complaint alleging the student is a child in need of supervision *as defined in § 16.1-228 (CHINSup)* or (ii) to institute proceedings against the parent *pursuant to § 18.2-371 or 22.1-262*. In addition to documentation of compliance with the notice provisions of § [22.1-258](#) of the Code of Virginia, all records of intervention regarding the student's unexcused absences, such as copies of the

conference meeting notes, attendance plan, and supports shall be presented to the intake worker.

D. A record shall be maintained of each meeting that includes the attendance plan, the name of individuals in attendance at each conference meeting (including via telephone or electronic devices), the location and date of the conference, a summary of what occurred, and follow-up steps.

8VAC20-730-30. Data Collection and Reporting.

Data collection shall begin on the first day students attend for the school year. Each school division shall provide student level attendance data for each student that includes the number of unexcused in a manner prescribed by the Virginia Department of Education. A student's attendance is cumulative and begins on the first official day of the school year or the first day the student is officially enrolled. All nonattendance days are cumulative and begin with the first absence. For purposes of this data collection, truancy shall start with the first unexcused absence and will be cumulative. *Data shall be reported to the Virginia Department of Education pursuant to the Code of Virginia § 22.1-258 and 8VAC20-730-20.*

~~Excused and unexcused absences shall be counted for each individual student and shall be reported to the Virginia Department of Education as follows:~~

- ~~1. All excused and unexcused absences as defined in this chapter for each individual student shall be collected.~~
- ~~2. For each student with five unexcused absences, whether an attendance plan was developed, and if not, the reason.~~
- ~~3. For each student with six unexcused absences, whether an attendance conference was scheduled, and if not, the reason.~~
- ~~4. For each student with six unexcused absences, whether an attendance conference was actually held and if not, the reason.~~
- ~~5. For each student with seven unexcused absences, w a court referral was made or if proceedings against the parent or parents were initiated and, if not, the reason.~~