

COMPULSORY ATTENDANCE

Every parent, guardian, or other person 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 send such child to a public school or otherwise provide the child with an education in accordance with state law unless the child is exempt from the state's compulsory attendance requirement.

Further, in the case of any five-year-old child, the requirements of this policy may be alternatively satisfied by sending the child to any public educational pre-kindergarten program, including a Head Start program, or in a private, denominational, or parochial educational pre-kindergarten program.

The requirements of this policy apply to

- any child in the custody of the Department of Juvenile Justice or the Department of Corrections who has not passed his eighteenth birthday, and
- any child whom the division Superintendent has required to take a special program of prevention, intervention, or remediation as provided in Va. Code §§ 22.1-253.13:1.C and 22.1-254.01.

The requirements of this policy do not apply to

- any person 16 through 18 years of age who is housed in an adult correctional facility when such person is actively pursuing the achievement of a passing score on a high school equivalency examination approved by the Board of Education but is not enrolled in an individual student alternative education plan, and
- any child who has obtained a high school diploma or its equivalent, a certificate of completion, a passing score on a high school equivalency examination approved by the Board of Education or who has otherwise complied with compulsory school attendance requirements.

Individual Student Alternative Education Plan

The School Board may allow the compulsory attendance requirements to be met pursuant to an individual student alternative education plan developed in conformity with guidelines prescribed by the Board of Education under the following conditions:

1. The student must be at least sixteen years of age.
2. There shall be a meeting of the student, the student's parents, and the principal or principal's designee of the school in which the student is enrolled to develop the plan, which must include the following:
 - career guidance counseling;
 - mandatory enrollment and attendance in a preparatory program for passing a high school equivalency examination approved by the Board of Education or other alternative education program approved by the School Board, with attendance

- reported to the principal or principal's designee;
 - mandatory enrollment in a program to earn a Board of Education-approved career and technical education credential, such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment;
 - successful completion of the course in economics and personal finance required to earn a Board of Education-approved high school diploma;
 - counseling on the economic impact of failing to complete high school; and
 - procedures for re-enrollment.
3. A student for whom such an individual student alternative education plan has been granted but who fails to comply with the conditions of the plan shall be in violation of the compulsory attendance laws, and the Superintendent or attendance officer shall seek immediate compliance with such laws.

Alternative Education Programs

The School Board authorizes the Superintendent or Superintendent's designee to require any student who has been:

(1) charged with an offense relating to the laws of Virginia, or with a violation of School Board policies, on weapons, alcohol or drugs, or intentional injury to another person, or with an offense that is required to be disclosed to the Superintendent of the school division pursuant to Va. Code § 16.1-260.G;

(2) found guilty or not innocent of an offense relating to Virginia's laws on weapons, alcohol, or drugs, or of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the Superintendent of the school division pursuant to Va. Code § 16.1-260.G; or

(3) found to have committed a serious offense or repeated offenses in violation of School Board policies,

to attend an alternative education program. The Superintendent or Superintendent's designee may require such student to attend such programs regardless of where the crime occurred.

As used in this section, the term "charged" means that a petition or warrant has been filed or is pending against a pupil.

Prior to making the alternative education placement, the Superintendent or Superintendent's designee must provide written notice to the student and student's parent(s) or guardian(s) that the student will be required to attend an alternative education program, and notice of the opportunity to appeal the placement to the Superintendent or designee. The parent(s) or guardian(s) may appeal the placement to the Superintendent or Superintendent's designee, by providing a written request to the Director of Student

Services, Alternative Education, and Behavior Support within three days of the notice of the alternative education placement. In the case of any pupil the Superintendent or Superintendent's designee determines may pose a risk of danger to persons or property, or whose presence may create a threat of disruption, the Superintendent or Superintendent's designee may make an immediate placement in alternative education during the pendency of any appeal or review. If the Superintendent or Superintendent's designee uphold the placement decision, the parent(s) or guardian(s) may petition the School Board to review that decision by providing a written request to the Director of Student Services, Alternative Education and Behavior Support within three days of the notice of the decision. If the parent(s) or guardian(s) does not request a review by the School Board or does not make a timely request, the decision of the Superintendent or Superintendent's designee is final. If the parent(s) or guardian(s) does file a timely petition, the School Board will review the placement decision on the record, and will render a decision within 30 days. The decision of the School Board is final.

Exceptions to Compulsory Attendance

Exceptions to the Compulsory Attendance law can be found in the Code of Virginia § [22.1-254 \(I\)](#).

Adopted: July 12, 2016

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-254.

Cross Refs.: JEG Exclusions and Exemptions from School Attendance
LBD Home Instruction