

## COMPULSORY ATTENDANCE

Virginia law requires children between the ages of five and eighteen to attend school, with limited exceptions. Specifically, Va. Code § 22.1-254 requires each parent/guardian (or other person having control or charge) of a 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” *to cause the child to attend a public school or otherwise provide the child with an education* (in accordance with state law) unless the child is exempt from Virginia’s compulsory attendance requirement.

For a five-year-old child, the compulsory attendance requirement may also be satisfied if the child attends a public educational pre-kindergarten program, including a Head Start program or a private, denominational, or parochial educational pre-kindergarten program.

As used in this policy, “attend” includes participation in educational programs and courses at a site remote from the school with the permission of the school and in conformity with applicable requirements.

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/her eighteenth birthday; and
- Any child whom the 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, or 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/guardians, and the principal or his/her 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 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 law, and the Superintendent or attendance officer shall seek immediate compliance with such law.

### **Alternative Education Programs**

The Superintendent, pursuant to Regulation JGD-R/JGE-R adopted by the School Board, in accordance with the procedures set forth in Va. Code § 22.1-276.01 et seq. and Policy JGD/JGE, upon a finding that a school-age child has been:

- charged with an offense relating to the Commonwealth's laws, or with a violation of School Board policies on weapons, alcohol or drugs, or intentional injury to another person;
- found guilty or not innocent 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 pursuant to subsection G of Va. Code § 16.1-260;
- suspended pursuant to Va. Code § 22.1-277.05; or
- expelled from school attendance pursuant to Va. Code § 22.1-277.06, § 22.1-277.07, or subsection C of § 22.1-277,

may require a student to attend an alternative education program as provided by Va. Code § 22.1-209.1:2 or § 22.1-277.2:1.

Prior to requiring a student to attend an alternative education program, the Superintendent shall provide: (1) written notice to the student and his/her parent/guardian that the student will be required to attend an alternative education program and (2) written notice to the student and his/her parent/guardian of the right to a hearing before the Superintendent or designee regarding the placement. The decision of the Superintendent or his/her designee regarding such alternative education placement shall be final unless altered by the School Board, upon timely written petition, as established in Regulation JGD-R/JGE-R, by the student or his/her parent/guardian, for a review of the record by the School Board.

Whenever a court orders any student into an alternative education program, including a program of general educational development offered in the public schools, the School Board will

determine the appropriate alternative education placement of the student regardless of whether the student attends the public schools it supervises or resides within its school division.

Adopted: July 1, 2011  
Amended: June 21, 2012  
Amended: December 18, 2014  
Amended: September 10, 2020  
Amended: September 9, 2021

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

Cross Refs.:	IGBH	Alternative School Programs
	JEA-R	Attendance Regulations
	JED	Student Absences/Excuses/Dismissals
	JEG	Exclusions and Exemptions from School Attendance
	JGD/JGE	Student Suspension/Expulsion
	JGD-R/JGE-R	Student Suspension/Expulsion Regulations
	LBD	Home Instruction