



Montgomery County
Public Schools

Book	Section 7: Students
Section	Article 2: Student Attendance
Title	Compulsory Attendance
Number	7-2.1
Status	Active
Legal	Code of Virginia, 1950, as amended, §§ 22.1-3, 22.1-254, 22.1-254.1, 22.1-255, 22.1-258 through 22.1-269.1, 22.1-270 through 22.1-272, 16.1-226, 32.1-36.1, 32.1-45.1, 32.1-46, 54.1-2957.02; Virginia Board of Education Regulations Governing Pupil Accounting Records, 8 VAC 20-110-10, et seq.
Adopted	April 1, 2004
Last Revised	August 4, 2015

General Requirements

Every parent, guardian, or other person in Montgomery County having control or charge of any child between the ages of 5 and 18 must send such child to the appropriate Montgomery County Public School in accordance with Virginia Code § 22.1-254. Principals and the division superintendent shall follow all legal requirements with regard to the compulsory school attendance reporting requirements of state law. Non-compliance with the state regulations will lead to disciplinary action, where appropriate, by the principal and the division superintendent or his/her designee.

General Exemptions

All students age 5 to 18 shall attend school regularly as set forth in § 22.1-254 of the Code of Virginia, except those specifically exempted.

1. The School Board may release students from school in compliance with state law and Virginia Board of Education Regulations, including but not limited to those students who:

- a. satisfy all legal requirements for home schooling;
- b. are enrolled in qualified alternative programs;
- c. have received a high school diploma or its equivalent;
- d. the School Board determines, in accordance with regulations of the state Board of Education, cannot benefit from education at school;
- e. together with their parents and by reason of bona fide religious training or belief, are conscientiously opposed to attendance at school;
- f. based on a recommendation from the Montgomery County Juvenile and Domestic Relations Court, should be excused by reason of concern for the pupils' health, as verified by competent medical evidence, or by reason of the pupils' reasonable apprehension for personal safety when such concern or apprehension in those pupils' specific cases is determined by the Court to be justified; or
- g. are excused by the Montgomery County Juvenile and Domestic Relations District Court following the Court's determination that they cannot benefit from education.

2. Compulsory attendance regulations shall not apply to children under 10 years of age who live more than two miles from a Montgomery County Public School, unless public transportation is provided within one mile of the place where they live, nor to children between 10 and 17 years of age who live more than two and one-half miles from a public school, unless public transportation is provided within one and one-half

miles of the place where the children live. Compulsory education distances shall be measured or determined by the nearest practical routes usable for either walking or riding from the entrance to the school grounds, or from the nearest school bus stop to the residence of the children.

3. 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:

- a. The student must be at least sixteen years of age.
- b. There shall be a meeting of the student, the student's parents, and the principal or his designee to develop the plan, which must include career guidance counseling, mandatory enrollment and attendance in a general educational development preparatory program or other alternative education program approved by the School Board with attendance reported to the principal or his designee, counseling on the economic impact of failing to complete high school and procedures for re-enrollment.
- c. 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 deemed in violation of the compulsory attendance laws, and the division superintendent or attendance officer shall seek immediate compliance with the compulsory attendance laws.
- d. Any child who will not have reached his sixth birthday on or before September 30 may be exempted from school attendance until the following year if the parent notifies the School Board, or its designee, because the child, in the opinion of the parent or guardian, is not mentally, physically or emotionally prepared to attend school.

Health-Related Exemptions: Contagious or Infectious Diseases; Immunizations

1. Children suffering from contagious or infectious diseases shall be exempt from compulsory attendance when the physical incapacity is documented by a written statement from a physician or nurse practitioner treating the child, giving the reason(s) for the student's inability to attend school. However, a child excluded from the regular instructional program under this exemption may be eligible to apply for homebound instruction in cases where such instruction may be of benefit to the child.
2. The attendance at school of students who suffer from or are reasonably suspected of suffering from (a) a communicable disease which poses a substantial risk or danger of infection to the school community and is serious or long term, such as tuberculosis or Hepatitis A; or (b) bloodborne diseases which are infectious or contagious, such as HIV-1, Hepatitis B, and cytomegalovirus, and which may be transmitted by the exchange of body fluids or secretions, shall be determined by the division superintendent on a case-by-case basis as established elsewhere in School Board policy. The division superintendent shall seek a recommendation from a review committee to assist him in making his determination. The student may be temporarily excluded from school pending the division superintendent's decision.
3. Children whose immunizations against communicable diseases have not been completed may be excluded from school attendance unless such children have been exempted from immunization requirements. (Any parent, guardian or other person having control or charge of a child being exempted or excused from school attendance shall comply with the immunization requirement provided in § 32.1-46 of the Code of Virginia in the same manner and to the same extent as if the child has been enrolled in and is attending school.)

All other exemptions from compulsory attendance granted by the School Board shall be in accordance with state law.

Requesting Exemptions

Any request for exemption from attendance shall be presented annually in writing to the division superintendent or his/her designee. Applicants desiring to provide home instruction shall be referred to the division superintendent's office.

Home Instruction

Parents shall provide annual notification of intent to educate children at home to the division superintendent by August 15 prior to the opening of school. Such notification shall include evidence of meeting one of the four legal requirements for providing home instruction: 1) holding a high school diploma; 2) being a teacher

with qualifications prescribed by the Virginia Board of Education; or 3) providing a program of study which, may be delivered through a correspondence course or distance learning program or in any other manner; or 4) provides evidence that the parent is able to provide an adequate education for the child. The notification shall also include a description of the curriculum, limited to a list of subjects to be studied during the coming year.

Parents who begin home instruction or who establish residence in the school division during the school year shall provide written notice of their intention to educate their children at home as soon as practicable. Within thirty (30) days of providing such notice, the parents shall provide a description of the curriculum to be followed for the remainder of the school year and evidence of meeting one of the four legal requirements for providing home instruction listed above.

Within thirty (30) days of notification of intention to instruct at home, the division superintendent or his or her designee shall ensure that the parents have submitted evidence of having met one of the four requirements listed above. At a minimum, the following information is required:

1. child's name and date of birth;
2. a list of subjects being taught and at what grade level; and
3. the names/agency providing instruction.

Instruction in certain courses is required for a regular high school diploma should a student who has previously received home instruction return to the Montgomery County Public Schools. All graduates shall have earned the units of credit as required by the Standards of Quality and prescribed by the State Board of Education. All graduates beginning with the class of 2003-04 shall have earned the standard and verified credits as required by the Standards of Quality and prescribed by the State Board of Education.

Parents who anticipate their home-instructed child will return to the school division and proceed to graduate should include these subject areas in their home schooling curriculum and should confer annually with the director of student services to ensure compliance with the most current course requirements.

The Montgomery County Public Schools will not be required to place home instructed students who subsequently seek public school enrollment in specific grade level classes unless the required subject areas have been satisfactorily mastered, nor will the Montgomery County Public Schools be responsible for enforcing such course requirements on home-instructed students who may, at some future point, seek a regular high school diploma.

The equivalent of 180 days of instruction shall be provided each year. By August 1 following the school year in which children have received home instruction, the parents shall submit either: 1) evidence that the children have attained a composite score in or above the fourth stannine on any nationally normed standardized achievement test, or an equivalent score on the ACT, SAT, or PSAT test; or 2) an evaluation or assessment which the division superintendent determines to indicate that the children are achieving an adequate level of educational growth and progress, including but not limited to: (a) an evaluation letter from a person licensed to teach in any state, or a person with a master's degree or higher in an academic discipline, having knowledge of the child's academic progress, stating that the child is achieving an adequate level of educational growth and progress; or (b) a report card or transcript from a community college or college, college distance learning program, or home-education correspondence school.

If the parent does not provide evidence of satisfactory achievement or growth, the home instruction program for that child may be placed on probation for one year. Parents shall file with the division superintendent evidence of their ability to provide an adequate education for their child in compliance with this Policy and a remediation plan for the probationary year, which indicates their program, is designed to address any educational deficiency. Upon acceptance of such evidence and plan by the division superintendent, the home instruction may continue for one probationary year. If the remediation plan and evidence are not accepted or the required evidence of progress is not provided by August 1 following the probationary year, the division superintendent shall advise the parents that home instruction shall cease and the parents shall otherwise comply with § 22.1-254 of the Code of Virginia for the education of the child. These requirements shall not apply to children who are under the age of six (6) as of September 30 of the school year.

Any parent, guardian or other person having control or charge of a child being home instructed shall comply with immunization requirements provided in §§ 32.1-46 and 22.1-271.4 of the Code of Virginia in the same manner and to the same extent as if the child has been enrolled and is attending school. Upon the request

of the division superintendent, the parent shall submit to him or her documentary proof of immunization in compliance with Virginia Code §§ 32.1-46 and 22.1-271.4, and Montgomery County School Board policy.

Students receiving home instruction and their parents will be notified of the availability of Advanced Placement (AP) and Preliminary SAT (PSAT) examinations and the availability of financial assistance to low-income and needy students to take these examinations. The School Board will implement a plan to make these examinations available to students receiving home instruction. The notice required by this paragraph will be given when the parent notifies the division that the student will receive home instruction.

Any parent aggrieved by a decision of the division superintendent may appeal his or her decision to an independent hearing officer in accordance with § 22.1-254.1(E) of the Code of Virginia.

The division superintendent and the School Board will not disclose to the Department of Education or any other person or entity outside the local school division information that is provided by a parent or student to satisfy the requirements of this Policy regarding home instruction and religious exemption

Adopted: April 2004

Revised: September 2005, August 2006, June 2008, June 2012, August 2015