

STUDENTS

Age of Compulsory Attendance/Exemptions

Every parent, guardian, or other person having control of a child who will have reached his/her fifth birthday on or before September 30 of any school year and who has not passed his/her 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, send such child to a public school or to a private, denominational or parochial school or have such child taught by a tutor or teacher of qualifications prescribed by the [Virginia](#) Board of Education and approved by the Superintendent or [designee to](#) provide home instruction for the child pursuant to Virginia Code § 22.1-254.1, [as amended](#).

As prescribed in the regulations of the [Virginia](#) Board of Education, the compulsory education requirement may also be met by: i) attending an alternative program of study or work/study offered by a public, private, denominational or parochial school or by a public or private degree-granting institution of higher education; ii) in the case of any five-year-old child, by sending the child to any public educational prekindergarten program, or in a private, denominational or parochial educational prekindergarten program; iii) for a student who is at least sixteen years of age through an individual student alternative education plan developed in accordance with the guidelines set forth by the Superintendent in Division Regulation 6-76.1; or iv) obtaining a high school diploma, its equivalent, or a certificate of completion.

The requirements of this section shall apply to: i) any child in the custody of the Virginia Department of Juvenile Justice or the Virginia Department of Corrections who has not passed the eighteenth birthday; and ii) any child whom the Superintendent has required to take a special program of

prevention, intervention, or remediation as provided in subsection C of the Code of Virginia § 22.1-253.13:1 and in § 22.1-254.01, as amended.

The requirements of this section shall not apply to: a) 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 Virginia Board of Education but is not enrolled in an individual student alternative education plan; and b) any child who has obtained a high school diploma or its equivalent, a certificate of completion, or has achieved a passing score on a high school equivalency examination approved by the Virginia Board of Education, or who has otherwise complied with compulsory school attendance requirements.

Within one calendar month of the opening of school, the School Board shall send to the parents or guardian of each minor student enrolled in the School Division a copy or a link to online access of the compulsory school attendance law and the enforcement procedures and policies established by the School Board.

The Superintendent-or designee shall be responsible for ensuring that all school-age children residing in the School Division, not otherwise excused pursuant to the guidelines set forth in Regulation 5-11.1, meet the compulsory education requirements contained in this Policy and Virginia Code § 22.1-254, as amended.

Editor's Note

~~*See School Board Policy 5-12 for Legal Withdrawal.*~~

~~*See School Board Policy 5-13 and any implementing regulations for home instruction.*~~

Legal Reference

Code of Virginia § 22.1-254, as amended. Compulsory attendance required; excuses and waivers; alternative education program attendance; exemptions from article.

Code of Virginia § 22.1-263, as amended. Violation constitutes misdemeanor.

Code of Virginia § 22.1-264, as amended. Misdemeanor to make false statements as to age.

Code of Virginia § 22.1-265, as amended. Inducing children to absent themselves.

Code of ~~Virginia~~Virginia § 22.1-266, as amended. Law-enforcement officers and truant children.

Code of Virginia § 22.1-267, as amended. Proceedings against habitually absent child.

Code of Virginia § 22.1-268, as amended. Duty of Commonwealth's attorneys to prosecute cases arising under article; jurisdiction of offenses.

Code of Virginia § 22.1-269, as amended. Board to enforce.

Related Links

School Board [Regulation 5-11.1](#)

School Board [Policy 5-12](#)

School Board [Policy 5-13](#)

School Board [Regulation 6-76.1](#)

Code of Virginia § [22.1-253.13:1](#)

Code of Virginia § [22.1-254.01](#)

Adopted by School Board: June 15, 1993 (Effective August 14, 1993)

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APPROVED AS TO
LEGAL SUFFICIENCY

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