

STUDENTS

Admission Requirements: General

A. Persons Eligible to Attend Public Schools on a Non-tuition Basis

A person of school age who resides in the City of Virginia Beach is eligible to enroll in Virginia Beach City Public Schools on a non-tuition basis under the circumstances set forth below. To ensure adequate resources for all students, only those persons meeting the criteria below will be entitled to enrollment on a non-tuition basis. The School Division reserves the right to investigate a student's eligibility to enroll in and continue enrollment in Virginia Beach City Public Schools. Students and parents/legal guardians may be required to provide substantiation of custody, residency or compliance with applicable law, policy or regulation to prove eligibility to enroll or continue enrollment. A person of school age will be deemed to reside in the City of Virginia Beach when at least one of the following circumstances applies:

1. When the person is living with a natural parent, or a parent by legal adoption;
2. When the person is living with a noncustodial parent or a noncustodial person standing in loco parentis *as set forth* in Virginia Code § 22.1-360, not solely for school purposes, pursuant to a Special Power of Attorney executed under 10 United States Code § 1044b, by the custodial parent;
3. When the parents of such person are dead and the person is living with a person in loco parentis who actually resides within the City of Virginia Beach;

4. When the parents of such person are unable to care for the person and the person is living, not solely for school purposes, with another person who resides in the City of Virginia Beach and is: i) the court appointed guardian or legal custodian of the person; ii) acting in loco parentis pursuant to placement of the person for adoption by a person authorized to do so under Virginia Code § 63.2-1200, as amended; or iii) an adult relative providing temporary kinship care as defined in Virginia Code § 63.2-100, as amended. Students may be enrolled pursuant to a temporary kinship care arrangement under the following conditions: 1) one or both parents and the relative providing kinship care must submit signed, notarized affidavits: a) explaining why the parent(s) is/are unable to care for the student; b) detailing the kinship care arrangement; c) agreeing that the kinship care provider or the parent(s) will notify the school within thirty (30) days of when the kinship care arrangement ends; and d) providing a power of attorney authorizing the adult relative to make educational decisions regarding the minor student. The parent(s) or the adult relative must provide written verification from the Department of Social Services (or its equivalent) where the parent(s) live(s) or where the adult relative lives indicating that the kinship care arrangement serves a legitimate purpose that is in the best interest of the student and is for other than school enrollment. If the kinship care arrangement lasts more than one (1) year, the parent(s) or adult relative must provide continued verification from the Department of Social Services as to why the parent(s) is/are unable to care for the student and that the kinship care arrangement continues to serve a legitimate purpose other than for school enrollment;

5. When the person is living in the City of Virginia Beach, not solely for school purposes, as an emancipated minor;
6. When the person living in the City of Virginia Beach is a homeless child or youth, as set forth in this subdivision, who lacks a fixed, regular, and adequate nighttime residence. Such persons shall include children and youths, including unaccompanied youths who are not in the physical custody of their parents or legal guardians, and who:
 - a. are sharing the housing of other persons due to loss of housing, economic hardship, or other causes; are living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations; are in emergency, congregate, temporary, or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
 - b. are living in an institution that provides a temporary residence for the mentally ill or individuals intended to be institutionalized;
 - c. have a primary nighttime residence that is a public or private place not designed for, nor ordinarily used as, a regular sleeping accommodation for human beings;
 - d. are living in parked cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or
 - e. are migratory children, as defined in the federal Elementary and Secondary Education Act of 1965, P.L. 89-90 as amended.

For purposes of this subsection, "temporary shelter" means: i) any home, single or multi-unit dwelling or housing unit in which persons who are without housing or a fixed address receive temporary housing or shelter; or ii) any facility specifically designed or approved for the purpose of providing temporary housing or shelter to persons who are without permanent housing or a fixed address. The School Division will comply with the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, as amended (42 U.S.C. §11431, *et seq.*).

For the purposes of this Regulation, a person meeting any of the above requirements shall be deemed to reside in the City of Virginia Beach if: i) the person lives in housing or temporary shelter that is wholly or partially situated within the City of Virginia Beach; or ii) the person lives in housing or temporary shelter located upon property that is partially situated within the City of Virginia Beach;

7. When, in the interest of providing educational continuity to the children of military personnel, the person is the child of a natural or adoptive parent/legal guardian on active military duty attending a school free of charge in accordance with this Regulation. The child shall not be charged tuition upon such child's relocation to military housing located in another school division in the Commonwealth pursuant to orders received by such child's parent/legal guardian to relocate to base housing and forfeit his military housing allowance. Such child shall be allowed to continue attending school in the school

division he attended immediately prior to the relocation and shall not be charged tuition for attending such school. Such student shall be counted in the average daily membership of the school division in which he is enrolled. If the student enrolls in a school division outside of Virginia Beach, the School Division shall not be responsible for transporting the student to and from school;

8. When the person is placed in foster care by a local social services agency. The child will be entitled to immediate enrollment in accordance with Virginia Code § 22.1-3.4, as amended. The Superintendent or his designee may determine that it is in the best interest of a child placed in foster care to continue to attend school in the school where the child was last enrolled prior to being placed in foster care. Under those circumstances, the receiving and sending school divisions and the local social services agency will collaborate regarding enrollment and payment of tuition. To the extent that state funds do not cover the full cost of educating the child, the School Division may seek reimbursement for the additional costs in accordance with Virginia Code §22.1-101.1 (E), as amended;
9. When the person is reenrolling in Virginia Beach City Public Schools after release from custody with the Virginia Department of Juvenile Justice. The student must be enrolled within two school days;
10. When, at the School Division's sole discretion, exceptional circumstances exist to support enrollment or continue enrollment in Virginia Beach City Public Schools without paying tuition. Reasons such as, but not limited to: convenience of the family; work schedules; failure to obtain legal custody prior to placing child with another

adult; voluntary changes in housing; child care; sports or curricular offerings; custody or visitation arrangements; and/or continuity of friendships will not constitute exceptional circumstances. Fraud, deception or misleading information provided to the School Division to support enrollment or continued enrollment will constitute good cause to deny a request for enrollment and may result in criminal prosecution in accordance with the Code of Virginia;

11. Persons of school age who reside on a military or naval reservation located wholly or partly within the geographical boundaries of the City of Virginia Beach; or
12. Persons of school age enrolled in Virginia Beach City Public Schools pursuant to a J-1 international student exchange program approved by the School Board.
13. Persons of school age who are the children of federal employees serving under orders pursuant to Title 22 of 50 of the United States Code under the same conditions as set forth in the interstate Compact on the Education of Military Children.

B. Nonresident Students Eligible to Enroll on a Tuition Basis

The following nonresident students may be authorized to enroll in Virginia Beach City Public Schools on a tuition basis:

1. Children placed by an out-of-state agency or a person, who is the resident of another state, in foster care, other custodial care, or in a child-caring institution or group home licensed under the provisions of Virginia Code §63.2-1700 *et seq.*, as amended, and located within the geographical boundaries of the City of Virginia Beach;

2. Persons of school age whose parents/legal guardians are employees of the School Division, provided classroom space is available. Tuition will be charged in accordance with School Board Policy 3-22; or
3. Persons of school age enrolled in the School Division pursuant to a F-1 international student exchange program approved by the School Board.

C. Additional Admissions Requirements

1. Birth certificate. The adult student or parent/legal guardian must present a certified copy of the student's birth certificate and the official state birth number will be recorded into the student's scholastic record. If a certified copy of the student's birth certificate cannot be obtained, the adult student or parent/legal guardian must submit an affidavit giving the student's age and explaining the inability to present a certified copy of the birth record.
2. If a certified copy of the birth certificate is not provided, local law enforcement shall be notified.
3. After enrolling a transfer student, the School Division shall request documentation that a certified copy of the student's birth certificate was presented when the student was enrolled in the former school.
4. Street addresses. Documents submitted to the School Division for the admission of any student shall include the street address or the route number. If no street address or route number can be provided, a post office box shall be required.

D. Residency

1. Determining residency. A student is eligible to enroll in Virginia Beach City Public Schools on a non-tuition basis if

the student resides in the City of Virginia Beach under conditions set forth in Section A. Residency in the City of Virginia Beach will require that the student have a fixed nighttime residence on school nights that is in the City unless the student meets the definition of a homeless child or youth as set forth in A (6) above. The School Division reserves the right to investigate a child's or youth's residency status and take appropriate action when evidence indicates that the child or youth does not meet the criteria to attend school on a nontuition basis. The parent/legal guardian of a minor child or an adult student remains responsible for providing sufficient evidence of actual residency or other qualifying status. When residency is based on sharing a residence with a person who resides in the City of Virginia Beach, the parent/legal guardian of a minor student must reside in that residence with the student not solely for school purposes and have no other residence during the school week. Criteria for establishing residency will be established by the School Division. Students of school age who are temporarily residing with relatives or other persons but whose parents/legal guardians are not residents of the City of Virginia Beach may not attend Virginia Beach City Public Schools unless they meet the criteria set forth in Section A.

2. Attendance zones and more than one residence.

- a. Students who are in the custody of more than one parent/legal guardian who reside at different locations are only eligible to attend school in the school attendance zone where the student has a fixed nighttime residence for three or more days during the school week. Students are not eligible to attend in more than one school zone. Determination of the

residency of such students will be in accordance with Regulation 5-16.2 Custody students, as amended.

- b. Students who are in the custody of a legal guardian other than a parent pursuant to a court order that has been registered in Virginia are only eligible to attend school in the School Division with the authorization from the Office of Student Leadership. The student must maintain a primary fixed nighttime residence with the legal guardian every night during the school year, and enrollment cannot be for the sole purpose of attending school.

- 3. Investigating eligibility and penalty for falsifying residency. The School Division reserves the right to investigate eligibility for enrollment and continued enrollment and may determine a student ineligible if the adult student or parent/legal guardian fails to cooperate with such investigation or when the student no longer meets the criteria for residency. Any person who knowingly makes a false statement concerning the residency of a student, as determined by Virginia Code § 22.1-3, as amended, in a particular school division or school attendance zone, for the purposes of: i) avoiding the tuition charges authorized by Virginia Code § 22.1-5, as amended; or ii) enrollment in a school outside the attendance zone in which the student resides, shall be guilty of a Class 4 misdemeanor and shall be liable to the school division in which the child was enrolled as a result of such false statements for tuition charges, pursuant to Virginia Code § 22.1-5, as amended, for the time the student was enrolled in such school division. When a student is determined to be ineligible to enroll or continue attendance in Virginia Beach City Public Schools

or in a particular attendance zone, the adult student, parent/legal guardian will be provided written notice of the determination and may appeal that decision to the Director of the Office of Student Leadership. The appeal must be made in writing and received by the Office of Student Leadership within five (5) calendar days of the determination. The Director of the Office of Student Leadership or designee will conduct a thorough file review a hearing at for which the adult student or parent/legal guardian may present information as to why the student should not be found ineligible. The decision of the Director or designee will be final.

E. Requests for Continued Enrollment After Change in Residency

Should a student no longer qualify as a resident after the beginning of the school year, the student may file a Request for Continued Enrollment to seek permission to complete the semester in the most current VBCPS school in which he/she was enrolled. At the School Division's sole discretion, the student may be granted permission to continue enrollment through the end of the current semester. Tuition will be charged for continuing enrollment unless waived by the School Division. Continuing enrollment will be conditioned upon compliance with terms set by the School Division. Permission to continue enrollment will not extend past the end of the current school year. Permission to continue enrollment does not guarantee that a student will remain eligible to participate in Virginia High School League activities.

F. Exclusion of Suspended or Expelled Transfer Students

1. Upon registration and prior to admission to Virginia Beach City Public Schools, the adult student or the parent/legal guardian, or other person having control or charge of the student shall provide a sworn statement or affirmation indicating whether the student has been

expelled from school attendance at a private school or in a public school division of Virginia or another state. The registration document shall be maintained as a part of the student's scholastic record.

2. A student who has been expelled or suspended for more than thirty days from attendance at another public or private school or for whom admission has been withdrawn by another public or private school may be excluded from attendance in Virginia Beach City Public Schools, regardless of whether such student has been admitted to another school division or private school in Virginia or in another state subsequent to such expulsion, suspension, or withdrawal of admission. A transfer student may be excluded upon a finding that the student presents a danger to the other students or staff of the school division. The School Board authorizes the Superintendent or designee to make such determination after: i) written notice to the student and his/her parent/legal guardian that the student may be subject to exclusion, including the reasons therefore, and notice of the opportunity for the student or his parent/legal guardian to participate in a hearing to be conducted regarding such exclusion; and ii) a hearing of the case has been conducted by a hearing officer designated by the Superintendent. A decision to exclude the student shall be final unless altered by a School Board Student Discipline Committee. The student may file a written petition for a review of the decision of the hearing officer by a School Board Student Discipline Committee with the Director of the Office of Student Leadership within five (5) days of notice of the hearing officer's decision. A School Board Student Discipline Committee will hear the case within thirty (30) calendar days of the date the petition for appeal was received by the Director of the Office of

Student Leadership. A School Board Student Discipline Committee may uphold or alter the decision of the hearing officer.

a. Suspension:

In the case of a suspension of more than thirty (30) days, the term of the exclusion may not exceed the duration of such suspension. In excluding any such student from school attendance, the School Board may accept or waive any or all of any conditions for readmission imposed upon such student by the suspending school board. The School Board shall not impose additional conditions for readmission to school.

b. Expulsion or Withdrawal of Admission:

Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, which period shall be established by the School Board Student Discipline Committee or Superintendent or his designee, as the case may be at the relevant hearing, the student may petition the School Board to be admitted after one calendar year from the date of expulsion or withdrawal of admission.

3. The School Board may permit students suspended or excluded pursuant to this Regulation to attend an alternative education program provided by the School Board for the term of such suspension or exclusion.
4. This Regulation and supporting policy do not preclude contractual arrangements between the School Board and agencies of the federal or state government or the School

Board of another jurisdiction to permit students not otherwise eligible to attend public schools.

G. Physical Examination

1. A physical examination is required before any student is admitted for the first time to a public kindergarten or to a public elementary school in Virginia. The examination must have been completed not more than twelve months prior to the initial school enrollment.
2. Transfer students from outside the School Division will submit a report documenting a comprehensive physical examination.

A physical examination is not required for any adult student or for a minor student whose parent/legal guardian objects on religious grounds and who shows no visual evidence of sickness provided that such parent/legal guardian states in writing that, to the best of his/her knowledge, the student is in good health and free from any communicable or contagious diseases.

H. Immunizations

1. Each student enrolling in grades K-12 for the first time must show documentation of immunizations signed by a physician or a designee or an official of the local health department, indicating the student has received the appropriate immunizations.
 - a. Diphtheria, Tetanus & Pertussis Vaccine (DTaP, DTP, or Tdap) – A minimum of four doses, with one dose administered after the student's fourth birthday. A booster dose of Tdap vaccine is required for all students entering the 6th grade.

- b. Polio Vaccine – A minimum of four doses, with one dose administered after the student's fourth birthday.
- c. Measles, Mumps & Rubella (MMR) Vaccine – A minimum of 2 measles, 2 mumps, and 1 rubella (usually administered in the combination vaccine MMR). The first dose must be administered at age 12 months or older and the second dose prior to entering kindergarten.
- d. Human Papillomavirus Vaccine (HPV) – Effective, October 1, 2008, a complete series of 3 doses of HPV vaccine is required for all students. The first dose shall be administered before the child enters the 6th grade. After reviewing educational materials approved by the Board of Health, the parent or guardian, at their discretion, may elect for the student not to receive the HPV vaccine.
- e. Hepatitis B – A series of three vaccines is required of all students born on or after January 1, 1994. The two dose series Recombivax adult type Hepatitis B vaccine that can be administered to adolescents 11-15 years of age is acceptable.
- f. Varicella (Chicken Pox) – This vaccine is required of all students born on or after January 1, 1997, and must have been administered on or after the twelve-month birthday unless the medical history and lab tests officially document this student having had the disease. A second Varicella dose must be administered prior to entering kindergarten.

A student whose immunizations are incomplete may be admitted conditionally, if the student provides documentary proof at the time of enrollment of having received at least one dose of the required immunization(s) accompanied by a schedule for completion of the remaining required dosage(s). At the time of enrollment, ALL immunizations must be as current and as up-to-date as possible. Enrollment and attendance can be delayed if compliance with this requirement is not met.

2. Hepatitis A - (Effective July 1, 2021 required for all incoming KG students) A minimum of two properly spaced doses. The first dose must be administered at age 12 months or older.
 - a. Hepatitis B – A series of three vaccines is required of all students born on or after January 1, 1994. The two-dose series Recombivax adult type Hepatitis B vaccine that can be administered to adolescents 11-15 years of age is acceptable.
 - b. Varicella (Chicken Pox) – A minimum of two doses before entering kindergarten (effective March 3, 2010) and for new enrolling first through eleventh grade students unless a history of chickenpox disease or lab tests are provided by a licensed qualified physician or licensed nurse practitioner. The first chickenpox dose must have been administered after 12 months of age.
 - c. Meningococcal - (Effective July 1, 2021). The first dose is administered prior to 7th grade. Rising

12th graders will be required to have a 1 dose prior to school entry.

A student whose immunizations are incomplete may be admitted conditionally, if the student provides documentary proof at the time of enrollment of having received at least one dose of the required immunization(s) accompanied by a schedule for completion of the remaining required dosage(s). At the time of enrollment, ALL immunizations must be as current and as up to date as possible. Enrollment and attendance can be delayed if compliance with this requirement is not met.

3. Immunization is not required under the following conditions:
 - a. The parent/legal guardian or adult student submits a School Division certificate of religious exemption, a written statement that the requirements are contrary to religious tenets or practices, unless an emergency or epidemic of disease has been declared.
 - b. A written statement is provided from a physician or licensed nurse practitioner that, in his/her professional judgment, all or part of the immunization requirements are contraindicated.

I. Enrollment of Certain Children Placed in Foster Care

1. If the student is in foster care and the social services agency is unable to produce the required documents for enrollment, the student must be immediately enrolled in school.

2. The social services agency or parent/legal guardian enrolling the student must provide a written statement which indicates the student's age, discipline, and health status.
3. The enrolling school will immediately contact the school last attended by the child to obtain the student's academic and other records.
4. If a student is in foster care and enrolls in another school or school division, the sending school must immediately transfer the scholastic record of the student to the receiving school.
5. A child placed in foster care with a person residing in Virginia Beach by an out-of-state social services agency shall coordinate placement through a Virginia Beach social services agency before applying for enrollment.
6. In accordance with Virginia Code §22.1-101.1(E), as amended, the School Division reserves the right to seek reimbursement for the cost of educating the student that is not covered by state funding.

Legal Reference

Code of Virginia § 22.1-2, as amended. System of free public elementary and secondary schools to be maintained; administration.

Code of Virginia § 22.1-101.1, as amended. Increase of funds for certain nonresident students; how increase computed and paid; billing of out-of-state placing agencies or persons.

Code of Virginia § 22.1-255, as amended. Nonresident children.

Code of Virginia § 22.1-260, as amended. Report of children enrolled and not enrolled; nonattendance; ~~social security numbers required.~~

Code of Virginia § 22.1-271.2, as amended. Immunization ~~R~~requirements.

Code of Virginia § 22.1-277, as amended. Suspensions and expulsion of ~~pupils;students~~ generally.

Code of Virginia § 22.1-277.06, as amended. Expulsions; procedures; readmission

Code of Virginia § 22.1-277.2, as amended. Authority to exclude students under certain circumstances; petition for readmission; alternative education program.

Code of Virginia § 22.1-3, as amended. Persons to whom public schools shall be free.

Code of Virginia § 22.1-3.1, as amended. Birth certificates required upon admission; required notice to the local law-enforcement agency.

Code of Virginia § 22.1-3.4, as amended. Enrollment of certain children placed in foster care.

Code of Virginia § 22.1-5, as amended. Regulations concerning admission of certain persons to schools; tuition charges.

Code of Virginia § 22.1-369-380, as amended. Educational opportunities for children of certain federal employees.

Code of Virginia § 32.1-46, as amended. Immunization of patients against certain diseases.

Code of Virginia § 63.2-1200, et seq., as amended. Who may place children for adoption.

Health Services Manual, Virginia Beach City Public Schools, Section 13, as amended.

Related Links

School Board Policy 3-22

Approved by Superintendent: July 16, 1993

Revised by Superintendent: September 21, 1993 (Effective August 14, 1993)

Revised by Superintendent: May 17, 2000

Amended by School Board: August 21, 2001

Revised by Superintendent: March 27, 2003

Revised by Superintendent: March 17, 2006

Revised by Superintendent: November 22, 2010

Revised by Superintendent: June 27, 2012

Revised by Superintendent: August 13, 2013

Revised by Superintendent: July 7, 2014

Revised by Superintendent: August 2015

Revised by Superintendent: July 1, 2021

Amended by School Board: August 8, 2023

Scrivener's Changes: April 11, 2024

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