

COMPULSORY SCHOOL ATTENDANCE EXPECTATIONS IN STATE LAW
Definition: Violation of state, school division, or school policy relating
to attendance.

Code of Virginia 22.1-254

§ [22.1-254](#). Ages of children required to attend.

- A. Every parent, guardian, or other person in the Commonwealth 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, 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 Board of Education and approved by the division superintendent or provide for home instruction of such child as described in § [22.1-254.1](#).

As prescribed in the regulation of the Board of Education, the requirements of this section may also be satisfied by sending a child to 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.

Further, in the case of any five-year-old child who is subject to the provisions of this subsection, the requirements of this section 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 school.

- B. Instruction in the home of a child or children by the parent, guardian or other person having control or charge of such child or children shall not be classified or defined as a private, denominational, or parochial school.
- C. The requirements of this section shall not apply to any child who obtained a high school diploma, its equivalent, or a certificate of completion, or has otherwise complied with compulsory school attendance requirements as set forth in this article.

- D. The requirements of this section shall apply to any child in the custody of the Department of Youth and Family Services, or any child who may have been adjudicated as an adult, and who has not passed his eighteenth birthday.

- E. Within one calendar month of the opening of school, each school board shall send to the parents or guardians of each student enrolled in the division a copy of the compulsory school attendance law and the enforcement procedures and policies established by the school board. Each parent or guardian shall submit to the School Board a statement, provided with the materials, acknowledging receipt of these materials.

Attendance

STUDENT ATTENDANCE

Buena Vista City Schools believes that school attendance is directly related to academic achievement and to the development of good habits that are important in the work world. Optimum student attendance is a cooperative effort, and Buena Vista City Schools expects parents and students to take active roles in accepting that responsibility. Each principal shall ensure that teachers are accountable for checking and documenting attendance daily/by period; communicating and documenting contact with a student's parents, school counselor, and administrator if poor attendance is affecting the student's performance; and accurately verifying regular attendance reports. Reasonable efforts to notify a parent or guardian should be made when a student has an unexcused absence. Buena Vista City Schools believes that school attendance is directly related to academic achievement and to the development of good attendance habits that are important in the work world. Optimum student attendance is a cooperative effort, and Buena Vista City Schools expects parents and students to take active roles in accepting that responsibility. All students are expected to be in school all day, every day that school is in session.

ATTENDANCE FACTS

Compulsory school attendance is required by the Code of Virginia 22.1-254. If your child is between the ages of five and 18, the Virginia Compulsory Attendance Law (Code of VA 22.1-254) requires that your child be enrolled and attending a public, private or homeschool program. The law further states that **if your student has seven or more unexcused absences you could be in violation of the law and are subject to various penalties allowed under the law.**

- Excused absences will only be granted for specific reasons (examples-sick, death in the family).
- Absences will be unexcused if notes signed by the parent, guardian or medical professional are not received by the school within 24 hours of the student's return to school, even if the parent or guardian has called and **LIST A SPECIFIC ILLNESS OR REASON FOR ABSENCE.** (Example- **A student is out sick on Monday and returns on Tuesday, he/she must bring a note no later than Wednesday; if a note is sent on Thursday the absence is unexcused.**)
- **Notes received late will not change the absence from an unexcused absence to an excused absence.**

- Absence Notes may be sent to the school by a parent /guardian via email.
- Absences for extenuating circumstances, college visits, or extended vacation require prior approval.
- When a student accumulates three unexcused absences, they may be requested to meet with the School Counselor and Principal.
- When a student accumulates five unexcused absences over the course of the semester, parents/guardians will be notified in writing and a conference will be required with the School Counselor and Principal. (Parents/guardians will receive a letter from the School Counselor.)
- At this conference, the School Counselor, the Principal, the student and the student's parent/guardian will review the attendance record and develop a plan to resolve the student's absences and develop an Attendance Contract. If this contract is not followed, or the parent/guardian refuses to attend the conference a CHINS will be issued through the court system.
- If absences continue and a student accumulates **seven days of unexcused absences** The Student is considered Truant: A referral will be made to the Director of Operations and Buena Vista City Schools will make a referral to the Juvenile and Domestic Relations Court. **A parent may be charged under the Code of Virginia for the following acts of aiding a child to be truant:**
 - **16.1-278.5 Failure to follow the Court's order could result in a fine of \$100 per day.**
 - **22.1-263 Violation of Compulsory School Attendance is a Class III Misdemeanor. May be fined up to \$500.**
 - **8.2-371 Causing or encouraging acts rendering children in need of supervision is a Class I misdemeanor. May receive up to 12 months in jail and/or up to a \$2,500 fine.**

Notification for Absences: When a student is absent from school for an entire day or for one or more class periods, a parent or guardian must notify the school in a written, faxed, or emailed note **within three (3) days of the student returning to school. The notification must contain the following:**

- the date the note is written;
- the student's full name;
- the reason(s) for the absence(s);

- the date(s) of the absence(s); and
- the parent's or guardian's signature (acceptable by email if address can be verified by school)

Medical documentation is required to verify doctor's appointments and may be required to verify illnesses. The principal will be the judge of the validity of any excuses. A principal may require medical documentation if a student has displayed a pattern of excessive absences.

Excused Absences: Students shall not be tardy to school or absent without an acceptable excuse. Absences due the following conditions will be considered excused if documented **within three (3) days of the student returning to school.**

1. Student illness or doctor appointment – with written documentation
2. Death in the immediate family
3. Subpoenaed court appearance.
4. Medical condition (as documented by the parent and/or physician)
5. Religious holiday (if such holiday is verified and the school is notified in advance)
6. Other good and just cause as approved by the principal

Medical documentation is required to verify doctor's appointments and may be required to verify illnesses. The principal will be the judge of the validity of any excuse. **A principal may require medical documentation if a student has displayed a pattern of excessive absences.**

Excessive Excused Absences: The attendance record of students with more than 10 excused absences, without accompanying medical notes from a doctor, will be reviewed by the principal and addressed. The school administrator will initiate a school level truancy plan for excessive absences.

Dismissal Precautions: A formal check-out system shall be maintained in each school. School principals/designees shall not release a student during the school day to any person not authorized by the student's parent/guardian to assume responsibility for the pupil. Students shall be released only on request and authorization of the parent or guardian. The burden of proof regarding the authority of the person to receive the student is on the

requesting party. Written documentation for absences due to the early dismissal of a student is also required.

Prior to the school filing a CHINS report with the courts (after five unexcused absences) it will be required that the student and family meet with the Multidisciplinary Team (MDT) which is FAPT. FAPT will then determine the recommended services to the family. If the FAPT recommendations are not followed the school is required to file the CHINS with the courts.

REPORT FOR SUSPENSION OF DRIVER'S LICENSE

In addition to any other actions taken pursuant to this policy, if a student who is under 18 years of age has 10 or more unexcused absences from school on consecutive school days, the principal or his/her designee may notify the juvenile and domestic relations court, which may take action to suspend the student's driver's license.

Absences

Students are expected to be in school every day. Parents are expected to contact their child's school on the day of the child's absence to inform the school of that absence. Parents are encouraged to notify the school of pre-arranged appointments as soon as the date of such appointments is known. When such notification is made, the Parent need not contact the school on the first day of the absence. For any reason, a written note providing the dates of and reasons for the child's absence is required from the Parent within five days of the child's return to school. The purpose of this note is to determine whether or not the student's absence is excused or unexcused. This note will be maintained until the end of the school year for documentation purposes.

Excused Absences

In support of the mandatory attendance law, Buena Vista City Public Schools defines excused absences. The following conditions provide the only acceptable reasons for a student's absence from school.

- **Illness**

When a student is unable to attend school due to an illness, a note written by the Parent or a physician documenting the illness will provide evidence of the illness for the school. **AFTER THE**

10TH ABSENCE ALL ABSENCES WILL BE UNEXCUSED WITHOUT A DOCTOR'S NOTE.

- **Chronic/Extended Illness**

For students who are absent because of chronic illnesses, a disability, or because of a need for homebound services, the **Parent must complete a chronic/extended illness notification form (located in school board office/website) with the principal at the beginning of the enrollment of the student in school or upon the onset of the student condition that affects regular attendance.** Documentation from a physician will be required. For students who are absent more than ten days in a month and/or who exhibit defined patterns of absences, the Parent will be required to complete the Chronic/Extended Illness Notification Form. Documentation from a physician will be required. **If the Parent does not complete the form or does not provide documentation from a physician of a chronic or extended illness, the principal will review the child's attendance for needed services and/or applicable sanctions of the attendance law (Code §22.1-258).**

Prearranged Appointments

For appointments with the court, social services or other state agencies and appointments with health care providers, official documentation must be presented to the school. A pre-arranged absence form will be provided and should be completed PRIOR to the absence and submitted to the principal for approval. **Students are responsible for picking up their work and turning in assignments.**

Family Death or Emergency

For absences because of a death in the family or an emergency beyond the family's control, the Parent must notify the school and provide documentation for the absence.

Exclusions/Suspensions

For absences because of an exclusion or suspension, the Parent will be notified of the suspension/exclusion and the date when the student will be expected to return to school. The student must return on the indicated date.

Exceptional Circumstances

The principal may approve prearranged absences for situations in which an exemption from attendance appears to be in the best interests of the student and his/her family.

Parent Notification Procedures

For all absences, the school will contact the home on each day of the child's absence from school using the automated dialing system.

In compliance with the Code §22.1-258, the school division has established procedures that school division personnel are required to follow when a student fails to report to school and no indication has been received by school personnel that the pupil's parent is aware of and supports the student's absence.

The law mandates that whenever any student fails to report to school and no indication has been received by school personnel that the pupil's Parent is aware of and supports the student's absence (unexcused absence), a reasonable effort to notify the Parent by telephone to obtain an explanation for the student's absences shall be made by the principal's designee(s), or volunteers.

- **Whenever a student fails to report to school for a total of three (3) days, a warning letter will be sent by the school explaining the consequences when a Parent and student are in violation of the Code §22.1-258.**
- **Whenever a student fails to report to school for a total of five (5) days in the school year, as defined above (unexcused absence), the school principal/designee shall make a reasonable effort to ensure that direct contact is made with the Parent, whether in person or through telephone conversation by the attendance officer or school based superintendent's designee to obtain an explanation for the absence and to warn of the consequences of continued nonattendance.**
- **After the 5th unexcused absence, as defined above, prior to the school filing a CHINS report with the courts (after five unexcused absences) it will be required that the student and family meet with the Multidisciplinary Team (MDT) which is FAPT. FAPT will then determine the recommended services to the family. If the FAPT recommendations are not followed the school is required to file the CHINS with the courts.**

Schools will provide interventions and alternative educational options for a student who fails to make academic progress as a result of attendance problems.

Tardiness

Students who are tardy to school must report to the office for a pass. Students whose names appear on the daily absentee list will not be admitted to any class without a pass. A student who is late from one class to another should bring a note of explanation from his preceding teacher, not the office. Excessive tardiness, even though excused by a note, will result in a conference with the student's parent or guardian. For unexcused tardiness a student will be required to make up time after school. Repeated offenses will result in stricter disciplinary measures such as additional time after school. **All tardiness is deemed unexcused after the 4th tardy each semester unless a doctor's note is provided or a chronic illness form is filed.**

Make-up Work

1. It is the responsibility of the middle school or high school student to see the teacher on the day he or she returns to school to receive assignments and schedule make-up work at the teacher's convenience. Elementary school teachers will provide assignments upon the student's return to school.
2. All work must be completed within three school days from return to school or as agreed upon with the teacher/principal.
3. Students have the opportunity and are encouraged to complete make-up work regardless of the reason for the absence, a parent may request assignments. The assignments should be available at the end of the school day following that request depending upon teacher availability.

Additional time may be granted by the principal due to the extenuating circumstances. A student will not be penalized for a teacher's absence. Students are encouraged to get make-up work assignments before returning to school. They may do this according to the following procedures:

Absence of one or two days: Contact a friend in class to obtain information on work missed.

Absence of three or more days: Call the school office requesting assignments remembering that teachers need 24 hours to prepare assignments

Reports of Children Enrolled and Not Enrolled

The Code §22.1-260 requires that within ten (10) days after the opening of the school, each public school principal will report to the division superintendent the name, age, and grade of each pupil enrolled in the school, and the name and address of the pupil's parent, and to the best of the principal's information, the name of each child subject to the provisions of this article who is not enrolled in school, with the name and address of the child's Parent.

Within one calendar month of the opening of school, the principal of each school will send to the parent of each student enrolled in the school a copy of the compulsory school attendance requirements of the law and the enforcement procedures and the policies established by the School Board.

The school division will typically comply with the above requirements by delivering a copy of the student **Rights and Responsibilities Handbook** to students and the Parent at the beginning of the school year. Attendance law, policies and procedures will be reflected in that handbook.