

Section 9-5.1. Ages of children required to attend; homebound instruction; other exceptions. — A. Every parent, guardian, or other person 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 his or her eighteenth birthday shall cause such child to a public or otherwise provide the child with an education in accordance with state law, unless the child is exempt from the state’s compulsory attendance requirement. ~~The requirements of this policy apply to:~~

- ~~(i) any child in the custody of the Department of Juvenile Justice or the Department of Corrections who has not passed his eighteenth birthday and~~
- ~~(ii) any child whom the division 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.~~

B. Further, in the case of any five-year-old child, the requirements of this policy may be alternatively satisfied by causing the child to attend any public educational pre-kindergarten program, including a Head Start program, or in 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.

C. Notification by parents of the intent to provide home instruction shall be processed in accordance with the requirements of state law and policies adopted by the School Board.

D. The requirements of this policy apply to:

- (i) any child in the custody of the Department of Juvenile Justice or the Department of Corrections who has not passed ~~his~~ the child’s eighteenth birthday; and
- (ii) any child whom the ~~division~~ superintendent has required to take a special program of prevention, intervention, or remediation as provided in Virginia Code §§ 22.1-253.13:1.C and 22.1-254.01.

The requirements of this policy ~~shall~~ do not apply to:

- (i) 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 ~~a general educational development (GED) certificate~~ but is not enrolled in an individual student alternative education plan, and
- (ii) any child who has obtained a high school diploma or its equivalent, a certificate of completion, ~~or a GED certificate,~~ or has achieved 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.

(Adopted February 9, 1995; Revised June 13, 2013; Ordinance Number 1213-94; Effective Date: July 1, 2013; Revised December 13, 2018; Ordinance Number 18/19-48; Effective Date: December 13, 2018)

Legal Authority - Virginia Code §22.1-254 (1950), as amended.