

Section 9-5.2. Mandatory and discretionary release from compulsory school attendance; Children who have not reached 6 years; special rule for children sixteen and above; requiring attendance in an alternative program; when student fails to comply with alternative educational plan; listing the names of children who are not enrolled in any school and who are not exempt from school attendance. —

A. The School Board shall excuse the following from attendance at school:

- (i) any ~~child~~ student who, together with his parents, by reason of bona fide religious training or belief, is conscientiously opposed to attendance at school. For the purpose of this section “bona fide religious training or belief” does not include essentially political, sociological or philosophical views or a merely personal moral code; or
- (ii) on the recommendation of the juvenile and domestic relations district court for the City of Suffolk for such period of time as the court determines appropriate, any ~~child~~ student who, together with his parents, is opposed to attendance at a school by reason of concern for the ~~child's~~ student's health, as verified by competent medical evidence, or
- (iii) by reason of the ~~child's~~ pupil's reasonable apprehension for personal safety when such concern or apprehension in that ~~child's~~ pupil's specific case is determined by the court, upon consideration of the recommendation of the principal and division superintendent, to be justified.

B. The School Board may excuse the following from school attendance:

- (i) on recommendation of the principal and superintendent, and with the written consent of the parent or guardian, any child who the School Board determines, in accordance with regulations of the Board of Education, cannot benefit from education in Suffolk Public Schools; or
- (ii) on recommendation of the juvenile and domestic relations district court of the City of Suffolk, any child who, in the judgment of the court, cannot benefit from education at school.

C. Any request for exemption from attendance ~~shall~~ is to be provided or forwarded presented annually in writing to the superintendent or ~~his/her~~ superintendent's designee.

D. The compulsory education requirements do not apply to:

- (i) Children suffering from contagious or infectious diseases;
- (ii) Children whose immunizations against communicable diseases have not been completed;
- (iii) Children under 10 years of age who live more than two miles from a public school unless public transportation is provided within one mile of the place where such children live; and
- (iv) Children between the ages of 10 and 17, inclusive, who live more than 2.5 miles from a public school unless public transportation is provided within 1.5 miles of the place where such children live.

E. In addition, a child's attendance from school may delayed for one year, when such child will not have reached the age of 6 years old on or before September 30 of such

school year and whose parent or guardian notifies the School Board that the parent does not wish the child to attend school until the following year because the child, in the opinion of the parent or guardian, is not mentally, physically, or emotionally prepared to attend school.

Ε. F. 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: (1) The student must be at least sixteen years of age; (2) There shall be a meeting of the student, the student's parents, and the principal or his designee of the school in which the student is enrolled to develop the plan, which must include the following: (a) Career guidance counseling; (b) 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; (c) Mandatory enrollment in a program to earn a Board of Education-approved career and technical education credential, such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment; (d) Successful completion of the course in economics and personal finance required to earn a Board of Education-approved high school diploma; (e) Counseling on the economic impact of failing to complete high school; and (f) Procedures for re-enrollment.

Ε. G. The School Board may, in accordance with the procedures set forth in Va. Code § 22.1-276.01 et seq. and upon a finding that a school-age child has been (i) charged with an offense relating to the Commonwealth's laws, or with a violation of school board policies, on weapons, alcohol or drugs, or intentional injury to another person; (ii) found guilty or not innocent of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent pursuant to subsection G of Va. Code § 16.1-260; (iii) suspended pursuant to Va. Code § 22.1-277.05; or (iv) expelled from school attendance pursuant to Va. Code §§ 22.1-277.06, 22.1-277.07, or subsection C of § 22.1-277, require a student to attend an alternative education program as provided by Va. Code § 22.1-209.1:2 or 22.1-277.2:1.

Ε. H. Prior to requiring a student to attend an alternative education program, the superintendent provides (1) written notice to the student and the student's parent/guardian that the student will be required to attend an alternative education program and (2) written notice to the student and the student's parent/guardian of the right to a hearing before the superintendent or superintendent's designee regarding the placement. The decision of the superintendent or superintendent's designee regarding such alternative education placement is final unless altered by the School Board, upon written petition, by the student or the student's parent, for a review of the record by the School Board. Any petition for review of the decision of the superintendent or superintendent's designee must be filed within five (5) school days.

Whenever a court orders any pupil into an alternative education program, including a program of general educational development, offered in the public schools, the School Board will determine the appropriate alternative education placement of the pupil regardless of whether the pupil attends the public schools it supervises or resides within its school division.

H. A student for whom an individual student alternative education plan has been granted pursuant to this subsection, and who fails to comply with the conditions of such plan, shall be deemed in violation of the compulsory school attendance law. Students enrolled in an alternative education plan shall be counted in the average daily membership of Suffolk Public Schools.

I. The attendance officer, the superintendent, or the superintendent's designee checks the reports submitted pursuant to subsection A of Va. Code § 22.1-260 with reports from the State Registrar of Vital Records and Health Statistics. From these reports and from any other reliable source the attendance officer, the superintendent, or the superintendent's designee, within five days after receiving all reports submitted pursuant to subsection A of Va. Code § 22.1-260, makes a list of the names of children who are not enrolled in any school and who are not exempt from school attendance. The attendance officer investigates all cases of non-enrollment and, when no valid reason is found therefor, notifies the parent, guardian or other person having control of the child to require the attendance of such child at the school within three days from the date of such notice. (Adopted November 11, 1999; Ordinance Number 99/00-30; Revised December 14, 2006; Ordinance 06/07-10; Effective: July 1, 2007; Revised June 13, 2013; Ordinance Number 12/13-95; Effective Date: July 1, 2013; Revised December 13, 2018; Ordinance Number 18/19-49; Effective Date: December 13, 2018; Ordinance 23/24-54, Revised/Effective: January 11, 2024)

Legal Authority - §§ 22.1-254, 22.1-261, 22.1-277.2:1. (1950), as amended.