

## **ARTICLE II: STUDENT ATTENDANCE**

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## **POLICY 7-2.1 COMPULSORY ATTENDANCE**

### **General Requirements**

Every parent, guardian, or other person in the City of Poquoson having control or charge of any child between the ages of 5 and 18 must cause such child to attend the appropriate Poquoson City Public School in accordance with Virginia Code § 22.1-254. Principals and the division superintendent shall follow all legal requirements with regard to the compulsory school attendance reporting requirements of state law. Non-compliance with the state regulations will lead to disciplinary action, where appropriate, by the principal and the division superintendent or his designee.

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.

### **General Exemptions**

All students age 5 to 18 shall attend school regularly as set forth in § 22.1-254 of the Code of Virginia, except those specifically exempted.

1. The School Board may release students from school in compliance with state law and Virginia Board of Education Regulations, including but not limited to those students who:

- a. satisfy all legal requirements for home schooling;
- b. are enrolled in qualified alternative programs;
- c. have received a high school diploma or its equivalent;
- d. the School Board determines, in accordance with regulations of the state Board of Education, cannot benefit from education at school;
- e. together with their parents and by reason of bona fide religious training or belief, are conscientiously opposed to attendance at school;
- f. based on a recommendation from the York-Poquoson Juvenile and Domestic Relations Court, should be excused by reason of concern for the pupils' health, as verified by competent medical evidence, or by reason of the pupils' reasonable apprehension for personal safety when such concern or apprehension in those pupils' specific cases is determined by the Court to be justified; or
- g. are excused by the York-Poquoson Juvenile and Domestic Relations District Court following the Court's determination that they cannot benefit from education.

2. Compulsory attendance regulations shall not apply to children under 10 years of age who live more than two miles from a Poquoson City Public School, unless public transportation is provided within one mile of the place where they live, nor to children between 10 and 17 years of age who live more than two and one-half miles from a public school, unless public transportation is provided within one and one-half miles of the place where the children live. Compulsory education distances shall be measured or determined by the nearest practical routes usable for either walking or riding from the entrance to the school grounds, or from the nearest school bus stop to the residence of the children.

3. 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:

- a. The student must be at least sixteen years of age.
- b. There shall be a meeting of the student, the student's parents, and the principal or his designee to develop the plan, which must include career guidance counseling, 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, 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, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment; successful completion of the course in economics and personal finance required to earn a Board of Education-approved high school diploma; counseling on the economic impact of failing to complete high school; and procedures for re-enrollment.

- c. A student for whom such an individual student alternative education plan has been granted but who fails to comply with the conditions of the plan shall be deemed in violation of the compulsory attendance laws, and the division superintendent or attendance officer shall seek immediate compliance with the compulsory attendance laws.
- d. Any child who will not have reached his sixth birthday on or before September 30 may be exempted from school attendance until the following year if the parent notifies the School Board, or its designee, because the child, in the opinion of the parent or guardian, is not mentally, physically or emotionally prepared to attend school.

#### **Health-Related Exemptions: Contagious or Infectious Diseases; Immunizations**

1. Children suffering from contagious or infectious diseases shall be exempt from compulsory attendance when the physical incapacity is documented by a written statement from a physician or nurse practitioner treating the child, giving the reason(s) for the student's inability to attend school. However, a child excluded from the regular instructional program under this exemption may be eligible to apply for homebound instruction in cases where such instruction may be of benefit to the child.
2. The attendance at school of students who suffer from or are reasonably suspected of suffering from (a) a communicable disease which poses a substantial risk or danger of infection to the school community and is serious or long term, such as tuberculosis or Hepatitis A; or (b) bloodborne diseases which are infectious or contagious, such as HIV-1, Hepatitis B, and cytomegalovirus, and which may be transmitted by the exchange of body fluids or secretions, shall be determined by the division superintendent on a case-by-case basis. The division superintendent shall seek a recommendation from a review committee to assist him in making his determination. The student may be temporarily excluded from school pending the division superintendent's decision. The division superintendent shall develop regulations setting forth the procedures to be followed to effect this policy.
3. Children whose immunizations against communicable diseases have not been completed may be excluded from school attendance unless such children have been exempted from immunization requirements. (Any parent, guardian or other person having control or charge of a child being exempted or excused from school attendance shall comply with the immunization requirement provided in § 32.1-46 of the Code of Virginia in the same manner and to the same extent as if the child has been enrolled in and is attending school.)

All other exemptions from compulsory attendance granted by the School Board shall be in accordance with state law.

#### **Requesting Exemptions**

Any request for exemption from attendance shall be presented annually in writing to the division superintendent or his designee. Applicants desiring to provide home instruction shall be referred to the division superintendent's office. The division superintendent and the School Board will not disclose to the

Department of Education or any other person or entity outside the local school division information that is provided by a parent or student to satisfy the requirements of this Policy regarding home instruction and religious exemption. However, the division superintendent or School Board may disclose, with the written consent of a student's parent, such information to the extent provided by the parent's consent.

See Superintendent's Regulation 7-2.1 A and B.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 22.1-3, 22.1-254, 22.1-254.1, 22.1-255, 22.1-258 through 22.1-269.1, 22.1-270 through 22.1-272, 16.1-279, 32.1-36.1, 32.1-45.1, 32.1-46, 54.1-2957.02; Virginia Board of Education Regulations Governing Pupil Accounting Records, 8 VAC 20-110-10, et seq.

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## **ACCOMPANYING REGULATIONS**

REGULATION 7-2.1(A): COMMUNICABLE DISEASES: ATTENDANCE AT SCHOOL

REGULATION 7-2.1(B): COMPULSORY ATTENDANCE: HOME INSTRUCTION

### **REGULATION 7-2.1(B) COMPULSORY ATTENDANCE: HOME INSTRUCTION**

Annual notification of intent to educate children at home shall be provided by parents to the division superintendent by August 15 prior to the opening of school. Such notification shall include evidence of meeting one of the four legal requirements for providing home instruction: 1) holding a high school diploma; 2) being a teacher with qualifications prescribed by the Virginia Board of Education; 3) providing a program of study which, may be delivered through a correspondence course or distance learning program or in any other manner; or 4) provides evidence that the parent is able to provide an adequate education for the child. The notification shall also include a description of the curriculum to be followed for the coming year.

Parents who begin home instruction or who establish residence in the school division during the school year shall provide written notice of their intention to educate their children at home as soon as practicable. Within thirty (30) days of providing such notice, the parents shall provide a description of the curriculum to be followed for the remainder of the school year and evidence of meeting one of the four legal requirements for providing home instruction listed above.

Within thirty (30) days of notification of intention to instruct at home, the division superintendent or his designee shall ensure that the parents have submitted evidence of having met one of the four requirements listed above. At a minimum, the following information is required:

1. child's name and date of birth;
2. a list of subjects being taught and at what grade level;
3. a plan for the core curriculum; and
4. the names/agency providing instruction.

Instruction in certain courses is required for a regular high school diploma should a student who has previously received home instruction return to the Poquoson City Public Schools. In addition, in order to be classified as a ninth grader or above, a student shall be required to obtain a Literacy Passport unless subject to an exception set forth in Standard of Quality 4, or unless the student's class has been exempted from the requirement by law or by Board of Education regulations or policies. All graduates beginning with the class of 2001-02 shall have earned the units of credit, as required by the Standards of Quality and prescribed by the State Board of Education. All graduates beginning with the class of 2003-04 shall have earned the

standard and verified credits as required by the Standards of Quality and prescribed by the State Board of Education.

Parents who anticipate their home-instructed child will return to the school division and proceed to graduate should include these subject areas in their home schooling curriculum and should confer annually with the director of student services to ensure compliance with the most current course requirements.

The Poquoson City Public Schools will not be required to place home instructed students who subsequently seek public school enrollment in specific grade level classes unless the required subject areas have been satisfactorily mastered, nor will the Poquoson City Public Schools be responsible for enforcing such course requirements on home-instructed students who may, at some future point, seek a regular high school diploma.

The equivalent of 180 days of instruction shall be provided each year. By August 1 following the school year in which children have received home instruction, the parents shall submit either: 1) evidence that the children have attained a composite score in or above the fourth stanine on any nationally normed standardized achievement test; or 2) an evaluation or assessment which the division superintendent determines to indicate that the children are achieving an adequate level of educational growth and progress including but not limited to: (a) an evaluation letter from a person licensed to teach in any state, or a person with a master's degree or higher in an academic discipline, having knowledge of the child's academic progress, stating that the child is achieving an adequate level of educational growth and progress; or (b) a report card or transcript from a community college or college, college distance learning program, or home-education correspondence school.

If evidence of satisfactory achievement or growth is not provided by the parent, the home instruction program for that child may be placed on probation for one year. Parents shall file with the division superintendent evidence of their ability to provide an adequate education for their child in compliance with this regulation and a remediation plan for the probationary year which indicates their program is designed to address any educational deficiency. Upon acceptance of such evidence and plan by the division superintendent, the home instruction may continue for one probationary year. If the remediation plan and evidence are not accepted or the required evidence of progress is not provided by August 1 following the probationary year, the division superintendent shall advise the parents that home instruction shall cease and the parents shall otherwise comply with § 22.1-254 of the Code of Virginia for the education of the child. These requirements shall not apply to children who are under the age of six (6) as of September 30 of the school year.

Any parent, guardian or other person having control or charge of a child being home instructed shall comply with immunization requirements provided in §§ 32.1-46 and 22.1-271.4 in the same manner and to the same extent as if the child has been enrolled and is attending school. Upon the request of the division superintendent, the parent shall submit to him documentary proof of immunization in compliance with Virginia Code §§ 32.1-46 and 22.1-271.4, Code of Virginia, and Poquoson City School Board Policy 7-2.3.

The School Board shall make Advanced Placement (AP), Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), and the PreACT examinations available to students receiving home instruction. The School Board shall notify such students and their parents of such registration deadline and the availability of financial assistance to low-income and needy students to take such examinations.

Any parent aggrieved by a decision of the division superintendent may appeal his decision to an independent hearing officer in accordance with § 22.1-254.1(E) of the Code of Virginia.

## POLICY 7-2.2 ADMISSIONS

### Requirements

1. Age. A person of school age (i.e., a person who will have reached his fifth birthday on or before September 30 of the school year and who has not reached 20 years of age on or before August 1 of the school year) is eligible for admission on a non-tuition basis if residing in Poquoson City.
2. Residence. A person of school age shall be deemed to reside in the Poquoson City Public School division:
  - a. when the person is living with a natural parent, or a parent by legal adoption in the Poquoson City school division;
  - b. when in accordance with the provisions of Virginia Code § 22.1-360, the person is living with a noncustodial parent or other person standing in loco parentis, not solely for school purposes and the person's custodial parent has executed a Special Power of Attorney executed under Title 10, United States Code § 1044b providing for the care of the child. The person shall be allowed to attend school where the individual providing care resides. When practicable, the child may continue in the Virginia school division they attended immediately prior to the deployment and shall not be charged tuition for attending that school division;
  - c. when the parents of such person are deceased and the person is living with a person in loco parentis who actually resides within Poquoson City;
  - d. 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 Poquoson City and is
    - i. the court-appointed guardian or has legal custody of the person,
    - ii. acting in loco parentis pursuant to placement of the person for adoption by a person or entity authorized to do so under Virginia Code § 63.1-219.8, or
    - iii. an adult relative providing temporary kinship care as that term is defined in §63.2-100. One or both parents and the relative providing kinship care shall submit signed, notarized affidavits:
      1. explaining why the parents are unable to care for the person;
      2. detailing the kinship care arrangement, and
      3. agreeing that the kinship care provider or the parent will notify the school within 30 days of when the kinship care arrangement ends, as well as a power of attorney authorizing the adult relative to making educational decisions regarding the person.
  - e. when the person is living with a parent, guardian or person in loco parentis in a temporary shelter (as defined by Virginia Code § 22.1-3) in Poquoson City not solely for school purposes;
  - f. when the person is living in Poquoson City not solely for school purposes as an emancipated minor;
  - g. when all or any portion of the building in which such person resides (i) with another person as set forth in subdivisions a through d or (ii) as an emancipated minor as set forth in subdivision e is taxable by the locality in which the school division is located;
  - h. when the person living in Poquoson City is a homeless child or youth, as set forth in this policy, who lacks a fixed, regular, and adequate nighttime residence; OR
  - i. when the person has been placed in a foster care placement within the school division by a local social services agency upon joint determination of the placing social services agency and the school division that such attendance is in the best interest of the child. No person of school age who is the subject of a foster care placement will be charged tuition regardless of whether the child is attending the school in which he was enrolled prior to the most recent foster care placement or is attending a school in the receiving school division.

For purposes of this policy, a person meeting any of the above requirements shall be deemed to reside in the school division if

- a. the person lives in housing or temporary shelter that is wholly or partially situated within the Poquoson City school division; or
  - b. the person lives in housing or temporary shelter located upon property that is partially situated within the Poquoson City school division and the person or sibling of the person residing in the same household has attended Poquoson City Public Schools prior to July 1, 1999.
3. Birth Certificate. No pupil shall be admitted for the first time to any public school in the school division unless the person enrolling the pupil shall present, upon admission, a certified copy of the pupil's birth record. The principal or his/her designee shall record the official state birth number from the pupil's birth record into the pupil's permanent school record. The principal may retain a copy of the birth certificate in the pupil's permanent school record. If a certified copy of the student's birth certificate cannot be obtained, the person enrolling the student must submit an affidavit giving the student's age and explaining the inability to present a certified copy of the birth record. If a certified copy of the birth record is not provided, the school principal or his/her designee shall immediately notify the local law enforcement agency as required by Virginia Code § 22.1-3.1(B). The notice shall include copies of the submitted proof of the pupil's age and identity and the affidavit explaining the inability to produce a certified copy of the birth record. (Within fourteen days after enrolling a transfer student, the administration shall request documentation that a certified copy of the pupil's birth record was presented when the pupil was initially enrolled in the former school.)
4. Student Identification Number. The School Board shall assign a unique student identification number to each student enrolled in a public elementary or secondary school. No student identification number shall include or be derived from the student's federal social security number. Each student shall retain his student identification number for as long as he is enrolled in a public elementary or secondary school in the Commonwealth.
5. Immunizations. Persons who are admitted to Poquoson City Public Schools shall comply with state immunization requirements.
6. Preschool Physical Examinations. Prior to being admitted to public kindergarten or elementary school for the first time, the student must present proof of a preschool physical examination as required by Virginia Code § 22.1-270.
7. Exclusions Based on Certain Health Conditions. Students who have communicable diseases or blood borne contagious or infectious diseases shall be excluded as described in Policies 7-5.3 and 7-5.4.
8. Statements Regarding Discipline and Criminal Adjudication. Prior to a student's admission in the Poquoson City Public Schools, the parent, guardian, or other person having control or charge of the child of school age shall provide, upon registration:
- a. 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 the Commonwealth or in another state for an offense in violation of school board policies relating to weapons, alcohol or drugs or for the willful infliction of injury to another person. This document shall be maintained as a part of the student's scholastic record; and
  - b. a sworn statement or affirmation indicating whether the student has been found guilty of or adjudicated delinquent for any offense listed in subsection G of Virginia Code § 16.1-260 or any substantially similar offense under the laws of any state, the District of Columbia, or the United States or its territories. This document shall be maintained as provided in Virginia Code § 22.1-288.2.

When a child is registered as a result of a foster care placement, the information required herein shall be furnished by the local social services agency or licensed child-placing agency that made the foster care placement.

A student who has been expelled or suspended for more than 30 days from attendance at school by a school board or a private school in Virginia or another state or for whom admission has been withdrawn by a private school in Virginia or another state may be excluded from attendance in Poquoson 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, upon a finding that the student presents a danger to the other students or staff of Poquoson City Public Schools after:

1. written notice to the student and his parent that the student may be subject to exclusion, including the reasons therefor, and notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the division superintendent or his/her designee regarding such exclusion, and
2. review of the case has been conducted by the division superintendent or his/her designee and the decision has been to exclude the student from attendance.

The decision of the division superintendent or his/her designee to exclude the student shall be final unless altered by the School Board, upon timely written petition, as established in this policy, of the student so excluded or his/her parent, for a review of the record by the School Board. The student or his/her parent may file a written petition with the Poquoson City School Board within fifteen (15) days of notice of the decision. If the School Board grants a review of the record, the decision of the division superintendent or his/her designee may be altered.

In the case of a suspension for more than thirty (30) days, the term of the exclusion may not exceed the duration of such suspension.

In excluding any expelled student from school attendance, the School Board may accept or waive any or all of any conditions for re-admission imposed upon such student by the expelling school board, but may not impose additional conditions for readmission to school.

Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, which period shall be established by the School Board, committee thereof, or division superintendent or his/her designee, as the case may be, at the relevant hearing the student may re-petition the School Board for admission. If the petition for admission is rejected, the School Board shall identify the length of the continuing exclusion period and the subsequent date upon which such student may re-petition the School Board for admission.

The School Board may permit students excluded pursuant to this policy to attend an alternative education program provided by the School Board for the term of such exclusion.

### **Admission of Homeless Children**

The Poquoson City School Board is committed to educating homeless children and unaccompanied homeless youth. Homeless children and youth shall not be stigmatized or segregated on the basis of their status as homeless. The school division will coordinate the identification and provision of services to homeless students with relevant local social services agencies and other agencies and programs providing services to such students, and with other school divisions as may be necessary to resolve inter-divisional issues. Attendance in the Poquoson City school division is free to school-age persons living with a parent, guardian, or person *in loco parentis* in a temporary shelter in the school division, not solely for school purposes. Title IX, Part A of the *Every Student Succeeds Act* defines homelessness as living in the following places due to a lack of a fixed, regular, and adequate nighttime residence. Children and youth living in these settings meet criteria for the McKinney-Vento definition of homelessness and have special educational rights. Any parent or guardian who believes that his or her child meets the definition of homeless should contact the division's homeless liaison. Any school registrar who is notified that a student is or could be considered homeless by a parent or guardian, should immediately contact the division's homeless liaison.



Homeless students who already attend Poquoson City Public Schools shall be permitted to remain in their schools of origin to the extent feasible. Students may remain in their schools of origin for the entire time they are homeless and until the end of any academic year in which they become permanently housed.

The school division will coordinate the identification and provision of services to homeless students with relevant local social services agencies and other agencies and programs providing services to such students, and with other school divisions as may be necessary to resolve inter-divisional issues.

The division superintendent or his/her designee shall develop guidelines for contacting shelter agencies, ministerial associations, and other community service providers to identify homeless children within the school division. Such children shall be provided with educational services, including specialized services to meet their needs, as determined and directed by the division superintendent or his/her designee and in accordance with state and federal law.

### **Admission of Nonpublic Students for Part-Time Enrollment: Prohibition**

Private and home-schooled students shall not be permitted to enroll part-time or to participate in academic or extracurricular activities in Poquoson City Public Schools.

### **Non-Residents**

#### Generally

Generally, the Poquoson City School Board does not accept children from outside Poquoson City on a tuition basis. However, the School Board will accept the following students from outside Poquoson under the identified conditions:

1. The children of and stepchildren residing with full-time Poquoson City School Board employees may be admitted tuition-free if space is available. Transportation to and from school shall be the responsibility of the student, parent or guardian except that students may ride regularly scheduled school buses operating within the City of Poquoson.
2. A student who begins the school year as a bona-fide resident of Poquoson and who is enrolled in Poquoson City Public Schools as of November 1, but who subsequently moves from the City may, upon approval of the division superintendent, complete the school year in Poquoson City Public Schools in accordance with the following conditions:
  - a. The student shall have been enrolled in Poquoson City Public Schools the previous year.
  - b. The student shall not be enrolled in programs outside of Poquoson for which the school division is paying tuition.
  - c. The School Board shall charge tuition for the second semester for those students who move from Poquoson during the first semester and elect to remain in Poquoson City Public Schools. The amount of tuition shall be the local per-pupil cost established by the School Board pro-rated for the number of days in the second semester. Tuition will be waived for those students who meet the federal free-lunch eligibility criteria and upon application to the division superintendent.
  - d. Transportation to and from school shall be the responsibility of the student, parent, or guardian except that students may ride regularly scheduled school buses operating within the City of Poquoson.

3. Students who have begun the school year in grades eleven or twelve as bona-fide residents of the City of Poquoson and who subsequently move from the City may complete their education in Poquoson City Public Schools in accordance with the conditions listed in (2)(a)-(d), above, and upon payment of the established tuition for all complete semesters during which the student is not a bona-fide resident of the City of Poquoson.

### Tuition

Tuition for eligible students will be based on local cost and shall be set by the division superintendent or his/her designee for each academic year. Students will be enrolled once tuition is paid by the due date of each semester or when other payment arrangements have been made through the executive director of finance. Tuition paid with the application will not be refunded if the application is approved and the student does not enroll. If the division superintendent or his/her designee does not approve an application to attend Poquoson City Public Schools, the tuition will be refunded. Students who are enrolled, but whose parents move out of the City of Poquoson and thus become non-residents during the second semester will be allowed to complete the current school year without paying tuition. Homeless children and unaccompanied youth who are non-residents shall not be charged tuition.

No person of school age shall be denied admission or charged tuition when:

1. such person's custodial parent has been deployed outside the United States as a member of the Virginia National Guard or as a member of the United States Armed Forces;
2. such person's custodial parent has executed a Special Power of Attorney under Title 10, United States Code § 1044b providing for the care of the person of school age by an individual who is defined as a parent in Virginia Code § 22.1-1 during the time of his deployment outside the United States; and
3. such person has been attending a public school in this Commonwealth while residing with his custodial parent.

The person of school age shall be allowed to attend a school in the school division in which the individual providing for his care, pursuant to the Special Power of Attorney under Title 10, United States Code § 1044b, resides or, when practicable, to continue to attend the school in which he was enrolled while residing with his custodial parent.

In the interest of providing educational continuity to the children of military personnel, no child of a person on active military duty:

1. Who is attending a public school free of charge in accordance with applicable law shall be charged tuition by the School Board upon the child's relocation to military housing located in another school division in the Commonwealth, pursuant to orders received by such child's parent to relocate to base housing. If the child was attending Poquoson City Public Schools immediately prior to the relocation, the student shall be allowed to attend the Poquoson City school and shall not be charged tuition for attending such school.
2. Who is attending a school free of charge in accordance with this section shall be charged tuition by that school division upon such child's relocation pursuant to orders received by such child's parent to relocate to a new duty station or to be deployed. Such children shall be allowed to remain enrolled in the current school division free of tuition through the end of the school year.
3. Who is eligible to attend school free of charge in accordance with this section shall be charged tuition by a school division that will be the child's school division of residence once his service member parent is relocated pursuant to orders received. Such a child shall be allowed to enroll in the school division of the child's intended residence if documentation is provided, at the time of enrollment, of military orders of the service member parent or an official letter from the service member's command indicating such relocation. Documentation indicating a permanent address within the school division shall be provided to the school division within 120 days of a child's enrollment or tuition may be charged, including tuition for the days since the child's enrollment in school. In the event that the child's service member parent is ordered to relocate before the 120th day following the child's enrollment, the school division shall not charge tuition. Students eligible to enroll, may register, remotely or in-

person, for courses and other academic programs and participate in the lottery process for charter schools and college partnership laboratory schools in the school division in which such student will reside at the same time and in the same manner as students who reside in the school division. The assignment of the school such child will attend shall be determined by the local school division.

Such children as listed in subdivisions 1, 2, and 3 shall be counted in the average daily membership of the school division in which they are enrolled. Further, the school division in which such children are enrolled subsequent to their relocation to base housing shall not be responsible for providing for their transportation to and from school.

#### Proof of Residence

A resident is defined as one who resides permanently in the City of Poquoson. Proof of residence shall include, but not be limited to, two or more of the following, which reflect the physical address of the resident: a U.S. or Virginia income tax return from the previous year, a U.S. Internal Revenue Service tax reporting W-2 form from the current year, a deed or lease agreement to the residence, a voter registration card, a receipt for personal property taxes paid within the last year, a payroll check or payroll check stub issued by an employer within the last three months, or a telephone bill issued within the last three months. Final decisions regarding residence for school attendance purposes shall be made by the division superintendent or his/her designee.

Any person who knowingly makes a false statement concerning the residency of a child in a particular school district or school attendance zone, for the purpose of (1) avoiding the tuition charges authorized by applicable law or (2) enrollment in a school outside the attendance zone in which the student resides, may be guilty of a Class 4 misdemeanor and shall be liable to the School Board for tuition charges authorized by applicable law for the time the student was enrolled in Poquoson City Public Schools, pursuant to Virginia Code § 22.1-264.1.

#### State Welfare or Institutionalized Students and Students Placed in Foster Care

Welfare or institutionalized students assigned to the City of Poquoson by a state agency serving as custodian of these children shall be permitted to enroll and attend Poquoson City Public Schools without being charged tuition.

Whenever a student has been placed in foster care by a local social services agency and the placing social services agency is unable to produce any of the documents required for enrollment, the student shall immediately be enrolled; however, the person enrolling the student shall provide a written statement that, to the best of his or her knowledge, sets forth:

1. the student's age,
2. compliance with requirements of Virginia Code § 22.1-3.2 (related to the notice of the student's school status as a condition of admission), and
3. that the student is in good health and is free from communicable or contagious disease.

The sending school division and the Poquoson City Public Schools shall cooperate in facilitating the enrollment of any child placed in foster care across jurisdictional lines for the purpose of enhancing continuity of instruction. The sending school division and the Poquoson City Public Schools may agree to allow the child to continue to attend the school in which the student was enrolled prior to the most recent foster care placement, upon the agreement of the placing social services agency that such attendance is in the best interest of the child. While a receiving school division and a sending school division, as those terms are defined in Virginia Code § 22.1-3.4, may enter into financial arrangements contemplated by that statute, under no circumstances shall a child placed in foster care be charged tuition regardless of whether such child is attending the school in which he was enrolled prior to the most recent foster care placement or attending a school in the Poquoson City school division.

Upon receiving notice of a foster care placement of a student across jurisdictional lines, the sending school division and the Poquoson City school division, shall expedite the transfer of the scholastic record of the

student. Within seventy-two (72) hours of placing a child of school age in a foster care placement, the local social services agency making such placement is required by applicable law, in writing to:

1. notify the principal of the school in which the student is to be enrolled and the superintendent of the relevant school division or his or her designee of such placement, and
2. inform the principal of the status of parental rights.

If the documents required for enrollment of the foster care child pursuant to applicable law are not immediately available upon taking the child into custody, the placing social services agency shall obtain and produce or otherwise ensure compliance with such requirements for the foster care child within thirty (30) days after the child's enrollment.

The provisions of this policy shall apply to any student who was in foster care upon reaching 18 years of age but who has not yet reached 22 years of age.

#### Exchange Students

Tuition charges shall be waived for exchange students whose school admission has been recommended by the school principal of the school in which the exchange student will be enrolled and the division superintendent or his/her designee.

#### Transportation Services

Transportation services shall not be furnished to nonresident students except in those cases where:

1. the School Board has entered an agreement regarding such services with another Virginia school division;
2. federal or state legislation mandates the provision of transportation services; or
3. transportation services can be provided at no cost to the Poquoson City Public Schools, and a request for such services is approved by the division superintendent or his designee.

See Superintendent's Regulation 7-2.2 A and B.

**LEGAL REFERENCE:** *Code of Virginia, 1950, as amended, §§ 22.1-1, 22.1-3, 22.1-3.1, 22.1-3.2, 22.1-3.4, 22.1-5, 22.1-70, 22.1-78, 22.1-79, 22.1-199, 22.1-253.13:1, 22.1-254, 22.1-255, 22.1-260, 22.1-270, 22.1-271.1, 22.1-271.2, 22.1-271.4, 22.1-272, 22.1-276.01, 22.1-277, 22.1-277.2, 32.1-43, 32.1-46, 32.1-48, 63.2-900 and 63.2-1200; Public Law 104-208, Illegal Immigrations Reform and Immigrant Responsibility Act of 1996, § 625; Steward B. McKinney Homeless Assistance Act, Subtitle VII-B (P.L. 101-645); Superintendent's Memo No. 64 (Dec. 5, 2003).*

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### **POLICY 7-2.3 STUDENT ATTENDANCE AND ABSENCES/TRUANCY**

With the support from their parents, Poquoson City public school students are expected to accept responsibility for good attendance. School attendance is related directly to academic achievement and the development of good habits which are important in college and employment. Student attendance is a cooperative effort involving the school, parents and students.

Students shall attend school for a full day unless otherwise excused. Secondary students shall be scheduled for a full school day unless they are enrolled in a cooperative work-study program. All other exceptions to a full-day schedule must be approved on an individual basis by the division superintendent or his designee.

Nothing in this Policy 7-2.3 shall be construed to limit in any way the authority of any attendance officer or the division superintendent to seek immediate compliance with the compulsory attendance law.

#### **Notification of Absences**

Schools shall make a reasonable effort to notify by telephone a parent/guardian of each absent student every day, and to obtain an explanation of the student's absence where there is no indication that the student's parent(s) is aware of and supports the absence. The schools may use either the school principal, attendance officer, other school personnel, or volunteers organized by the school administration to make these calls. Schools shall keep a log of call attempts. Students who are absent must bring a valid note stating the reason for absence upon returning to school. Unexcused absences shall be handled according to regulations issued by the division superintendent. Student attendance shall be monitored and reported as required by state law and regulations.

If (1) a student fails to report to school for a total of five scheduled school days for the school year, (2) there is no indication that the student's parent(s) is aware of and supports the absence, and (3) reasonable efforts to notify the parent of the absences have failed, then the principal or designee shall make a reasonable effort to ensure that direct contact is made with the parent, in person, through telephone conversation, or through the use of other communications devices to obtain an explanation of the pupil's absence and to explain to the parent the consequence of continued nonattendance. The school principal or his designee, the pupil, and the pupil's parent shall jointly develop a plan to resolve the pupil's nonattendance. Such plan shall include documentation of the reasons for the pupil's nonattendance. If the student's parents have joint physical custody of the student and the school has notice of the custody arrangement, then both parents shall be notified at their last known addresses. If the parent(s) fail to comply with the principal's or designee's request within three (3) school days, the principal or designee shall notify the attendance officer or division superintendent who shall enforce the school compulsory attendance rules.

#### **Additional Absences Without Parental Awareness and Support**

If the pupil is absent for more than one additional day after direct contact with the pupil's parents and school personnel have received no indication that the pupil's parent(s) is aware of and supports the pupil's absence, the school principal or his/her designee shall schedule a conference with the pupil, his parent, and school personnel. Such conference may include the attendance officer and other community service providers to resolve issues related to the pupils nonattendance. The conference shall be held no later than the tenth (10<sup>th</sup>) school day after the tenth absence of the pupil, regardless of whether his parent approves of the conference. The conference team shall monitor the pupil's attendance and may meet again as necessary to address concerns and plan additional interventions if attendance does not improve. In circumstances in which the parent is intentionally noncompliant with compulsory attendance requirements or the pupil is resisting parental efforts to comply with compulsory attendance requirements, the principal or his designee shall make a referral to the attendance officer. The attendance officer shall schedule a conference with the pupil and his parent within 10 school days and may: (i) file a complaint with the York-Poquoson City Juvenile and Domestic Relations District Court alleging the pupil is a child in need of supervision as defined in Virginia Code § 16.1-228 or (ii) institute proceedings against the parent pursuant to Virginia Code § 18.2-371 or § 22.1-262. In filing a complaint against the student, the attendance officer shall

provide written documentation of the efforts already undertaken to resolve the pupil's absence. If the student's parents have joint physical custody of the student and the school has notice of the custody arrangement, then both parents shall be notified at their last known addresses.

An attendance officer, or the division superintendent or his designee when acting as an attendance officer pursuant to § 22.1-258, may complete, sign, and file with the intake officer of the juvenile and domestic relations district court, on forms approved by the Supreme Court of Virginia, a petition for a violation of a school attendance order entered by the juvenile and domestic relations district court pursuant to § 16.1-278.5 in response to the filing of a petition alleging the pupil is a child in need of supervision as defined in § 16.1-228.

### **Parental Cooperation in Remediating Excessive Unexcused Absences**

It is expected that parents will cooperate with the attendance officer and other school officials to remedy the student's attendance problem. Where direct contact with a parent cannot be made, despite reasonable efforts, or where parents otherwise fail to cooperate in remediating the student's attendance problem, the division superintendent or his designee may seek immediate compliance with the compulsory school attendance laws. The attendance officer, with the knowledge of the division superintendent, shall institute proceedings against any parent who fails to comply with the requirements of the compulsory attendance laws. Where the complaint arises out of the parent's failure to comply with the requirements of Virginia Code § 22.1-258, the attendance officer shall document the school division's compliance with this Code section.

### **Make-Up Work**

Credit for make-up work will be granted only for absences that are pre-approved in writing, or with a written note from the parent when the student returns to school. Medical documentation may be required at the principal's discretion. Under certain conditions a waiver of these attendance policies may be considered by the division superintendent.

### **Absences for Observance of a Religious Holiday**

A student may be excused from school for the observance of a religious holiday. The parent/guardian of such student shall provide a letter to the student's school in advance of the planned absence notifying the school of the planned absence, the dates of the planned absence and the religious holiday being observed.

A student who is absent in accordance with this policy shall not be deprived of any award or eligibility or opportunity to compete for any award, or of the right to take an alternate test or examination, for any which he or she missed by reason of such absence. Make-up work shall be completed as described in "Make-Up Work," above.

### **Attendance Records/Pupil Accounting Records**

One of the most important records that teachers are required to keep is the teacher's "register," otherwise known as the daily attendance register. The purposes of the register are for proper pupil accounting in the instructional program, for school administration, and for the distribution of major state school funds. Poquoson City Public Schools teachers shall maintain attendance registers in accordance with state law.

Within ten days after the opening of school, each school principal shall report to the division superintendent: (1) the name, age and grade of each pupil enrolled in the school, and the name and address of the pupil's parent or guardian; and (2) to the best of the principal's information, the name of each child subject to the provisions of Virginia's compulsory attendance laws who is not enrolled in school, with the name and address of the child's parent or guardian.

At the end of each school year, each public school principal shall report to the division superintendent the number of pupils by grade level for whom a conference was scheduled pursuant to this policy. The

division superintendent shall compile this information and provide it annually to the superintendent of public instruction.

The attendance officer or division superintendent shall check the reports submitted by the principals against the last school census and against the reports from the State Registrar of Vital Records and Health Statistics. From these reports and from any other reliable source the attendance officer or the division superintendent shall, within five (5) days after receiving all the reports from the principals, make a list of the names of children who are not enrolled in any school and who are not exempt from school attendance. It is the duty of the attendance officer, on behalf of the School Board, to investigate all cases of non-enrollment and, when no valid reason is found therefor, to notify the parent, guardian or other person having control of the child to require the attendance of such child at the school within three (3) days from the date of such notice.

The attendance officer shall send the list created to the appropriate school principal. If the parent (i) fails to comply with the provisions of this regulation and applicable law within the time specified in the notice; (2) fails to comply with the provisions of Virginia Code Section 22.1-254; or (iii) refuses to participate in the development of the plan to resolve the student's nonattendance in the conference provided for above, it shall be the duty of the attendance officer, with the knowledge and approval of the division superintendent, to make complaint against the pupil's parent in the name of the Commonwealth before the York-Poquoson Juvenile and Domestic Relations District Court. In any such proceedings, the attendance officer shall provide documentation to the Court regarding the school division's attempts to comply with the provisions of this policy and regulation, and with applicable law. In addition, and where appropriate, school officials will cooperate with the relevant juvenile intake officer to assist in the development of a truancy plan to ensure the student's compliance with the compulsory attendance law.

Further, the Poquoson City Public Schools shall maintain an accurate record of each child with a disability attending a school in the school division who is not a resident of Poquoson City. This record shall be certified to the state following the end of the school year.

### **Dismissal Precautions**

Principals 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. A formal check-out system shall be maintained in each Poquoson City public school.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 16.1-260, 16.1-241.2, 22.1-101, 22.1-253.13:7, 22.1-254, 22.1-258 through 22.1-269; Virginia Board of Education Regulations Governing Pupil Accounting Records, 8 VAC 20-110-10; and Regulations Establishing Standards for Accrediting Public Schools in Virginia, 8 VAC 20-130-10.

*Adopted: November 2002*

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