

STUDENTS

A. Kindergarten

The school board may withdraw a student from kindergarten until the following school year upon the recommendation of the principal of the school the student attends and with the consent of the student's parent or guardian.

B. Other

The school board may approve the withdrawal of a student, upon the request of the parent/guardian and the recommendation of the principal and superintendent, when it determines that the student can no longer benefit from continued enrollment.

Legal Reference:

Code of Va., § 22.1-3. Persons to whom public schools shall be free.--" The public schools in each school division shall be free to each person of school age who resides within the school division. Every person of school age shall be deemed to reside in a school division:

1. When the person is living with a natural parent, or a parent by legal adoption;
2. When the parents of such person are dead and the person is living with a person in loco parentis who actually resides within the school division;
3. 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 school division and is the court-appointed guardian, or has legal custody, of the person;
4. When the person is living with a parent, guardian, or person in loco parentis in a temporary shelter in the school division, not solely for school purposes; or
5. When the person is living in the school division not solely for school purposes, as an emancipated minor.

For purposes of this section, "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. (1997)

Code of Va., § 22.1-257. Excusing children who cannot benefit from education or whose parents conscientiously object; excusing children for reasons of health or apprehension for personal safety; court authority to order alternatives.--" A. Whenever a court orders any pupil into an alternative education program offered in the public schools, the local school board of the school division in which the program is offered

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shall 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.

B. A school board:

1. May, on recommendation of the principal and the division superintendent, with the written consent of the parent or guardian, excuse from attendance at school any pupil who the school board determines, in accordance with regulations of the Board of Education, cannot benefit from education at such school;

2. Shall excuse from attendance at school any pupil who, together with his parents, by reason of bona fide religious training or belief, is conscientiously opposed to attendance at school;

3. Shall, on the recommendation of the juvenile and domestic relations district court of the county or city in which the pupil resides, excuse from attendance at school for such period of time as the court deems appropriate any pupil who, together with his parents, is opposed to attendance at a school by reason of concern for such pupil's health, as verified by competent medical evidence, or by reason of such pupil's reasonable apprehension for personal safety when such concern or apprehension in that pupil's specific case is determined by the court to be justified;

4. May, on recommendation of the juvenile and domestic relations district court of the county or city in which the pupil resides, excuse from attendance at school any pupil who, in the judgment of such court, cannot benefit from education at such school;

5. May, in accordance with the procedures set forth in §22.1-277 and upon a finding that a school-age child has (i) committed an offense in violation of school board policies, (ii) been 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, or (iii) been expelled from school attendance pursuant to §22.1-277.01, require the child to attend an alternative education program as provided in § 22.1-209.1:2 or §22.1-277.1.

C. The court, in reaching its determination as to whether the concern or apprehension referred to in subdivision B 3 of this section is justified, shall take into consideration the recommendation of the principal and division superintendent.

D. The juvenile and domestic relations district court of the county or city in which a pupil resides, or in which charges are pending against a pupil, or any court in which charges are pending against a pupil, may require the pupil who has been charged with (i) a crime which resulted in or could have resulted in injury to others, (ii) a violation of Article

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1 (§18.2-77 et seq.) of Chapter 5 of Title 18.2, or (iii) any offense related to possession or distribution of any Schedule I, II, or III controlled substances to attend an alternative education program, including, but not limited to, night school, adult education, or any other educational program designed to offer instruction to students for whom the regular program of instruction may be inappropriate. The local school board of the school division in which the pupil resides shall determine the appropriate alternative education placement for such pupil. This subsection shall not be construed to limit the authority of school boards to expel, suspend, or exclude students, as provided in §§ 22.1-277, 22.1-277.01, and 22.1-277.2.

E. As used in subdivision B 2 of this section, the term "bona fide religious training or belief" does not include essentially political, sociological or philosophical views or a merely personal moral code.

F. As used in this section, the term "charged" means that a petition or warrant has been filed or is pending against a pupil. (1995)

Adopted by School Board: June 19, 1973

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