

## SCHOOL ATTENDANCE LAW

The Commonwealth of Virginia's Compulsory Attendance Law, Code of Virginia, 22.1-258, requires that all children between the ages of five and eighteen be enrolled in school. Further, those students must attend school on a daily basis. Any student who fails to report to school for a total of five scheduled school days (unexcused) for the school year may be referred to a school attendance officer for further action. When a referral is received, the school attendance officer will attempt to interview the student, parent, and other relevant parties to develop a plan to resolve the attendance issue. If the truancy continues, the school attendance officer will file a complaint with the Juvenile and Domestic Relations District Court.

The Juvenile and Domestic Relations District Court may place the child in a ninety (90) day pre-court diversion program during which time the child will be under the direct supervision of court staff. If the child fails to successfully complete this program, the case will be forwarded to court for formal prosecution.

When a student is brought to Juvenile and Domestic Relations District Court for violating the Compulsory Attendance Law, the court may impose sanctions to include the following:

- Suspend the student's privilege to drive for an indefinite period of time.
- Court Order the Student to cooperate with mental health treatment, drug treatment and/or community service.
- Court order the student to confinement for up to 30 days.
- Court order a student to be placed on probation for an indefinite period of time not to exceed their 18<sup>th</sup> birthday.
- Order the parent to cooperate with mental health services and possible treatment, participate in parenting courses, pay court fines, and/or be sentenced to jail.

Code of Virginia, 22.1-262, requires that the parent or guardian comply with this law and participate in the development of the plan to resolve the student's non-attendance. The school attendance officer can initiate criminal proceedings against a parent or guardian with the courts for violation of this law.

**Remember that accurate attendance records are a critical factor in the enforcement of attendance laws.**