

EXCLUSIONS AND EXEMPTIONS FROM SCHOOL ATTENDANCE

The School Board shall excuse from attendance at school:

1. Any student who, together with his parents, by reason of bona fide religious training or belief is conscientiously opposed to attendance at school.
2. On the recommendation of the juvenile and domestic relations court of the city or county in which the student resides, and for such period of time as the court determines appropriate, any student who, together with his parents, is opposed to attendance at a school by reason of concern for the student'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, upon consideration of the recommendation of the principal and division superintendent, to be justified.

The School Board may excuse from attendance at school:

1. On recommendation of the principal and the division superintendent and with the written consent of the parent or guardian, any student who the school board determines, in accordance with regulations of the Board of Education, cannot benefit from education at school; or
2. On recommendation of the juvenile and domestic relations district court of the city or county in which the student resides, any student who, in the judgment of the court, cannot benefit from education at school.

Any request for exemption from attendance shall be presented annually in writing to the superintendent or his/her designee.

The compulsory education requirements do not apply to

- Children suffering from contagious or infectious diseases;
- Children whose immunizations against communicable diseases have not been completed;
- 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
- 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.

In addition, any child who will not have reached his sixth birthday on or before September 30 of each school year whose parent or guardian notifies the school board that he 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, may delay the child's attendance for one year.

Adopted: June 11, 1998
Revised: June 30, 1999; June 29, 2001; March 26, 2002; July 14, 2005; July 13, 2006;
August 11, 2011

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-254.

Cross Refs.: JEA Compulsory Attendance
 JHCB Immunization of Students
 JHCC Communicable Diseases
 LBD Home Instruction

RELEASE FROM COMPULSORY ATTENDANCE – RELIGIOUS BELIEF

RELEVANT VIRGINIA LAW

Section 22.1-254 of the Code of Virginia, 1950, as amended, provides in pertinent part, as follows:

A. Except as otherwise provided in this article, every parent, guardian, or other person in the Commonwealth 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 the eighteenth birthday shall, during the period of each year the public schools are in session and for the same number of days and hours per day as the public schools, send such child to a public school or to a private, denominational, or parochial school or have such child taught by a tutor or teacher of qualifications prescribed by the Board of Education and approved by the division superintendent, or provide for home instruction of such child as described in Section 22.1-254.1.

As prescribed in the regulations of the Board of Education, the requirements of this section may also be satisfied by sending a child to an alternate program of study or work/study offered by a public, private, denominational, or parochial school or by a public or private degree-granting institution of higher education. Further, in the case of any five-year-old child who is subject to the provisions of this subsection, the requirements of this section may be alternatively satisfied by sending the child to any public educational pre-kindergarten program, including a Head Start program, or in a private denominational, or parochial educational pre-kindergarten program.

Instruction in the home of a child or children by the parent, guardian, or other person having control or charge of such child or children shall not be classified or defined as a private, denominational or parochial school.

B. A school board shall excuse from attendance at school:

1. Any pupil who, together with his parents, by reason of bona fide religious training or belief is conscientiously opposed to attendance at school. For purposes of this subdivision, "bona fide religious training or belief" does not include essentially political, sociological or philosophical views or a merely personal moral code.

H. The provisions of this article shall not apply to:

5. Children excused pursuant to subsections B and C of this section.

Further, any child who will not have reached his sixth birthday on or before September 30 of each school year whose parent or guardian notifies the appropriate school board that he 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, may delay the child's attendance for one year.

PROCEDURE FOR RELEASE FROM COMPULSORY ATTENDANCE

Parents, guardians, or other persons having the control or charge of a child subject to compulsory attendance pursuant to Virginia Code Section 22.1-254.A. who desire to have said child excused from attendance at school by the Warren County School Board pursuant to Virginia Code Section 22.1-254.B. shall do so by submitting a sworn Release from Compulsory Attendance Form or a letter requesting release from compulsory attendance. Parents may provide additional comments or information for the School Board's consideration directly on the form or letter, or may do so by attachment. If parents choose to provide a letter instead of form JEG-E, the letter must include:

- A statement that the applicants are the parents or legal guardians of the listed child or children who are subject to compulsory attendance pursuant to Virginia Code Section 22.1-254.A;
- A statement noting that the parents, together with their child or children, by reason of bona fide religious training or belief, are conscientiously opposed to attendance at school, and hereby seek to have such child or children excused from compulsory attendance pursuant to Virginia Code Section 22.1-254.B;
- A statement that the parents' religious training or beliefs are not essentially political, sociological, or philosophical views or a merely personal moral code;
- The names of the parents, mailing address, and telephone number;
- The names of the child(ren), year(s) of birth, and age(s) in years and months; and
- Notarized signatures of both parents, if applicable.

Examples of optional comments or information for inclusion on the form, in the letter, or by attachment include:

- A description of the family's religious beliefs, particularly including those relating to the education of the family's children and the spiritual basis for opposition to attendance at school.
- Letters from friends, relatives, or members of the faith that confirm that the family's beliefs are sincere.
- Scriptural or other spiritual quotations, if available, that support or affirm the family's beliefs.
- A letter or affidavit from a religious expert or scholar or a religious leader (if the family has such as authority) that confirms the beliefs as spiritual in nature and/or genuine.

The Release from Compulsory Attendance Form, or letter, and any attachments thereto shall be reviewed by the Superintendent for completeness prior to submission to the School Board for action. Following action by the School Board, the Superintendent shall notify the parents or legal guardians by letter of the action taken.

A list of children excused from compulsory attendance pursuant to Virginia Code Section 22.1-254.B. shall be maintained in the Superintendent's Office.

The Release from Compulsory Attendance Form, or letter, and any attachments thereto and the list of children excused from compulsory attendance maintained in the Superintendent's office shall not be disclosed without the prior written consent of the parent or legal guardian of the child, or the subject child after said child has attained the age of eighteen years.

Adopted: July 8, 2010

Revised: December 9, 2010

Legal Ref.: Code of Virginia, 1950, as amended, Sections 22.1-254, 2.2-3701 et seq.
Johnson v. Prince William County School Board, 241 Va. 383, 404 S.E.2d 209
(1991).

Warren County School Board

Release from Compulsory Attendance Form

The undersigned affiants, known to be the persons whose names are subscribed below, being first duly sworn, did on their oath state as follows:

(1) We are the parents or legal guardians of the below-named child or children who are subject to compulsory attendance pursuant to Virginia Code Section 22.1-254.A.

(2) We, together with our child or children, by reason of bona fide religious training or belief, are conscientiously opposed to attendance at school, and hereby seek to have such child or children excused from compulsory attendance pursuant to Virginia Code Section 22.1-254.B.

(3) Our religious training or beliefs are not essentially political, sociological, or philosophical views or a merely personal moral code.

Parents: _____

Address: _____

Phone: _____

Child(ren)	Year of Birth	Age in Years and Months
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Additional comments or information for the School Board to consider (optional):

_____ If additional information is attached to this form, please check here _____.

We expressly prohibit the disclosure of this form and any attachments hereto without the prior written consent of one of us, or our child who has attained the age of eighteen years.

Given under my hand this _____ day of _____, _____.

Affiant Parent

Affiant Parent

Subscribed and sworn to before me this _____ day of _____, _____.

My Commission Expires: _____

Notary Public