

August 23, 2013

SUBJECT: Virginia Compulsory Attendance Law

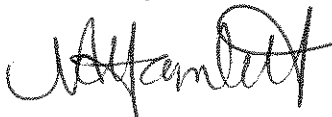
Dear HCPS Parents and Guardians:

It is essential for students to attend school on a regular basis. We are steadfast in our commitment to helping parents and students take full advantage of the expansive and myriad academic, athletic, and extra-curricular opportunities available to every child in our school division.

Enclosed you will find several documents pertaining to compulsory school attendance law and Henrico County Public Schools' procedures and policies for compliance and enforcement of the law. It is our responsibility to ensure that every family is informed of the Virginia laws regarding school attendance. One of the requirements of the law is that each school division in Virginia inform every parent and child of the compulsory attendance law within one month of the first day of school (Code of Virginia §22.1-254.1 subsection G).

If you have any questions or concerns regarding the attached documents, please do not hesitate to contact your school principal or the school board office. We look forward to partnering with you as we begin another school year.

Sincerely,



Nyah Hamlett, Director
Exceptional Education and Support Services

Enclosures

August 23, 2013

Dear Henrico County Students and Parents:

One of the most important gifts we can give our children is a quality education. The schools in Henrico County are among the best in the nation. In order for students to take full advantage of the educational opportunities available to them in Henrico, they must attend school regularly, and in Virginia, attendance is mandatory. Students must attend school until they graduate or turn 18.

Henrico County has always enforced the Virginia Compulsory Attendance Law. We want to make you aware that a renewed effort is being made to enforce the law more comprehensively. School social workers have been redistributed to ensure maximum enforcement.

In accordance with the law, the following steps will be followed if students accumulate unexcused absences:

After five unexcused absences, parents will be contacted by a school social worker, and a plan will be developed to prevent further absences.

After six unexcused absences, a school conference will be held with parents in an effort to resolve continuing attendance difficulties.

After seven unexcused absences, the school social worker will file a CHINS petition against the student through Henrico Juvenile and Domestic Relations Court. In the case of an elementary age child, a warrant will be filed against the parents through the Magistrates office.

If a student accrues seven unexcused absences, charges will be filed.

All student absences are considered unexcused unless the parent either calls the school office or sends a written note to provide a justifiable reason for the absence within 24 hours. Acceptable excuses include: illness of student; serious illness in the family which necessitates the absence of the student; death in the family; special and recognized religious holidays; and other reasons approved by the school principal. A written statement by a physician may be required when a student is absent more than 10 days during the school year due to illness.

School staff members are available to help if students encounter particular barriers to attendance. School social workers and school counselors can help families find assistance resources in the community. They can also discuss student needs related to chronic health problems diagnosed by a physician. Please contact school staff before significant attendance difficulties emerge.

We wish you a successful and happy school year, and we look forward to seeing you at school regularly!

Sincerely,

Henrico County Public Schools
School Social Work Department

Compulsory Attendance Law

"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."

The law requires the school to make a complaint to the Juvenile and Domestic Relations Court when a parent or guardian fails to comply with this requirement. Other provisions of the Code of Virginia Section 22.1-267 and Section 16.1-260 outline the requirements for proceeding against a truant student as a child in need of supervision. The Virginia General Assembly has enacted a law defining the child we have customarily called truant as a "child in need of supervision." Under Section 16.1-228, Code of Virginia, a child in need of supervision means:

"A child who, while subject to compulsory attendance, is habitually and without justification absent from school and the (i) child has been offered an adequate opportunity to receive the benefit of any and all educational services and programs that are required to be provided by law and which meet the child's particular educational needs, and (ii) the school system from which the child is absent or other appropriate agency has made a reasonable effort to effect the child's regular attendance without success."

Legislation enacted by the 1999 General Assembly that amends the Code of Virginia related to truancy and compulsory school attendance is as follows:

Whenever any pupil fails to report to school for a total of five scheduled school days for the school year and no indication has been received by school personnel that the pupil's parent is aware of and supports the pupil's absence, and a reasonable effort to notify the parent has failed, the school principal or his designee shall make a reasonable effort to ensure that direct contact is made with the parent, either in person or through telephone conversation, by the attendance officer to obtain an explanation for the pupil's absence and to explain to the parent the consequences of continued nonattendance. **The attendance officer, 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 pupil is absent an additional day after direct contact with the pupil's parent and the attendance officer has received no indication that the pupil's parent is aware of and supports the pupil's absence, the attendance officer **shall schedule a conference within ten school days with the pupil, his parent, and school personnel**, which conference may include other community service providers, to resolve issues related to the pupil's nonattendance. **The conference shall be held no later than fifteen school days after the sixth absence.** Upon the next absence (seventh), by such pupil without indication to the attendance officer that the pupil's parent is aware of and supports the pupil's absence, **the school principal or his designee shall notify the attendance officer or the division superintendent, as the case may be, who shall enforce the provisions of this article by either or both of the following:** (i) filing a complaint with the juvenile and domestic relations court alleging the pupil is a child in need of supervision as defined in Section 16.1-228 or (ii) instituting proceedings against the parent pursuant to Section 18.2-371 or 22.1-262. In filing a complaint against the student, **the attendance officer shall provide written documentation of the efforts to comply with the provisions of this section.**

Section 22.1-262. Complaint to court when parent fails to comply with law.

If the parent, (i) fails to comply with the provisions of Section 22.1-254; or (ii) refuses to participate in the development of the plan to resolve the student's nonattendance or in the conference provided for in Section 22.1-258, it shall be the duty of the attendance officer, with the knowledge and approval of the division superintendent, to make a complaint against the pupil's parent in the name of the Commonwealth before the juvenile and domestic relations court. If proceedings are instituted against the parent for failure to comply with the provisions of Section 22.1-258, the attendance officer is to provide documentation to the court regarding the school division's compliance with Section 22.1-258.

**HENRICO COUNTY SCHOOLS
SOCIAL WORK DEPARTMENT
TRUANCY PROCEDURES**

PRE-INTAKE: (22.1-258)

1. Upon the 5th unexcused absence:

- The attendance secretary will print a copy of the student's individualized attendance record and distribute a copy to the school social worker.
- Within 48 hours of receiving notification from the attendance secretary, the school social worker will make a reasonable effort to ensure direct contact with the parent, either in person or through telephone, to secure an explanation for the juvenile's absence and to explain to the parent the consequences of continued nonattendance.
- The school social worker will jointly develop a plan with the parents to resolve the juvenile's nonattendance, including documentation of the reasons for the juvenile's nonattendance.

2. Upon the 6th unexcused absence:

- The same day the student reaches 6 unexcused absences, the attendance secretary will print a copy of the student's individualized attendance record and distribute a copy to the school social work supervisor.
- The school social work supervisor will notify the Commonwealth Attorney's Office. The Commonwealth Attorney's Office will send a letter to parents that outlines the law and the importance of school attendance.
- A school conference will be scheduled with the parents within 15 business days of the student's 6th unexcused absence.
- At this conference, the school social worker will secure parental and juvenile signatures on the Confidentiality Form and Substance Abuse Confidentiality form (when necessary) giving them permission to share information with the Committee. The appropriate school personnel will charge any parents who do not cooperate for failure to comply with Section 22.1-258.

3. Upon the 7th unexcused absence:

- The attendance secretary will print a copy of the student's individualized attendance record and distribute a copy to the school social worker.

- The school social worker will provide documentation that all community non-judicial resources have been exhausted and will complete and submit required paperwork to initiate a CHINS petition.
- The school social worker will file a CHINS petition with the Juvenile and Domestic Relations Court. In the case of an elementary age student, the school social worker will file a warrant against the parents through the Magistrate's office.
- The Intake Department and school social worker will notify both parents at their last known address of the filing of the complaint in the event that both parents have been awarded joint custody pursuant to Section 20-124.2, and the school has received notice of such order.

INTAKE/SCHOOL: (16.1-260)

1. If Intake determines there is insufficient probable cause to file a truancy petition they will refer the family, by approved letter, to the school social worker regarding further services. A copy of this letter will be sent to the school social worker.
2. The School Social Work Supervisor will bring all necessary paper work to Intake on Tuesdays for those cases to be staffed the following week.
3. Intake will determine that all documentation is in order prior to a petition being filed. Documentation to be provided by the school shall include:
 - A copy of the attendance record, including reasons for nonattendance and documented parental contacts.
 - A copy of the plan developed with the parents to resolve juvenile's nonattendance problems.
 - A completed copy of the CHINS/Truant Form that provides documentation that the petitioner and the juvenile have utilized or attempted to utilize available community treatment and services and have exhausted all appropriate and available non-judicial remedies.
 - A completed copy of the CSU Juvenile Face Sheet.
4. Intake will obtain the court date from the Clerk's Office. Intake shall provide paperwork to the Clerk's Office the Wednesday following receipt of necessary paperwork from the School Social Work Supervisor.
5. The Clerk's Office will set the court date within 2 weeks of receipt of completed petitions from Intake.
6. One week ahead of the scheduled HCICTRC meeting, the Social Work Supervisor will provide committee members the names of those juveniles where petitions have been filed to allow those participating agencies an opportunity to check on any agency involvement.

HENRICO COUNTY SCHOOLS SOCIAL WORK DEPARTMENT TRUANCY PROCEDURES

If a child is found to be in need of supervision, the court shall, before final disposition of the case, direct the appropriate public agency to evaluate the child's service needs using an interdisciplinary team approach. The team shall consist of qualified personnel who are reasonably available from the appropriate department of social services, community services board, local school division, court services unit and other appropriate and available public and private agencies. The team shall make a report to the court within 90 days of the court's finding that the child is in need of supervision.

1. School Social Work Supervisor will present all cases to the committee and sign all petitions for the schools.
 - If the family has not signed a release form, the School Social Work Supervisor will present only baseline information and the committee will ask the Court to order the parents to cooperate to allow the committee to share information at future meetings.
2. Cases are staffed within 90 days of initial court hearing. Court procedures require that cases be staffed within two weeks from receipt of the paperwork from the schools.
3. The Court Report (with attached attendance record) will be prepared at the meeting.
 - Copies of the Court Report and attendance record will be filed by the Clerk's Office for defense attorney and Court.
 - Copies of the Court Report and attendance record will be provided to the School Social Work Supervisor, Commonwealth Attorney, HCICTRC Chair.
4. Any Motion for Show Cause orders from the schools will go through the School Social Work Supervisor prior to the Court hearing. The School Social Work Supervisor will present to the Committee as in procedures above.
5. If the juvenile is placed in detention for violating the Court Order, the School Social Work Supervisor will bring the case back before the

committee prior to a court hearing in order to provide additional recommendations for court disposition of the Motion for Show Cause.