

TLC Education Law Fact Sheet #1

WHAT EVERY PARENT MUST KNOW ABOUT SCHOOL LAW*

Enrollment

1. Every child, between the ages of 5 and 20 years, regardless of citizenship or nationality, has the right to attend the local public schools in the school division where he/she lives.
2. For initial enrollment at a local public school, the following documents must be submitted: birth certificate, proof of residency, proof of immunizations, and a report of a physical exam performed in the prior 12 months.
3. *Homeless* children and children placed in *foster care* are entitled to immediate enrollment in school, even if they do not have all of the documents usually required for enrollment.
4. A caretaker who is not the child's parent or guardian must have a court order of custody and may be required to verify that the child is not living with the him/her solely for school purposes. *Customarily, a school division will enroll a student upon proof that the caretaker has an appointment with an intake officer of the Juvenile and Domestic Relations District Court.*
5. A school division in Virginia can deny or delay enrollment of a student based on the student's expulsion or suspension of more than 30 days from another school division.

Services

6. A student whose native language is not English has the right to equal and meaningful access to the school division's programs, including Standards of Learning (SOL) tests, which are required for graduation.
7. Students with special needs are entitled to an evaluation and, if found eligible for special education, are entitled to a free, appropriate, public education from age 2 through 21 (even if they have been expelled).

* This fact sheet was prepared by the Law Center for Children, a program of Legal Services of Northern Virginia. It is not a substitute for legal advice. Please consult

with an attorney for advice regarding a particular case.

“Dropping Out” and Discipline

8. Only a parent may withdraw a student from school, except that a school division must withdraw a student from its rolls if the student has been absent for 15 consecutive days. In that case, the parent may immediately re-enroll the student.
9. Parents and students must read the school’s code of conduct very carefully, as it will be strictly enforced by the school.
10. If a student is accused of serious misconduct, the student should insist that his parent be present before answering questions or writing out a statement.
11. Short-term suspensions of up to ten days may be appealed to the superintendent of the school division or his/her designee.
12. Suspensions of 10 days or more are viewed as long-term suspensions and entitle the student to a hearing before the board of education of the school division; only the board of education can expel a student.

Attendance

13. Virginia has compulsory education for all children between the ages of 5 and 18. This means that children must be educated during those years in public, private, or parochial schools, or home-schooled by their parents, unless school attendance has been excused by the school division.
14. Every parent is responsible for getting his/her child to school on time every day. If a child is truant, the parent may be taken to court, fined and/or have TANF revoked, and in some cases, may even lose custody of the child.
15. Excessive absences can result in loss of school credit in high school and/or retention in lower grades. Each school division has its own policy on the number of days of absence permitted for each semester without losing credit.
16. Parents have the right to challenge retention of a student; parents may also request retention.
17. Participation in graduation ceremonies is not a right; receiving a

diploma for satisfactory completion of graduation requirements is a right.