

# 2026 SESSION

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1 **HOUSE BILL NO. 1017**

2 Offered January 14, 2026

3 Prefiled January 14, 2026

4 *A BILL to amend and reenact § 22.1-254 of the Code of Virginia, relating to school boards; excusing*  
5 *students from attendance at school; grounds; verified medical reasons.*

6 Patron—Tran

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8 Committee Referral Pending  
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10 **Be it enacted by the General Assembly of Virginia:**

11 **1. That § 22.1-254 of the Code of Virginia is amended and reenacted as follows:**

12 **§ 22.1-254. Compulsory attendance required; excuses and waivers; alternative education program**  
13 **attendance; exemptions from article.**

14 A. As used in this subsection, "attend" includes participation in educational programs and courses at a site  
15 remote from the school with the permission of the school and in conformity with applicable requirements.

16 Except as otherwise provided in this article, every parent, guardian, or other person in the Commonwealth  
17 having control or charge of any child who will have reached the fifth birthday on or before September 30 of  
18 any school year and who has not passed the eighteenth birthday shall, during the period of each year the  
19 public schools are in session and for the same number of days and hours per day as the public schools, cause  
20 such child to attend a public school or a private, denominational, or parochial school or have such child  
21 taught by a tutor or teacher of qualifications prescribed by the Board and approved by the division  
22 superintendent, or provide for home instruction of such child as described in § 22.1-254.1.

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

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

33 The requirements of this section shall apply to (i) any child in the custody of the Department of Juvenile  
34 Justice or the Department of Corrections who has not passed his eighteenth birthday and (ii) any child whom  
35 the division superintendent has required to take a special program of prevention, intervention, or remediation  
36 as provided in subsection C of § 22.1-253.13:1 and in § 22.1-254.01. The requirements of this section shall  
37 not apply to (a) any person 16 through 18 years of age who is housed in an adult correctional facility when  
38 such person is actively pursuing the achievement of a passing score on a high school equivalency  
39 examination approved by the Board but is not enrolled in an individual student alternative education plan  
40 pursuant to subsection E, and (b) any child who has obtained a high school diploma or its equivalent, a  
41 certificate of completion, or has achieved a passing score on a high school equivalency examination approved  
42 by the Board, or who has otherwise complied with compulsory school attendance requirements as set forth in  
43 this article.

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

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

49 2. On the recommendation of the juvenile and domestic relations district court of the county or city in  
50 which the pupil resides and for such period of time as the court deems appropriate, any pupil who, together  
51 with his parents, is opposed to attendance at a school by reason of concern for such pupil's health, as verified  
52 by competent medical evidence, or by reason of such pupil's reasonable apprehension for personal safety  
53 when such concern or apprehension in that pupil's specific case is determined by the court, upon  
54 consideration of the recommendation of the principal and division superintendent, to be justified; and

55 3. Any pupil who, for any continuous period of time not exceeding 30 school days in length, is absent from  
56 school for medical reasons as verified in writing by the student's health care provider.

57 C. Each local school board shall develop policies for excusing students who are absent by reason of  
58 observance of a religious holiday. Such policies shall ensure that a student shall not be deprived of any award

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59 or of eligibility or opportunity to compete for any award, or of the right to take an alternate test or  
60 examination, for any which he missed by reason of such absence, if the absence is verified in a manner  
61 acceptable to the school board.

62 D. A school board may excuse from attendance at school:

63 1. On recommendation of the principal and the division superintendent and with the written consent of the  
64 parent or guardian, any pupil who the school board determines, in accordance with regulations of the Board,  
65 cannot benefit from education at such school; or

66 2. On recommendation of the juvenile and domestic relations district court of the county or city in which  
67 the pupil resides, any pupil who, in the judgment of such court, cannot benefit from education at such school.

68 E. Local school boards may allow the requirements of subsection A to be met under the following  
69 conditions:

70 For a student who is at least 16 years of age, there shall be a meeting of the student, the student's parents,  
71 and the principal or his designee of the school in which the student is enrolled in which an individual student  
72 alternative education plan shall be developed in conformity with guidelines prescribed by the Board, which  
73 plan must include:

74 1. Career guidance counseling;

75 2. Mandatory enrollment and attendance in a preparatory program for passing a high school equivalency  
76 examination approved by the Board or other alternative education program approved by the local school  
77 board with attendance requirements that provide for reporting of student attendance by the chief administrator  
78 of such preparatory program or approved alternative education program to such principal or his designee;

79 3. Mandatory enrollment in a program to earn a Board-approved career and technical education credential,  
80 such as the successful completion of an industry certification, a state licensure examination, a national  
81 occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia  
82 workplace readiness skills assessment;

83 4. Successful completion of the course in economics and personal finance required to earn a Board-  
84 approved high school diploma;

85 5. Counseling on the economic impact of failing to complete high school; and

86 6. Procedures for reenrollment to comply with the requirements of subsection A.

87 A student for whom an individual student alternative education plan has been granted pursuant to this  
88 subsection and who fails to comply with the conditions of such plan shall be in violation of the compulsory  
89 school attendance law, and the division superintendent or attendance officer of the school division in which  
90 such student was last enrolled shall seek immediate compliance with the compulsory school attendance law  
91 as set forth in this article.

92 Students enrolled with an individual student alternative education plan shall be counted in the average  
93 daily membership of the school division.

94 F. A school board may, in accordance with the procedures set forth in Article 3 (§ 22.1-276.01 et seq.) of  
95 Chapter 14 and upon a finding that a school-age child has been (i) charged with an offense relating to the  
96 Commonwealth's laws, or with a violation of school board policies, on weapons, alcohol or drugs, or  
97 intentional injury to another person; (ii) found guilty or not innocent of a crime that resulted in or could have  
98 resulted in injury to others, or of an offense that is required to be disclosed to the superintendent of the school  
99 division pursuant to subsection G of § 16.1-260; (iii) suspended pursuant to § 22.1-277.05; or (iv) expelled  
100 from school attendance pursuant to § 22.1-277.06 or 22.1-277.07 or subsection C of § 22.1-277, require the  
101 child to attend an alternative education program as provided in § 22.1-209.1:2 or 22.1-277.2:1.

102 G. Whenever a court orders any pupil into an alternative education program, including a program  
103 preparing students for a high school equivalency examination approved by the Board, offered in the public  
104 schools, the local school board of the school division in which the program is offered shall determine the  
105 appropriate alternative education placement of the pupil, regardless of whether the pupil attends the public  
106 schools it supervises or resides within its school division.

107 The juvenile and domestic relations district court of the county or city in which a pupil resides or in which  
108 charges are pending against a pupil, or any court in which charges are pending against a pupil, may require  
109 the pupil who has been charged with (i) a crime that resulted in or could have resulted in injury to others, (ii)  
110 a violation of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2, or (iii) any offense related to possession  
111 or distribution of any Schedule I, II, or III controlled substances to attend an alternative education program,  
112 including, but not limited to, night school, adult education, or any other education program designed to offer  
113 instruction to students for whom the regular program of instruction may be inappropriate.

114 This subsection shall not be construed to limit the authority of school boards to expel, suspend, or exclude  
115 students, as provided in §§ 22.1-277.04, 22.1-277.05, 22.1-277.06, 22.1-277.07, and 22.1-277.2. As used in  
116 this subsection, the term "charged" means that a petition or warrant has been filed or is pending against a  
117 pupil.

118 H. Within one calendar month of the opening of school, each school board shall send to the parents or  
119 guardian of each student enrolled in the division a copy of the compulsory school attendance law and the  
120 enforcement procedures and policies established by the school board.

121     I. The provisions of this article shall not apply to:  
122       1. Children suffering from contagious or infectious diseases while suffering from such diseases;  
123       2. Children whose immunizations against communicable diseases have not been completed as provided in  
124       § 22.1-271.2;  
125       3. Children under 10 years of age who live more than two miles from a public school unless public  
126       transportation is provided within one mile of the place where such children live;  
127       4. Children between the ages of 10 and 17, inclusive, who live more than 2.5 miles from a public school  
128       unless public transportation is provided within 1.5 miles of the place where such children live; and  
129       5. Children excused pursuant to ~~subsections~~ subdivision B and 1 or 2 or subsection D.  
130     Further, any child who will not have reached his sixth birthday on or before September 30 of each school  
131     year whose parent or guardian notifies the appropriate school board that he does not wish the child to attend  
132     school until the following year because the child, in the opinion of the parent or guardian, is not mentally,  
133     physically, or emotionally prepared to attend school, may delay the child's attendance for one year.  
134     The distances specified in subdivisions 3 and 4 shall be measured or determined from the child's residence  
135     to the entrance to the school grounds or to the school bus stop nearest the entrance to the residence of such  
136     children by the nearest practical routes which are usable for walking or riding. Disease shall be established by  
137     the certificate of a reputable practicing physician in accordance with regulations adopted by the Board.  
138     J. Subject to guidelines established by the Department, any student who is absent from school due to his  
139     mental or behavioral health shall be granted an excused absence.  
140     K. Subject to guidelines established by the Department, each school board (i) shall permit one school day-  
141     long excused absence per school year for any middle school or high school student in the local school  
142     division who is absent from school to engage in a civic event and (ii) may permit additional excused absences  
143     for such students who are absent for such purpose. Local school boards may require that the student provide  
144     advance notice of the intended absence and require that the student provide documentation of participation in  
145     a civic event.  
146     L. Subject to guidelines established by the Department, any student who is a member of a state-recognized  
147     or federally recognized tribal nation that is headquartered in the Commonwealth and who is absent from  
148     school to attend such tribal nation's pow wow gathering shall be granted one excused absence per academic  
149     year, provided that the parent of such student provides to the student's school advance notice of such absence  
150     in the manner required by the school.