

SCHOOL ENROLLMENT



WHO: All children who turn five years old by September 30th up through age 18 are required by Virginia law to be enrolled in public school, private school, or state-approved home school. Generally, students may enroll in school up until the age of 20 or until they graduate. Students with Individualized Education Programs (IEPs) may attend school until age 21. Students ages 12 and up who enroll in a Virginia public school for the first time and are identified as English Language Learners may stay in school until age 22.



WHERE: Unless a child has a variance (meaning the school division approved a school different than the child's zoned school), is homeless, is in kinship care (living with a relative who is not a parent) or in a foster care setting, **the child should attend the school division where the child's parent or guardian resides.** Residency must be "bona fide," meaning that it must not be solely for the purpose of attending school.

Families and living situations get complicated – if you have a question about where your child should attend school, contact the Youth Justice Program.



HOW: Call your local school or check your school division's website for the specifics of how to enroll, but Virginia law requires certain paperwork prior to enrollment: A certified copy of a child's birth certificate (or an affidavit that sets forth the child's age and explains the reason that a certified copy of the child's birth certificate cannot be obtained – if used, police will be notified); proof of residency such as utility bills and a lease (unless special circumstances); and a school physical examination form including immunization record.



WHEN: Parents are expected to register students for school **as soon as possible**, according to the local schedule for the start of the year.

Charlottesville (434) 977-0553	Northern Virginia (703) 778-3450	Richmond / Petersburg (804) 643-1086
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COMMON LEGAL ISSUES / FAQs

Changes in Custody or Moving: Many of Virginia’s children move throughout the school year and throughout the summer due to changes in their family and/or living situation. Federal and state law aim to keep children in school despite these disruptions.

If the child is in foster care, living with a non-parent relative, or staying somewhere temporarily, there are special legal protections to enable the child to attend school. There are also legal protections so the child can enroll without the proper documentation. If you have a question about these protections, contact the Youth Justice Program.

When the child’s caretaker is not a parent or guardian, **the child still has the right (and obligation) to enroll in school where the child resides**, so long as the child isn’t living there solely for school purposes (“bona fide” residency). A school should not require a guardianship order or require the adult to petition for custody to establish the child’s residency if bona fide residency can be established in other ways.

If the child’s parents live out of state, and that child has resided with the adult for 60 days or more, the adult must enroll the child in a Virginia school and must either pay tuition charges for the child’s school attendance or must find some way of having others pay tuition for the child’s school attendance.

Lawful Presence: Current law provides that children who are residents of Virginia are entitled to attend public school regardless of their or their parents’ immigration status. School systems may not require or even ask for information about a child or parent’s immigration status for the purposes of enrollment.

Children with IEP Placements: Children who have an Individualized Education Program (IEP) may attend a private school or a school outside of their division. The IEP team makes the decision of whether the child needs such a placement. The local school division remains responsible for ensuring the child receives appropriate educational services, even if the child is enrolled in a private school.

If a child has an IEP and is in foster care, there are extra legal protections for school placement, enrollment, and transportation. If you have a question about these protections, contact the Youth Justice Program.

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