

VIRGINIA ACTS OF ASSEMBLY -- 2000 SESSION

CHAPTER 209

An Act to amend and reenact §§ 22.1-3, 22.1-4.1 and 22.1-270 of the Code of Virginia, relating to public school enrollment of homeless students.

[S 147]

Approved April 2, 2000

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-3, 22.1-4.1 and 22.1-270 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-3. Persons to whom public schools shall be free.

The public schools in each school division shall be free to each person of school age who resides within the school division. Every person of school age shall be deemed to reside in a school division:

1. When the person is living with a natural parent, or a parent by legal adoption;

2. When the parents of such person are dead and the person is living with a person in loco parentis who actually resides within the school division;

3. When the parents of such person are unable to care for the person and the person is living, not solely for school purposes, with another person who resides in the school division and is either (i) the court-appointed guardian, or has legal custody, of the person or (ii) acting in loco parentis pursuant to placement of the person for adoption by a person or entity authorized to do so under § 63.1-220.1;

4. When the person is living with a parent, guardian, or person in loco parentis in a temporary shelter in the school division, not solely for school purposes; ~~or~~

5. When the person is living in the school division not solely for school purposes, as an emancipated minor; *or*

6. *When the person lacks a fixed, regular, and adequate nighttime residence and has a primary nighttime residence located within the school division that is:*

a. a supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing for the mentally ill;

b. an institution that provides a temporary residence for individuals intended to be institutionalized;
or

c. a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

For purposes of ~~this section~~ subdivision 4, "temporary shelter" means (i) any home, single or multi-unit dwelling or housing unit in which persons who are without housing or a fixed address receive temporary housing or shelter or (ii) any facility specifically designed or approved for the purpose of providing temporary housing or shelter to persons who are without permanent housing or a fixed address.

If a person resides within housing ~~or~~, temporary shelter, *or primary nighttime residence as described in subdivision 6* that is situated in more than one school division, the person shall be deemed to reside in and shall be entitled to attend a public school within either school division. However, if a person resides in housing, ~~or~~ temporary shelter, *or primary nighttime residence as described in subdivision 6* that is located in one school division, but the property on which such housing, ~~or~~ temporary shelter, *or primary nighttime residence* is located lies within more than one school division, such person shall be deemed to reside only in the single school division in which the housing, ~~or~~ temporary shelter, *or primary nighttime residence* is located. Notwithstanding any such residency determination, any person residing in housing, ~~or~~ a temporary shelter, *or primary nighttime residence as described in subdivision 6* that is located in one school division, but the property on which such housing, ~~or~~ temporary shelter, *or primary nighttime residence* is located lies within more than one school division, shall be deemed to reside in either school division, if such person or any sibling of such person residing in the same housing or temporary shelter attends, prior to July 1, 1999, *or, in the case of a primary nighttime residence as described in subdivision 6, prior to July 1, 2000*, a school within either school division in which the property on which the housing, ~~or~~ temporary shelter, *or primary nighttime residence* is located.

§ 22.1-4.1. Street addresses required in certain school admission documents.

Documents submitted for admission of any child to public schools in the Commonwealth, except such documents required in accordance with §§ 22.1-3.1 and 22.1-270, shall include the street address or route number of each pupil's residence. If no street address or route number exists for such residence, a post office box number shall be required. *If the pupil has no fixed, regular, and adequate nighttime residence, and has a primary nighttime residence as described in subdivision 6 of § 22.1-3, and for that*

reason the school division determines, on the basis of the affidavit of the person seeking to enroll the pupil, that a street address, route number, or post office box number cannot be provided, it may accept an address in an alternate form it deems appropriate.

Address information provided under this section shall not be released to any person unless otherwise authorized by law.

§ 22.1-270. Preschool physical examinations.

A. No pupil shall be admitted for the first time to any public kindergarten or elementary school in a school division unless such pupil shall furnish, prior to admission, (i) a report from a qualified licensed physician of a comprehensive physical examination of a scope prescribed by the State Health Commissioner performed no earlier than twelve months prior to the date such pupil first enters such public kindergarten or elementary school or (ii) records establishing that such pupil furnished such report upon prior admission to another school or school division and providing the information contained in such report.

If the pupil has no fixed, regular, and adequate nighttime residence, and has a primary nighttime residence as described in subdivision 6 of § 22.1-3, and for that reason cannot furnish the report or records required by (i) or (ii) of this subsection, and the person seeking to enroll the pupil furnishes to the school division an affidavit so stating, the school division shall refer the student for physical examination by the county or city health department and admit the pupil to school pending receipt of the report from such physical examination.

B. The physician making a report of a physical examination required by this section shall, at the end of such report, summarize the abnormal physical findings, if any, and shall specifically state what, if any, conditions are found that would identify the child as handicapped.

C. Such physical examination report shall be placed in the child's health record at the school and shall be made available for review by any employee or official of the State Department of Health or any local health department at the request of such employee or official.

D. Such physical examination shall not be required of any child whose parent or guardian shall object on religious grounds and who shows no visual evidence of sickness, provided that such parent or guardian shall state in writing that, to the best of his knowledge, such child is in good health and free from any communicable or contagious disease.

E. The health departments of all of the counties and cities of the Commonwealth shall conduct such physical examinations for medically indigent children without charge upon request and may provide such examinations to others on such uniform basis as such departments may establish.

F., G. [Repealed.]

H. The provisions of this section shall not apply to any child who was admitted to a public school prior to July 1, 1972.

I. Parents or guardians of entering students shall complete a health information form which shall be distributed by the local school divisions. Such forms shall be developed and provided jointly by the Department of Education and Department of Health, or developed and provided by the school division and approved by the Superintendent of Public Instruction. Such forms shall be returnable within fifteen days of receipt unless reasonable extensions have been granted by the superintendent or his designee. Upon failure of the parent or guardian to complete such form within the extended time, the superintendent may send to the parent or guardian written notice of the date he intends to exclude the child from school.