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**HOUSE BILL NO. 417**

Offered January 9, 2008

Prefiled January 4, 2008

*A BILL to amend and reenact §§ 22.1-3.1, 22.1-281, 22.1-283, 22.1-284, and 22.1-286 of the Code of Virginia, relating to certain information on birth certificates for entrance to public school.*

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Patron—Marshall, R.G.

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Referred to Committee on Rules

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 22.1-3.1, 22.1-281, 22.1-283, 22.1-284, and 22.1-286 of the Code of Virginia are amended and reenacted as follows:**

§ 22.1-3.1. Birth certificates required upon admission; required notice to the local law-enforcement agency.

A. Except as otherwise provided in this subsection, no pupil shall be admitted for the first time to any public school in any school division in this Commonwealth unless the person enrolling the pupil shall present, upon admission, a certified copy of the pupil's birth record. The principal or his designee shall record the official state birth number, *and the place and country of birth*, from the pupil's birth record into the pupil's permanent school record and may retain a copy in the pupil's permanent school record. If a certified copy of the pupil's birth record cannot be obtained, the person so enrolling the pupil shall submit an affidavit setting forth the pupil's age *and the place and country of birth*, and explaining the inability to present a certified copy of the birth record. If the school division cannot ascertain a child's age because of the lack of a birth certificate, the child shall nonetheless be admitted into the public schools if the division superintendent determines that the person submitting the affidavit presents information sufficient to estimate with reasonable certainty the age of such child.

*Each school board shall collect information pertaining to the place and country of birth of each pupil from the pupil's birth certificate or in the affidavit submitted by the person enrolling the child, and shall submit such information on such forms as may be prescribed for this purpose by the Board of Education to the Superintendent of Public Instruction. Each school board shall also publish the number of pupils by place and country of birth enrolled in the public schools of the school division, without disclosing personally identifiable information, on its website and shall make the information available in writing upon request.*

However, if the student seeking enrollment is a homeless child or youth as defined in § 22.1-3, the school shall immediately enroll such student, even if such student is unable to produce the records required for enrollment, and shall immediately contact the school last attended by the student to obtain relevant academic and other records, and shall comply with the provisions of the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001, as amended (42 U.S.C. § 11431 et seq.), including immediately referring the parent of the student or the youth to the local school division liaison, as described in the federal Act, who shall assist in obtaining the necessary records for enrollment.

B. Upon the failure of any person enrolling a pupil to present a certified copy of the pupil's birth record, the principal of the school in which the pupil is being enrolled or his designee shall immediately notify the local law-enforcement agency. The notice to the local law-enforcement agency shall include copies of the submitted proof of the pupil's identity and age and the affidavit explaining the inability to produce a certified copy of the birth record.

C. Within 14 days after enrolling a transferred pupil, the principal of the school in which the pupil has been enrolled or his designee shall request that the principal or his designee of the school in which the pupil was previously enrolled submit documentation that a certified copy of the pupil's birth record was presented upon the pupil's initial enrollment.

D. Principals and their designees shall be immune from any civil or criminal liability in connection with any notice to a local law-enforcement agency of a pupil lacking a birth certificate or failure to give such notice as required by this section.

§ 22.1-281. Triennial census of school population.

Every three years, at a time to be designated by the Superintendent of Public Instruction, a census of all persons residing within each school division who, on or before December 31 immediately following the census, will have reached their fifth birthday but not their twentieth birthday shall be taken on forms furnished by the Superintendent of Public Instruction. Such persons who are domiciled in orphanages or eleemosynary institutions or who are dependents living on any federal military or naval reservation or

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59 other federal property shall be included in the census for the school division within which the institution  
60 or federal military or naval reservation or other federal property is located. Such persons who reside in  
61 state hospitals or training centers, as defined in § 37.2-100, state or federal correctional institutions, or  
62 the Virginia School for the Deaf and the Blind at Staunton, or the Virginia School for the Deaf, Blind  
63 and Multi-Disabled at Hampton shall be included in the census for the school division within which the  
64 parents or guardians of such person or persons legally reside. If the legal residence of the parents or  
65 guardians of such person is not ascertainable, such parents or guardians shall be deemed to be legal  
66 residents of the school division from which such person was admitted or committed.

67 *In conducting the census, forms furnished by the Superintendent of Public Instruction for this*  
68 *purpose shall solicit information concerning the place and country of birth of all school-age persons*  
69 *residing in each school division. The Superintendent of Public Instruction shall include in the*  
70 *publication of the results of the school census, the number of school-age persons, without disclosing*  
71 *personally identifiable information, by place and country of birth residing in each school division. The*  
72 *results of the school census shall be posted on the Department of Education's website, and shall be*  
73 *made available in writing upon request.*

74 § 22.1-283. Agents to gather other statistics.

75 The agents taking the census shall also, at the time of taking the census, gather statistics relating to  
76 the interests of education according to forms furnished by the Superintendent of Public Instruction,  
77 *including information relating to the place and country of birth of school-age persons residing in each*  
78 *school division.*

79 § 22.1-284. Census results; collection of birth certificate information.

80 The complete results of the *collection of information from the birth certificates and affidavits of*  
81 *pupils pursuant to § 22.1-3.1 and the census* required by §§ 22.1-281 and 22.1-283 shall be submitted to  
82 the school board as soon as practicable. The division superintendent shall transmit such results, together  
83 with any other information required or deemed necessary, to the Superintendent of Public Instruction.  
84 *The results of the census shall include the number of school-age persons, without disclosing personally*  
85 *identifiable information, residing in the school division by place and country of birth, and shall be*  
86 *posted to the school board's website and be made available in writing upon request.*

87 § 22.1-286. Duty of board to see that census is taken and certain information collected.

88 It shall be the duty of each school board to see that the census required by the provisions of this  
89 article is taken at the proper time and in the proper manner. *It shall be the duty of each school board to*  
90 *ensure the collection and publication of data and information pertaining to the place and country of*  
91 *birth of pupils enrolled in the public schools of the school division, pursuant to § 22.1-3.1.*