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**HOUSE BILL NO. 780**

Offered January 13, 2010

Prefiled January 12, 2010

A *BILL to amend the Code of Virginia by adding in Chapter 1 of Title 22.1 a section numbered 22.1-7.1, relating to enrollment in public schools.*

Patron—LeMunyon

Referred to Committee on Education

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

**1. That the Code of Virginia is amended by adding in Chapter 1 of Title 22.1 a section numbered 22.1-7.1 as follows:**

*§ 22.1-7.1. Open school enrollment policy.*

*A. By August 1, 2010, local school boards shall establish and implement policies to provide for the open enrollment to any school of any pupil residing within the school division upon the request of a parent or guardian. Such policies shall include the following conditions:*

*1. The parent or guardian shall agree to provide transportation for the pupil attending a school other than his assigned school; and*

*2. The receiving school shall not accept a pupil for enrollment if it has already exceeded its student capacity limit.*

*B. By August 1, 2010, local school boards of divisions with fewer than 50,000 students shall establish and implement policies that provide for the open enrollment to any school of pupils residing in adjoining school divisions with fewer than 50,000 students upon the request of a parent or guardian and that may provide for the transfer of school funds by one board to another for such attendance. Such policies shall include the following conditions:*

*1. The parent or guardian shall agree to provide transportation for the pupil attending a school other than his assigned school; and*

*2. The receiving school shall not accept a pupil for enrollment if it has exceeded its student capacity limit of a program, class, or building.*

*C. A school shall not be required to admit nonresident or resident transfer pupils if the admission would violate the provisions of a court-ordered desegregation plan or agreement in effect for the school division.*

*D. No pupil shall be charged tuition for attending any school other than his assigned school under the provisions of this section.*

*E. Nothing in this section shall be construed to require the enrollment of a pupil in a local school division program that requires the submission of an application, such as a specialty center or Governor's school.*

*For the purposes of this section, "open enrollment" means a policy adopted and implemented by a local school board to allow pupils to enroll in any school within the school division of attendance or to allow pupils to enroll in any school located within other school divisions.*

INTRODUCED

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