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HOUSE BILL NO. 2009

Offered January 12, 2011

Prefiled January 11, 2011

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.*

Patrons—LeMunyon, Bell, Richard P. and Hugo

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. Effective August 1, 2011, any local school board shall consent to the application of the parent or guardian and shall establish and implement policies to provide for the open enrollment to any school of any student residing within the school division upon the request of a parent or guardian. Such policies shall be subject to the following conditions and limitations:

1. An application process shall be established as part of the policy whereby parents or guardians indicate a school preference for purposes of their child attending a school in the school division outside of the attendance area in which they reside;

2. The parent or guardian may be required to provide transportation for the student attending a school other than his assigned school, at the discretion of the local school board;

3. A student may be disqualified from attending a school other than his assigned school if he has been subject to a specified disciplinary action;

4. The recruitment of a student from one school to another by a school division employee shall be prohibited;

5. A local school board may place limitations on participation in certain athletic activities for a student who chooses to attend a school other than his assigned school, except that a student entering the ninth grade for the first time shall be immediately eligible in the high school in which he or she enrolls regardless of his or her resident status;

6. The receiving school may not accept a student for enrollment if it has already exceeded its student capacity limit, but a selection policy shall be established for a school that receives requests for admission in excess of the capacity of the school that ensures that the selection is made through a random, unbiased process;

7. The student shall be permitted to remain at the receiving school until the student has completed the highest grade in the school; and

8. A copy of the division policies for open enrollment shall be posted on the division's website and shall be available to the public upon request.

B. Subject to the limitations in subsection A, any open enrollment policy shall provide a preference to a student (i) who resides in a location that has been subject to a change in school attendance area during the previous two years, (ii) with a sibling attending the receiving school, or (iii) whose parent or guardian is an employee of the receiving school.

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

D. No student 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 student in a local school division program that requires the submission of an application, such as a specialty center or Governor's school.

F. No student who currently resides in the attendance area of a school shall be displaced by students transferring from outside the attendance area.

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

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