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HOUSE JOINT RESOLUTION NO. 92

Offered January 8, 2014

Prefiled January 7, 2014

Requesting the Department of Education to study the religious exemption to compulsory school attendance. Report.

Patrons—Rust and Watts

Referred to Committee on Rules

WHEREAS, subdivision B 1 of § 22.1-254 of the Code of Virginia requires a school board to excuse from attendance at a public elementary or secondary school "[a]ny pupil who, together with his parents, by reason of bona fide religious training or belief is conscientiously opposed to attendance at school"; and

WHEREAS, Virginia is the only state in the United States that requires such students to be excused from attendance at school without requiring that any alternative education program be provided; and

WHEREAS, it is unclear whether there is uniformity in the way that school boards determine a student's eligibility to be excused from attending school by reason of bona fide religious training or belief; and

WHEREAS, it is unclear whether and to what extent students excused from attendance at school by reason of bona fide religious training or belief are receiving educational instruction; and

WHEREAS the General Assembly is required by Article VIII, Section 1 of the Constitution of Virginia to "provide for a system of free public elementary and secondary schools for all children of school age throughout the Commonwealth, and . . . seek to ensure that an educational program of high quality is established and continually maintained" and by Article VIII, Section 3 of the Constitution of Virginia to " provide for the compulsory elementary and secondary education of every eligible child of appropriate age, such eligibility and age to be determined by law"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Education be requested to study the religious exemption to compulsory school attendance.

In conducting its study, the Department of Education shall:

1. Survey each local school board to determine (i) how the school board makes the determination that a student is eligible to be excused from attending school by reason of bona fide religious training or belief, (ii) whether the initial determination pursuant to clause (i) is reviewed, (iii) whether the school board requires the initial grant to be renewed and, if so, how often, and (iv) whether the school board monitors the educational progress of students who have been excused from attending school by reason of bona fide religious training or belief or requires the student's parents to report on the student's educational progress, or both; and

2. Make a recommendation to the General Assembly on how, if at all, § 22.1-254 of the Code of Virginia could be amended to better carry out the requirements of Article VIII, Sections 1 and 3 of the Constitution of Virginia.

Technical assistance shall be provided to the Department of Education by each local school board in the Commonwealth. All agencies of the Commonwealth shall provide assistance to the Department of Education for this study, upon request.

The Department of Education shall complete its meetings by November 30, 2014, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2015 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

INTRODUCED

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