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HOUSE BILL NO. 1328

Offered January 14, 2015

Prefiled November 21, 2014

A *BILL to amend the Code of Virginia by adding a section numbered 22.1-3.1:1, relating to public schools; citizenship and immigration status of students; report.*

Patron—Cole

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 22.1-3.1:1 as follows:****§ 22.1-3.1:1. Citizenship and immigration status of students; report.**

A. Every public elementary and secondary school principal or his designee shall examine the original or certified copy of the birth certificate provided pursuant to § 22.1-3.1 to determine whether each student enrolling in public school for the first time was born outside of the United States. If the student was born outside of the United States or the student's birth certificate is not available for any reason, the student's parent shall, within 30 days of the student's enrollment:

1. Present for inspection by the school principal or his designee an original or notarized copy of the document establishing the citizenship or, in the case of an alien, the immigration status of the student and attest under penalty of perjury that the student is either a United States citizen or an alien lawfully present in the United States; or

2. Sign a written statement under penalty of perjury that the student is either a United States citizen or an alien lawfully present in the United States.

B. The principal or his designee shall consider each student whose parent has not submitted any document pursuant to the requirements in subsection A to be an alien unlawfully present in the United States.

C. The principal or his designee shall report to the school board no later than November 1 of each year data on the immigration and citizenship status of enrolled students.

D. Each school division shall submit to the Department of Education (Department) no later than November 15 of each year data on the immigration and citizenship status of enrolled students.

E. The Department shall submit to the General Assembly and publish on its website no later than December 15 of each year a report that contains school-level data on the number of enrolled students who are United States citizens, lawfully present aliens, or aliens unlawfully present in the United States. The Department shall further disaggregate the data on lawfully present aliens by immigration status.

F. No later than December 31 of each year, the Department shall submit an invoice to the U.S. Department of Education requesting reimbursement for the average per pupil cost of educating each student who is an alien unlawfully present in the United States.

G. No individual or entity shall disclose information obtained pursuant to this section that personally identifies any student except for purposes permitted pursuant to 8 U.S.C. §§ 1373 and 1644.

H. Any student may bring a cause of action in the circuit court where he resides or where the act occurred for injunctive relief, civil penalty, or both against any person who negligently or intentionally discloses the student's personally identifiable information in the performance of acts pursuant to this section.

INTRODUCED

HB1328