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**HOUSE BILL NO. 1929****AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the Governor  
on March 24, 2023)

(Patron Prior to Substitute—Delegate Durant)

A *BILL to amend the Code of Virginia by adding in Title 22.1 a chapter numbered 27, containing articles numbered 1 through 7, consisting of sections numbered 22.1-369 through 22.1-380, relating to educational opportunities for children of certain federal employees.*

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

**1. That the Code of Virginia is amended by adding in Title 22.1 a chapter numbered 27, containing articles numbered 1 through 7, consisting of sections numbered 22.1-369 through 22.1-380, as follows:**

**CHAPTER 27.****EDUCATIONAL OPPORTUNITIES FOR CHILDREN OF CERTAIN FEDERAL EMPLOYEES.****Article 1.****Purpose.****§ 22.1-369. Purpose.**

*It is the purpose of this chapter to remove barriers to educational success imposed on school-age children of federal employees serving under orders pursuant to Title 22 or 50 of the United States Code because of frequent moves and service of their parents by:*

*1. Facilitating the timely enrollment in school divisions of children of federal employees serving under orders pursuant to Title 22 or 50 of the United States Code and ensuring that such children are not placed at a disadvantage due to difficulty in the transfer of educational records from a local education agency in a sending state or variations in entrance or age requirements between local education agencies in sending states and school divisions;*

*2. Facilitating the student placement process in school divisions through which children of federal employees serving under orders pursuant to Title 22 or 50 of the United States Code are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment between local education agencies in sending states and school divisions;*

*3. Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities in school divisions;*

*4. Facilitating the on-time graduation in the Commonwealth of children of federal employees serving under orders pursuant to Title 22 or 50 of the United States Code; and*

*5. Promoting flexibility and cooperation between local education agencies, parents, and students in order to achieve educational success for students.*

**Article 2.****Definitions.****§ 22.1-370. Definitions.**

*As used in this chapter, unless the context requires a different meaning:*

*"Children of federal employees serving under orders pursuant to Title 22 or 50 of the United States Code" means school-age children, enrolled in kindergarten through grade 12, in the household of a federal employee serving under orders pursuant to Title 22 or 50 of the United States Code.*

*"Educational records" means those official records, files, and data directly related to a student and maintained by a school or local education agency, including records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.*

*"Extracurricular activities" means voluntary activities sponsored by a school division or public school therein or an organization sanctioned by a school division. "Extracurricular activities" includes preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.*

*"Local education agency" means a public authority legally constituted by a state as an administrative agency to provide control of and direction for kindergarten through grade 12 public schools.*

*"Sending state" means the state from which a child of a federal employee serving under orders pursuant to Title 22 or 50 of the United States Code is sent, brought, or caused to be sent or brought.*

*"Sending state" does not include the Commonwealth.*

*"State" means one of 50 United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, any other U.S. territory, and any Department of Defense Educational Activity school.*

60 "Student" means the child of a federal employee serving under orders pursuant to Title 22 or 50 of  
61 the United States Code and who is formally enrolled in kindergarten through grade 12.

62 "Transition" means (i) the formal and physical process of transferring from school to school or (ii)  
63 the period of time in which a student moves from one school in the sending state to another school in  
64 the Commonwealth.

65 Article 3.  
66 Applicability.

67 **§ 22.1-371. Applicability.**

68 A. Except as otherwise provided in subsection B, the provisions of this chapter shall apply to  
69 school-age children who are dependents of federal employees serving under orders pursuant to Title 22  
70 or 50 of the United States Code when the parent produces documentation indicating that he is required  
71 to move in order to perform his job responsibilities and such move results in the student's relocation  
72 from a sending state to a school division.

73 B. The provisions of this chapter shall only apply to local education agencies.

74 Article 4.  
75 Educational Records and Enrollment.

76 **§ 22.1-372. Unofficial educational records.**

77 In the event that official educational records cannot be released to the parents for the purpose of  
78 transfer from a local education agency in a sending state to a school division, the custodian of the  
79 records in the sending state may prepare and furnish to the parent a complete set of unofficial  
80 educational records. Upon receipt of the unofficial educational records by a school in a school division,  
81 such school shall enroll and appropriately place the student based on the information provided in the  
82 unofficial records pending validation by the official records, as quickly as possible.

83 **§ 22.1-373. Enrollment.**

84 Students shall be allowed to enroll in the school division of the student's intended residence if  
85 documentation is provided, at the time of enrollment, of Title 22 or 50 orders of the federal employee  
86 parent. Documentation indicating a permanent address within the school division shall be provided to  
87 the school division within 120 days of a student's enrollment or tuition may be charged, including  
88 tuition for the days since the student's enrollment. In the event that the federal employee parent is  
89 ordered to relocate under Title 22 or Title 50 orders before the one hundred twentieth day following the  
90 student's enrollment, the school division shall not charge tuition. Students eligible to enroll in a school  
91 division pursuant to this section may register, remotely or in person, for courses and other academic  
92 programs and participate in the lottery process for charter schools and college partnership laboratory  
93 schools in the school division in which such student will reside at the same time and in the same  
94 manner as students who reside in the local school division. The assignment of the school that such  
95 student will attend shall be determined by the school division.

96 **§ 22.1-374. Kindergarten and first grade entrance age.**

97 Students shall be allowed to continue their enrollment at the grade level in a school division  
98 commensurate with their grade level, including kindergarten, in the local education agency in the  
99 sending state at the time of transition, regardless of minimum age. A student who has satisfactorily  
100 completed the prerequisite grade level in the local education agency in the sending state shall be  
101 eligible for enrollment in the next highest grade level in a school division, regardless of minimum age.  
102 A student transferring after the start of the school year into a school division shall enter the school on  
103 his validated grade level from the local education agency in the sending state.

104 Article 5.  
105 Placement and Attendance.

106 **§ 22.1-375. Course placement.**

107 When a student transfers into a school division before or during the school year, such school  
108 division shall initially honor placement of the student in educational courses based on the student's  
109 enrollment in the school in the sending state or educational assessments conducted at the school in the  
110 sending state if such courses are offered. Such courses include honors, International Baccalaureate,  
111 Advanced Placement, vocational, technical, and career pathways courses. Continuing the student's  
112 academic program from the school in the sending state and promoting placement in academically  
113 challenging and career-challenging courses should be paramount when considering course placement.  
114 Nothing in this section shall be construed to preclude school divisions from performing subsequent  
115 evaluations to ensure appropriate placement and continued enrollment of the student in educational  
116 courses.

117 **§ 22.1-376. Educational program placement.**

118 School divisions shall initially honor placement of a student who transfers into the school division in  
119 educational programs based on current educational assessments conducted at the school in the sending  
120 state or participation or placement in like programs in the sending state. Such programs include gifted  
121 and talented programs and English as a second language programs. Nothing in this section shall be

122 construed to preclude school divisions from performing subsequent evaluations to ensure appropriate  
123 placement of the student in educational programs.

124 **§ 22.1-377. Placement flexibility.**

125 School division administrative officials shall have flexibility in waiving course or program  
126 prerequisites or other preconditions for placement in courses or programs offered in the school division.

127 Article 6.

128 Eligibility.

129 **§ 22.1-378. Eligibility for enrollment.**

130 Children of federal employees serving under orders pursuant to Title 22 or 50 of the United States  
131 Code shall be eligible for enrollment in a school division provided that the documents required by  
132 §§ 22.1-3.1 and 22.1-3.2 are provided and subject to the authority of the school division to exclude such  
133 children from attendance pursuant to § 22.1-277.2 or if such children have been found guilty or  
134 adjudicated delinquent for any offense listed in subsection G of § 16.1-260 or any substantially similar  
135 offense under the laws of any state.

136 **§ 22.1-379. Eligibility for extracurricular activities participation.**

137 School divisions shall facilitate the opportunity for the participation of students in extracurricular  
138 activities, regardless of application deadlines, to the extent that such students are otherwise qualified.

139 Article 7.

140 Graduation.

141 **§ 22.1-380. Graduation; waivers and exit exams.**

142 In order to facilitate the on-time graduation of students, school division administrative officials shall  
143 incorporate the following procedures:

144 1. School division administrative officials shall waive specific courses required for graduation if  
145 similar coursework has been satisfactorily completed in a local education agency in a sending state or  
146 shall provide reasonable justification for denial of such waiver. Should a waiver not be granted to a  
147 student who would qualify to graduate in a sending state, the school division shall provide an  
148 alternative means of acquiring required coursework so that graduation may occur on time; and

149 2. School division administrative officials shall accept, in lieu of testing requirements for graduation  
150 in the Commonwealth, (i) exit or end-of-course exams required for graduation from the sending state,  
151 (ii) national norm-referenced achievement tests, or (iii) alternative testing acceptable in the  
152 Commonwealth.