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HOUSE BILL NO. 2030

Offered January 11, 2023

Prefiled January 10, 2023

A BILL to amend and reenact §§ 22.1-7.1 and 22.1-7.2 of the Code of Virginia, relating to school boards; interdivision enrollment policies; funding.

Patrons—Ballard, Coyner, Durant and Wiley

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-7.1 and 22.1-7.2 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-7.1. Open school enrollment policies permitted; interdivision enrollment policies required; funding.

A. As used in this section:

"Interdivision enrollment" means the option for a student to enroll in a school in a local school division in which he does not reside.

"Open enrollment" means the option for a student who resides in a local school division to enroll in any school in the local school division regardless of the location of the student's residence.

B. Any local school board may 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. In developing such policies, a local school board may include the following conditions and limitations:

1. An application process whereby a parent or guardian indicates a school preference for purposes of his child attending a school in the child's school division but outside of the attendance area in which the child resides;

2. A requirement that the parent or guardian provide transportation for the student attending a school other than his assigned school;

3. A requirement that 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. A prohibition on the recruitment of a student from one school to another by a school division employee;

5. A limitation on participation in certain athletic activities for a student who chooses to attend a school other than his assigned school;

6. A random, unbiased selection process in the event open enrollment requests exceed the capacity of a school;

7. A provision that a student shall be permitted to remain at the receiving school until the student has completed the highest grade level in the school; and

8. 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) who has a sibling attending the receiving school, or (iii) whose parent or guardian is an employee of the receiving school.

B. C. A copy of the school division's policies for open enrollment, if any, shall be posted on the division's website and shall be available to the public upon request.

D. Each local school board shall establish, annually update, post on its website, and make available to the public upon request policies relating to the interdivision enrollment in the local school division of students who do not reside in the local school division. Each such set of local school board policies shall clearly state whether or not the local school board permits the interdivision enrollment in the local school division of students who do not reside in the local school division, and if the local school board does permit such interdivision enrollment, the policies shall include:

1. Methods for determining available slots by grade, school, and program, including career and technical education, hybrid, and virtual programs;

2. Enrollment criteria;

3. Application procedures and timelines; and

4. A transparent and fair method to address enrollment requests beyond capacity.

E. The Department shall compile and post publicly and prominently on its website a database of each set of school board policies established pursuant to subsection D.

F. Each local school board that accepts for enrollment a student who resides outside of the local school division shall be entitled to receive from the Commonwealth an amount equal to the greater of all applicable Standards of Quality per pupil state funds appropriated for public school purposes and

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59 apportioned for the student to the school division in which the student enrolls, including the per pupil
60 share of state sales tax funding in basic aid and any state per pupil share of special education funding
61 for which the student is eligible, or the state average of such funding. Any such student shall be
62 excluded from the required local effort and the required local match of the receiving local school
63 division.

64 G. If a student meets the interdivision enrollment criteria set forth in the policy established pursuant
65 to subsection D by a local school board that governs a school division in which the student does not
66 reside, the school board that governs that school division in which the student resides shall not deny
67 such an interdivision enrollment. No local school board is required to accept students under
68 interdivision enrollment.

69 C. H. Nothing in this section shall interfere with a local school board's authority to adopt a pupil
70 assignment plan pursuant to § 22.1-79.

71 D. For the purposes of this section, "open enrollment" means a policy adopted and implemented by a
72 local school board to allow any student to enroll in any school within the school division of attendance
73 regardless of the location of the student's residence.

74 **§ 22.1-7.2. Enrollment for students residing on a military installation or in military housing.**

75 A. As used in this section, "military installation" means a base, camp, post, station, yard, center,
76 homeport facility for any ship, fort, or other activity under the jurisdiction of the Department of
77 Defense, including any leased facility, that is located in whole or in part within the Commonwealth.
78 "Military installation" does not include any facility used primarily for civil works, rivers and harbors
79 projects, or flood control projects.

80 B. Any local school board of a school division in which a military installation or other military
81 housing is located shall establish and implement policies to provide for the enrollment to any school of
82 any student residing on a military installation or in military housing within the school division upon the
83 request of his parent if space in the school is available. In developing such policies, a local school board
84 may include any of conditions listed in subsection A B of § 22.1-7.1 or any other condition deemed
85 appropriate by the local school board.

86 C. A copy of the school division's policies for enrollment for students residing on a military
87 installation or in military housing within the school division shall be posted on the division's website
88 and shall be available to the public upon request.