

LD6793813

HOUSE BILL NO. 2403

Offered January 23, 1995

A BILL to amend and reenact §§ 22.1-258 and 22.1-262, as it is currently effective and as it may become effective, of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 63.1-105.3, relating to school attendance and aid to families with dependent children.

Patrons—Orrock, Albo, Callahan, Cox, Dudley, Fisher, Forbes, Howell, Ingram, Katzen, Kilgore, Marshall, McClure, McDonnell, Morgan, Nelms, Newman, Nixon, O'Brien, Purkey, Ruff, Sherwood, Wagner, Wardrup and Wilkins; Senators: Benedetti, Robb and Stolle

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-258 and 22.1-262, as it is currently effective and as it may become effective, of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 63.1-105.3 as follows:

§ 22.1-258. Appointment of attendance officers; notification when pupil fails to report to school.

Every school board shall have power to appoint one or more attendance officers who shall be charged with the enforcement of the provisions of this article. Where no attendance officer is appointed by the school board, the division superintendent shall act as attendance officer.

Whenever any pupil fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the pupil's parent or guardian is aware of the pupil's absence, a reasonable effort to notify by telephone the parent or guardian shall be made by the attendance officer, other school personnel or volunteers organized by the school administration for this purpose. School divisions are encouraged to use noninstructional personnel for this notice.

Whenever any pupil fails to report to school for five consecutive school days, and no indication has been received by school personnel that the pupil's parent or guardian is aware of the pupil's absence, and a reasonable effort to notify the parent or guardian has failed, the school principal or his designee shall notify the parent or guardian by letter that such parent or guardian is requested to advise the school in writing of the reason for the pupil's absence or to accompany the pupil upon his return to school to explain the reason for his absence. Upon the failure of the parent or guardian to so advise the school or to return the child to school within three days of the date of the notice, the school principal or his designee shall notify the attendance officer or the division superintendent, as the case may be, who shall enforce the provisions of this article.

However, nothing in this section shall be construed to limit in any way the authority of any attendance officer or division superintendent to seek immediate compliance with the compulsory school attendance law as set forth in this article.

School divisions shall notify the local department of social services in the jurisdiction in which the pupil resides if a pupil is absent a certain number of days determined by the State Board of Social Services.

Attendance officers, other school personnel or volunteers organized by the school administration for this purpose shall be immune from any civil or criminal liability in connection with the notice to parents of a pupil's absence or failure to give such notice as required by this section.

§ 22.1-262. (For effective date - See note) Complaint to court when parent fails to comply with law.

A list of persons so notified shall be sent by the attendance officer to the appropriate school principal. If the parent, guardian, or other person having control of the child fails to comply with the law within the time specified in the notice, it shall be the duty of the attendance officer to make complaint in the name of the Commonwealth before the juvenile and domestic relations district court. In addition thereto, such child may be proceeded against as a child in need of services or a child in need of supervision as provided in Chapter 11 (§ 16.1-226 et seq.) of Title 16.1. *At the time a complaint is made before the court, the attendance officer shall notify the local department of social services in the jurisdiction in which the child resides of the child's nonenrollment. The attendance officer shall promptly notify the local department of social services when the child is reenrolled and is in compliance with the compulsory school attendance requirements.*

§ 22.1-262. (Delayed effective date - See notes) Complaint to court when parent fails to comply with law.

A list of persons so notified shall be sent by the attendance officer to the appropriate school principal. If the parent, guardian, or other person having control of the child fails to comply with the law within the time specified in the notice, it shall be the duty of the attendance officer to make

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60 complaint in the name of the Commonwealth before the family court. In addition thereto, such child
61 may be proceeded against as a child in need of services or a child in need of supervision as provided in
62 Chapter 11 (§ 16.1-226 et seq.) of Title 16.1. *At the time a complaint is made before the court, the*
63 *attendance officer shall notify the local department of social services in the jurisdiction in which the*
64 *child resides of the child's nonenrollment. The attendance officer shall promptly notify the local*
65 *department of social services when the child is reenrolled and is in compliance with the compulsory*
66 *school attendance requirements.*

67 § 63.1-105.3. *Eligibility for aid to families with dependent children; school attendance.*

68 *In order to be eligible for aid to families with dependent children (AFDC), all members of the*
69 *assistance unit, including minor custodial parents, shall be in compliance with compulsory school*
70 *attendance laws (§ 22.1-254 et seq.). The Board of Social Services shall promulgate regulations to*
71 *implement the provisions of this section, including procedures for local social services departments to*
72 *receive notification from local school divisions of students who are truant. Applicants for AFDC and*
73 *members of their assistance unit shall not be eligible for AFDC financial assistance until the provisions*
74 *of this section are complied with. Recipients of AFDC and members of their assistance unit who are not*
75 *in compliance with this section shall not be eligible for AFDC payments during any period of*
76 *noncompliance. Any person who becomes ineligible for AFDC financial assistance as a result of this*
77 *section shall nonetheless be considered an AFDC recipient for all other purposes, including Medicaid*
78 *eligibility.*

79 **2. That the Secretary of Health and Human Resources shall apply for the appropriate federal**
80 **waivers and approvals necessary to implement the provisions of this act and for any other waivers**
81 **of federal law or regulation to further the goals of economic self-sufficiency and that the**
82 **provisions or portions of this act requiring federal waivers shall become effective upon the receipt**
83 **of such waivers or approvals, or on July 1, 1995, whichever is later.**