

LD5869476

## HOUSE BILL NO. 2542

## FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Delegate Van Landingham  
on February 5, 1995)

(Patron Prior to Substitute—Delegate Van Landingham)

*A BILL to amend and reenact § 16.1-241, as it is currently effective and as it may become effective, and §§ 16.1-241.2, 22.1-1, and 58.1-4022 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 22.1-199.1 and 22.1-279.3, relating to the Virginia Omnibus Educational Act of 1995, establishing programs designed to promote educational opportunities and parental responsibility for and involvement in students' education.*

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

**1. That § 16.1-241, as it is currently effective and as it may become effective, and §§ 16.1-241.2, 22.1-1, and 58.1-4022 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 22.1-199.1 and 22.1-279.3 as follows:**

§ 16.1-241. Jurisdiction.

The judges of the juvenile and domestic relations district court elected or appointed under this law shall be conservators of the peace within the corporate limits of the cities and the boundaries of the counties for which they are respectively chosen and within one mile beyond the limits of such cities and counties. Except as hereinafter provided, each juvenile and domestic relations district court shall have, within the limits of the territory for which it is created, exclusive original jurisdiction, and within one mile beyond the limits of said city or county, concurrent jurisdiction with the juvenile court or courts of the adjoining city or county over all cases, matters and proceedings involving:

A. The custody, visitation, support, control or disposition of a child:

1. Who is alleged to be abused, neglected, in need of services, in need of supervision, a status offender, or delinquent, except where the jurisdiction of the juvenile court has been terminated under the provisions of § 16.1-269.6;

2. Who is abandoned by his parent or other custodian or who by reason of the absence or physical or mental incapacity of his parents is without parental care and guardianship;

2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated as having abused or neglected another child in the care of the parent or custodian;

3. Whose custody, visitation or support is a subject of controversy or requires determination. In such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, except as provided in § 16.1-244;

4. Who is the subject of an entrustment agreement entered into pursuant to § 63.1-56 or § 63.1-204 or whose parent or parents for good cause desire to be relieved of his care and custody;

5. Where the termination of residual parental rights and responsibilities is sought. In such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, as provided in § 16.1-244;

6. Who is charged with a traffic infraction as defined in § 46.2-100.

The authority of the juvenile court to adjudicate matters involving the custody, visitation, support, control or disposition of a child shall not be limited to the consideration of petitions filed by a mother, father or legal guardian but shall include petitions filed at any time by any party with a legitimate interest therein. A party with a legitimate interest shall be broadly construed and shall include, but not be limited to, grandparents, stepparents, former stepparents, blood relatives and family members. A party with a legitimate interest shall not include any person (i) whose parental rights have been involuntarily terminated by court order if the child subsequently has been legally adopted, or (ii) who has been convicted of a violation of subsection A of § 18.2-61 or subsection B of § 18.2-366 when the child who is the subject of the petition was conceived as a result of such violation. The authority of the juvenile court to consider a petition involving the custody of a child shall not be proscribed or limited where the child has previously been awarded to the custody of a local board of social services.

B. The admission of minors for inpatient treatment in a mental health facility in accordance with the provisions of Article 16 (§ 16.1-335 et seq.) of this chapter and the commitment of a mentally ill person or judicial certification of eligibility for admission to a treatment facility of a mentally retarded person in accordance with the provisions of Chapters 1 (§ 37.1-1 et seq.) and 2 (§ 37.1-63 et seq.) of Title 37.1. Jurisdiction of the commitment and certification of adults shall be concurrent with the general district court.

C. Except as provided in subsections D and H hereof, judicial consent to such activities as may require parental consent may be given for a child who has been separated from his parents, guardian, legal custodian or other person standing in loco parentis and is in the custody of the court when such

60 consent is required by law.

61 D. Judicial consent for emergency surgical or medical treatment for a child who is neither married  
62 nor has ever been married, when the consent of his parent, guardian, legal custodian or other person  
63 standing in loco parentis is unobtainable because such parent, guardian, legal custodian or other person  
64 standing in loco parentis (i) is not a resident of this Commonwealth, (ii) his whereabouts is unknown,  
65 (iii) he cannot be consulted with promptness, reasonable under the circumstances or (iv) fails to give  
66 such consent or provide such treatment when requested by the judge to do so.

67 E. Any person charged with deserting, abandoning or failing to provide support for any person in  
68 violation of law.

69 F. Any parent, guardian, legal custodian or other person standing in loco parentis of a child:

70 1. Who has been abused or neglected;

71 2. Who is the subject of an entrustment agreement entered into pursuant to § 63.1-56 or § 63.1-204  
72 or is otherwise before the court pursuant to subdivision A 4 of this section;

73 3. Who has been adjudicated in need of services, in need of supervision, or delinquent, if the court  
74 finds that such person has by overt act or omission induced, caused, encouraged or contributed to the  
75 conduct of the child complained of in the petition.

76 G. Petitions filed by or on behalf of a child or such child's parent, guardian, legal custodian or other  
77 person standing in loco parentis for the purpose of obtaining treatment, rehabilitation or other services  
78 which are required by law to be provided for that child or such child's parent, guardian, legal custodian  
79 or other person standing in loco parentis. Jurisdiction in such cases shall be concurrent with and not  
80 exclusive of that of courts having equity jurisdiction as provided in § 16.1-244.

81 H. Judicial consent to apply for work permit for a child when such child is separated from his  
82 parents, legal guardian or other person standing in loco parentis.

83 I. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or  
84 neglect of children or with any violation of law which causes or tends to cause a child to come within  
85 the purview of this law, or with any other offense against the person of a child. In prosecution for  
86 felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not  
87 there is probable cause.

88 J. All offenses in which one family or household member is charged with an offense in which  
89 another family or household member is the victim and all offenses under § 18.2-49.1.

90 In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to  
91 determining whether or not there is probable cause. For purposes of this subsection, "family or  
92 household member," as defined in § 16.1-228, shall also be construed to include parent and child,  
93 stepparent and stepchild, brothers and sisters, and grandparent and grandchild, regardless of whether  
94 such persons reside in the same home.

95 K. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily  
96 relinquished pursuant to a court proceeding, to seek a reversal of the court order terminating such  
97 parental rights. No such petition shall be accepted, however, after the child has been placed in the home  
98 of adoptive parents.

99 L. Any person who seeks spousal support after having separated from his spouse. A decision under  
100 this subdivision shall not be res judicata in any subsequent action for spousal support in a circuit court.  
101 A circuit court shall have concurrent original jurisdiction in all causes of action under this subdivision.

102 M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1 or  
103 § 16.1-279.1.

104 N. Any person who escapes or remains away without proper authority from a residential care facility  
105 in which he had been placed by the court or as a result of his commitment to the Virginia Department  
106 of Youth and Family Services.

107 O. Petitions for emancipation of a minor pursuant to Article 15 (§ 16.1-331 et seq.) of this chapter.

108 P. Petitions for enforcement of administrative support orders entered pursuant to Chapter 13  
109 (§ 63.1-249 et seq.) of Title 63.1, or by another state in the same manner as if the orders were entered  
110 by a juvenile and domestic relations district court upon the filing of a certified copy of such order in the  
111 juvenile and domestic relations district court.

112 Q. Petitions for a determination of parentage pursuant to Chapter 3.1 (§ 20-49.1 et seq.) of Title 20.

113 R. Petitions for the purpose of obtaining an emergency protective order pursuant to § 16.1-253.4.

114 S. Petitions filed by school boards against a ~~parent~~ *parents* pursuant to §§ 16.1-241.2 and  
115 22.1-279.3.

116 The ages specified in this law refer to the age of the child at the time of the acts complained of in  
117 the petition.

118 § 16.1-241. (Delayed effective date) Jurisdiction.

119 The judges of the family court elected or appointed under this law shall be conservators of the peace  
120 within the corporate limits of the cities and the boundaries of the counties for which they are  
121 respectively chosen and within one mile beyond the limits of such cities and counties. Except as

hereinafter provided, each family court shall have, within the limits of the territory for which it is created, exclusive original jurisdiction, and within one mile beyond the limits of said city or county, concurrent jurisdiction with the family court or courts of the adjoining city or county over all cases, matters and proceedings involving:

A. The custody, visitation, support, control or disposition of a child:

1. Who is alleged to be abused, neglected, in need of services, in need of supervision, a status offender, or delinquent, except where the jurisdiction of the family court has been terminated under the provisions of § 16.1-269.6;

2. Who is abandoned by his parent or other custodian or who by reason of the absence or physical or mental incapacity of his parents is without parental care and guardianship;

2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated as having abused or neglected another child in the care of the parent or custodian;

3. Whose custody, visitation or support is a subject of controversy or requires determination;

4. Who is the subject of an entrustment agreement entered into pursuant to § 63.1-56 or § 63.1-204 or whose parent or parents for good cause desire to be relieved of his care and custody;

5. Where the termination of residual parental rights and responsibilities is sought;

6. Who is charged with a traffic infraction as defined in § 46.2-100.

The authority of the family court to adjudicate matters involving the custody, visitation, support, control or disposition of a child shall not be limited to the consideration of petitions filed by a mother, father or legal guardian but shall include petitions filed at any time by any party with a legitimate interest therein. A party with a legitimate interest shall be broadly construed and shall include, but not be limited to, grandparents, stepparents, former stepparents, blood relatives and family members. A party with a legitimate interest shall not include any person (i) whose parental rights have been involuntarily terminated by court order if the child subsequently has been legally adopted, or (ii) who has been convicted of a violation of subsection A of § 18.2-61 or subsection B of § 18.2-366 when the child who is the subject of the petition was conceived as a result of such violation. The authority of the family court to consider a petition involving the custody of a child shall not be proscribed or limited where the child has previously been awarded to the custody of a local board of social services.

B. The admission of minors for inpatient treatment in a mental health facility in accordance with the provisions of Article 16 (§ 16.1-335 et seq.) of this chapter and the commitment of a mentally ill person or judicial certification of eligibility for admission to a treatment facility of a mentally retarded person in accordance with the provisions of Chapters 1 (§ 37.1-1 et seq.) and 2 (§ 37.1-63 et seq.) of Title 37.1. Jurisdiction of the commitment and certification of adults shall be concurrent with the general district court.

C. Except as provided in subsections D and H hereof, judicial consent to such activities as may require parental consent may be given for a child who has been separated from his parents, guardian, legal custodian or other person standing in loco parentis and is in the custody of the court when such consent is required by law.

D. Judicial consent for emergency surgical or medical treatment for a child who is neither married nor has ever been married, when the consent of his parent, guardian, legal custodian or other person standing in loco parentis is unobtainable because such parent, guardian, legal custodian or other person standing in loco parentis (i) is not a resident of this Commonwealth, (ii) his whereabouts is unknown, (iii) cannot be consulted with promptness, reasonable under the circumstances or (iv) fails to give such consent or provide such treatment when requested by the judge to do so.

E. Any person charged with deserting, abandoning or failing to provide support for any person in violation of law pursuant to Chapter 5 (§ 20-61 et seq.) of Title 20.

F. Any parent, guardian, legal custodian or other person standing in loco parentis of a child:

1. Who has been abused or neglected;

2. Who is the subject of an entrustment agreement entered into pursuant to § 63.1-56 or § 63.1-204 or is otherwise before the court pursuant to subdivision A 4 of this section;

3. Who has been adjudicated in need of services, in need of supervision, or delinquent, if the court finds that such person has by overt act or omission induced, caused, encouraged or contributed to the conduct of the child complained of in the petition.

G. Petitions filed by or on behalf of a child or such child's parent, guardian, legal custodian or other person standing in loco parentis for the purpose of obtaining treatment, rehabilitation or other services which are required by law to be provided for that child or such child's parent, guardian, legal custodian or other person standing in loco parentis.

H. Judicial consent to apply for work permit for a child when such child is separated from his parents, legal guardian or other person standing in loco parentis.

I. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or neglect of children or with any violation of law which causes or tends to cause a child to come within

183 the purview of this law, or with any other offense against the person of a child. In prosecution for  
184 felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not  
185 there is probable cause.

186 J. All offenses in which one family or household member is charged with an offense in which  
187 another family or household member is the victim and all offenses under § 18.2-49.1.

188 In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to  
189 determining whether or not there is probable cause. For purposes of this subsection, "family or  
190 household member," as defined in § 16.1-228, shall also be construed to include parent and child,  
191 stepparent and stepchild, brothers and sisters, and grandparent and grandchild, regardless of whether  
192 such persons reside in the same home.

193 K. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily  
194 relinquished pursuant to a court proceeding, to seek a reversal of the court order terminating such  
195 parental rights. No such petition shall be accepted, however, after the child has been placed in the home  
196 of adoptive parents.

197 L. Any person who seeks spousal support after having separated from his spouse.

198 M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1 or  
199 § 16.1-279.1.

200 N. Any person who escapes or remains away without proper authority from a residential care facility  
201 in which he had been placed by the court or as a result of his commitment to the Virginia Department  
202 of Youth and Family Services.

203 O. Petitions for emancipation of a minor pursuant to Article 15 (§ 16.1-331 et seq.) of this chapter.

204 P. Petitions for enforcement of administrative support orders entered pursuant to Chapter 13  
205 (§ 63.1-249 et seq.) of Title 63.1, or by another state in the same manner as if the orders were entered  
206 by a family court upon the filing of a certified copy of such order in the family court.

207 Q. Petitions for a determination of parentage pursuant to Chapter 3.1 (§ 20-49.1 et seq.) of Title 20.

208 R. Petitions for the purpose of obtaining an emergency protective order pursuant to § 16.1-253.4.

209 S. Suits for divorce and for annulling or affirming marriage in accordance with Title 20.

210 T. Suits for separate maintenance.

211 U. Suits for equitable distribution based on a foreign decree in accordance with § 20-107.3.

212 V. Petitions for adoption.

213 W. Petitions for change of name when incident to suits for annulling or affirming marriage, divorce,  
214 or adoption or when ancillary to any action within the jurisdiction of the family court.

215 X. Petitions regarding records of birth pursuant to Chapter 7 (§ 32.1-249 et seq.) of Title 32.1.

216 Y. Judicial review of school board actions pursuant to § 22.1-87 and of hearing officer decisions  
217 pursuant to §§ 22.1-214 and 22.1-214.1.

218 Z. Petitions filed by school boards against a ~~parent~~ *parents* pursuant to §§ 16.1-241.2 *and*  
219 *22.1-279.3*.

220 The ages specified in this law refer to the age of the child at the time of the acts complained of in  
221 the petition.

222 § 16.1-241.2. Proceedings against certain parents.

223 A. Upon the failure of a parent to comply with the provisions of § ~~22.1-276.04~~ *22.1-279.3*, the  
224 school board may, by petition to the juvenile and domestic relations court, proceed against such parent  
225 for willful and unreasonable refusal to participate in efforts to improve the student's behavior as follows:

226 1. If the court finds that the parent has willfully and unreasonably failed to return the statement  
227 required by subsection C of § ~~22.1-276.04~~ *22.1-279.3*, it may impose a civil penalty not to exceed \$50;

228 2. If the court finds that the parent has willfully and unreasonably failed to meet, pursuant to a  
229 request of the principal as set forth in subsection D of § ~~22.1-276.04~~ *22.1-279.3*, to review the school  
230 board's standards of student conduct and the parent's responsibility to assist the school in disciplining the  
231 student and maintaining order and to discuss improvement of the child's behavior and educational  
232 progress, it may order the parent to so meet; or

233 3. If the court finds that the parent has willfully and unreasonably failed to accompany a suspended  
234 student to meet with school officials pursuant to subsection F of § ~~22.1-276.04~~ *22.1-279.3*, or upon the  
235 student receiving a second suspension or being expelled, it may order (i) the student or his parent to  
236 participate in such programs or such treatment as the court deems appropriate to improve the student's  
237 behavior or (ii) the student or his parent to be subject to such conditions and limitations as the court  
238 deems appropriate for the supervision, care, and rehabilitation of the student or his parent; in addition,  
239 the court may order the parent to pay a civil penalty not to exceed \$500.

240 The court shall not use its contempt power to enforce any order entered under this section.

241 B. The civil penalties established pursuant to this section shall be enforceable in the juvenile and  
242 domestic relations court *or its successor in interest* in which the student's school is located and shall be  
243 paid into a fund maintained by the appropriate local governing body to support programs or treatments  
244 designed to improve the behavior of students as described in ~~clause (iii)~~ *subdivision 3* of subsection G

of § ~~22.1-276.01~~ 22.1-279.3. Upon the failure to pay any civil penalties imposed by this section and § ~~22.1-276.01~~ 22.1-279.3, the attorney for the appropriate county, city, or town shall enforce the collection of such civil penalties.

C. For the purposes of this section and § ~~22.1-276.01~~ 22.1-279.3, "parent" or "parents" means any parent, guardian, legal custodian, or other person having control or charge of a child.

§ 22.1-1. Definitions.

As used in this title unless the context requires otherwise or it is otherwise specifically provided:

"Board" or "State Board" means the Board of Education.

"Division superintendent" means the division superintendent of schools of a school division.

"Elementary" includes kindergarten.

"Elementary and secondary" and "elementary or secondary" includes elementary, middle, and high school grades.

"Middle school" means separate schools for early adolescents and the middle school grades that might be housed at elementary or high schools.

"Parent" or "parents" means any parent, guardian, legal custodian, or other person having control or charge of a child.

"Person of school age" means a person who will have reached his fifth birthday on or before September 30 of the school year and who has not reached twenty years of age on or before August 1 of the school year.

"School board" means the school board of a school division.

§ 22.1-199.1. Programs designed to promote educational opportunities.

A. The General Assembly finds that Virginia educational research supports the conclusion that poor children are more at risk of educational failure than children from more affluent homes and that reduced pupil-teacher ratios and class sizes result in improved academic performance among young children; to this end, the General Assembly establishes a long-term goal of reducing pupil-teacher ratios and class sizes for grades K through 3 in all of the Commonwealth's schools.

Effective July 1, 1996, and with such funds as are provided in the appropriations act for this purpose, there is hereby established the statewide voluntary pupil-teacher ratio and class size reduction program for the purpose of reaching the long-term goal of statewide voluntary pupil-teacher ratio and class size reductions for grades K through 3 in all schools consistent with the provisions first provided for certain schools during the 1994-1995 school year.

In order to facilitate these primary grade ratio and class size reductions, the Department of Education shall calculate the state funding of these voluntary ratio and class size reductions based on the incremental cost of providing the lower class sizes according to the greater of the division average per-pupil cost of all divisions or the actual division per-pupil cost. Localities shall provide matching funds for these voluntary ratio and class size reductions based on the composite index of local ability to pay. School divisions shall notify the Department of Education of their intention to implement the reduced ratios and class sizes in one or more of their qualifying schools by August 1 of each year. By November 1 of each year, school divisions shall forward data substantiating that each participating school has, on September 30 of each year, a complying pupil-teacher ratio.

In developing the proposed 1996-1998 biennium budget for public education, the Board of Education shall include funding for these ratios and class sizes. Effective July 1, 1996, the ratios and class sizes shall be included in the annual budget for public education.

B. The General Assembly finds that educational technology is one of the most important components, along with highly skilled teachers, in ensuring the delivery of quality public school education throughout the Commonwealth and, to this end, the following program is established. With such funds as are appropriated for this purpose, the Board of Education shall award to the several school divisions grants for expanded access to educational technology. At least five percent of the grant funds shall be used by the local school boards to provide educational technology training for instructional personnel. In order for a local school division to qualify for these grants, the local governing body shall commit to providing the required matching funds, based on the composite index of local ability to pay. Each qualifying school board shall establish an individualized technology plan, which shall be approved by the Superintendent of Public Instruction, for integrating technology into the classroom and into school-wide instructional programs. The grants shall be prioritized as follows:

1. In the 1994 biennium, the first priority for these funds shall be to automate the library media centers in Virginia's middle and high schools, or combination thereof, in order to ensure access to the statewide library and other information networks. If a middle or high school has already met this priority, the 1994 biennium grant shall be used to provide other educational technologies identified in the relevant division's approved technology plan, such as multimedia and telecomputing packages, integrated learning systems, laptop computer loan programs, vocational technology laboratories or other electronic techniques designed to enhance secondary education and to facilitate teacher training in and

306 implementation of effective instructional technology. The Board shall also distribute, as provided in the  
307 appropriations act, funds to support the purchase of electronic reference materials for use in the  
308 statewide automated reference system.

309 2. In the 1996 biennium, the first priority for these funds shall be to automate the library media  
310 centers in Virginia's elementary schools in order to ensure access to the statewide library and other  
311 information networks. If an elementary school has already met this priority, the 1996 biennium grant  
312 shall be used to provide technology retrofitting for any school within the relevant school division or to  
313 provide other educational technologies identified in the relevant division's approved technology plan,  
314 such as multimedia and telecomputing packages, integrated learning systems, core reference materials,  
315 laptop computer loan programs, or other electronic techniques designed to enhance elementary  
316 education and to facilitate teacher training in and implementation of effective instructional technology.

317 3. The Departments of Education, Information Technology, and General Services shall coordinate  
318 master contracts for the purchase by local school boards of the aforementioned educational technologies  
319 and reference materials.

320 C. The General Assembly finds that effective prevention programs designed to assist children at risk  
321 of school failure and dropout are practical mechanisms for reducing violent and criminal activity and  
322 for ensuring that Virginia's children will reach adulthood with the skills necessary to succeed in the  
323 twenty-first century; to this end, the following program is hereby established. With such funds as are  
324 appropriated for this purpose, the General Assembly hereby establishes a grant program to be disbursed  
325 by the Department of Education to schools and community-based organizations to provide quality  
326 preschool programs for at-risk four-year-olds who are unserved by another such program. The grants  
327 shall be used to provide full-day and at least school-year programs for at-risk four-year-old children  
328 that include quality preschool education, health services, social services, parental involvement, and  
329 transportation. The Department of Education, in cooperation with such other state agencies as may  
330 coordinate child day care and early childhood programs, shall establish guidelines for quality preschool  
331 education and criteria for the service components, consistent with the findings of the November 1993  
332 study by the Board of Education, the Department of Education, and the Council on Child Day Care and  
333 Early Childhood Programs. During the 1995-96 fiscal year, grants shall be distributed based on an  
334 allocation formula providing the state share of the grant per child, as specified in the appropriations  
335 act, for thirty percent of the unserved at-risk four-year-olds in the Commonwealth pursuant to the  
336 funding provided in the appropriations act. During the 1996-97 fiscal year, grants shall be distributed  
337 based on an allocation formula providing the state share of the grant per child, as specified in the  
338 appropriations act, for sixty percent of the unserved at-risk four-year-olds in the Commonwealth, such  
339 sixty percent to be calculated by adding services for thirty percent more of the unserved at-risk children  
340 to the thirty percent of unserved at-risk children in each locality provided funding in the appropriations  
341 act.

342 In order for a locality to qualify for these grants, the local governing body shall commit to providing  
343 the required matching funds, based on the composite index of local ability to pay. Localities may use,  
344 for the purposes of meeting the local match, local expenditures for existing qualifying programs and  
345 shall also continue to pursue and coordinate other funding sources, including child care subsidies.  
346 Funds received through this program shall be used to supplement, not supplant, any funds currently  
347 provided for preschool programs within the locality.

348 Any locality desiring to participate in this grant program shall submit a proposal through its chief  
349 administrator by May 15, 1996. The locality's chief administrator, in conjunction with the division  
350 superintendent, shall identify a lead local agency to be responsible for developing a local plan for the  
351 delivery of quality preschool services to at-risk children. Such lead agency shall include in the local  
352 plan coordination of resources and combination of funding streams in order to serve the greatest  
353 number of at-risk four-year-old children and to provide successful delivery of comprehensive services.  
354 Parties to the proposal shall include schools, child care providers, local social services agencies, Head  
355 Start programs, local health departments, and other groups identified as essential by the lead agency.

356 All local plans shall establish clear coordination of service methods for the purpose of reducing the  
357 per-child cost for the service, increasing the number of at-risk children served, or extending services for  
358 the entire year, such as (i) methods known as "wraparound services" for combining funds such as social  
359 services child care subsidy dollars with money for school division quality preschool education, (ii)  
360 methods known as "wrapout services" for purchasing comprehensive preschool services to at-risk  
361 four-year-old children through existing child care settings, and (iii) methods known as "expansion of  
362 service" for using grant moneys to purchase slots within existing comprehensive services programs, such  
363 as Head Start, for at-risk four-year-old children.

364 Local plans shall indicate the number of at-risk four-year-old children to be served, and the criteria  
365 for identification. The Department of Education, in cooperation with such other state agency as may  
366 coordinate child day care and early childhood programs, shall deliver technical assistance for the  
367 administration of this grant program and assist in developing a comprehensive, coordinated, quality

preschool program. Prior to the application deadline, the Department and its cooperating agency shall establish a pre-application session and shall distribute information on service delivery models and funding stream coordination, with technical assistance priority given to localities in which the majority of the at-risk four-year-old children are unserved.

D. The General Assembly finds that local autonomy in making decisions on local educational needs and priorities results in effective grass-roots efforts to improve education in the Commonwealth's public schools only when coupled with sufficient state funding; to this end, the following block grant program is hereby established. With such funds as are provided in the appropriations act, the Department of Education shall distribute block grants to localities to enable compliance with the Commonwealth's requirements for school divisions in effect on January 1, 1995. Therefore, for the purpose of such compliance, the block grant herein established shall consist of a sum equal to the amount appropriated in the appropriations act for the covered programs including the at-risk add-on program, dropout prevention, specifically Project YES; Advancement Via Individual Determination (AVID); programs initiated under the Virginia Guaranteed Assistance Program, except that such funds shall not be used to pay any college expenses of participating students; the Homework Assistance Program; Project Discovery; English as a second language programs, including programs for overage, nonschooled students; Reading Recovery; school/community health center pilots; Reading-to-Learn programs; the Virginia Writing Project; and Jobs for Virginia Graduates. Each school board may use any funds received through the block grant to implement the covered programs and other programs designed to save the Commonwealth's children from educational failure.

§ 22.1-279.3. Parental responsibility and involvement requirements.

A. Each parent of a student enrolled in a public school has a duty to assist the school in enforcing the standards of student conduct and attendance in order that education may be conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights.

B. A school board shall provide opportunities for parental and community involvement in every school in the school division.

C. Within one calendar month of the opening of school, each school board shall, simultaneously with any other materials customarily distributed at that time, send to the parents of each enrolled student (i) a notice of the requirements of this section and (ii) a copy of the school board's standards of student conduct.

Each parent of a student shall sign and return to the school in which the student is enrolled a statement acknowledging the requirements of the school board's standards of student conduct and recognizing his responsibility to assist the school in disciplining the student and maintaining order, and acknowledging that failure to so participate could result in court action against the student and the parent. Each school shall maintain records of such signed statements.

D. The school principal may request the student's parent to meet with the principal or his designee to review the school board's standards of student conduct and the parent's responsibility to participate with the school in disciplining the student and maintaining order, and to discuss improvement of the child's behavior and educational progress.

E. Pursuant to § 22.1-277 and the guidelines required by § 22.1-278, the school principal shall notify the parents of any student who violates a school board policy when such violation could result in the student's suspension. The notice shall state (i) the date and particulars of the violation; (ii) the obligation of the parent to take actions to assist the school in improving the student's behavior; (iii) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials; and (iv) that, upon the failure of a parent to meet with school officials, the school board may petition the juvenile and domestic relations court to compel the parent to so meet.

F. No suspended student shall be admitted to the regular school program until such student and his parent have met with school officials to discuss improvement of the student's behavior, unless the school principal or his designee determines that special circumstances exist and that readmission of the student is appropriate.

G. Upon the failure of a parent to comply with the provisions of this section, the school board may, by petition to the juvenile and domestic relations court, proceed against such parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior, as follows:

1. If the court finds that the parent has willfully and unreasonably failed to return the statement required by subsection C of this section, it may impose a civil penalty not to exceed fifty dollars;

2. If the court finds that the parent has willfully and unreasonably failed to meet, pursuant to a request of the principal as set forth in subsection D of this section, to review the school board's standards of student conduct and the parent's responsibility to assist the school in disciplining the student and maintaining order, and to discuss improvement of the child's behavior and educational progress, it may order the parent to so meet; or

3. If the court finds that the parent has willfully and unreasonably failed to accompany a suspended

429 *student to meet with school officials pursuant to subsection F, or upon the student's receiving a second*  
430 *suspension or being expelled, it may order (i) the student or his parent to participate in such programs*  
431 *or such treatment as the court deems appropriate to improve the student's behavior or (ii) the student or*  
432 *his parent to be subject to such conditions and limitations as the court deems appropriate for the*  
433 *supervision, care, and rehabilitation of the student or his parent; in addition, the court may order the*  
434 *parent to pay a civil penalty not to exceed \$500.*

435 *The court shall not use its contempt power to enforce any order entered under this section.*

436 *H. The civil penalties established pursuant to this section shall be enforceable in the juvenile and*  
437 *domestic relations court in which the student's school is located and shall be paid into a fund*  
438 *maintained by the appropriate local governing body to support programs or treatments designed to*  
439 *improve the behavior of students as described in subdivision 3 of subsection G. Upon the failure to pay*  
440 *the civil penalties imposed by this section, the attorney for the appropriate county, city, or town shall*  
441 *enforce the collection of such civil penalties.*

442 *I. All references in this section to the juvenile and domestic relations court shall be also deemed to*  
443 *mean any successor in interest of such court.*

444 § 58.1-4022. State Lottery Fund.

445 A. All moneys received from the sale of lottery tickets or shares, less payment for prizes and  
446 compensation of agents as authorized by regulation and any other revenues received under this chapter,  
447 shall be placed in a special fund known as the "State Lottery Fund." Notwithstanding any other  
448 provisions of law, interest earned from moneys in the State Lottery Fund shall accrue to the benefit of  
449 such Fund.

450 B. The total costs for the operation and administration of the lottery shall be funded from the State  
451 Lottery Fund and shall be in such amount as provided in the general appropriation act. Appropriations to  
452 the Department during any fiscal year beginning on and after July 1, 1989, exclusive of agent  
453 compensation, shall at no time exceed ten percent of the total annual estimated gross revenues to be  
454 generated from lottery sales. However, should it be anticipated at any time by the Director that such  
455 operational and administrative costs for a fiscal year will exceed the limitation provided herein, the  
456 Director shall immediately report such information to the Board, the Governor and the Chairmen of  
457 Senate Finance and House Appropriations Committees. From the moneys in the Fund, the Comptroller  
458 shall establish a special reserve fund in such amount as shall be provided by regulation of the  
459 Department for (i) operation of the lottery, or (ii) use if the game's pay-out liabilities exceed its cash on  
460 hand.

461 C. Any start-up sums appropriated from the general fund of the Commonwealth necessary to  
462 commence operation of a state lottery shall be repaid within the first twelve months of initial lottery  
463 sales.

464 D. Appropriation of lottery revenues shall be made only upon actual and audited collections as  
465 transferred to the general fund and shall in no event be predicated upon an estimation of such revenues.  
466 No later than ten days after receipt of the audit report required by § 58.1-4023, the Comptroller shall  
467 transfer to the general fund, less the special reserve fund, the audited balances of the State Lottery Fund.  
468 *In addition to such other funds as may be appropriated, one hundred percent of the lottery revenues*  
469 *transferred to the general fund shall be appropriated entirely and solely for the purpose of public*  
470 *education in the Commonwealth, which purposes shall include, but not be limited to, those programs*  
471 *specified in § 22.1-199.1.*

472 E. As a function of the administration of this chapter, funds may be expended for the purposes of  
473 reasonably informing the public concerning (i) the facts embraced in the subjects contained in  
474 subdivisions 1 through 7 of subsection A of § 58.1-4007 and (ii) the fact that the net proceeds are paid  
475 into the general fund of the Commonwealth; but no funds shall be expended for the primary purpose of  
476 inducing persons to participate in the lottery.