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SENATE BILL NO. 424

Offered January 26, 1998

A BILL to amend and reenact § 22.1-3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-3.4, relating to certain eligibility for students in public schools.

Patrons—Colgan; Delegates: Marshall and Parrish

Referred to the Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-3.4 as follows:

§ 22.1-3. Persons to whom public schools shall be free.

A. The public schools in each school division shall be free to each person of school age who resides within the school division. Every person of school age shall be deemed to reside in a school division:

1. When the person is living with a natural parent, or a parent by legal adoption;

2. When the parents of such person are dead or have abandoned such person and the person is living with a person in loco parentis who actually resides within the school division;

3. When the parents of such person are unable to care for the person and the person is living, not solely for school purposes, with another person who resides in the school division and is the court-appointed guardian, or has legal custody, of the person;

4. When the person is living with a parent, guardian, or person in loco parentis in a temporary shelter in the school division, not solely for school purposes; or

5. When the person is living in the school division not solely for school purposes, as an emancipated minor.

B. For purposes of this section, "temporary shelter" means (i) any home, single or multi-unit dwelling or housing unit in which persons who are without housing or a fixed address receive temporary housing or shelter or (ii) any facility specifically designed or approved for the purpose of providing temporary housing or shelter to persons who are without permanent housing or a fixed address.

§ 22.1-3.4. Student eligibility for participation in interscholastic sports; certain compassionate exception required; appeals.

A. No student who has been abandoned by his parents and has neither guardian nor other person with legal custody and who transfers from any public or private high school to a public high school while living with a person in loco parentis because of circumstances beyond such student's control shall be required to attend a school to which he transfers for a full semester or to obtain a waiver of any enrollment rule to be eligible to participate in interscholastic sports as a member of a school squad or team within the school to which such student transfers.

B. No school or student shall be (i) declared ineligible for participation in interscholastic sports or (ii) disciplined, including any forfeiture of winning competitions or games, because of the participation of a transfer student who has been abandoned by his parents and has neither guardian nor other person with legal custody and who is living, not solely for educational purposes, with a person in loco parentis who actually resides in the district served by the school to which such student transferred.

C. Any nonprofit corporation founded in Virginia in 1913 to organize and govern interscholastic activities among the public high schools shall develop, implement, and enforce a compassionate exception to its transfer and enrollment rules. Such compassionate exception shall provide eligibility for participation in interscholastic sports by any transfer student who because of circumstances beyond such student's control is living with a person in loco parentis who actually resides in the district served by the school to which such student has transferred, is neither the student's parent nor guardian, and does not have legal custody.

D. Further, such nonprofit corporation shall establish and implement an appeals process which terminates in a final appeal to its legislative council. Any party aggrieved by a decision at a lower level of such nonprofit corporation's appeal process may request and shall receive a hearing before such legislative council.

INTRODUCED

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