993836666

SENATE BILL NO. 1295

Offered January 21, 1999

A BILL to amend and reenact § 22.1-5 of the Code of Virginia, relating to admission to and tuition for public schools in the Commonwealth.

Patron—Hanger

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-5 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-5. Regulations concerning admission of certain persons to schools; tuition charges.

A. *Consistent with Article VIII, § 1 of the Virginia Constitution, no person may be charged tuition for admission or enrollment in the public schools of the Commonwealth, whether on a full- or part-time basis, who meets the residency criteria set forth in § 22.1-3.* The following persons may, *however,* in the discretion of the school board of a school division and pursuant to regulations adopted by the school board, be admitted into the public schools of the division and may, in the discretion of the school board, be charged tuition:

1. Persons who reside within the school division but who are not of school age.

2. Persons of school age who are residents of the Commonwealth but who do not reside within the school division.

3. Persons of school age who are attending school in the school division pursuant to a foreign student exchange program approved by the school board.

4. Persons of school age who reside beyond the boundaries of the Commonwealth but near thereto in a state or the District of Columbia which grants the same privileges to residents of the Commonwealth if the school division admitting such persons borders such state or District of Columbia.

5. Persons of school age who reside on a military or naval reservation located wholly or partly within the geographical boundaries of the school division and who are not domiciled residents of the Commonwealth of Virginia; provided, however, that no person of school age residing on a military or naval reservation located wholly or partly within the geographical boundaries of the school division may be charged tuition if federal funds provided under P.L. 874 of 1950, commonly known as Impact Aid, shall fund such students at not less than fifty percent of the total per capita cost of education, exclusive of capital outlay and debt service, for elementary or secondary pupils, as the case may be, of such school division.

B. Persons of school age who are not residents of the Commonwealth but are living temporarily with persons residing within a school division may, in the discretion of the school board and pursuant to regulations adopted by it, be admitted to the public schools of the school division. Tuition shall be charged such persons.

C. No tuition charge authorized or required in this section shall exceed the total per capita cost of education, exclusive of capital outlay and debt service, for elementary or secondary pupils, as the case may be, of such school division and the actual, additional costs of any special education or gifted and talented program provided the pupil, except that if the tuition charge is payable by the school board of the school division of the pupil's residence pursuant to a contract entered into between the two school boards, the tuition charge shall be that fixed by such contract.

D. School boards may accept and provide programs for students for whom English is a second language who entered school in Virginia for the first time after reaching their twelfth birthday, and who have not reached twenty-two years of age on or before August 1 of the school year. No tuition shall be charged such students, if state funding is provided for such programs; provided however, that no state funds may be used to provide programs under this subsection for any individual who has reached his ~~18th~~ *eighteenth* birthday and who does not provide documentation of United States citizenship or legal presence in the United States.

E. Any local school board accepting students pursuant to this section shall establish acceptance criteria consistent with relevant federal and state law and regulation.