

Department of Planning and Budget 2011 Fiscal Impact Statement

1. Bill Number: HB1775

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|-----------------|-------------------------------------|--------------|--------------------------|------------|--------------------------|-----------|
| House of Origin | <input checked="" type="checkbox"/> | Introduced | <input type="checkbox"/> | Substitute | <input type="checkbox"/> | Engrossed |
| Second House | <input type="checkbox"/> | In Committee | <input type="checkbox"/> | Substitute | <input type="checkbox"/> | Enrolled |

2. Patron: Gilbert

3. Committee: Courts of Justice

4. Title: Immigration status of the parents of public school students.

5. Summary: Requires that the person enrolling a pupil in a public school must indicate the citizenship or immigration status of such pupil's parents. The bill provides that the child of a parent lacking citizenship or lawful immigration status documentation must still be admitted into the public school, but the immigration status information must be reported to the Secretary of Education annually. Additionally, the Secretary of Education must submit an annual report to the Governor and the General Assembly on the number of children whose parents lack lawful status documentation attending public school in the Commonwealth and the cost of such students' education, aggregated by school division.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Indeterminate. See item 8.

8. Fiscal Implications: This legislation would require any person enrolling a pupil in a public school to indicate on the official enrollment paperwork the citizenship or immigration status of the child's parents under federal law. Regardless of the legal status of the parents, the pupil would still be permitted to enroll in the public school. It is not possible to determine if any child, whose parents lack citizenship or lawful immigration, would not enroll or would be removed from public schools to avoid this reporting requirement. Therefore, it is not possible to determine any impact on enrollment or any state or local fiscal impact at this time.

In addition, each school would be required to submit a report to the Secretary of Education on or before September 15th of each year detailing all of the information obtained on the parents of enrolled pupils who lack citizenship or lawful immigration status documentation.

Disclosure of such information would be prohibited except for purposes pursuant to § [2.2-208.01](#) of the *Code of Virginia*. This provision adds a local reporting requirement and would generate a local fiscal impact resulting from the additional administrative costs.

Finally, on or before November 30th of each year, the Secretary of Education would be required to submit an annual report to the Governor and the General Assembly on the number of children enrolled in public schools in the Commonwealth whose parents lack citizenship

or lawful immigration status documentation. As part of this report, the Secretary must provide the approximate cost to educate such students. It is anticipated that this additional reporting requirement will have a state fiscal impact related to the staff time needed to compile the data from each of the more than 1,800 public schools in the Commonwealth, as well as the calculations necessary to estimate a cost per student. However, it is assumed that such costs could be absorbed within current resources.

9. Specific Agency or Political Subdivisions Affected: Secretary of Education, Board of Education, and local school divisions.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: 1/27/2011 dpbsbj

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