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HOUSE BILL NO. 1881

Offered January 13, 2025

Prefiled January 6, 2025

A BILL to amend and reenact § 22.1-7.2 of the Code of Virginia, relating to public elementary and secondary schools; enrollment; dependent students of active duty services members; policies.

Patrons—Sewell, Hayes, Maldonado, Price, Simonds, Clark, Cole, Feggans, Glass, Thomas and Willett

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-7.2 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-7.2. Enrollment for students residing on a military installation or in military housing.

A. As used in this section, "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, fort, or other activity under the jurisdiction of the Department of Defense, including any leased facility, that is located in whole or in part within the Commonwealth. "Military installation" does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

B. Any local school board of a school division in which a military installation or other military housing is located shall establish and implement policies to provide for the enrollment to any school of any student residing on a military installation or in military housing within the school division upon the request of his parent if space in the school is available. In developing such policies, a local school board may include any of conditions listed in subsection A of § 22.1-7.1 or any other condition deemed appropriate by the local school board.

C. *Each local school board shall establish and implement policies providing for the enrollment of any student who does not (i) reside within such school division and (ii) is the dependent of a parent that is a full-time active duty member of the uniformed services of the United States and for whom the Commonwealth is the home of record upon request of such student's parent, provided that:*

1. Space in the school is available;

2. At least one parent of the student has an identification card issued by the U.S. Department of Defense;

3. At least one parent can provide evidence that he will be on active duty status or active duty orders, such that the parent will be temporarily transferred in compliance with official orders to another location in support of combat, a contingency operation, or a natural disaster requiring the use of orders for more than 30 consecutive days; and

4. The student will be residing with a relative of such student who lives in the applicable school division in which such student is seeking enrollment or will be residing in such school division within six months of requesting enrollment in such school division.

Such policies may include any of the conditions listed in subsection A of § 22.1-7.1. Such policies may provide for the denial of any such enrollment request if the school board can demonstrate that it lacks the resources or capacity to meet a student's documented special education needs pursuant to his Individualized Education Program.

D. A copy of the school division's policies for enrollment for students residing on a military installation or in military housing within the school division established and implemented pursuant to subsections B and C shall be posted on the division's website and shall be available to the public upon request.