

Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement

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ORIGINAL

Bill Number: SB491

Patron: Pekarsky

Bill Title: Public schools; right to free public elementary and secondary education; discrimination based on immigration status prohibited; requirements; civil cause of action.

Bill Summary: Prohibits any child in the Commonwealth from being denied a free public education through secondary school on the basis of the actual or perceived immigration or citizenship status of the child or the child's parents, in accordance with the Constitution of Virginia and consistent with the requirements of the Fourteenth Amendment to the United States Constitution. The bill prohibits any school board, public elementary or secondary school, school resource officer employed by a local law-enforcement agency in any public elementary or secondary school, or any individual who is an employee, contractor, or agent of a school board from engaging in certain enumerated actions and practices that involve or result in the denial of a free public education, or denial of the benefits or exclusion from participation in any program or activity thereof, of a child on the basis of the actual or perceived immigration or citizenship status of the child or the child's parents. The bill also requires each public elementary and secondary school to develop and implement procedures for (i) reviewing and authorizing requests from law-enforcement agents, as that term is defined in the bill, to enter a public school or public school facility and (ii) prohibiting any school board employee, contractor, or agent, or any school resource officer from permitting, assisting with, or participating in the execution of any nonjudicial warrant, as defined by the bill, by a law-enforcement agent present on school property for purposes relating to immigration enforcement or investigation, or permitting any law-enforcement agent from accessing any area of school property that is not open to the public without a warrant signed by a judge or magistrate. The bill establishes a civil cause of action for any party aggrieved by conduct that violates the provisions of the bill, in accordance with the provisions of the bill. The bill directs the Department of Education to develop and make available to each school board by August 1, 2026, guidance for school personnel on the requirements of the bill and training guidelines and materials for the training of all public school principals and administrators on compliance with the provisions of the bill. Finally, the bill directs each school board to (a) develop and implement by August 1, 2026, policies and procedures in accordance with the provisions of the bill and (b) require each public school principal and administrator to complete training on compliance with the provisions of the bill by the beginning of the 2026-2027 school year.

Budget Amendment Necessary: Yes

Items Impacted: 123

Explanation: The Department of Education (DOE) would require additional staff in order to meet the requirements of the bill. Any impact to local school divisions is indeterminate.

Fiscal Summary: DOE anticipates the need for one additional position at an estimated cost of \$135,356 general fund per year including salary, benefits and technology.

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General Fund Expenditure Impact:

<u>Agency</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	<u>FY2031</u>
201 (DOE)	\$0	\$135,356	\$135,356	\$135,356	\$135,356	\$135,356
TOTAL	\$0	\$135,356	\$135,356	\$135,356	\$135,356	\$135,356

Position Impact:

<u>Agency</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	<u>FY2031</u>
201 (DOE)	0	1	1	1	1	1
TOTAL	0	1	1	1	1	1

Fiscal Analysis: This bill requires DOE to develop and make available new guidance, training guidelines, and training materials related to the provisions of this bill. DOE anticipates the need for an additional position to help develop these resources and ensure ongoing compliance with the provisions of the bill.

DOE indicates that the agency will not be able to complete the work required by this bill to develop guidance, training guidelines, and materials, by August 1, 2026. DOE anticipates the agency can meet these requirements by January 1, 2027.

Any impact to local school divisions to implement the new training requirements or other provisions of the bill is indeterminate.

Other: This bill is identical to HB836 and similar to HB912.