

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

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ORIGINAL

Bill Number: SB491ER

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 also, among other things, 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 establishes a civil cause of action for any aggrieved party by conduct that violates the provisions of the bill, in accordance with the provisions of the bill including a requirement to provide written notice to the school division about the alleged violation. The bill directs the Department of Education, in collaboration with the Office of the Attorney General, to develop and make available to each school board by August 1, 2026, guidance and resources on developing policies and procedures to implement the requirements of the bill. Finally, the bill requires each school board to (i) develop and implement by December 31, 2026, policies and procedures in accordance with the requirements of the bill, and (ii) require each public elementary and secondary school principal and administrator in the school division to complete relevant training by the beginning of the 2027-2028 school year.

Budget Amendment Necessary: No

Items Impacted: None

Explanation: The Department of Education and Office of the Attorney General can absorb any impact related to this bill. Any impact to local school divisions is indeterminate.

Fiscal Analysis: This bill requires the Department of Education (DOE), in collaboration with the Office of the Attorney General (OAG), to develop and make available to local school boards guidance and resources on developing policies and procedures to implement the requirements of the bill. DOE can absorb any impact to develop these with existing staff. The OAG can absorb any impact to collaborate with DOE.

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

Other: This bill is a companion to HB836.