

VIRGINIA ACTS OF ASSEMBLY - 2026 RECONVENED SESSION

CHAPTER 1110

An Act to direct the Department of Education, in consultation with the Virginia State Crime Commission, to evaluate and make recommendations on compliance with and enforcement of the statutory prohibition on knowingly making false statements concerning a child's residency in a particular school division or school attendance zone for school enrollment.

[H 290]

Approved May 14, 2026

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department of Education (the Department), in consultation with the Virginia State Crime Commission and such other stakeholders as the Department deems appropriate, shall evaluate and make recommendations on compliance with and enforcement of the provisions of § 22.1-264.1 of the Code of Virginia prohibiting any person from knowingly making a false statement concerning the residency of a child in a particular school division or school attendance zone for the purpose of improving the efficacy of enforcing statutory residency requirements for enrollment in a particular school division while ensuring consequences or penalties for violations of such residency requirements are commensurate with such violations. In conducting its evaluation, the Department shall:*

1. Collect and evaluate data on:

a. The prevalence of violations of § 22.1-264.1 of the Code of Virginia, including the number of violations that occur each school year in each school division;

b. The number of times the person identified as committing such violation is (i) charged with a Class 4 misdemeanor pursuant to § 22.1-264.1 of the Code of Virginia or (ii) not charged with a Class 4 misdemeanor and, for each such person, the consequence or penalty the school board imposed to enforce the applicable residency requirement instead; and

c. The rate of success of the applicable school division in recovering from such person, pursuant to § 22.1-264.1 of the Code of Virginia, the tuition charges for the time in which the student was enrolled in such school division on the basis of the false statement concerning the child's residency, for the school division as a whole and, if feasible, disaggregated by consequence or penalty imposed, as identified pursuant to subdivision b;

2. Solicit input from school boards and public school administrators on the prevalence of violations of and the efficacy of enforcing the provisions of § 22.1-264.1 of the Code of Virginia; and

3. Make recommendations on improving the efficacy of enforcing statutory residency requirements for enrollment in a particular school division while ensuring consequences or penalties for violations of such residency requirements are commensurate with such violations, including recommendations identifying any (i) effective enforcement mechanisms that could serve as alternatives to misdemeanor charges or criminal penalties, including civil penalties; (ii) amendments to § 22.1-264.1 of the Code of Virginia necessary or appropriate to achieve such objective; and (iii) other approaches or actions necessary or appropriate to achieve such objective.

The Department shall submit to the Chairs of the Senate Committee on Education and Health and the House Committee on Education by November 1, 2026, a report on its findings and recommendations in accordance with the provisions of this act.