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SENATE BILL NO. 857

Offered January 13, 2027

Prefiled November 12, 2026

A BILL to amend and reenact § 22.1-3.4 of the Code of Virginia, relating to public education; enrollment of certain children placed in foster care; assessment requirements; guidance.

Patron—Favola

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-3.4 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-3.4. Enrollment of certain children placed in foster care.

A. Whenever a student has been placed in foster care by a local social services agency and the placing social services agency is unable to produce any of the documents required for enrollment pursuant to § 22.1-3.1, 22.1-270, or 22.1-271.2, the student shall immediately be enrolled; however, the person enrolling the student shall provide a written statement that, to the best of his knowledge, sets forth (i) the student's age, (ii) compliance with the requirements of § 22.1-3.2, and (iii) that the student is in good health and is free from communicable or contagious disease.

B. The sending and receiving school divisions shall cooperate in facilitating the enrollment of any child placed in foster care across jurisdictional lines for the purpose of enhancing continuity of instruction. The child shall be allowed to continue to attend the school in which he was enrolled prior to the most recent foster care placement, upon the joint determination of the placing social services agency and the local school division that such attendance is in the best interest of the child.

C. In the event the student continues to attend the school in which he was enrolled prior to the most recent foster care placement, the receiving school division shall be accorded foster children education payments pursuant to § 22.1-101.1; further, the receiving school division may enter into financial arrangements with the sending school division pursuant to subsection C of § 22.1-5. Under no circumstances shall a child placed in foster care be charged tuition regardless of whether such child is attending the school in which he was enrolled prior to the most recent foster care placement or attending a school in the receiving school division.

D. For the purposes of subsections A, B, and C:

"A child or student placed in foster care" means a pupil who is the subject of a foster care placement through an entrustment or commitment of such child to the local social services board or licensed child-placing agency pursuant to clause (ii) of the definition of "foster care placement" as set forth in § 63.2-100.

For the purposes of this section:

"Receiving school division" means the school division in which the residence of the student's foster care placement is located.

"Sending school division" means the school division in which the student last attended school.

E. Notwithstanding the provisions of subsections A, B, and C or § 22.1-3 or 22.1-5, no person of school age who is the subject of a foster care placement, as such term is defined in § 63.2-100, shall be charged tuition.

F. The provisions of this section shall apply to any student who was in foster care upon reaching 18 years of age but who has not yet reached 22 years of age.

G. *If a child placed in foster care transfers from one school division to another, the receiving school division shall obtain the child's academic records from the sending school division and, within 15 working days of receipt, review such academic records to evaluate whether additional educational assessment is necessary for the child to make appropriate academic progress in the context of the child's circumstances. If the receiving school division determines that additional educational assessment is necessary, such assessment shall be completed within 60 days of such determination.*

H. The provisions of this section, with the exception of the provision of subsection C that requires a receiving school division to be accorded foster children education payments pursuant to § 22.1-101.1, shall apply to a student who has transitioned out of foster care and (i) whose custody has been transferred to the student's parent or prior legal guardian or (ii) who has been emancipated pursuant to § 16.1-333.

2. That the Department of Social Services, in coordination with the Department of Education, shall develop and make available policy guidance on the provisions of subsection G of § 22.1-3.4 of the Code of Virginia, as amended by this act, by January 1, 2028.

INTRODUCED

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