COMMONWEALTH of VIRGINIA

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November 1, 2026

The Honorable Barbara A. Favola, Chair
Senate Education and Health Committee
General Assembly Building
201 N. 9th Street, Room 509
Richmond, VA 23219

The Honorable Sam Rasoul, Chair
House Education Committee
General Assembly Building
201 N. 9th Street, Room 1107
Richmond, VA 23219

Dear Chairs Favola and Rasoul:

Chapter 1110, 2026 Acts of Assembly requires the Virginia Department of Education (VDOE) in consultation with the Virginia State Crime Commission (VSCC), to evaluate and make recommendations on compliance with and enforcement of the statutory prohibition found in § 22.1-264.1 of the Code of Virginia on knowingly making false statements concerning a child's residency in a particular school division or school attendance zone for school enrollment.

If you have any questions or require additional information, please do not hesitate to contact Holly Coy, Chief of Staff, at holly.m.coy@doe.virginia.gov or (804) 225-2057.

Sincerely,

Jenna Conway
Superintendent of Public Instruction

CHAPTER 1110 REPORT

Findings and Recommendations Concerning § 22.1-264.1 of the Code of Virginia



TABLE OF CONTENTS

Introduction *1*

Stakeholder Engagement *1*

School Division Survey 1

Virginia Crime and Sentencing Commission (VCSC) Records 4

Engagement with the VSBA 5

Conclusion *5*

Appendix A: Survey Questions *6*

Appendix B: VSBA Sample Policy on General Requirements for Admission *7*

Appendix C: VSBA Sample Policy on Admission of Homeless Children *14*

Appendix D: Report on Charges under § 22-1-264.1 Provided By the VCSC *19*

INTRODUCTION

Chapter 1110 of the 2026 Acts of the Assembly directs the "Department of Education (VDOE) 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." The statutory prohibition it refers to is codified in § 22.1-264.1 of the Code of Virginia, which states the following:

> *"Any person who knowingly makes a false statement concerning the residency of a child, as determined by § 22.1-3, in a particular school division or school attendance zone, for the purposes of (i) avoiding the tuition charges authorized by § 22.1-5 or (ii) enrollment in a school outside the attendance zone in which the student resides, shall be guilty of a Class 4 misdemeanor and shall be liable to the school division in which the child was enrolled as a result of such false statements for tuition charges, pursuant to § 22.1-5, for the time the student was enrolled in such school division."*

STAKEHOLDER ENGAGEMENT

Chapter 1110 directed VDOE to engage with stakeholders to solicit feedback concerning the impact of § 22.1-264.1 at the division level and to gain insight into how the enforcement of statutory residence requirements could be improved while ensuring that ramifications remain commensurate with violations. To meet this objective, VDOE promulgated a survey to school divisions, contacted the Virginia Association of School Superintendents (VASS)[1] and the Virginia School Boards Association (VSBA), and requested data concerning § 22.1-264.1 from the Virginia Criminal Sentencing Commission (VCSC). Virginia State Crime Commission (VSCC) staff provided further insight into charge and conviction data to expand on what was provided to VDOE by the VCSC as well as information on school residence reporting laws in other states.

School Division Survey

To solicit information directly from school divisions, the July 9, 2026, edition of the Virginia Education Update included a voluntary survey on division enrollment policies and enforcement. The survey (Appendix A) included 13 questions concerning § 22.1-264.1 that were designed to further our understanding of how divisions implement the law and to gain insight into the prevalence of enrollment violations. The survey generated responses from 39 divisions,[2] ranging

[1] VASS was contacted via email on July 20, 2026. They acknowledged receipt of the request for feedback but submitted no comments.

[2] Forty individuals responded to the survey with 2 respondents coming from the same division.

from small, rural districts to large, urban ones with student populations ranging from 200 to 90,000. The complete survey results can be accessed on the VDOE webpage.

Nearly all respondents to the survey indicated that their division determines initial residency of students through a combination of documents such as utility bills, leases, mortgages, or deeds to a home, tax records, signed affidavits, or other official documents which demonstrate that a person resides at a given address. Multiple school divisions indicated that if questions arise as to a student's residency after initial documentation is provided, additional documentation will be requested, or actions such as a home visit or further investigation will be taken. The size and scope of division residency compliance activities and offices vary greatly. Some divisions have staff dedicated to residency compliance, while others do not. This variation impacts their ability to track and enforce residency violations.

The overwhelming majority of respondents reported that they are aware that § 22.1-264.1 allows individuals to be charged with a class 4 misdemeanor if they make a knowing false statement concerning the residency of a child to enroll them in a certain school division, and that such person is liable to pay the school tuition charges for the time the child was enrolled.

VDOE received information from 18 divisions about the approximate number of violations of residency policies each year. Of the 39 divisions who responded to the survey, 21 did not report a definitive number of cases in which a student was found to be enrolled in violation of § 22.1-264.1: they either encountered zero cases or indicated that cases are exceedingly rare and did not provide a specific number. The remaining divisions reported a definitive number of cases which could be grouped into 5 distinct ranges. The number of divisions within each range is represented in the following table:

Range of Cases Per Year	**Number of Responding Divisions**
1-5	6
6-10	5
11-15	1
16-20	2
20-or-more	4

Of the respondents, Norfolk City indicated the highest number of reported cases of students either living out of division or out of zone with 133 investigations during the 2025–2026 school year. The high number of cases reported by Norfolk is likely the result of their thorough residency verification and investigation process, which includes steps beyond an initial collection of documents, such as reviewing enrollment records, documenting returned mail, observing attendance records, reviewing transportation records, conducting home visits, as well as

accessing other publicly available information. This number may be representative of other divisions with staff capacity to monitor and enforce residency compliance.

While there was some variance in the data concerning the number of cases where a student was found to be enrolled in violation of § 22.1-264.1, respondents reported knowledge of and communication of legal penalties to families. However, few school divisions pursue charges under § 22.1-264.1 when a student was enrolled based on a knowingly false statement. Thirteen of the 18 divisions reporting a definitive number of cases do not pursue charges, and the remaining 5 report they rarely pursue charges.[3] Within this group, only 1 of the divisions reporting between 16 and 20 cases rarely pursues charges, and 3 of the 4 divisions reporting 20-or-more cases a year do not pursue charges.

In lieu of referring individuals to be charged with a class 4 misdemeanor, respondents to the survey indicated that a variety of alternative consequences are pursued. These alternative consequences can be grouped into two main buckets: divisions who unenroll the student when the student is found to reside out of division and those who allow the student to remain enrolled contingent on being accepted as a non-resident student and agreeing to pay tuition. Twenty-two respondents indicated that students are unenrolled, 10 respondents indicated that students are allowed to remain enrolled as non-resident tuition paying students, with the remaining respondents either responding "N/A", that there are no alternative consequences, that students are offered admission contingent on filling out an application with no tuition being required, or that a conversation is had with parents and that they "usually can resolve the issue." Of the divisions that report a definitive number of cases, 14 reported that students are withdrawn, 3 reported that students may remain enrolled contingent on being accepted as a non-resident student and agreeing to pay tuition, and 1 reported that there are no alternative consequences. All respondents in the 16-20 and 20-or-more range indicated that they unenroll students who are discovered to be improperly enrolled.

When asked how frequently school divisions pursue back-tuition charges as provided for under § 22.1-264.1 and how successful they are in doing so, respondents again indicated that they do not typically pursue statutory remedies. Of the divisions that reported a definitive number of cases, 12 of the 18 respondents indicated they never seek to recover tuition, 3 respondents indicated they frequently seek to recover, 2 respondents said they rarely seek to recover, and 1 said they always seek to recover. Of the 2 respondents in the 16-20 range, 1 said they never seek to recover while the other responded they frequently seek to recover. All respondents in the 20-or-more range indicated they never seek to recover.

It is important to note that this remedy is distinct from schools who charge tuition for non-resident students to remain in school. Of the schools that unenroll non-resident students, 2

[3] A school division "pursues charges" when it forwards information to the appropriate authority for formal legal accusation against the alleged wrongdoer.

frequently seek to recover back tuition charges. Of the schools that allow students to remain enrolled contingent upon enrolling as a non-resident student and paying tuition, 6 of them also require students to pay back tuition.

Of the divisions who indicated they always or frequently pursue back tuition charges for students who reside out of division, their success in doing so varies widely, with several districts reporting greater than 50% of tuition being recovered with others reporting below 5%. Several respondents stated that they struggle to recover because they are frequently hindered by families moving and not being able to be contacted or simply not having the funds to pay.

Despite the limited evidence of statutory enforcement, the survey indicated that § 22.1-264.1 still serves as a tool for school divisions in their residency verification and enrollment processes because it allows them to cite consequences, which encourages families to be honest about residency and to enroll students in the correct school. For example, the respondent from Bedford County stated that when an improperly enrolled student is attending a division school, division staff

> *"Speak with the parent and tell them they must enroll in the district where they live. There is a follow-up letter sent that states they can be charged with a class 4 misdemeanor, and they could be responsible for tuition. This usually pushes the parent to attend the school they are supposed to attend."*

When asked for recommendations for changes or alternatives to criminal penalties that would improve the effectiveness of enforcing residency requirements, feedback centered on the promulgation of consistent statewide policies for residency verification and enforcement, the need for strong procedures at the start which prevent students from becoming improperly enrolled in a school, and alternative penalties such as community service or civil fines. Several respondents asked for additional funding to allow for an increased focus on residency verification and additional staff to absorb additional work that would follow more robust verification processes.

Virginia Crime and Sentencing Commission (VCSC) Records

The VDOE also requested historical data on the number of individuals charged under this section of the code, and the findings aligned with division reports. The VCSC reported that there have only been 6 charges under this section of the code brought in General District Courts and another 5 in Adult Juvenile and Domestic Relations Court going back to 2015, with none of these cases resulting in a conviction. This indicates that other stakeholders in the criminal justice system may not be any more interested in pursuing convictions under § 22.1-264 than are school divisions in pursuing charges. Although 5 divisions who have encountered a definite number of cases of students attending out of zone reported they "rarely" seek to pursue charges under § 22.1-264, such pursuits have not resulted in actual convictions.

Engagement with the Virginia School Board Association (VSBA)

VSBA echoed many of the same sentiments which were borne out in survey responses from divisions. VSBA stated that they could not recall a single instance of a division pursuing criminal charges under the statute, but the value in it to school divisions is its use to encourage parents to enroll their children in the correct division. VSBA staff articulated that § 22.1-264.1 is frequently used in this way when students are discovered to be improperly enrolled in each school.

When asked for any recommendations for alternatives to criminal charges, VSBA stated that it had none and expressed that, if an offender is given the option of a civil fine of no more than $250 (as originally proposed in HB290) or paying tuition, they would pay the civil fine which would almost assuredly be lower than tuition. VSBA further expressed that its main concern in the area is preserving local control as to determine best practices and policies, and that if § 22.1-264.1 were to be repealed this would remove an important tool for divisions to use in how they enforce enrollment policy. Lastly, while VSBA has model policies related to residency verification at enrollment (see Appendix 2 and 3), they indicated that it has not developed a model policy for enrollment enforcement processes for divisions to use.

The VSBA shared model policies on General Requirements for Admission (VSBA Sample Policy JEC, Appendix B) and Admission of Students Experiencing Homelessness (VSBA Sample Policy JECA, Appendix C). While these documents do not specifically address residency verification or enforcement, they represent a helpful resource which offer insight into VSBA's procedures for school admission.

CONCLUSION

Given the totality of stakeholder input and available data, VDOE recommends no change to § 22.1-264.1. All available data indicate that school divisions rarely pursue criminal charges under this section. However, divisions consistently report that the statute serves as an effective deterrent when communicating residency expectations. Section 22.1-264.1 does not appear to encourage localities to pursue inappropriate criminal charges against parents for enrolling their children in the incorrect school but rather it serves as an important tool that allows divisions to impress the importance of enrolling students in the correct school and allows them to ensure that students are then either enrolled in the correct school or enter into a tuition paying agreement. Furthermore, a change in the law to issue only a civil penalty up to $250 may result in more frequent violations of the law as the financial penalty would be far less than tuition costs.

Appendix A: Survey Questions

1. What is your school division?
2. How many students are enrolled in your division?
3. How do you verify the residence of students enrolled in your division and enforce enrollment policies?
4. Are you aware that Virginia law allows individuals to be charged with a class 4 misdemeanor if they make a knowing false statement concerning the residency of a child in order to enroll them in a certain school division, and that such person is liable to pay the school tuition charges for the time the child was enrolled?
5. How many times per year does your school division discover instances where students are enrolled based upon a knowing false statement as to their residency?
6. Does your division have a defined policy it follows for when a student is enrolled based upon a knowing false statement as to their residency?
7. Can you provide a link to your division's policy?
8. When your division discovers a violation of § 22.1-264.1, how often is the offending individual charged with a class 4 misdemeanor?
9. In instances when your school division does not seek charges for violations of § 22.1-264.1, please describe the consequences or penalties imposed to enforce the applicable residency requirement in lieu of a class 4 misdemeanor.
10. When your division discovers that a student is enrolled in a given school based upon a knowing false statement as to their residency, how often does your school division attempt to recover tuition charges for the time the student was enrolled in school on the basis of the false statement?
11. Of the instances where your school division attempts to recover tuition under § 22.1-264.1, what percentage of tuition charges would you estimate are actually recovered?
12. Do you have any recommendations for alternatives to criminal penalties which would improve the efficacy of enforcing statutory residency requirements for enrollment in a particular school and ensure that penalties for such violations are equal to the violation at issue?
13. Do you have any further comments or suggestions regarding the subject matter of HB290 or § 22.1-264.1?

APPENDIX B: VSBA SAMPLE POLICY ON GENERAL REQUIREMENTS FOR ADMISSION

SCHOOL ADMISSION

Generally

A person of school age (i.e., a person who will have reached the person's fifth birthday on or before September 30 of the school year and who has not reached 20 years of age on or before August 1st of the school year) is eligible for admission on a non-tuition basis if residing in the BLANK School Division, or if eligible for admission under Policy JECA Admission of Homeless Children.

A person of school age is deemed to reside in the school division[4]

- when the person is living with a natural parent, or a parent by legal adoption, in the BLANK School Division;
- when, in accordance with the provisions of Va. Code § 22.1-360, the person is living with a noncustodial parent or other person standing in loco parentis, not solely for school purposes, pursuant to a Special Power of Attorney executed under 10 United States Code § 1044b by the custodial parent;
- when the parents of such person are dead and the person is living with a person in loco parentis who actually resides within the school division;
- when the parents of such person are unable to care for the person and the person is living, not solely for school purposes, with another person who resides in the school division and is either
  (i) the court-appointed guardian, or has legal custody of the person,
  (ii) acting in loco parentis pursuant to placement of the person for adoption by a person or entity authorized to do so under Va. Code § 63.2-1200; or
  (iii) an adult relative providing temporary kinship care as that term is defined in Va. Code § 63.1-100.[5] If a person in a kinship care arrangement moves into a

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FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY.

[4] The following list is not exclusive; the listed situations illustrate factors for school divisions to consider in determining the residence of a child. School divisions may not refuse to provide a free education to a bona fide resident based solely this list. School divisions may refuse to provide a free education to a student who is residing in the division solely for school purposes. In determining whether a student is entitled to a free education in the division, the division may consider many factors, including court orders regarding custody and guardianship.

[5] The school division may require one or both parents and the relative providing kinship care to submit signed, notarized affidavits (a) explaining why the parents are unable to care for the person, (b) detailing the kinship care arrangement, and (c) agreeing that the kinship care provider or the parent will notify the school within 30 days of when the kinship care arrangement ends, as well as a power of attorney authorizing the adult relative to make educational decisions regarding the person. A school division may also require the parent or adult relative to obtain written verification from the local department of social services where the parent or parents live, or from both that

different school division during the school year as a result of (1) safely returning home, (2) being emancipated pursuant to Va. Code § 16.1-333, or (3) transitioning to a new kinship care arrangement, the provisions of this subsection continue to apply through the end of such school year.

- when the person is living in the school division not solely for school purposes, as an emancipated minor;
- when all or any portion of the building in which the person resides (i) with another person as set forth in the first through fourth bullets above or (ii) as an emancipated minor as set forth in the fifth bullet above is taxable by the locality in which the school division is located; or
- when the person has been placed in a foster care placement within the school division by a local social services agency. The sending and receiving school divisions will cooperate in facilitating the enrollment of any child placed in foster care across jurisdictional lines to enhance continuity of instruction. The child will be allowed to continue to attend the school in which the child was enrolled prior to the most recent foster care placement, upon the joint determination of the placing social services agency and the school division that such attendance is in the best interest of the child. No person of school age who is the subject of a foster care placement will be charged tuition regardless of whether the child is attending the school in which the child was enrolled prior to the most recent foster care placement or is attending a school in the receiving school division. These provisions apply to any student who was in in foster care upon reaching 18 years of age and has not reached 22 years of age. The provisions of this subsection 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 Va. Code § 16.1-333.

Certain other students may be admitted into the public schools of the division and may be charged tuition in accordance with Va. Code § 22.1-5 and pursuant to BLANK School Board Regulation JEC-R School Admission.

Children of Persons on Active Military Duty

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department and the department of social services where the kinship provider lives, that the kinship arrangement serves a legitimate purpose that is in the best interest of the person other than school enrollment. With written consent from the parent or adult relative, for the purposes of expediting enrollment, a school division may obtain such written verification directly from the local department or departments of social services. The verification process shall be consistent with confidentiality provisions of Article 5 (§ 22.1-287 et seq.) of Chapter 14 of Title 22.1 and Chapter 1 (§ 63.2-100 et seq.) of Title 63.2 of the Code of Virginia. If the kinship care arrangement lasts more than one year or the person transitions to a new kinship care arrangement, a school division may require continued verification directly from one or both departments of social services as to why the parents are unable to care for the person and that the kinship care arrangement serves a legitimate purpose other than school enrollment.

No child of a person on active military duty

- who is attending a school free of charge in accordance with this policy will be charged tuition by the school division upon such child's relocation to military housing located in another school division in the Commonwealth, pursuant to orders received by such child's parent to relocate to base housing. Such children are allowed to continue attending school in the school division and are not charged tuition for attending such school;
- who is attending a school free of charge in accordance with this policy will be charged tuition upon such child's relocation pursuant to orders received by such child's parent to relocate to a new duty station or to be deployed. Such children are allowed to remain enrolled in the division free of tuition through the end of the school year; and
- who is eligible to attend school free of charge in accordance with this policy will be charged tuition by a school division that will be the child's school division of residence once the child's service member parent is relocated pursuant to orders received. Such a child will be allowed to enroll in the school division of the child's intended residence if documentation is provided, at the time of enrollment, of military orders of the service member parent or an official letter from the service member's command indicating such relocation. Documentation indicating a permanent address within the school division must be provided to the school division within 120 days of a child's enrollment or tuition may be charged, including tuition for the days since the child's enrollment in school. In the event that the child's service member parent is ordered to relocate before the 120th day following the child's enrollment, the school division will not charge tuition. Students eligible to enroll in the school division in accordance with this policy because they are the children of military personnel on active military duty who will reside in the division may register, remotely or in-person, for courses and other academic programs and participate in the lottery process for charter schools and college partnership laboratory schools in the school division at the same time and in the same manner as students who reside in the division. The assignment of the school such child will attend will be determined by the school division.

Such children are counted in the average daily membership of the school division in which they are enrolled. Further, the school division in which such children are enrolled subsequent to their relocation to base housing is not responsible for providing for their transportation to and from school.

Children of Certain Federal Employees

Children of federal employees serving under orders pursuant to Title 22 or 50 of the United States Code are eligible for enrollment in BLANK School Division provided that the documents required by Va. Code §§ 22.1-3.1 and 22.1-3.2 are provided and subject to the authority of the school division to exclude such children from attendance pursuant to Va. Code § 22.1-277.2 or if such children have been found guilty or adjudicated delinquent for any offense

listed in subsection G of Va. Code § 16.1-260 or any substantially similar offense under the laws of any state.

Students may enroll in the BLANK School Division if the division is the student's intended residence if documentation is provided at the time of enrollment of Title 22 or 50 orders of the federal employee parent. Documentation indicating a permanent address within the school division must be provided to the school division within 120 days of a student's enrollment or tuition may be charged, including tuition for the days since the student's enrollment. In the event that the federal employee parent is ordered to relocate under Title 22 or Title 50 orders before the one hundred twentieth day following the student's enrollment, the school division will not charge tuition. Students eligible to enroll in the school division pursuant to this section may register, remotely or in person, for courses and other academic programs and participate in the lottery process for charter schools and college partnership laboratory schools in the school division at the same time and in the same manner as students who reside in the division. The assignment of the school that such student will attend will be determined by the school division.

"Children of federal employees serving under orders pursuant to Title 22 or 50 of the United States Code" means school-age children, enrolled in kindergarten through grade 12, in the household of a federal employee serving under orders pursuant to Title 22 or 50 of the United States Code.

ADDITIONAL ADMISSION REQUIREMENTS

A. Except as otherwise provided below, no pupil is admitted for the first time to any public school in any school division in Virginia unless the person enrolling the pupil presents, upon admission, a certified copy of the pupil's birth record. The principal or principal's designee records the official state birth number from the pupil's birth record into the pupil's permanent school record and may retain a copy in the pupil's permanent school record. If a certified copy of the pupil's birth record cannot be obtained, the person so enrolling the pupil must submit an affidavit setting forth the pupil's age and explaining the inability to present a certified copy of the birth record. If the school division cannot ascertain a child's age because of the lack of a birth certificate, the child will nonetheless be admitted into the public schools if the superintendent determines that the person submitting the affidavit presents information sufficient to estimate with reasonable certainty the age of such child.

B. If a certified copy of the birth record is not provided, the administration immediately notifies the local law enforcement agency. The notice to the local law-enforcement agency includes copies of the submitted proof of the pupil's identity and age and the affidavit explaining the inability to produce a certified copy of the birth record.

C. Within 14 days after enrolling a transfer student, the administration requests documentation that a certified copy of the pupil's birth record was presented when the pupil was enrolled in the former school.

D. The School Board assigns a unique student identification number, determined in accordance with a system developed by the Department of Education, to each student enrolled in the division. No student identification number includes or is derived from the student's social security number. Each student retains the student's identification number for as long as the student is enrolled in a public elementary or secondary school in Virginia.

E. Tuition rates are established each year in accordance with the provisions of Va. Code § 22.1-5.

F. Prior to admission to the BLANK School Division, the parent, guardian, or other person having control or charge of the child must provide, upon registration,

- a sworn statement or affirmation indicating whether the student has been expelled from school attendance at a private school or in a public school division of the Commonwealth or another state for an offense in violation of school board policies relating to weapons, alcohol or drugs, or for the willful infliction of injury to another person. This document is maintained as a part of the student's scholastic record; and
- a sworn statement or affirmation indicating whether the student has been found guilty of or adjudicated delinquent for any offense listed in subsection G of Va. Code § 16.1-260 or any substantially similar offense under the laws of any state, the District of Columbia, or the United States or its territories. This document is maintained by the superintendent and by any others to whom the superintendent disseminates it, separately from all other records concerning the student.

  However, if the school administrators or the School Board takes disciplinary action against a student based upon an incident which formed the basis for the adjudication of delinquency or conviction for an offense listed in subsection G of § 16.1-260, the notice will become a part of the student's disciplinary record.

When the child is registered as a result of a foster care placement, the information required under this subsection must be furnished by the local social services agency or licensed child-placing agency that made the placement.

G. A student, who has been expelled or suspended for more than thirty days from attendance at school by a school board or a private school in Virginia or in another state or for whom admission has been withdrawn by a private school in Virginia or another state may be excluded from attendance in the BLANK School Division regardless of whether such student has been admitted to another school division or private school in Virginia or in another state subsequent to such expulsion, suspension, or withdrawal of admission upon a finding that the student presents a danger to the other students or staff of the school division after (i) written notice to the student and the student's parent that the student may be subject to exclusion, including the reasons therefore, and notice of the opportunity for the student or the student's parent to participate in a hearing to be conducted by the superintendent or superintendent's

designee regarding such exclusion; and (ii) a hearing of the case has been conducted by the superintendent or superintendent's designee; and the decision has been to exclude the student from attendance. The decision of the superintendent or superintendent's designee to exclude the student is final unless altered by the School Board upon written petition filed within ____[6] days of the decision to exclude the student by the student or the student's parent, for a review of the record by the School Board.

Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, which period is established by the School Board, committee thereof, or superintendent or superintendent's designee, as the case may be, at the relevant hearing, the student may petition the School Board for readmission. If the petition for readmission is rejected, the School Board identifies the length of the continuing exclusion period and the subsequent date upon which such student may petition the School Board for readmission.

For the purposes of this section, the superintendent's designee must be a (i) trained hearing officer or (ii) professional employee within the administrative offices of the school division who reports directly to the superintendent and who is not a school-based instructional or administrative employee.

In excluding any such expelled student from school attendance, the School Board may accept or reject any or all of any conditions for readmission imposed upon such student by the expelling school board pursuant to Va. Code § 22.1-277.06. The excluding School Board may not impose additional conditions for readmission to school.

H. This policy does not preclude contractual arrangements between the BLANK School Board and agencies of the federal government or the school board of another jurisdiction to permit students not otherwise eligible to attend BLANK Public Schools.

I. Prior to admission, the student must document compliance with, or eligibility for exemption from, the physical examination and immunization requirements contained in Va. Code §§ 22.1-270, 22.1-271.2 and 32.1-46 and policies JHCA Physical Examinations of Students and JHCB Student Immunizations.

If the person enrolling a child who has been placed in foster care by a local social services agency is unable to produce a report of a comprehensive physical examination and/or proof of immunization, the student is immediately enrolled; however, the person enrolling the child must provide a written statement that, to the best of the person's knowledge, the student is in good health and is free from communicable or contagious disease. In addition, the placing social service agency must obtain and produce the required documents or otherwise ensure

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FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY.

[6] Each school board should decide what is a reasonable period of time in which to require the student or parent to petition for review.

compliance with the statutory requirements for the foster child within 30 days after the child's enrollment.

Adopted:

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-1, 22.1-3, 22.1-3.1, 22.1-3.2, 22.1-3.4, 22.1-5, 22.1-255, 22.1-260, 22.1-270, 22.1-271.2, 22.1-276.01, 22.1-277.2, 22.1-287.02, 22.1-288.2, 22.1-369, 22.1-373, 22.1-378, 32.1-46, 63.2-100, 63.2-900, and 63.2-1200.

2007 Va. Opin. AG 07-015.

1987-88 Va. Opin. AG 374.

Cross Refs.:

JECA	Admission of Homeless Children
JHCA	Physical Examinations of Students
JHCB	Immunization of Students
JGD/JGE	Student Suspension/Expulsion

APPENDIX C: VSBA SAMPLE POLICY ON ADMISSION OF HOMELESS CHILDREN

ADMISSION OF HOMELESS CHILDREN

The BLANK School Board is committed to educating homeless children and youth. Homeless children and youth are not stigmatized or segregated on the basis of their status as homeless. The school division coordinates the identification and provision of services to such students with relevant local social services agencies and other agencies and programs providing services to such students, and with other school divisions as may be necessary to resolve interdivisional issues.

The BLANK School Division serves each homeless student according to the student's best interest and will

- continue the student's education in the school of origin for the duration of homelessness
    - if the student becomes homeless between academic years or during an academic year; or
    - for the remainder of the academic year, if the student becomes permanently housed during an academic year; or
- enroll the student in any public school that nonhomeless students who live in the attendance area in which the student is actually living are eligible to attend.

In determining the best interest of a homeless student, the BLANK School Board

- presumes that keeping the student in the school of origin is in the student's best interest, except when doing so is contrary to the request of the student's parent or guardian, or (in the case of an unaccompanied youth) the youth;
- considers student-centered factors related to the student's best interest, including factors related to the impact of mobility on achievement, education, health and safety of homeless students, giving priority to the request of the student's parent or guardian or (in the case of an unaccompanied youth) the youth;
- if, after conducting the best interest determination based on consideration of the presumption and the student-centered factors above, the BLANK school division determines that it is not in the student's best interest to attend the school of origin or the school requested by the parent or guardian, or (in the case of an unaccompanied youth) the youth, provides the student's parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian or unaccompanied youth, including

information regarding the right to appeal; and

- in the case of an unaccompanied youth, ensures that the division homeless liaison assists in placement or enrollment decisions, gives priority to the views of such unaccompanied youth and provides notice to such youth of the right to appeal.

Enrollment

The school selected in accordance with this policy immediately enrolls the homeless student, even if the student

- is unable to produce records normally required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency or other documentation; or
- has missed application or enrollment deadlines during any period of homelessness.

The enrolling school immediately contacts the school last attended by the student to obtain relevant academic and other records.

If the student needs to obtain immunizations or other required health records, the enrolling school immediately refers the parent or guardian of the student or, (in the case of an unaccompanied youth) the youth, to the division's homeless liaison, who assists in obtaining necessary immunizations or screenings, or immunization or other required health records.

If the documentation regarding the comprehensive physical examination required by Policy JHCA Physical Examinations of Students cannot be furnished for a homeless child or youth, and the person seeking to enroll the pupil furnishes to the school division an affidavit stating that the documentation cannot be provided because of the homelessness of the child or youth and also indicating that, to the best of the person's knowledge, such pupil is in good health and free from any communicable or contagious disease, the school division immediately refers the student to the division's homeless liaison who, as soon as practicable, assists in obtaining the necessary physical examination by the county or city health department or other clinic or physician's office and immediately admits the pupil to school.

The decision regarding placement is made regardless of whether the student lives with the homeless parents or has been temporarily placed elsewhere.

Enrollment Disputes

If a dispute arises over eligibility, or school selection or enrollment in a school

- the homeless student is immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals;
- the parent or guardian of the student or (in the case of an unaccompanied youth) the youth is provided with a written explanation of any decisions related to school selection or enrollment made by the school, the school division or the Virginia

Department of Education, including the rights of the parent, guardian or student to appeal the decision;

- the student, parent or guardian is referred to the division's homeless liaison who carries out the appeal process as expeditiously as possible after receiving notice of the dispute; and
- in the case of an unaccompanied youth, the homeless liaison ensures that the youth is immediately enrolled in the school in which the youth seeks enrollment pending resolution of the dispute.

Appeal Process

Oral Complaint

In the event that an unaccompanied student or the parent or guardian of a student (hereinafter referred to as the Complainant) disagrees with a school's decision regarding the student's eligibility to attend the school, the Complainant shall orally present the Complainant's position to the division's homeless liaison.

Written Complaint

If the disagreement is not resolved within five (5) school days, the Complainant may present a written complaint to the homeless liaison. The written complaint must include the following information: the date the complaint is given to the homeless liaison; a summary of the events surrounding the dispute; the name(s) of the school division personnel involved in the enrollment decision; and the result of the presentation of the oral complaint to the homeless liaison.

Within five (5) school days after receiving the written complaint, the homeless liaison will reach a decision regarding the contested enrollment and shall provide a written statement of that decision, including the reasons therefore, to the Complainant. The liaison will inform the Superintendent of the formal complaint and its resolution.

Appeal to Superintendent

If the Complainant is not satisfied with the written decision of the homeless liaison, the Complainant may appeal that decision to the Superintendent by filing a written appeal. The homeless liaison shall ensure that the Superintendent receives copies of the written complaint and the response thereto. The Superintendent or designee shall schedule a conference with the Complainant to discuss the complaint. Within five (5) school days of receiving the written appeal, the Superintendent, or designee, shall provide a written decision to the Complainant including a statement of the reasons therefore.

Comparable Services

Each homeless student is provided services comparable to services offered to other students in the school attended by the homeless student including the following:

- transportation services;
- educational services for which the student meets the eligibility criteria, such as services provided under Title I, educational programs for children with disabilities and educational programs for English learners;
- programs in career and technical education;
- programs for gifted and talented students; and
- school nutrition programs.

Transportation

At the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), transportation is provided for a homeless student to and from the school of origin as follows:

- if the homeless child or youth continues to live in the area served by the division in which the school of origin is located, the child's or youth's transportation to and from the school of origin is provided or arranged by the division in which the school of origin is located.
- if the homeless child's or youth's living arrangements in the area served by the division in which the school of origin is located terminate and the child or youth, though continuing the student's education in the school of origin, begins living in an area served by another division, the division of origin and the division in which the homeless child or youth is living must agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the divisions are unable to agree upon such method, the responsibility and costs for transportation are shared equally.

Definitions

The term "homeless student" means an individual who lacks a fixed, regular and adequate nighttime residence and includes:

1. children and youths, including unaccompanied youths who are not in the physical custody of their parents, who
    a. are sharing the housing of other persons due to loss of housing, economic hardship or a similar reason; are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations or in emergency or transitional shelters, or are abandoned in hospitals;

b. have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or

c. are living in parked cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings; and

2. migratory children who qualify as homeless for the purposes of this policy because the children are living in circumstances described above.

The term “homeless student” also includes students who are experiencing trauma or a lack of safety related to, or fleeing or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous, traumatic, or life-threatening conditions related to the violence against the student or a family member in the student’s or family’s current housing situation, including where the health or safety of children are jeopardized and who has no other safe residence and lacks the resources to obtain other safe permanent housing.

The term “migratory child” means a child who moved from one residence to another and from one school division to another in the preceding 36 months as a migratory agricultural worker or migratory fisher or with, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher.

The term "school of origin" means the school that the student attended when permanently housed or the school in which the student was last enrolled.

The term "unaccompanied youth" includes a youth not in the physical custody of a parent or guardian.

Adopted:

Legal Refs.: 20 U.S.C. § 6399

42 U.S.C. §§ 11302, 11431, 11432, 11433, 11434a.

Code of Virginia, 1950 as amended, §§ 22.1-3, 22.1-70, 22.1-78, 22.1-253.13:1, 22.1-270.

Cross Ref.: JEC School Admission

JHCA Physical Examinations of Students

APPENDIX D: REPORT ON CHARGES UNDER § 22-1-264.1 PROVIDED BY THE VCSC

Charges in General District Court (SCH4253M4, § 22.1-264.1)*				
Original Code	Original VCC	Period	Total	Note
22.1-264.1	SCH-4253-M4	File Year 2015 - 2026	6	The cases filed as follows: two in 2015, two in 2016, one in 2025, one in 2026.
Charges in Adult Juvenile & Domestic Relations Court (JDR)				
Original Code	Original VCC	Period	Total	Note
22.1-264.1	SCH-4253-M4	File Year 2015 - 2026	5	The cases filed as follows: two in 2015, one in 2018, one in 2021, and one in 2023.

Charges in General District Court were brought in York, Prince George and Nottoway Counties. Charges in Adult Juvenile & Domestic Relations Court were brought in Roanoke, Fauquier, and Nottoway Counties.

*Based on all concluded cases at General District Court and Adult and Juvenile & Domestic Relations Court Case Management System 2015-2025 (Fiscal Year) Court Cases Management Data. Data also includes charges that were still pending at the end of FY2026.

Source: Supreme Court of Virginia – Circuit Court Case Management System (CMS) – Cases were selected for inclusion in the analysis based on information entered by the clerks in the CMS data system.