

HOUSE BILL NO. 1507

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate McGuire)

A BILL to amend and reenact § 22.1-279.3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-2.01, relating to public elementary and secondary schools; fundamental right of parents.

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-279.3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-2.01 as follows:**

**§ 22.1-2.01. Fundamental right of parents in the education of their children.**

A. In accordance with § 1-240.1, each school board and employee and agent thereof shall seek to ensure that the fundamental right of parents of students enrolled in the local school division is recognized and protected.

B. If a school board amends or adopts a policy that impacts the fundamental right of parents as established by § 1-240.1, the school board shall publicly make available a written statement that includes the rationale for the policy and a description of the impact.

C. Any parent of a student enrolled in the local school division that prevails in a cause of action that he brought against the school board in the circuit court that has jurisdiction in the local school division for a violation of the fundamental right established by § 1-240.1 is entitled to an award of reasonable attorney fees and costs.

**§ 22.1-279.3. Parental responsibility and involvement requirements.**

A. Each parent of a student enrolled in a public school has a duty to assist the school in enforcing the standards of student conduct and compulsory school attendance in order that education may be

26 conducted in an atmosphere free of disruption and threat to persons or property, and supportive of  
27 individual rights.

28 B. A school board shall ~~provide~~, consistent with § 1-240.1:

29 1. Provide opportunities for parental and community involvement in every school in the school  
30 division, including providing to the parent of each student enrolled in the local school division:

31 a. Within a reasonable period of time after the parent so requests, an opportunity to review the  
32 complete curricular content in the local school division;

33 b. Timely access to all personal, academic, discipline, and health care records that pertain to his  
34 child; and

35 c. The option to opt out of surveys, research studies, or programs of instruction and instructional  
36 material as set forth in §§ 22.1-207.2 and 22.1-16.8 that are inconsistent with the parent's beliefs, values,  
37 or goals and standards for his child; and

38 2. Ensure that procedures are in place that require the written consent of the parent of any student  
39 enrolled in the local school division in advance and prior to:

40 a. Taking photographs or video or voice recordings of his child, subject to applicable and explicit  
41 public safety and security exceptions or those exceptions related to an immediate health emergency;

42 b. Transmitting data or information that uniquely identifies the parent's child to a third party,  
43 subject to applicable and explicit public safety and security exceptions or those exceptions related to an  
44 immediate health emergency; or

45 c. Creating, storing, scanning, or sharing any record of his child's blood or deoxyribonucleic acid  
46 (DNA), except as required by general law or authorized pursuant to a court order.

47 C. Within one calendar month of the opening of school, each school board shall, simultaneously  
48 with any other materials customarily distributed at that time, send to the parents of each enrolled student  
49 (i) a notice of the requirements of this section; (ii) a copy of the school board's standards of student  
50 conduct; and (iii) a copy of the compulsory school attendance law. These materials shall include a notice  
51 to the parents that by signing the statement of receipt, parents shall not be deemed to waive, but to  
52 expressly reserve, their rights protected by the constitutions or laws of the United States or the

53 Commonwealth and that a parent shall have the right to express disagreement with a school's or school  
54 division's policies or decisions.

55 Each parent of a student shall sign and return to the school in which the student is enrolled a  
56 statement acknowledging the receipt of the school board's standards of student conduct, the notice of the  
57 requirements of this section, and the compulsory school attendance law. Each school shall maintain  
58 records of such signed statements.

59 D. The school principal may request the student's parent or parents, if both parents have legal and  
60 physical custody of such student, to meet with the principal or his designee to review the school board's  
61 standards of student conduct and the parent's or parents' responsibility to participate with the school in  
62 disciplining the student and maintaining order, to ensure the student's compliance with compulsory school  
63 attendance law, and to discuss improvement of the child's behavior, school attendance, and educational  
64 progress.

65 E. In accordance with the due process procedures set forth in this article and the guidelines required  
66 by § 22.1-279.6, the school principal may notify the parents of any student who violates a school board  
67 policy or the compulsory school attendance requirements when such violation could result in the student's  
68 suspension or the filing of a court petition, whether or not the school administration has imposed such  
69 disciplinary action or filed a petition. The notice shall state (i) the date and particulars of the violation; (ii)  
70 the obligation of the parent to take actions to assist the school in improving the student's behavior and  
71 ensuring compulsory school attendance compliance; (iii) that, if the student is suspended, the parent may  
72 be required to accompany the student to meet with school officials; and (iv) that a petition with the juvenile  
73 and domestic relations court may be filed under certain circumstances to declare the student a child in  
74 need of supervision.

75 F. No suspended student shall be admitted to the regular school program until such student and his  
76 parent have met with school officials to discuss improvement of the student's behavior, unless the school  
77 principal or his designee determines that readmission, without parent conference, is appropriate for the  
78 student.

79 G. Upon the failure of a parent to comply with the provisions of this section, the school board may,  
80 by petition to the juvenile and domestic relations court, proceed against such parent for willful and  
81 unreasonable refusal to participate in efforts to improve the student's behavior or school attendance, as  
82 follows:

83 1. If the court finds that the parent has willfully and unreasonably failed to meet, pursuant to a  
84 request of the principal as set forth in subsection D of this section, to review the school board's standards  
85 of student conduct and the parent's responsibility to assist the school in disciplining the student and  
86 maintaining order, and to discuss improvement of the child's behavior and educational progress, it may  
87 order the parent to so meet; or

88 2. If the court finds that a parent has willfully and unreasonably failed to accompany a suspended  
89 student to meet with school officials pursuant to subsection F, or upon the student's receiving a second  
90 suspension or being expelled, it may order the student or his parent, or both, to participate in such programs  
91 or such treatment, including, but not limited to, extended day programs, summer school, other educational  
92 programs and counseling, as the court deems appropriate to improve the student's behavior or school  
93 attendance. The order may also require participation in a parenting, counseling or a mentoring program,  
94 as appropriate or that the student or his parent, or both, shall be subject to such conditions and limitations  
95 as the court deems appropriate for the supervision, care, and rehabilitation of the student or his parent. In  
96 addition, the court may order the parent to pay a civil penalty not to exceed \$500.

97 H. The civil penalties established pursuant to this section shall be enforceable in the juvenile and  
98 domestic relations court in which the student's school is located and shall be paid into a fund maintained  
99 by the appropriate local governing body to support programs or treatments designed to improve the  
100 behavior of students as described in subdivision G 2. Upon the failure to pay the civil penalties imposed  
101 by this section, the attorney for the appropriate county, city, or town shall enforce the collection of such  
102 civil penalties.

103 I. All references in this section to the juvenile and domestic relations court shall be also deemed  
104 to mean any successor in interest of such court.

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