

Westlaw Delivery Summary Report for CENTER ON CHILDR

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West's Annotated Code of Virginia [Currentness](#)

Title 22.1. Education ([Refs & Annos](#))

▢ [Chapter 1. System of Public Schools; General Provisions \(Refs & Annos\)](#)

→ **§ 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 sending school division and the receiving school division may agree to allow the child to continue to attend the school in which he was enrolled prior to the most recent foster care placement, upon the agreement of the placing social services agency that such attendance is in the best interest of the child.

C. In the event the student is allowed to continue 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.

CREDIT(S)

Added by [Acts 2005, c. 343](#).

HISTORICAL AND STATUTORY NOTES

Acts 2005, c. 343, provided in the second enactment:

“That the Superintendent of Public Instruction and the Commissioner of the Department of Social Services shall issue a memorandum as soon as practicable after the enactment of this act to inform local school division superintendents and local social services agencies of its provisions.”

CROSS REFERENCES

Scholastic records, transfer and management, see [§ 22.1-289](#).

LAW REVIEW AND JOURNAL COMMENTARIES

A [Child's Right: What Should the State Be Required to Provide to Teenagers Aging Out of Foster Care? Swift, 15 Wm. & Mary Bill Rts. J. 1205 \(2007\)](#).

Principal-Agent [Obstacles to Foster Care Contracting. Corkran, 2 J.L. Econ. & Pol'y 29 \(2006\)](#).

UNITED STATES CODE ANNOTATED

Child welfare, adoption assistance, see [42 U.S.C.A. § 673](#).

Child welfare, foster care and adoption,

Assistance, see [42 U.S.C.A. § 671](#).

Court improvement grants, see [42 U.S.C.A. § 629h](#).

Child welfare, foster care,

Home studies, incentive payments, see [42 U.S.C.A. § 673c](#).

Maintenance, see [42 U.S.C.A. § 672](#).

Va. Code Ann. § 22.1-3.4, VA ST § 22.1-3.4

Current through End of 2009 Reg. Sess.

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