



## 2006 General Assembly Summary Education Related Legislation

**This Report describes legislative action from the  
Regular and Reconvened Sessions of the 2006 General Assembly.**

**Bills are reported as Passed, Carried Over, or Failed within ten subject categories, and are hot-linked to the Division of Legislative Services' web pages for text, summary, fiscal impact statements, and bill status.** If a bill of interest is not found in one category, please check another as legislation may fit under multiple labels. Moreover, to avoid misunderstanding, please note whether a bill is listed as Passed, Carried Over, or Failed.

**Provisions of Passed legislation become effective July 1, 2006, unless otherwise noted in the legislation itself.**

**General Assembly Committees have until December 8, 2006 to determine whether Carried Over legislation will be considered during the 2007 Session.**

*Updated: May 23, 2006*

### ***Buses, Buildings and Safety – Passed***

**Vehicle Classification [SB 305](#)** requires certain school bus operators to obtain a school bus endorsement. This will not change current DMV procedures regarding testing and licensure of school bus drivers and will have no impact on school bus drivers in the Commonwealth, as it only codifies existing DMV procedures and requirements.

**Fire Drills during Standards of Learning Assessments [SB 97](#)** requires the Board of Housing and Community Development to promulgate regulations prohibiting fire and evacuation drills in schools during periods of mandatory testing required by the Board of Education. The provision went into effect 3/23/06.

**Speed Limits for School Buses [HB 650](#)** allows for maximum speed limits for school buses of 45 mph on highways with posted speed limits of 55 mph or less and 55 mph on highways with posted speed limits greater than 55 mph.

**Reckless Driving [HB 1546](#)** defines reckless driving as (i) driving a motor vehicle at a speed of 20 miles per hour or more in excess of the maximum speed limit or (ii) driving in excess of 80 miles per hour regardless of the maximum speed limit.

**Drug Free Day Care Zones [SB 524](#)** amends the 1,000 foot drug-free school zone law to include kindergartens and licensed child day centers.

**Internet Safety Instruction in Schools** [HB 58](#) requires the addition of a component on Internet safety to school division acceptable Internet use policies, which is to be integrated into a division's instructional program. The Superintendent of Public Instruction will issue guidelines to school divisions, including encouraging cooperation with local law enforcement agencies in its implementation.

**Temporary Loans to School Boards** [SB 715](#) extends the length of a temporary loan for the purpose of financing new school buses to replace obsolete buses from five to 10 years.

**Use of School Vehicles for Public Transportation** [HB 1582](#) authorizes local governments within Planning District 16 (Fredericksburg, Caroline, King George, Spotsylvania, and Stafford) to enter into cooperative agreements with local school divisions for the use of school vehicles for public transportation purposes during non-school hours. Such agreements could utilize public or private funds for addressing the costs of the program.

**Medical Emergency Response Plans** [SB 75](#) requires each school to implement a "medical emergency response plan" as part of their school crisis and emergency management plan. The Department of Education must provide assistance in the development of the plan in coordination with local emergency medical services providers, the training of school personnel and students to respond to a life-threatening emergency, and the equipment required for this emergency response. The Department must also prepare a model plan.

**School Records of Missing Children** [HB 1482](#) enhances current procedures for notation in school records of missing children and local law-enforcement cooperation with the schools by mandating that, (i) within 24 hours of the missing child report, local law enforcement must notify the principal of the school where the missing child is or was most recently enrolled of the report so that the school can mark the student's record; and (ii) upon notification that the marked child's record has been requested, the Superintendent of State Police must immediately initiate an investigation into the circumstances surrounding the request.

**Public Procurement Act** [HB 994](#) and [SB 271](#) allow a public body to purchase, at its own expense, an owner controlled insurance program in connection with any public construction contract meeting defined criteria. However, the bill would only have an impact should the Commonwealth elect to provide owner-controlled insurance programs for construction projects, which it currently does not. [HB 1259](#) specifies that for the award of any construction contract exceeding \$100,000 in which the performance of labor or the furnishing of materials will be paid with public funds, the contractor must furnish to the public body performance and payment bonds. In addition, performance and payment bonds are required for construction contracts exceeding \$100,000 awarded to any prime contractor requiring the performance of labor or the furnishing of materials for buildings, structures, or other improvements to real property leased by a public body. [HB 1416](#) provides that design-build or construction management projects undertaken by

any local governing body when the contract is not expected to cost more than \$1 million shall be exempt from approval of the Design-Build Review Board. As a result, local governing bodies have authority to enter into contracts on a fixed price design-build basis or construction management basis.

**Registered Sex Offenders** [HB 1066](#) expands the definitions of abused and neglected children to include when a child is knowingly left alone with a person not related to the child and known by the child's parent or guardian to have been convicted of an offense requiring registration with the Sex Offender Registry. [HB 984](#) broadens the requirements for registration of sex offenders, enhances the accuracy of the sex offender registry (SOR), and increases penalties for violation of the SOR requirements. Of most direct consequence to schools and school divisions, failure to register is added to the offenses for which conviction bars loitering within 100 feet of a school. Persons convicted of such offenses after July 1, 2006, will also be prohibited from loitering within 100 feet of a child day program. Persons convicted of certain sex offenses will be prohibited from working or volunteering on the grounds of a school or day care center and will be prohibited from residing within 500 feet of a school or day care center. Local school boards are required to ensure that schools within the division are registered to receive electronic notice of sex offenders within that school division and to develop and implement policies to provide information to parents regarding registration of sex offenders and the availability of information on the Registry, and are required to develop protocols governing the release of children to persons who are not their parent.

#### ***Buses, Buildings and Safety - Carried Over***

**Green Buildings Act** [HB 857](#) would require all major facility projects of state agencies and other entities for which the project is funded with state money to be designed, constructed, and certified to meet the United States Green Building Council Leadership in Energy and Environmental Design (LEED) silver standard. This would include all major facility projects of a public school district, where the project receives any state funding, and would apply to major facility projects that have not entered the design phase prior to January 1, 2007. [SB 275](#), also carried over, includes similar requirements.

**Registered Sex Offenders** [HB 1557](#) would provide that adults convicted of certain sex offenses shall be prohibited from working or volunteering on public or private elementary or secondary school or child day center property.

#### ***Buses, Buildings and Safety – Failed***

**Safety Belts on School Buses** [HB 51](#) and [HB 84](#) would have required school buses purchased by, or for use by, any school or school division on or after January 1, 2007, to be equipped with safety belts or safety belts and shoulder harnesses of types approved by the Superintendent of State Police.

**Transportation of Private School Students** [HB 1408](#) would have permitted local school boards to enter into agreements with nonpublic schools in the school division to provide student transportation for a fee to and from the nonpublic schools.

**Provisional Driver's Licenses** [SB 137](#) would have prohibited persons under the age of 18 from using any cellular telephone or any other wireless telecommunications device, regardless of whether such device is or is not hand-held, while driving. The bill also makes a violation of this provision a primary offense.

**Civil Penalty for Passing a School Bus** [HB 158](#) would have increased the civil penalty for improperly passing a stopped school bus from \$250 to \$500.

**Drug Free School Zones** [HB 107](#) would have required each public and private elementary, secondary, and post-secondary school and each public and private two-year and four-year institution of higher education to post signage indicating that school property and the area within 1,000 feet of such property is a drug-free school zone.

**Retail Sales and Use Tax** [HB 248](#), [HB 536](#), [HB 1251](#), [HB 1315](#), [SB 478](#) and [SB 254](#) would have exempted from paying the sales and use tax any person who contracts to perform services for and provide tangible personal property for consumption or use by the Commonwealth, any political subdivision of the Commonwealth, or the United States, if the Commonwealth, political subdivision, or the United States certifies that title to such tangible personal property will pass to such governmental entity. [SB 96](#) would have provided a similar exemption for personal property purchased by a contractor on or after July 1, 2006, and used solely in any construction project for a local school division.

**Technology Protection Measures in Public Libraries** [SB 334](#) would have required the library board or governing body of a library that receives state funding for any purpose to include, in its acceptable use policy for the Internet provisions requiring the selection, installation, and activation on those computers that have Internet access a technology protection measure, as selected by the Library of Virginia, to filter or block Internet access through such computers to child pornography and, with respect to minors, materials deemed harmful to juveniles.

**Public-Private Partnership Advisory Commission** [SB 174](#) would have required the review of the terms and conditions of interim or comprehensive agreements for qualifying projects under the Public-Private Transportation and Public-Private Education Facilities and Infrastructure Acts by the appropriating body before the final execution of such agreements by the responsible public entity. The bill would have required specific provisions to be included in the guidelines that must be adopted by responsible public entities (RPE's) under each of the Acts. In addition, the bill establishes the Public-Private Partnership Advisory Commission to review the terms of the interim and comprehensive agreements prior to signing by state RPE's and to provided nonbinding, advisory opinions regarding the terms of such agreements.

**Literary Fund Loan Program [HB 905](#)** would have raised the maximum limit for any loan from the Literary Fund from \$7.5 million to \$12 million.

**Impact Fees [HB 820](#)** would have expanded the existing road impact fee provisions to include the construction of new school facilities or improvement or expansion of existing facilities to meet the increased demand due to new development. It would have also extended the applicability of such provisions from Northern Virginia localities to all localities.

**Passenger Cars Owned by Local Governments [HB 463](#)** would have required that passenger cars that are owned by local governments and registered under subsection A of § 46.2-750 ("local government use" license plates) be conspicuously marked with the seal, symbol, emblem, or logotype of the county, city or town.

**Handheld Mobile Telephones [SB 16](#)** would have prohibited the use of handheld mobile telephones by operators of motor vehicles while the vehicles are in motion. Exceptions would have been made for emergencies and use of mobile telephones by law-enforcement and emergency service personnel.

#### *Conduct and Discipline - Passed*

**Possession of Certain Weapons on School Property [HB 1516](#)** requires a school board to expel from school for at least one year a student who possesses certain weapons on school property or at a school-sponsored activity. The weapons listed include a firearm or destructive device (defined in E of 15.2-915.4 the Code of Virginia), a firearm muffler or firearm silencer, or a pneumatic gun.

**Notification to Principals [HB 1279](#)** amends the requirement that principals or their designees receive notification from local law-enforcement authorities when students in their school commit certain crimes to require that such notification be given, whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. The bill further requires that any school superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of § 16.1-260 must report such information to the principal of the school in which the juvenile is enrolled.

**Criminal Street Gang Activity [HB 901](#) and [SB 344](#)**, in an effort to prevent an offender from contact with any specifically identified member of a criminal street gang, provides that the court, when sentencing an active participant or member of a criminal street gang, may, as a condition of probation or a suspended sentence, place reasonable restrictions on with whom the accused may have contact. The bill creates an exception for those who are members of the person's family or household. [HB 775](#) and [SB 473](#) expand the definition of predicate criminal act under crimes by gangs to include threats to bomb (§ 18.2-83) and receiving money for procuring a person for prostitution (§ 18.2-356). [SB 183](#) and [HB 588](#) make it illegal to point, hold or brandish a machete or any weapon with an exposed blade 12 inches or longer with intent to intimidate. The punishment is a Class 1

misdemeanor unless the offense occurs on or within 1000 feet of school property, in which case it is a Class 6 felony. However, this will not apply to any person engaged in excusable or justifiable self-defense. Relating to exceptions of confidentiality, [HB 692](#) and [SB 129](#) provide that where the consideration of public safety requires, gang-related information pertaining to others, obtained from an investigation or supervision of a juvenile affiliated with a criminal street gang can be released by the Department of Juvenile Justice or a court service unit to a law-enforcement agency investigating criminal street gang activity. [HB 847](#) and [SB 561](#) require the Departments of Corrections and Juvenile Justice to collect information on individuals identified as gang members and transmit it to the Commonwealth's Attorneys' Services Council. The bill also specifies that law-enforcement agencies, school administrations and probation offices are included as entities that may examine certain juvenile records held by the Department of Juvenile Justice if there is a court order determining that they have a legitimate interest. The bill also says that the court order may be granted if the person, agency, or institution has a legitimate interest in the juvenile. In addition, the Department of Juvenile Justice will be allowed to release the social reports and records of a child to certain law enforcement employees for the purpose of investigating criminal street gang activity.

#### *Conduct and Discipline - Carried Over*

**Expulsion of Students** [HB 1229](#) would amend the procedure for readmission of a student to school after expulsion to require that local school board regulations governing the readmission procedure ensure that any initial petition for readmission be timely reviewed by the school board, a committee of the school board, or the division superintendent in a manner that, if granted, would enable the expelled student to return to school no later than one calendar year from the date of the expulsion.

**Actions Against Parents for Conduct of a Minor** [HB 1176](#) would allow a cause of action against a parent or parents of a minor for personal injuries inflicted willfully and maliciously by that minor. Currently a cause of action only exists for damages inflicted to property.

**Immigration Status of Youth Gang Criminals and Families** [HB 1460](#) would provide that upon the conviction of any person of a youth gang crime, the probation and parole officer shall verify the person's immigration status. If the officer discovers that the person is in the United States illegally, he shall report his status and information he may have on the person, his family and his household to the United States Immigration and Customs Enforcement Agency.

#### *Conduct and Discipline - Failed*

**Penalty for the Sale of Fake Marijuana** [HB 978](#) would have prohibited the sale near a school or similar place of a substance that is represented to be marijuana. The punishment would have been the same as for sale of marijuana.

**Instruction on Drug Use in Public Schools** [HB 1138](#) would have included instruction on the dangers of methamphetamine and OxyContin use as topics to be covered under the requirement that the public schools provide instruction concerning drugs and drug abuse as prescribed by the Board of Education. Although the bill failed, the Committee agreed to send a letter to the Board to emphasize the dangers of these substances in their model guidelines.

**Criminal Penalties for Gang Activities** [HB 713](#) would have added carrying a concealed weapon to the list of crimes defined as "predicate criminal act. [SB 323](#) would have provided life imprisonment as the possible penalty for a third gang-related crime in a 10-year period.

**Chronic Tardiness** [SB 672](#) would have incorporated the concept of "chronic tardiness" (being habitually and without justification absent from school for a significant portion of the day because of routine and substantial late arrival to school) into the reporting, recordkeeping, and enforcement provisions of the compulsory school attendance law.

#### *Finance – Passed*

**Virginia Public Procurement Act** [HB 122](#) and [SB 662](#) standardize definitions and certification programs for small, women- or minority owned (SWAM) businesses and requires the Department of Minority Business Enterprise (DMBE) to develop regulations and certification requirements, consistent with prevailing law, for program implementation. The bill denies certification to vendors from states that deny like certifications from Virginia; frees small, women- or minority-owned businesses that are certified by DMBE from having to obtain additional certifications from localities; and adds a SWAM businesses provision for exclusion of proprietary records and trade secrets.. [HB 458](#) allows a public body to enter into cooperative procurements for professional services, except for architectural or engineering services, even though the public body did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was being conducted on behalf of other public bodies.

**Disposition of Surplus Property by Online Auctions** [HB 1488](#) and [SB 449](#) add online public auctions as a permissible means by which the Commonwealth and localities may dispose of surplus materials. Localities that elect to dispose of surplus materials through public sale or auction (including online public auction) are subject to the same provisions as state agencies, departments, divisions, and institutions that dispose of surplus materials by public sale or auction.

#### *Finance - Carried Over*

**Triennial Census of School Age Persons [SB 263](#)** would provide school divisions the option of choosing to conduct a statistical survey, based on a standardized methodology mandated by the Superintendent of Public Instruction, rather than the traditional census every three years.

**Public Procurement Act [HB 1314](#)** would provide that no public body enter into any contract for goods, services, or construction with any potential bidder or offer or that employs in any aspect of such person's business, individuals other than citizens of the United States, legal resident aliens, or individuals with a valid visa. The bill would further require all public bodies to include similar provisions in every subcontract or purchase order, so that the provisions will be binding upon each subcontractor or vendor

**Limits on Appropriations [HJ 59](#)** would limit total appropriations in any fiscal year to the preceding year's total appropriations plus the greater of (i) five percent or (ii) a percentage increase equal to the rate of inflation plus the rate of population increase. However, additional appropriations may be made for tax relief, deposits to the Revenue Stabilization Fund, or nonrecurring capital projects. "Total appropriations" is defined so as not to include appropriated moneys that are received from the federal government.

### ***Finance – Failed***

\*None to Report

### ***Instruction and Standards of Learning – Passed***

**Comparative Religion Elective [SB 62](#) and [HB 215](#)** reallocate the duty to authorize a comparative religion class from local school boards to the Board of Education. Language was inadvertently altered during the 2004 Session revision of the Standards of Quality.

**Remediation Programs [HB 216](#) and [SB 67](#)** reflect the Commonwealth's decision to shift testing in grades three, five, and eight to testing annually in grades three through eight, in compliance with the federal No Child Left Behind Act. In addition, they amend the standards for remediation programs to require that data submitted to the Board of Education include the number of students failing any Standards of Learning Assessments for grades three through eight. This bill also provides that students who fail the Standards of Learning assessments in grades three through eight, in addition to other factors that the division superintendent may use to determine the student's need for remediation, must attend summer school or after school remediation programs.

**Test Security Procedures [SB 39](#) and [HB 348](#)** authorize the Board of Education to review or investigate any alleged breach in security, unauthorized alteration, or improper administration of tests by local school board employees responsible for the distribution or administration of the tests. The bills also allow the Board to recover the costs of any investigation conducted because of violations of test security from any person who

violates test security procedures. The bills also create a limited exemption from the Freedom of Information Act, for records furnished to or prepared by the Board of Education in connection with the review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests by local school board employees responsible for distribution or administration of the tests.

**Internet Safety Instruction in Schools** [HB 58](#) adds to the acceptable Internet use policies developed by the division superintendents a requirement that such policies include a component on Internet safety for students that is integrated in a division's instructional program. The measure contains an enactment clause providing that within 45 days of the enactment of the act, the Superintendent of Public Instruction must issue a superintendent's memorandum advising school divisions of the provisions in the act and encourage cooperation with local law enforcement agencies in its implementation.

**Fire Drills during Standards of Learning Assessments** [SB 97](#) requires the Board of Housing and Community Development to promulgate regulations prohibiting fire and evacuation drills in schools during periods of mandatory testing required by the Board of Education. The bill went into effect upon the Governor's signature, March 23, 2006.

**Release of Standards of Learning Assessments** [HB 1059](#) and [SB 34](#) ensure that the timely release of the Standards of Learning assessments to the public will not limit the Department of Education's ability to test students on-demand and provide immediate results in the web-based assessment system.

**Use of Standards of Learning Assessments** [HB 813](#) provides that the Board of Education may adopt special provisions related to the administration and use of any SOL test or tests in a content area as applied to accreditation ratings for any period during which the SOL content or assessments in that area are being revised and phased in. Prior to statewide administration of such tests, the Board of Education must provide notice to local school boards regarding such special provisions.

**Home Instruction** [SB 499](#) and [HB 1340](#) modify the criteria that a parent must meet to provide home instruction to their children, by providing that a parent who holds a high school diploma, rather than a baccalaureate degree, meets the requirements. [HB 1588](#) requires that school boards implement a plan to make Preliminary Scholastic Aptitude Tests (PSAT) examinations and Advanced Placement (AP) examinations available to students receiving home instruction. [HB 1483](#) amends the requirements for home instruction to provide that parents may home school their children if they: (i) provide a program of study or curriculum, which in the judgment of the division superintendent includes the standards of learning objectives adopted by the Board of Education for language arts and mathematics, or (ii) provide evidence that the parent is able to provide an adequate education for the child. The bill further provides that a parent who elects to home school a child must provide the division superintendent with evidence that the child has attained a composite score in or above the fourth stanine of any nationally normed standardized achievement test rather than the current requirement that such child receive

a score in or above the fourth stanine on a battery of achievement tests that have been approved by the Board of Education for use in the public schools.

**Limited English Proficiency Diploma Requirements** [SB 683](#) instructs the Board and Department of Education to collect and analyze statewide data on Virginia's public school students with limited English proficiency (LEP) and school division programs for LEP students that shall include, but not be limited to (i) the demographics of Virginia's LEP students, (ii) school division programs designed to assist LEP students in academic achievement and targeted remediation classes and other strategies. It also requires the Board and Department to recommend by December 1, 2006, to the Senate Committee on Education and Health and the House Committee on Education, steps to resolve the issues relating to the requirements for obtaining a high school diploma and students with limited English proficiency that will retain high academic standards and accountability, while assisting such students in their endeavors to obtain an education and to become productive Virginians.

**Family Life Education Programs** [SJ 171](#) requests the Board of Education to survey family life education programs in public schools.

**Study of Science, Math and Technology Education** [HJ 25](#) establishes a joint subcommittee to study science, math, and technology education in the Commonwealth at the elementary, secondary, and undergraduate levels.

**General Educational Development Program** [HB 347](#) allows participation in a general educational development program to be by the court order and excludes from the compulsory school attendance requirements any child who has obtained a general educational development certificate (GED). The bill also adds to the list of those persons who may participate in the GED testing program by including (i) persons 16 years of age or older who have been expelled from school and (ii) persons required by court order to participate in the testing program. The testing fee is a local cost.

### *Instruction and Standards of Learning - Carried Over*

**Family Life Education** [HB 164](#) would require the inclusion of more specific information into the curriculum guidelines for family life education courses, including a discussion of sexual intercourse emphasizing that abstinence is the accepted norm and the only guarantee against unwanted pregnancy. Family life courses would also be required to include materials that emphasize honor and respect for monogamous heterosexual marriage; provide information on the transmission of sexually transmitted diseases; inform students on laws addressing child support obligations and the unlawfulness of sexual relations between unmarried persons; and advise students on ways to avoid unwanted sexual advances and resist negative peer pressure. The bill would allow students to opt out of family life courses if a parent or guardian submits a written objection and it further clarifies that parents have the right to review any family life curriculum, whether such curriculum is mandatory or optional.

**K-14 Educational Partnerships [SB 710](#)** would require that, in addition to any other programmatic requirements and for the purpose of complementing and strengthening existing dual enrollment programs, each local school board shall, by July 1, 2007, establish a regional K-14 educational partnership. Each regional K-14 educational partnership would be developed in cooperation with one or more community colleges in the region and may include partners from the private sector and would (i) provide academically rigorous curricula that provide qualified students the opportunity to specialize in career and technical subjects; (ii) be designed to articulate a specific high school curriculum with an identified community college curriculum; (iii) be devised as a seamless system of education permitting students to matriculate from high school classes to appropriate community college programs without interruption, obtain an associate degree or other credential from a community college, and, if desired by the student, continue his education in a four-year institution; and (iv) be structured and funded as a regional program, in a manner similar to Governor's schools. In addition to carrying over the legislation, the Committee forwarded its subject matter to the Governor's P-16 Council for further review.

**Physical Education Requirements [SB 599](#)** would require school boards to implement a requirement for physical education to be taught in grades kindergarten through 12. The current mandate only requires that physical education be taught at the elementary school level.

**Graduation Requirements [HB 1442](#)** would expand the requirements for earning a standard diploma to include one concentration in career and technical education. Students can currently choose a focused sequence of elective courses in career and technical education as one of at least two sequential electives required for graduation.

**Credit Transfers from Private to Public Schools [HB 838](#)** would require the Board of Education to promulgate regulations to ensure the transfer of credits from any private elementary, middle, or high school located in the Commonwealth to a public school in any Virginia school division.

**Textbooks in Public Schools [HB 492](#)** would provide that each local school division shall, in providing textbooks and workbooks free of charge for each child attending public schools, ensure that such textbooks and workbooks are available in sufficient quantity to provide each student an individual copy that may be used at home unless all required course materials are available on school-issued computers that may be used by students at home.

**Early Childhood Education [SB 205](#)** would require, on or after July 1, 2010, all school divisions to provide early childhood education programs for four year olds and five year olds that are not eligible to attend kindergarten or at-risk early childhood education programs whose parents voluntarily wish to enroll them in such programs. The fiscal impact on school divisions would vary depending on the need to construct new facilities, purchase new equipment and employ additional staff.

### ***Instruction and Standards of Learning – Failed***

**Family Life Education [HB 163](#)** would have repealed the requirement that the Board of Education establish guidelines for family life education and prescribes certain subject matter to be taught in family life education programs, leaving the design of the program to individual school divisions.

**Home Instruction [HB 537](#)** would have strengthened the requirements for parents providing home instruction, by (i) requiring the parents to notify the division superintendent of any changes in the curriculum during the school year; (ii) authorizing the division superintendent to terminate home instruction if a measurement of progress is not submitted by August 1, and no probationary year has been granted; (iii) authorizing the division superintendent to terminate home instruction if the remediation plan is not satisfactory or at any time if it is evident that no progress is being made; and (iv) raising the achievement test standard to the fifth stanine or higher.

**Provisional Driver's Licenses [SB 137](#)** would have prohibited persons under the age of 18 from using any cellular telephone or any other wireless telecommunications device, regardless of whether such device is or is not hand-held, while driving. The bill also makes a violation of this provision a primary offense.

**English as a Second Language Grant Program [HB 593](#)** would have established the English as a Second Language Grant Program for the purpose of providing grants to school divisions in which at least 25% of the student population receives English as a second language instruction. Only Harrisonburg would have been eligible for the grant.

**Daily Recess for Elementary Schools [HB 1450](#)** would have provided that local school boards shall not prohibit the denial of daily outdoor recess or unstructured play to a student for disciplinary reasons, unless permitted by the child's parent.

**Character Education [SB 204](#)** would have provided that character education programs in public schools may include opportunities for voluntary participation in community service activities pursuant to guidelines developed by the Board of Education.

**Career and Technical Education [SB 709](#)** would have recognized the Virginia Community College System as the coordinator of workforce training and established a comprehensive, integrated workforce training system, and required the appointment of regional workforce training boards to identify appropriate policies relating to workforce training for each of the community colleges and the school divisions within the relevant region.

**Criminal Record Checks for School Volunteers [HB 507](#)** would have provided that if a local school division, in its discretion, requires fingerprinting or criminal records checks

of school volunteers, all associated costs shall be paid by the school division or by the Commonwealth with such funds as may be appropriated for this purpose.

### ***Personnel - Passed***

**Teacher Quality [SB 324](#)** requires the Director of Human Resource Management to consider, in the biennial review of the compensation of teachers and other occupations requiring similar education and training, the Commonwealth's compensation for teachers relative to member states in the Southern Regional Education Board. Since it only requires consideration, it is anticipated that this provision will have no fiscal impact. The bill also requires the evaluation of each teacher with continuing contract status at least once every three years. Teachers who have an unsatisfactory evaluation must be evaluated the following year. Additionally, the bill provides that the evaluations must be maintained in the employee's personnel file.

**Teacher Education Programs [SB 687](#)** prohibits the Board of Education from conditioning full approval of teacher education programs provided by an institution of higher education on the number of students in individual licensure programs, such as, but not limited to, prekindergarten-three, Spanish, music education, high school physics, or other disciplines, or documented efforts to increase enrollment in such programs.

**Background Checks for Public School Contract Employees [HB 1109](#)** provides that prior to awarding a contract for the provision of services that require direct contact with students ("direct contact" defined as "being in the presence of students during regular school hours or during school-sponsored activities"), a school board shall require the contractor and relevant employees to certify that he has not been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child; and whether he has been convicted of a crime of moral turpitude. Such conviction will be grounds for the revocation of the contract and, when relevant, revocation of the person's license to provide such services.

**Teacher Licensure [HB 1057](#) and [SB 74](#)** revise statutes governing teacher licensure regulations and regulation of teacher education programs by repealing the current statutes and reenacting teacher licensure and teacher education program provisions. The bill provides that the Board of Education must prescribe, by regulation, the requirements for licensure of teachers and other school personnel. The Board's regulations must include requirements that a person seeking initial licensure complete professional assessments prescribed by the Board and complete study in attention deficit disorder, gifted education, and family involvement in student learning. In addition, every person seeking initial licensure or licensure by renewal must demonstrate proficiency in the use of educational technology and receive professional development in instructional methods promoting student academic progress and Standards of Learning assessments. Persons seeking initial licensure or first-time licensure renewal must complete prescribed study in child abuse. All persons seeking licensure with an endorsement as a teacher of the blind and visually impaired must demonstrate proficiency in reading and writing Braille. The Board's

regulations must also provide for licensure of principals and assistant principals contingent upon a prescribed assessment; criteria to effectuate the substitution of experiential learning for coursework for those seeking initial licensure through an alternate route; and licensure by reciprocity. The Board's regulations may provide for provisional licensure valid for up to three years.

**Severance Benefits for State and Local Officials** [HB 476](#) requires that any severance benefits provided to departing Cabinet Secretaries and agency heads at the state level, and any departing official appointed by a local governing body shall be publicly announced by the appointing authority prior to such departure.

**Assault and Battery** [HB 70](#) adds school bus drivers and bus driver aides to the protected class of persons who are not deemed guilty of assault and battery for incidental or minor contact with a student in an attempt to maintain order when acting in the course and scope of their official capacity. In addition to school bus drivers and driver aides, [SB 26](#) includes the same protections for teacher aides.

### *Personnel - Carried Over*

**Document Verification for Employment of Illegal Immigrants** [HB 1048](#) would require employers to obtain employment eligibility verification documentation as specified in Form I-9 indicating that a prospective employee is legally eligible for employment in the United States. The Department of Labor and Industry would be required to provide access to a computer database to assist employers in determining whether prospective employees are legally eligible for employment. An employer that hires persons not legally eligible for employment in the United States would be ineligible to participate in foreign labor certification programs for a period of three years following conviction. [HB 1067](#) would make it a Class 1 misdemeanor to falsely represent that an alien worker has documentation indicating that he is legally eligible for employment.

### *Personnel-Failed*

**Teacher Salaries for Critical Shortage Areas** [HB 273](#) would have required local school boards to adjust their teacher salary schedules to provide for greater compensation for personnel who teach in a critical shortage area or discipline, than in areas in which there is no shortage of highly qualified teachers. The measure would have also established that no teacher salary schedule adopted by a local school board could establish a maximum salary.

**Administrative Licensure** [HB 274](#) would have provided that the Board of Education make no regulations prescribing mandatory qualifications or licensure requirements for holding the position of division superintendent of schools, principal, assistant principal, and school supervisor.

**Teacher Licensure [HB 275](#)** would have required all persons seeking licensure as a teacher to obtain a degree in a specific subject area, but not in pedagogy. The measure would have also established a one-year paid teacher internship program in lieu of current student teacher or clinical faculty programs in cooperation with public elementary and secondary schools. The training would occur in a classroom under the supervision of an experienced teacher.

**Non-discrimination of Public Employment [SB 700](#)** would have prohibited discrimination in public employment based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, or status as a veteran.

**Teacher Staffing Ratios [HB 808](#)** would have permitted secondary school teachers to teach courses outside of their endorsement area to accommodate under-filled or overflowing classes in order to maintain student-teacher ratios that provide for individualized instruction and promote the efficient use of school personnel.

#### ***Retirement and Insurance – Passed***

**Teaching in Critical Shortage Areas [SB 99](#)** allows persons who retired as other than a teacher to teach in a critical shortage position while continuing to receive a retirement allowance, provided the person becomes licensed by the Board of Education to serve as a local school board instructional or administrative employee. Under current law, only those retired persons who served as teachers are eligible to teach in critical shortage positions while continuing to receive a retirement allowance.

**Virginia Retirement System Sickness and Disability Program [HB 468](#)** clarifies that an employee receiving disability benefits under the Virginia Sickness and Disability Program must apply for Social Security benefits, including reapplying and appealing any denials, if requested to do so by the administrator of the plan. [HB 462](#) provides that employees approved for disability benefits on or after age 60 shall be eligible for up to a maximum of five years of disability before having to retire under a service retirement. [HB 459](#) clarifies that a member who is applying for disability benefits must also apply for other available benefit programs when directed to do so by the plan administrator.

**VRS Oversight of Non-Participating Localities [HB 473](#)** deletes the requirement that the Virginia Retirement System determine if the retirement plans of localities not participating in the Virginia Retirement System are fulfilling the statutory requirement of providing a service retirement allowance to each employee who retires at age 65 or older that equals or exceeds two-thirds of the service retirement allowance to which the

employee would have been entitled had the allowance been computed under the provisions of the Virginia Retirement System.

**Suspension of Payment of Retirement Benefits** [HB 454](#) clarifies that a member who is receiving a retirement benefit and becomes re-employed shall be ineligible to receive a retirement benefit except where the benefit is being paid through a lifetime annuity from an annuity contract.

**Benefit Restoration Plans** [SB 115](#) authorizes localities that provide supplemental benefits to employees covered by the Virginia Retirement System to establish benefit restoration plans.

**Increasing Health Care Costs** [SJ 4](#) Directs the Joint Commission on Health Care to study the derivative effects of increases in health care costs on health insurance premiums including the factors leading to rising health care costs in the Commonwealth and ways to reduce health care costs in the Commonwealth.

**Health Care Coverage for the Uninsured** [HJ 158](#) directs the Joint Legislative Audit and Review Commission to study options for extending health insurance coverage to Virginians who are currently uninsured.

**Unemployment Compensation** [HB 567](#) increases the maximum weekly benefit from \$330 to \$347 for claims effective on or after July 3, 2006.

**Worker's Compensation** [HB 941](#) corrects the statement of the minimum ratio of debt to equity that an employer is required to demonstrate prior to obtaining certification as a self-insurer. The minimum ratio is currently codified as 2:2, and the 1996 Acts of Assembly stated the ratio as 2.2; this measure restates the ratio as 2.2:1. [HB 942](#) exempts all payments in settlement of workers' compensation claims, including transfers of workers' compensation claims, awards, benefits, settlements or payments made or payable pursuant to Title 65.2, from the provisions of the Structured Settlement Protection Act.

### *Retirement and Insurance - Carried Over*

**Local Government Employees Health Insurance Relief Act** [HB 501](#) and [SB 9](#) would allow employees of local governments, local officers, teachers, and retirees, and their dependents to participate, with the approval of the local government, in the state employee health plan established pursuant to §2.2-2818. The local government would be responsible for whatever portion of the cost of such insurance that is not paid by the employee, except any portion that the General Assembly elects to pay.

**Local Retirement Plans** [HB 1369](#) would prohibit any local retirement system that is not under the Virginia Retirement System to allow any employee to earn more than one year of service credit for all service rendered in any period of 12 consecutive months. All

retirement plans administered by the Virginia Retirement System are under the same prohibition. Counties, cities and towns with populations over 5,000 that administer their own retirement plans, would now come under the same prohibition.

**Mandated Insurance Coverage for Habilitative Services for Children [HB 657](#)** would require health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts to provide coverage for “medically necessary habilitative services” for persons younger than 19 years. This bill defines habilitative services as “health and social services directed toward increasing and maintaining the physical, intellectual, emotional, and social functioning of developmentally delayed individuals, in the areas of self-care, sensory and motor development, interpersonal skills, communication, and socialization; and reduction or elimination of maladaptive behavior.”

### *Retirement and Insurance – Failed*

**Virginia Retirement System [HB 4](#)** would have increased from 1.7 to 2.0 the average final compensation retirement multiplier for teachers with 10 or more years of creditable service earned as a teacher. The bill would have applied to teachers first retiring on or after July 1, 2006. [HB 431](#) would have similarly increased the retirement multiplier. [HB 89](#) would have increased monthly retirement benefits of certain future retirees by increasing the percentage of average final compensation multiplied by the amount of creditable service from 1.7 to 2.0 for years of service in excess of 25 years for most state employees. [HB 10](#) would have provided that a member of the Virginia Retirement System who is in service may purchase up to four years of service credit for service as a teacher or administrator with an Overseas American-Sponsored Elementary and Secondary School Assisted by the U.S. Department of State. [HB 508](#) would have prohibited reduction in the net retirement benefit paid to any current or future retired state employee by any increase in health insurance premiums unless such increase results from the selection of expanded coverage by the retiree. [HB 1556](#) would have permitted an active member to purchase creditable service, at an actuarial equivalent cost, for part-time service with a covered employer that occurs in addition to and simultaneously with the employee's full-time covered service.

**Defined Contribution Plan [HB 1331](#)** would have created a new defined contribution plan for all employees who enter on or after July 1, 2006, into any position covered by any retirement plan administered by the Virginia Retirement System. The employee would have 90 days after entering into such a position to elect to participate in the defined contribution plan or the retirement plan for which he is otherwise eligible.

**Teachers Sick Leave [HB 1158](#)** would have required local school boards to adopt policies providing for up to 12 weeks of leave without pay for school board employees with debilitating or life-threatening illness or injury, without regard to the employee's length of service with the school board.

**Health Insurance Credits for Teachers and other Local School Board Employees** [HB 3](#) and [SB 398](#) would have increased the monthly health insurance credit for retired teachers from \$2.50 to \$4.00 for each full year of the retired member's creditable service and eliminated the overall cap to the credit. SB 398 would have additionally included all retired full-time, salaried employees of local school boards as recipients of the credit. The bill would have applied to current and future retirees from positions as teachers or full-time, salaried employees of local school boards. Even though these measures were defeated, language implementing the same changes is included in the House budget proposal.

**Mandated Coverage** [HB 1405](#) would have required health insurers to provide coverage for the treatment by intensity modulated radiation therapy (IMRT) of tumors. Similarly, [HB 623](#) would have mandated coverage for treatment of a malignant brain tumor otherwise covered that the covered patient elects to have performed at a National Cancer Institute center of excellence located within 300 miles of the patient's residence. Both bills failed but the issues were both forwarded to the Special Advisory Commission on Mandated Health Insurance Benefits for additional consideration.

**Unemployment Compensation** [HB 144](#) and [SB 382](#) would have disqualified a public school teacher for unemployment compensation benefits if the individual's teaching contract was not renewed as a result of a failure to comply with licensure or certification requirements.

#### ***School Board Governance - Passed***

**General Assembly and State and Local Government Conflict of Interest Act** [HB 542](#) makes several amendments to the Act including: (i) clarifying that individual stocks and amounts should be listed, (ii) requiring net rather than gross amounts regarding disclosure of business interests, (iii) requiring disclosure of previously deferred compensation when the filer has begun to receive such compensation, (iv) requiring disclosure of payments made by a filer to a lobbyist for representation, (v) adding definitions for “deferred compensation,”; “deferred compensation plan,” and “contingent liability,” and (vi) revising the definition of “close financial association.”

**Maintenance of Scholastic Records** [HB 20](#) allows local school divisions to electronically store and maintain student scholastic records. The amendment conforms to the definition of "record" in the federal Family Educational Rights and Privacy Act (FERPA). Currently, there is no provision stipulating the method for storing scholastic records.

**Equal Access by Boy Scouts and Girl Scouts** [HB 203](#) prohibits state agencies and localities from denying use of certain public facilities to the Scouts and requires state and local government entities to apply the same real property and use policies to the Scouts as with any other private organization that is allowed use of the real property.

**Virginia Public Records Act [HB 209](#)** updates the Public Records Act to include provisions relating to the management and archiving of electronic records. It creates new definitions for various terms, and amends the powers and duties of the Library Board. It also requires the custodians of records in all state and local government agencies to convert and migrate electronic data as necessary to maintain access to these records. Finally, it allows the Library to conduct audits of the record keeping practices of agencies subject to the act, and to file the audit reports with the Governor and the General Assembly.

**Free Public Education for Children of Military Personnel [HB 240](#)** provides that tuition shall not be charged to children of active members of the military who are ordered to locate to military housing in a different school division than the one the child is attending at the time of the order to relocate. Such children shall be allowed to continue attending school in the school division they attended immediately prior to the relocation and shall not be charged tuition for attending such school. However, school divisions would not be responsible for the student's transportation.

**Reduction of State Aid for School Term Less than 180 Days [HB 349](#) and [SB 66](#)** clarifies that the length of the school term shall be at least 180 teaching days or 990 teaching hours and that school divisions may make up missed time by adding teaching days to the school calendar or extending the length of the school day. The bill (i) revises the amount of time that must be made up when a school or schools have been closed for six or more days during the school term due to severe weather conditions or other emergency situations, (ii) spells out the procedures for requesting a waiver from the Board of Education for closings resulting from a declared state of emergency, and (iii) adds a provision about school calendars and teacher contracts. This legislation also removes the maximum limit of days that a school division is required to make up for school closings due to severe weather conditions or other emergency situations (currently 15 days).

**Employee Personnel Records [HB 434](#)** permits personnel files of school board employees to be produced and maintained in digital or paper format. School divisions will not be required to change formats.

**School Efficiency Review [HB 607](#)** conforms relevant provisions of the Code of Virginia to language in the current Appropriations Act. It reaffirms the Code requirement for a school division to pay 25% of the cost of a school efficiency review in the fiscal year immediately following the release of its final school efficiency review report. Also, partial recovery of the cost may be made the fiscal year beginning not less than 12 months and not more than 24 months after the release of the final school efficiency review report, in the event the school division superintendent fails to certify either that at least half of the review's recommendations have been initiated or that half the savings have been achieved.

**Rights to Report Government Wrongdoing [HB 781](#)** provides that every local government employee has the right to express opinions to state or local elected officials

on matters of public concern. In addition, it provides that certain local auditors shall be responsible for administering a telephone hotline, and a website, if cost effective, through which local employees and residents may report incidences of fraud, waste, or abuse in the administration of local government. The auditors must inform the employees of this measure and must also investigate allegations of fraud, waste or abuse.

**T.C. Williams High School** [HB 971](#) and [SB 366](#) authorize T.C. Williams High School in Alexandria to open prior to Labor Day in 2006 to accommodate the needs of the students and community during its demolition and final construction phases. This is a one-time exemption.

**Salary Procedures for Members of the Arlington County Board and School Board** [HB 1002](#) provides that the procedure for determining the salary, reimbursements, and expenses allowed to each member of the Arlington County Board shall be the same procedure that exists for other counties in the Commonwealth. In addition, it provides the procedures by which the elected Arlington County School Board may set its members' salaries and grant itself fringe benefits, expenses, and reimbursements and sets a maximum salary of \$25,000.

**Surveys and Questionnaires of Public School Students** [HB 1242](#) requires a school board to notify the parent of a student in any case in which a questionnaire or survey will be administered requesting sexual information of students. The notification must be done in writing not less than 30 days prior to conducting the questionnaire or survey. The notice shall inform the parent regarding the nature and types of questions included in the questionnaire or survey, the purposes and age-appropriateness of the survey, and whether and how any findings or results will be disclosed. Parents shall have the right to review the questionnaire or survey and to opt-out or exempt their child from participating in the survey. No questionnaire or survey requesting sexual information of a student shall be administered to any student in kindergarten through grade six and, unless required by federal or state law or regulation, school personnel administering any such questionnaire or survey shall not disclose personally identifiable information.

**No Child Left Behind** [HB 1427](#) and [SB 410](#) directs the Board of Education to develop a plan by October 1, 2006 to identify initiatives or conditions that are currently being funded by No Child Left Behind, that are not an integral and necessary component of the Commonwealth's own Standards of Quality, Standards of Accreditation, or Standards of Learning. Included in the plan will be information on the consequences (including any potential loss of Federal funding) if the Commonwealth elected to not comply with identified components. Upon the development of the plan, the Office of the Attorney General must provide the Board and the General Assembly an estimate of the costs for providing legal services in the event that the elimination of any initiatives or conditions results in withholding of Title I funds. It is unclear when such a plan would be implemented. [HB 1428](#) encourages the President of the Board of Education to request certain waivers and exemptions from regulatory and statutory requirements of the federal No Child Left Behind Act from the U.S. Department of Education. The President of the Board of Education is directed to submit a report on the status of all such requests for

waivers and exemptions to the chairmen of the Senate Committee on Education and Health and the House Committee on Education and the chairmen of the Senate Committee on Finance and the House Committee on Appropriations. If the report indicates that the response from the U.S. Department of Education to requests for waivers and exemptions is unsatisfactory, then the President of the Board of Education must make recommendations to the Governor and the General Assembly regarding additional actions that could be taken by the Commonwealth regarding No Child Left Behind requirements.

**Appointment of Tie Breakers by an Elected School Board** [SB 502](#) authorizes a popularly elected school board, having an even number of members, to appoint a tiebreaker in case of a tie vote.

**Sleep Awareness Week** [HJ 67](#) designates the week preceding the first Sunday in April, in 2006 and in each succeeding year, as Sleep Awareness Week in Virginia.

### *School Board Governance - Carried Over*

**Tuition Tax Credit** [SB 331](#) would create a refundable income tax credit for low-income taxpayers in counties with a population of less than 10,000 (currently 12 counties). The credit would equal to 100% of “qualified educational expenses” incurred during a taxable year up to \$1,000. For purposes of public school funding, a child for whom credit is taken would be included in the average daily membership of the school division in which the child resides, but the amount of the credit would be deducted from the state funds available to that school division. Similarly [HB 1294](#) would allow individuals and businesses to claim tax credit for contributions to Department of Taxation approved non-profit foundations that provide financial assistance to public schools for capital projects or provide scholarships to students in the Commonwealth. In addition, an individual taxpayer would be able to claim a credit of up to \$800, or \$1,200 if filing jointly, for the amount of contribution made to a nonprofit education foundation. The total amount of credits available in any given year would be capped at \$20 million.

**Replacement of Local School Boards for Cause** [HB 377](#) would require the Board of Education to replace any school board, whether elected or appointed, for neglect of duty in any locality in which all elementary and secondary public schools fail to meet the requirements of the Standards of Accreditation for four consecutive years.

**College Partnership Laboratory Schools** [HB 223](#) would establish college partnership laboratory schools for the purpose of stimulating the development of innovative public education programs by providing opportunities for greater cooperation and coordination between institutions of higher education and K-12 education systems. The laboratory schools would be created by a contract between the school and the Board of Education and operate much like public charter schools. However, unlike current charter school legislation, local school boards would not be involved in the chartering process. It would require that each College Partnership Laboratory School receive the proportionate

amount of state and federal funds for students enrolled in College Partnership Laboratory Schools that are allocated if they attended public school in the division where they reside.

**Board of Education Appointment Powers** [HJ 20](#) would amend the Constitution and remove the Governor's sole appointment power over the nine members of the Board of Education. Instead, three appointments would be granted to the House of Delegates and two to the Senate, giving the General Assembly majority control of the Board. The Governor would retain four appointments, including the President. [HJ 22](#) proposes similar changes to the Governor's appointment powers but would also repeal the current prohibition against the Governor succeeding himself in office. [SJ 100](#) and [HJ 145](#) also propose shifting five appointments to the General Assembly and extending the Governor's term to six years while continuing the prohibition on successive terms.

### *School Board Governance -Failed*

**Financial and Management Review** [HB 16](#) would have directed the Governor to initiate a financial and management review of governor-selected executive branch state agencies, except public institutions of higher education, with total agency appropriations of two percent or more of total state-appropriated funds.

**Instructional Spending (the 65% Solution)** [HB 481](#) and [HB 780](#) would have required each local school division to allocate 65% of its operating budget to instructional spending. Local school boards would report annually to the Board of Education the percentage of their operating budgets allocated to instructional spending. Any school division failing to meet the 65 percent requirement would present a plan to the Board of Education to increase instructional spending by 0.5% in the following year.

**School Calendar** [SB 296](#) would have granted local school boards discretion in setting school calendars for the opening and closing of the school year. Currently, local school boards set the school calendar so that the first day of the school year begins after Labor Day unless eligible for weather-related or other waivers from the Board of Education. The bill would have sunset on July 1, 2011.

**Firearms at School Board Meetings** [HB 1495](#) would have extended the prohibition against carrying firearms at schools to school board meetings, regardless of whether the meeting is held on school property.

**Home Serenity and Tranquility Act** [HB 1368](#) would have prohibited the operation on an athletic field owned or operated by a public or private entity of any event (i) before the hour of eight o'clock in the morning, (ii) after the hour of six o'clock in the evening, or (iii) on Sunday without the unanimous written consent of affected homeowners.

**Study of Fiscal Autonomy for Elected School Boards** [SJ 124](#) would have directed the Joint Legislative Audit and Review Commission to study implications of granting fiscal autonomy to elected school boards in the Commonwealth.

**Equal Access [HB 1308](#)** would have authorized school boards to prohibit the use of school facilities by any student club or other student group that encourages or promotes sexual activity by unmarried minor students.

**High School Baccalaureate Ceremonies [HB 493](#)** includes baccalaureate ceremonies among the prayer-oriented school activities for which the Board of Education, in consultation with the Office of the Attorney General, must develop guidelines to promote compliance with constitutional restrictions and the observance of constitutional rights. The bill was vetoed by the Governor.

### *Standards of Quality/Standards of Accreditation - Passed*

**High School Dropout and Graduation Rates [HB 19](#)** directs the Board of Education to collect, analyze, and report high school graduation and drop out data using a formula prescribed by the Board. In developing the formula, the Board is required to consider the 2005 Report of the National Governors Association Task Force on State High School Graduation Data. Although the bill delays the effective date of a new formula to October 1, 2008, it does require the Board of Education to report to the House Committee on Education and the Senate Committee on Education and Health by December 1, 2006 on their proposed formula. [HJ 130](#) encourages the Department of Education to monitor and collect data and information on the high school dropout and graduation rates in the Commonwealth, pursuant to criteria prescribed by the Board of Education. In collecting the data and information, and in its monitoring efforts, the Department of Education will compile data concerning the number of students who dropped out of school before the seventh grade and the reasons therefore, and the number of students who graduate annually, for school years 2002, 2003, 2004, and 2005; ascertain whether, by whom, and the manner in which students at risk of dropping out are counseled to remain in school; and identify local school division initiatives and efforts to retain and retrieve students at risk of dropping out, particularly student populations with low high school graduation rates.

**Biennial Review of the Standards of Quality [HB 1058](#) and [SB 71](#)** change the required Board of Education biennial review of the Standards of Quality from the odd numbered years to the even numbered years, so that any funding received by the General Assembly can be incorporated into the biennial re-benchmark of the Standards, which begins after each odd numbered General Assembly session ends.

### *Standards of Quality/Standards of Accreditation - Carried Over*

\*None to Report

### *Standards of Quality/Standards of Accreditation - Failed*

**Local Composite Index (LCI)** [HB 276](#) would have required modification of the formula determining each locality's ability to pay for its share of providing an educational program meeting the prescribed Standards of Quality to incorporate statewide average teacher salaries and to provide adjustments for the number of special education students and students receiving English as a second language instruction. [HB 584](#) would have codified the current Standards of Quality (SOQ) funding formula and calculation of composite index of local ability-to-pay (LCI), and modified the LCI to (i) incorporate tax values and population estimates for the fiscal year ending one year prior to the fiscal biennium in which the distribution takes place; (ii) provide for a population density adjustment in certain localities; and (iii) incorporate median, rather than average, adjusted gross income. [HB 815](#) would have required incorporation within the real estate indicator of local wealth the land-use taxation value for those properties within a land-use plan. It would have also provided for localities to adopt land-use plans and provide for the use value assessment and taxation of certain properties, such as those designated for agricultural, horticultural, forest, or open-space use.

**No Child Left Behind Testing Costs** [HB 392](#) would have provided that all costs incurred by localities resulting from student testing required by the federal No Child Left Behind Act must be paid by the Commonwealth.

**Pupil-Teacher Ratio's** [HB 582](#) would have changed the current pupil-teacher ratio in kindergarten through grade three from average daily membership of 24:1 to actual maximum daily membership of 26:1 in those grades. It also would have provided that the pupil-teacher ratio may not exceed 25:1 in average daily membership in grades four through six, and 24:1 in average daily membership in English classes in grades six through 12. The current pupil-teacher ratios are as follows: 24:1 in kindergarten with no class larger than 29 students, and if the average daily membership in kindergarten exceeds 24 pupils, a full-time teacher's aide must be assigned to the class; 24:1 in grades one through three with no class larger than 30 students; 25:1 in grades four through six with no class larger than 35 students; and 24:1 in English classes in grades six through 12.

**Staffing Standards** [SB 61](#) would have amended the Standards of Quality to (i) provide the same staffing levels for elementary school principals as middle and high school principals, i.e., one each full-time to be employed on a 12-month basis; (ii) increase the staffing level for assistant principals to one full-time assistant principal for every 400 students to obtain the same staffing levels in elementary, middle, and high schools; (iii) require one reading specialist per 1,000 students in kindergarten through grade 12; and (iv) require speech-language pathologists to be employed in sufficient numbers to ensure a caseload that does not exceed 60 students per position. These are the remaining unimplemented recommendations from the Board of Education's 2004 SOQ revisions.

### *Special Services - Passed*

**Education of Individuals with Autism Spectrum Disorders** [HJ 96](#) and [SJ 125](#) encourages the Board and Department of Education and the Board and the Department of Mental Health, Mental Retardation and Substance Abuse Services and other relevant entities to take certain actions to improve the education and treatment of individuals with autism spectrum disorders. The Board and Department of Education are urged to continue to implement regulatory initiatives designed to strengthen teacher qualifications, to include preservice and inservice professional development opportunities relating to the effective treatment of autism spectrum disorders. The Board and Department of Education are also urged to examine appropriate educational placements considering the individualized educational plans of autistic students, the effects of mainstreaming, and the feasibility of alternative placements in public and private schools having qualified staff and adequate facilities. Finally, the Board and Department of Mental Health, Mental Retardation and Substance Abuse Services are urged to continue to expand training opportunities that include approaches specifically addressing the needs of children with autism spectrum disorders.

**Comprehensive Services Act** [HJ 60](#) directs the Joint Legislative Audit and Review Commission to evaluate the administration of the Comprehensive Services Act. [SJ 96](#) establishes a joint subcommittee to study the cost effectiveness of the Comprehensive Services for At-Risk Youth and Families program and to collaborate with the Joint Legislative and Audit Review Commission (JLARC) regarding its evaluation of the administration of the Act.

**Student Registration** [SB 656](#) and [HB 95](#) require a parent, guardian, or other person having control or charge of a child of school age to provide to a public school, upon registration of a student, information concerning certain criminal convictions or delinquency adjudications. When the registration results from foster care placement, the information shall be furnished by the local social services agency.

**False Statements of Residency** [HB 1222](#) provides that any person who knowingly makes a false statement concerning the residency of a child for the purpose of avoiding tuition charges shall be liable to the school division in which the child was enrolled as a result of such false statements for tuition charges for the time the student was enrolled in the school division.

**Mandatory Reporting of Child Abuse or Neglect** [HB 56](#) requires any person employed by a local department of social services who determines eligibility for public assistance to report suspected child abuse or neglect to the local department or the Department of Social Services' toll-free child abuse and neglect hotline. This bill will become effective on January 1, 2007.

**Provisional License in Audiology** [HB 354](#) authorizes the Board of Audiology and Speech-Pathology to issue a provisional license to an applicant who has met educational and exam requirements for licensure. The provisional license allows for clinical experience while under supervision in accordance with the Board's regulations.

**Administration of Prescription Medications** [HB 1147](#) allows a person employed in day care centers to administer prescription medication to a child in a child day program, as defined in § 63.2-100 and regulated by the State Board of Social Services or the Child Day Care Council, if the person (i) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist; (ii) has obtained written authorization from a parent or guardian; (iii) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (iv) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be administered by a parent or guardian to the child.

**Immunizations** [SB 116](#) sets out the minimum requirements for the immunization of children for the State Board of Health to include in their regulations. The requirements bring the Commonwealth in line with the Immunization Schedule developed and published by the Centers for Disease Control and Prevention, Advisory Committee on Immunization Practices, the American Academy of Pediatrics, and the American Academy of Family Physicians. [SB 117](#) adds the requirement of a booster dose of Tdap in accordance with the board's regulations, which requires that prior to entering sixth grade, a child must have another booster dose of Tdap if more than five years have elapsed since the last dose. The provisions of this bill would not become effective unless a general fund appropriation is provided in the Appropriations Act passed by the 2006 Session of the General Assembly.

**Criminal Record Checks for Care Workers** [SB 421](#) requires all businesses and organizations that provide care to children, the elderly, or disabled to request a national criminal background check of all employees and volunteers. Proposal becomes effective July 1, 2007, and is contingent upon an appropriation of funds during the 2007 Session of the General Assembly and signed into law by the Governor.

**Residential Facilities for Children** [HB 577](#) requires the Boards and Departments of Education, Juvenile Justice, Mental Health, Mental Retardation and Substance Abuse Services, and Social Services to promulgate regulations that require, as a condition of initial licensure of, and, if appropriate, license renewal, that the applicant (i) be personally interviewed by Department personnel to determine the qualifications of the owner or operator before granting an initial license; (ii) provide evidence of having relevant prior experience before any initial license is granted; (iii) provide, as a condition of initial license or renewal licensure, evidence of staff participation in training on appropriate siting of the residential facilities for children, good neighbor policies, and community relations; and (iv) be required to screen residents prior to admission to exclude individuals with behavioral issues, such as histories of violence, that cannot be managed in the relevant residential facility. In the event a group home or residential facility has its licensure status lowered to provisional as a result of multiple health and safety or human rights violations, all children placed by CSA in the facility must be assessed to determine whether it is in the best interests of each child to be removed from

the facility and placed in a fully licensed facility. Prior to placing a child across jurisdictional lines, the local family assessment and planning team must also explore all appropriate community services for the child; document that no appropriate placement is available in the locality; and report the rationale for placement to the community policy and management team (CPMT). The CPMTS are required to notify receiving school divisions of placements across jurisdictional lines and to identify children with disabilities and foster care children to expedite enrollment and special education.

### *Special Services -- Carried Over*

**Education Costs of Committed Juveniles** [HB 548](#) would require the Department of Juvenile Justice to pay the education expenses for any juvenile who is placed in a correctional residential facility and is educated by the local schools of a district other than his original district.

**In State Tuition Benefits for Non-Citizens** [SB 677](#) would prohibit the board of visitors or other governing body of a public institution of higher education in the Commonwealth from authorizing in-state tuition rates for individuals who are not citizens or nationals of the United States, are unlawfully present in the United States, or do not possess a valid visa. However, a new subsection provides that, notwithstanding the provisions regarding the governing bodies' mandates, any person meeting certain conditions will be eligible for in-state tuition, i.e., resided in Virginia while attending high school; graduated from a public or private high school in Virginia; resided in the Commonwealth for at least three years on the date of high school graduation; registered in an institution of higher education; provided an affidavit stating that he has filed an application to become a permanent resident of the United States and is actively pursuing such permanent residency or will do so as soon as he is eligible; and has submitted evidence that he or, in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis, has filed, unless exempted by state law, Virginia income tax returns for at least three years prior to the date of enrollment.

**Day Care Licensure Exemptions** [HB 1538](#) would limit exemption from licensure for "come and go" programs currently exempt. The bill provides that the exemption only applies where the program does not (i) provide care for a child under the age of eight, (ii) provide care for a child who resides more than one half-mile from the program, or (iii) initiate, arrange, or participate in the transportation of a child. The bill would also require that, if the program allows a parent to designate individuals who are not authorized to pick up a child, the parent must provide appropriate legal documentation in support of this request.

**Childhood Obesity** [HB 1593](#) and [SB 206](#) would require the Board of Education to promulgate, in cooperation with the State Health Department, regulations establishing standards to facilitate the prevention and reduction of childhood obesity in the public schools. This bill would also require division superintendents to complete instruction

concerning the causes and consequences of overweight and obese students, and the relationship between nutrition, health, and learning.

**Individuals with Disabilities Education Act; Burden of Proof [SB 241](#)** would place the burden of persuasion on the school division in an administrative hearing concerning the individualized education program of a child with a disability. Currently, the party bringing the action has the burden of persuasion.

**Scholarship Program for Disabled Students [SB 545](#)** would allow the parent of a public school student with a disability for whom an individual education plan has been written who is dissatisfied with the student's progress to request and receive from the state an up to \$10,000 scholarship for the student to enroll in and attend a private school. Only private schools in Virginia holding a license to operate as a school for students with disabilities would be eligible to participate in the Scholarship Program. The bill also requires the Board of Education to issue guidelines to aid local school divisions and private schools in the implementation of the Program. A similar proposal is included in this year's House Budget.

#### *Special Services – Failed*

**Virginia School for the Deaf and the Blind [SB 676](#) and [HB 350](#)** authorize the Department of General Services to enter into contracts for renovation and/or new construction of the School for the Deaf and Blind at Staunton. It also authorizes the Governor to convey all property of the School for the Deaf, Blind, and Multi-Disabled at Hampton to the New Horizons Regional Education Center. It is assumed that New Horizons will provide at least a day program for those students displaced by the closure of the school.

**Annual Body Mass Index Assessments [HB 338](#)** would have required an annual assessment of the body mass index (BMI) of each student in the Commonwealth and the provision to parents or guardians of information explaining the use of BMI in identifying underweight and overweight in children and the potential health risks of various growth patterns.

**Health Services to Minors Parental Notification [HB 173](#)** would have required any state or local government agency employee who provides services to a minor relating to sexually transmitted diseases, the provision of emergency contraception, pregnancy, illegal drug use, or the contemplation of suicide to attempt notification, within two business days of delivery of such services, to a custodial parent, legal guardian, or other person standing in loco parentis of any service and any reason, condition, or diagnosis requiring such service. [SB 584](#) would have required an attending physician or other health professional to report teenage pregnancies as child abuse or neglect upon finding that a child under the age of 15 is pregnant.

**Medicaid and Autism [HB 437](#)** would have required the Director of the Department of Medical Assistance Services to develop and seek a Medicaid waiver to establish a program for long-term support of children with autism, including treatment using applied behavior analysis.

**Commonwealth Scholars Program [HB 480](#)** would have created the Commonwealth Scholars Program, consisting of scholarships awarded to Virginia public high school graduates finishing in the top 5% of their respective classes, passing the required Standards of Learning assessments, and enrolled as full-time undergraduate students in any accredited, degree-granting public institution of higher education in Virginia.

**Access to Student Records by Military Recruiters [HB 966](#)** would have provided that the notice to parents or guardians required by federal law and regulations and the regulations of the Board of Education concerning the release of directory information shall be included on the emergency contact information form, which shall also include a statement printed in conspicuous, bold type that advises parents or guardians that giving consent for the release of the directory information concerning their child may result in release of such information to an official recruiting representative of the military forces of the Commonwealth or the United States. Such statement shall also advise parents or guardians of their right to (i) deny consent to release directory information concerning their child or (ii) limit the persons to whom such information may be released.

**Higher Ed Admissions [HB 1247](#)** would have required the board of visitors or other governing body of each public institution of higher education in Virginia to establish admissions policies that prohibit discrimination on the basis of the geographical region of the Commonwealth where the applicant resides. **[SB 581](#)** would have required the governing bodies of public institutions of higher education to annually disclose all factors used in admission decisions, such as geographic diversity, academic achievement, race, ethnicity, religion, or extracurricular activities.

**Tax Credits for Private Special Education Programs [SB 544](#)** would have amended the Neighborhood Assistance Act and allocated \$3 million in tax credits for donated funds to provide grants directly to private schools providing services for students with disabilities. It also would have eliminated the restriction placed upon individuals from claiming a tax credit for the donation if a charitable contribution deduction is also taken.

**Child Day Care Regulations [SB 615](#)** would have established staff-to-child ratios, activity space guidelines, and training and qualification guidelines for program directors, program leaders, and general staff for regulated child day care centers.

**Office of Children's Services Ombudsman [SB 208](#)** would have created the Office of Children's Services Ombudsman. The mission of the office is to protect children and parents from harmful agency action or inaction; investigate the acts of state and local administrative agencies adversely affecting children; recommend appropriate changes toward the goals of safeguarding the rights of children and parents; and promote higher standards of competency, efficiency, and justice in the administration of child protection

and child welfare laws. Although the legislation did not pass, the concept was forwarded to the Commission on Youth for their consideration and possible additional study.

### ***Taxation – Passed***

**Sales and Use Tax Exemption for School Supplies** [SB 571](#) and [HB 532](#) create an annual “sales tax holiday” for certain items of tangible personal property, including school supplies and clothing. Beginning in 2006, it will be in effect for a three day period starting the first Friday in August and ending at midnight on the first Sunday in August.

**Real Property Assessments** [HB 491](#) and [SB 731](#) require localities to provide information to property owners on each notice of change of their real estate assessment, including the immediately prior appraised value of the property and the immediately prior assessed value of the property if different from the appraised value. If the tax rate that will apply to the new assessed value has been established, then the notice would need to set out the rate, the total amount of the new tax levy, and the percentage change in the new tax levy from the immediately prior one. If the tax rate that will apply to the new assessed value has not been established, then the notice would need to set out the time and place of the next meeting of the local governing body at which public testimony will be accepted on any real estate tax rate changes.

### ***Taxation - Carried Over***

**Property Tax Assessments and Rates** [SJ 89](#) would provide that real property will be assessed at fair market value at the time of purchase plus the fair market value of improvements to the property at the time of the assessment. [SJ 81](#) would direct the General Assembly to enact legislation that will exempt from property taxes a part of the value of owner-occupied residences. [SJ 79](#) and [HJ 135](#) direct the General Assembly to enact legislation that will permit localities to exempt from property taxes up to 20% of the value of residential or farm property that is designed for continuous habitation as a home and is owner-occupied. [HJ 68](#) would authorize the General Assembly to enact legislation that will permit localities to exempt from property taxes up to the first \$100,000 of assessed value of real estate designed for continuous habitation and owned and occupied by the same individuals as their home. [HB 155](#) would permit localities to tax residential property at a lower tax rate than that imposed on the general class of real property by creating a separate classification for taxation purposes. [HJ 56](#) would provide that assessments of real property shall not increase annually by more than one percent plus the percentage increase, if any, in the rate of inflation.

**Personal Property Taxes** [HJ 34](#) would amend the Constitution of Virginia to exempt from property taxes privately owned motor vehicles used for nonbusiness purposes. [HB 306](#) would repeal the PPTRA program and dedicate 17.5% of the state individual income tax collections to localities, contingent on adoption of such a constitutional amendment.

[HB 1549](#) would provide that tangible personal property tax relief reimbursement payments to localities be made within 15 days of each locality's billing date for tangible personal property tax in effect on January 1, 1998. Effectively, this bill would accelerate payments to localities that have personal property tax due dates prior to June 16 into the current fiscal year, creating a one-time fiscal impact of almost \$275 million.

### *Taxation – Failed*

**Personal Property Tax Relief** [HB 1377](#) would have reinstated the Personal Property Tax Relief Act of 1998 at 100% reimbursement for qualifying vehicles. Similarly [HB 1385](#) would have removed the cap on the overall amount of car tax relief beginning January 1, 2007, and gradually increased the amount of car tax relief to 100% of the reimbursable amount for qualifying vehicles over a six-year period.

**Local Taxing Authority** [HB 578](#) would have allowed localities to impose a local income tax at a rate of either 0.50% or 1% upon the Virginia taxable income of individuals, trusts, estates, and corporations contingent upon elimination of the personal property tax. [HJ 53](#) and [SJ 71](#) would have established a joint subcommittee to study whether localities should be given an option to impose a local income tax in lieu of all other currently utilized local tax sources. [HB 1594](#) would have granted any county the same taxing powers now granted to municipalities if the county contributes 2% or more toward the costs of construction or improvement of urban system highway or street construction projects within the county.

**Income Tax Revenues** [HB 770](#) would have required the transfer of 1% of individual income tax revenues to localities in 2006, increasing 1% each year until reaching 5% for 2010 and thereafter. Revenues would have been distributed to counties and cities as follows: (i) 50% based on the relative share of the total state income tax paid by taxpayers filing returns in each locality, (ii) 40% based on where wages are earned, and (iii) 10% divided equally among all counties and cities.

**Sales and Use Tax** [SB 127](#) would have required that 0.25% of *existing* unrestricted sales and use tax revenue be returned to the locality in which it was collected to be used for transportation, and that 0.25% be returned for education purposes.

**Sunset Dates on Tax Bills** [HB 1052](#) would have required that any legislation either adding a new state or local tax or increasing any state or local tax must contain a sunset date.

**Funding to Localities for State Mandates** [HB 1476](#) would have allowed a locality to receive funding for new state mandates when the Consumer Price Index published by the U.S. Department of Commerce was more than the increase in the assessed value of private real estate in the locality.

**Career and Technical Education Equipment Donation [HB 1480](#)** would have provided a corporate and individual income tax credit for approved and accepted donations of career and technical equipment to Virginia's public school systems. The credit would have been 50% of the assessed value of the equipment but would not exceed that taxpayer's tax liability.

**Cigarette Tax [HB 395](#)** would have increased the cigarette tax rate from \$0.30 per pack to \$0.80 per pack.