

2008 General Assembly Summary Education-Related Legislation

This Final Report describes legislative action from the 2008 General Assembly Session

Bills are reported as Passed, Failed or Carried Over within twelve 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. To avoid misunderstanding, please note whether a bill is listed as Passed, Failed, or Carried Over.

Bills that have been Carried Over may be studied during the interim and if the Committee recommending the Carry Over acts favorably on the legislation prior to the 2009 General Assembly Session, the bill continues through the rest of the legislative process in 2009 (e.g. a floor vote and action by the other Chamber). If the recommending Committee takes no action in the interim, the legislation automatically dies.

Provisions of passed legislation are effective July 1, 2008, unless otherwise noted in the legislation itself.

Updated: July 10, 2008

Buses, Buildings and Safety – Passed

Contractor certifications [HB 1298](#) (Frederick) and [SB 517](#) (Cuccinelli) require that all public bodies provide in every written contract that the contractor does not, and shall not during the performance of the contract for goods and services in the Commonwealth, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

Development and land use [HJ 178](#) (Athey) establishes a joint subcommittee to study development and land use tools in Virginia's localities. The joint subcommittee shall also make a comprehensive evaluation of all existing land use planning tools and infrastructure financing options, as well as to consider the identifiable costs of new residential and commercial development in Virginia.

Driver's licenses [HB 1198](#) (Valentine) brings Virginia law on commercial driver's licenses into conformance with federal requirements.

Public entities; rights of persons with disabilities [HB 214](#) (Cole) adds public entities, including schools, to the list of public places in which persons with disabilities are entitled to the same full and free rights as other persons.

Public-Private Education Facilities and Infrastructure Act [HB 677](#) (Plum) provides that at least 30 days prior to entering into an interim or comprehensive agreement under the Public-Private Education Facilities and Infrastructure Act, a responsible public entity must hold a public hearing on the proposals. Previously, a responsible public entity was required only to provide an opportunity for public comment, which may include a public hearing at the sole discretion of the responsible public entity. [HB 955](#) (Nixon) and [SB 352](#) (Stosch) adds to the categories of "qualifying project" under the Public Private Education Facilities and Infrastructure Act of 2002 (PPEA) any services designed to increase productivity or efficiency through the direct or indirect use of technology. The bill also

adds technology applications to the types of technology infrastructure projects that may be carried out under the PPEA.

Public Procurement Act [HB 1066](#) (Amundson) clarifies that any public body may use competitive negotiation for the construction, alteration, repair, renovation, or demolition of structures (and not just buildings) when the contract is not expected to cost more than \$1 million.

School bus drivers [HB 1160](#) (Saxman) clarifies that persons under age 18 are not permitted to drive school buses. [HB 1218](#) (Bowling) and [SB 136](#) (Stuart) prohibit use of wireless telecommunications devices by persons operating school buses, except in emergencies, or when the vehicle is lawfully parked and for the purposes of dispatching. Use of two-way radio devices authorized by the school bus owner, however, is permitted.

School bus stops [HB 453](#) (Rust) provides that local school boards may install signs or other devices to mark school bus stops, subject to VDOT approval if installed on any state-maintained highway. VDOT, in conformance with current policy, must use best efforts to ensure that marked bus stop areas are not obstructed by snow removal operations.

Sexual offenders [HB 567](#) (Crockett-Stark) provides that every adult who is convicted of a sexually violent offense, as defined in § 9.1-902, shall be prohibited from entering and being present upon any property he knows or has reason to know is a public or private elementary or secondary school or child day center property during school-related and school-sponsored activities. Prior to this legislation, the prohibition only applied during school hours. [HB 622](#) (Brink) prohibits an adult convicted of certain sex offenses from living within 500 feet of a public park that is owned and operated by a county, city or town, shares a boundary line with a primary, secondary or high school and is regularly used for school activities.

Speed limits [HB326](#) (Saxman) provides for a maximum speed limit of 35 mph on any highway designated as a rural rustic road.

Virginia Resources Authority [SB 56](#) (Colgan) authorizes the Virginia Resources Authority to finance the construction of local government buildings.

Buses, Buildings and Safety – Carried Over

Impact fees and proffers [HB 356](#) (Cole) would provide that the assessment, collection, and imposition of impact fees, at the option of the locality, not apply to a subdivision, separation, or split-off of property made pursuant to a family subdivision ordinance, provided that title to the parcels subdivided, separated, or split-off is held in the name of an immediate family member for at least the first 60 months immediately following the subdivision, separation, or split-off. [SB 185](#) (Herring) would grant general impact fee authority to "high-growth" localities. Any locality that includes within its comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses could impose and collect impact fees to cover the costs of issuing permits for residential uses in amounts sufficient to defray all or part of the capital costs of public facilities related to residential development. Impact fees imposed and collected could only be used for public

facilities that are impacted by a particular development project; however, the fees could be used in the general area of the project. [SB 768](#) (Watkins) would replace the current cash proffer system with a system of impact fees.

Mobile communication and driving [HB 904](#) (Mathieson) would prohibit the use of mobile communications devices while operating a moving motor vehicle, with certain exceptions, unless equipped with a hands-free accessory.

Private property for public uses [HJ 123](#) (Joannou) would be the first passage of a proposed Constitutional Amendment that would define the term "public uses" and specify permitted public uses for which private property may be taken. The definition is the same definition enacted in 2007 and set out in § 1-219.1 of the Code of Virginia. [SJ 88](#) (Obenshain) would be the first passage of a proposed Constitutional Amendment that would establish limitations on the taking of private property.

Sales and use tax for contractors [HB 230](#) (Cosgrove) would exempt from sales and use tax tangible personal property purchased by a contractor when such property is used in the construction or repair of a public elementary or secondary school that is owned by a locality or a local school board.

School construction financing [HB 923](#) (Rust), [SB 737](#) (Barker) and [SB 780](#) (Blevins) would create the Virginia School Construction Revolving Fund for financing elementary, secondary, or vocational education school projects.

Vehicle safety inspections [SB 526](#) (Locke) would require vehicle safety inspections every 24 months instead of every 12 months and would increase the maximum allowable fee for most vehicles from \$16 to \$20.

Buses, Buildings and Safety – Failed

Base closing and realignment [HJ 63](#) (Nichols) would have created a joint subcommittee to study the impact of the BRAC Commission's base realignment at Fort Belvoir on transportation, public schools, the environment, and affordable housing in Northern Virginia.

Bus stops [HB 291](#) (Englin) would have required local school boards to develop written plans prescribing a procedure for: (i) designating school bus stop locations; and (ii) ensuring that no school bus stops shall be located within 50 feet of the home of an individual required to be registered as a sex offender pursuant to § 9.1-901.

Children in motor vehicles [HB 1337](#) (Barlow) would have made it unlawful for any person who is responsible for a child younger than six years of age to leave such child unattended in a motor vehicle if conditions present a risk to the health or safety of the child.

Child restraint devices [HB 225](#) (Cosgrove) would have exempted children being transported in minibuses and certain vans from child restraint requirements provided that those who are transported in vans are using safety belts.

Commercial driver's licenses [HB 1221](#) (Bowling) would have provided that commercial drivers who are involved in an accident required to be reported are to be treated as though there is a reasonable suspicion that they were driving under the influence of drugs or alcohol and that the procedures for DUI testing and arrest would apply.

Firearms regulation [HB 109](#) (Cole) would have prohibited a state agency, council, commission, or other entity from adopting any rules or regulations governing firearms unless expressly authorized by statute. [HB 136](#) (Peace) would have defined "school" for the purpose of prohibiting weapons on school grounds as any public school from kindergarten through grade 12 operated under the authority of any locality within the Commonwealth, or any private or religious school that offers instruction at any level or grade from kindergarten through grade 12. Currently the definition is limited to any elementary, middle, or secondary school. [HB 697](#) (BaCote) and [SB 32](#) (Locke) would have provided that localities may adopt ordinances prohibiting firearms in public libraries while [HB 734](#) (Caputo) would have prohibited the possession of a firearm at a public library. [HB 746](#) (Caputo) would have prohibited the possession of a firearm at a child day center. [HB 1292](#) (Athey) and [SB 436](#) (Vogel) would have created a new exemption to the general prohibition against carrying concealed weapons by allowing a person who may lawfully possess a firearm to carry a handgun in a private motor vehicle or boat if the handgun is locked in a container or compartment. [SB 300](#) (Whipple) would have allowed local government bodies to prohibit the possession of a dangerous weapon upon their owned or leased properties.

Green buildings [HJ 68](#) (Plum) would have encouraged the adoption of the Leadership in Energy and Environmental Design (LEED) Green Building Rating System into state procurement practices for the design and procurement of construction services for new state office buildings. [HJ 116](#) (Hugo) and [SJ 32](#) (Puller) would have required a study of options for energy-efficient office buildings and public buildings. [HB 164](#) (Poisson) would have required the use of compact fluorescent light bulbs in state-owned and occupied buildings. [HJ 166](#) (Lingamfelter) would have required a study of the use of "green" cleaning and maintenance products in the public schools.

Impact fees [HB 71](#) (R. Marshall) would have permitted localities to adopt provisions for the assessment of impact fees, including those related to education, prior to issuance of a building permit. [HB 72](#) (R. Marshall) would have permitted impact fees to be a pro-rata share of the costs of reasonable and necessary capital improvements attributable to the proposed development. [HB 208](#) (Cole) would have allowed any locality to adopt provisions in its subdivision ordinance for deferring the approval of subdivision plats or site plans when it determines that existing schools, roads, public safety, sewer or water facilities are inadequate to support the proposed development. [HB 635](#) (May) would have expanded existing road impact fee provisions to include school improvements and extend the applicability of such provisions from localities that meet certain population and growth criteria to all localities.

Mobile communications and driving [HB 39](#) (J. Scott) and [HB 609](#) (Eisenberg) would have prohibited operation of a motor vehicle while text messaging.

Public Procurement Act: alternate forms of security [HB 187](#) and [HB 426](#) (R. Marshall) would have expanded the forms of alternate bid, payment, and performance security that could be used to include a bond provided or executed by an individual.

School bus idling [HB 884](#) (Toscano) would have prohibited idling of engines of diesel-powered school buses on school premises while taking on or discharging students, except as allowed by regulations of the Department of Education.

School construction [SJ 68](#) (Barker) would have established a joint subcommittee to study the level of state assistance to localities to assist with financing land acquisition, and the construction and renovation of school facilities.

School resource officers [HB 209](#) (Cole) would have required local school boards to establish a collaborative agreement with a local law-enforcement agency to employ one full-time school resource officer for each school.

School safety hotline [HB 150](#) (Fralin) would have directed local school boards to establish a division safety hotline for students, parents, or school personnel to anonymously report specific threats of imminent violence or other suspicious or criminal conduct.

School speed limit zones [HB 1028](#) (Frederick) would have required that signs posting school zone speed limits be located not less than 1,000 feet from the school entrance.

Vehicle right of way [HB 642](#) (Hogan) would have required the driver of any motor vehicle to yield the right-of-way when approaching mail vehicles if such vehicles display flashing amber lights.

Conduct and Discipline – Passed

After school programs for at-risk students [SB 44](#) (Miller) allows local school boards to establish after school programs designed to prevent at-risk youth from engaging in illegal or gang-related activities for school aged children. Local funds appropriated for educational purposes can be used to support such programs.

Gang-related criminal information [HB 1510](#) (May) requires law-enforcement agencies to forward gang-related criminal information to the Department of State Police for inclusion in the annual Crime in Virginia report.

Conduct and Discipline – Carried Over

Truancy and school dropout prevention [HB 1263](#) (Hall) would provide that local school boards implement school dropout prevention programs and services that include an emphasis on truancy prevention. The bill would amend relevant Code sections pertaining to compliance with the

compulsory school attendance law to strengthen the authority of local school boards. NOTE: The Virginia Commission on Youth has commenced a two year study of Truancy and School Dropout Prevention, pursuant to this legislation.

Conduct and Discipline – Failed

Concealed weapons; box cutters [HB 169](#) (Albo) and [SB 379](#) (Martin) would have added box cutters to the list of weapons that are prohibited from being carried concealed.

Crimes by Gangs Act [HB 496](#) (Cosgrove) would have included within the definition of “predicate criminal act” the shooting at certain vehicles and the shooting within an occupied dwelling. [HB 590](#) (Marsden) would have added larceny of a motor vehicle and [HB 1182](#) (Lingamfelter) would have added grand larceny to the definition.

Disclosure of a minor's drug test results [HB 1400](#) (Pogge) would have provided that a parent, legal guardian or person standing in loco parentis may obtain the results of any drug test of a minor or a minor's health records, except when the minor's treating physician or the minor's treating clinical psychologist has determined in the exercise of his professional judgment that the disclose of health records or the results of any drug test of the minor would be reasonably likely to cause substantial harm to the minor or another person.

Reports of Class 1 misdemeanors to school authorities [SB 732](#) (Smith) would have provided that local law-enforcement authorities report to the school division superintendent and to the principal or his designee all offenses, wherever committed, by students enrolled in the school if such offense would be a Class 1 misdemeanor if committed by an adult.

Finance, Purchasing and Food Services – Passed

Budget online [HB 140](#) (Peace) and [SB 376](#) (Stuart) require local governing bodies and local school boards to annually publish their approved budgets online.

Illegal immigrant employment [HB 1298](#) (Frederick) and [SB 517](#) (Cuccinelli) require all public bodies to provide in every written contract that the contractor does not, and shall not during the performance of the contract for goods and services in the Commonwealth, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

Investment of public funds [SB 399](#) (Puckett) authorizes public entities to invest public funds in certificates of deposit in one or more federally insured bank or savings institution. The moneys must be initially invested through a federally insured bank or savings institution that is qualified by the Virginia Treasury Board to accept public deposits.

Literary Fund [HB 769](#) (Tata) provides that upon request of a locality, any memoranda of lien deposited with the State Treasurer on behalf of the Literary Fund prior to July 1, 2007, shall be released.

Local Composite Index [HB 936](#) (Gilbert) and [SB 559](#) (Obenshain) increase from 350 to 1200 the maximum number of students allowed for a school division to qualify to have its state share of aid adjusted, based on a cost-sharing agreement with a neighboring school division. Only those school divisions in a locality with a composite index of .6000 or greater that have at least 65 percent of its local taxes coming from real estate taxes can qualify (Rappahannock County).

Misuse of public assets [HB 1362](#) (Cline) and [SB 350](#) (Reynolds) provide that any full-time employee of the Commonwealth, or political subdivision who, without lawful authorization, uses or permits the use of public assets for private or personal purposes unrelated to the duties and office of the accused or any other legitimate government interest when the value of such use exceeds \$1,000 in any 12-month period, is guilty of a Class 4 felony. The bill defines public assets as any personal property belonging to or paid for by a public body or the labor of any person other than the accused that is paid for by the public body.

Nutrition and physical activity best practices database [HB 246](#) (O'Bannon) and [SB 61](#) (Howell) require the Department of Education to develop a database of local school divisions' best practices regarding nutrition and physical education, including results of wellness-related fitness assessments. The database shall be accessible to all local school divisions and the Department of Health, and no school division shall be required to submit information to the database.

Physical fitness program [HB 242](#) (O'Bannon) requires local school boards to provide a physical fitness program with a goal of 150 minutes of activity per week for all students.

Standards of Quality funding methodology [HB 30](#) (Putney) and [SB 30](#) (Colgan) [the Appropriations Act] create a joint subcommittee to provide on-going direction and oversight of Standards of Quality funding cost policies and to make recommendations to their respective committees. The Subcommittee is specifically charged with studying the Commonwealth's use of the prevailing salary and cost approaches to funding the Standards of Quality, as compared with alternative approaches, such as a fixed point in time salary base that is increased annually by some minimum percentage or funding the national average teacher salary; and with reviewing the "federal revenue deduct" methodology, including the current use of a cap on the deduction.

System of accounting in public schools [HB 770](#) (Tata) establishes technology as a major classification of school funds.

Textbook purchasing contracts [HB 137](#) (Peace) and [SB 356](#) (Watkins) permit local school boards to enter into contracts with publishers for the purchase of textbooks. The bill expands the definition of textbook to include print and electronic media. The bill reorganizes the textbook purchasing process and repeals several sections of outdated code. It also provides that if consumable materials are sold to students, the local school board must provide those materials at a reduced price, or free of charge, to students who are unable to afford them. [HB 354](#) (Cole) additionally allows any private school to purchase from a local school board's contract with the publisher, with the approval of both the local school board and the publisher.

Finance, Purchasing and Food Services – Carried Over

Illegal immigration [SJ 26](#) (Colgan) would request that the Attorney General pursue all remedies through litigation to recover moneys owing from the United States government to the Commonwealth for reimbursement of costs incurred by the State in dealing with illegal immigration.

Limited English proficiency (LEP) funding [HB 437](#) (Miller) would require division superintendents to include the number of students enrolled in the public schools of the school division for whom English is a second language in estimating the amount of money that will be needed during the next fiscal year for the support of the public schools of the school division. Also, the Department of Education would have to include the percentage of such students in the public schools of each school division when calculating the composite index of local ability-to-pay. In addition, the Superintendent of Public Instruction would have to prepare the calculation of the composite index of local ability-to-pay to include the percentage of such students in every school division. This bill incorporates [HB 1053](#) (JM Scott).

Literary Fund [SB 408](#) (Puckett) would raise the maximum limit for any loan from the Literary Fund from \$7.5 million to \$14 million.

Local Composite Index [HB 749](#) (Caputo) would require modification of the formula that determines each locality's ability to pay 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 in its apportionment of state and local share for the costs of providing an educational program meeting the Standards of Quality.

Local school board expenditures [HB759](#) (Poindexter) would require the annual report of expenditures provided by the school board to the appropriate governing body to also be made available to the public in sufficient detail for citizens to readily identify how appropriated funds have been spent. [HB 878](#) (Loupassi) would require each local school board to allocate 65 percent of its operating budget to instructional spending which is narrowly defined by the legislation.

Searchable budget database website [HB 1360](#) (Cline) and [SB 585](#) (Cuccinelli) would require the Director of the Department of Planning and Budget to maintain a searchable budget database website that would allow persons to search and aggregate information for individual or specific appropriations or budget items.

Public Procurement, the verification of legal presence [HB 1558](#) (Cline) would require all public contractors and their subcontractors to register and participate in a federal Electronic Work Verification Program or similar electronic verification of work authorization program to determine that their employees and individual independent contractors are legally eligible for employment in the United States.

Finance, Purchasing and Food Services – Failed

Childhood obesity [HB 74](#) (O'Bannon) would have continued the Joint Subcommittee to Study Childhood Obesity in Virginia's Public Schools.

Commonwealth Competition Council [HB 415](#) (RG Marshall) would have repealed the Commonwealth Competition Council.

Competitive foods in public schools [SB 721](#) (Barker) would have required the development of regulations setting nutritional guidelines for all competitive foods sold during the school day. Even though the bill itself failed, the subject matter was referred to the Board & Department of Health for further review.

Contractors on school property [HB 1481](#) (Ware) would have provided that a contractor or his employee may request a waiver from disqualification of providing services because of a felony conviction under certain conditions. [SB 655](#) (Newman) would have provided that the contractor must certify that all persons having direct contact with students on school property under a contract for the provision of services have not been convicted of a felony barrier crime.

Elementary and Secondary School Funding [HJ 83](#) (Rust) would have created a joint subcommittee to study the feasibility and appropriateness of implementing the recommendations of the 2002 Review of Elementary and Secondary School Funding by the Joint Legislative Audit and Review Commission.

Financial and management review of all state agencies. [HB 1184](#) (Lingamfelter) would have required an operational and programmatic performance review of the Department of Health, the Department of Education, and primary and secondary education funded by the Commonwealth with a goal of effecting savings in expenditures, a reduction in duplication of effort, and programmatic efficiencies in the operation of state government.

Governor's Nutrition and Physical Activity Award Program [HJ73](#) (O'Bannon) would have urged all local school divisions in the Commonwealth to implement the nutrition and physical activity standards of the Governor's Nutrition and Physical Activity Award Program.

Health services [HB 569](#) (Crockett-Stark) would have required each school board to employ at least one experienced professional registered nurse to supervise the nursing services provided throughout the school division. [HB 570](#) (Crockett-Stark) would have required local school boards to employ one licensed nurse for each school building and ensured that each nurse serve no more than 750 students.

Local school board expenditures [SJ 25](#) (Y. Miller) would have recognized the problems with and implications of the "65 Percent Solution," a proposal to urge states to amend their laws to require that at least 65 percent of the operating budget for public schools must be spent on classroom expenses. This resolution also would have expressed opposition to the implementation of the "65 Percent Solution."

Limited English proficiency staffing [HB 1053](#) (JM Scott) and [SB 567](#) (Saslaw) would have increased from 17 to 30 the number of full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency under the Standards of Quality. [HB 1053](#) was rolled into [HB 437](#), which itself was carried over to 2009 (see above).

Local Composite Index [HB 120](#) (Lingamfelter) and [SB 435](#) (Vogel) would have required the General Assembly to adjust the state share of providing an educational program meeting the Standards of Quality, for all localities that have adopted a land-use plan. [HB 419](#) (RG Marshall) would have required the General Assembly to reduce a county or city's composite index 0.0100 for every five hundred students with limited English proficiency attending public school in that county or city. [HB 1048](#) (Watts) would have codified the current Standards of Quality (SOQ) funding formula and calculation of composite index of local ability-to-pay, and modified the formula that determines each locality's ability to pay for its share of providing an educational program meeting the prescribed SOQ.

Lottery [HB 292](#) (Poisson) would have required the State Lottery Board to complete an implementation study for the privatization of the administration of the state lottery.

Payment for certain communication devices [HB 595](#) (D. Marshall) would have prohibited the use of state funds to pay for the cellular phone, pager, or cable television service of any person unless the service is provided for use in performance of an official or contractual obligation or task.

Planning time [HB 1216](#) (Tyler) and [SB 48](#) (Whipple) would have required school boards to ensure that all school teachers are provided at least three hours a week of unencumbered, self-directed planning time.

Reporting total new state government positions [HB 126](#) (Purkey) would have required a report of the total number of new positions created by appropriations acts each year, along with a cumulative total every second year.

School resource officers [HB 209](#) (Cole) would have required local school boards to establish a collaborative agreement with a local law-enforcement agency to employ one full-time school resource officer for each school.

State Office of Accountability [SB 346](#) (Blevins) would have established the State Office of Accountability to be headed by a State Inspector General to investigate complaints alleging fraud, waste, abuse, corruption, or mistreatment of citizens of the Commonwealth by a locality or state agency or public officers and employees.

Teacher salaries [HB 92](#) (Moran) would have required that the state average teacher salary not be less than the annual national average teacher salary in order to ensure high-quality instructional personnel in the public schools. [SB 267](#) (Deeds) would have stated that it is a goal of the Commonwealth that its public school teachers be compensated at a rate that is competitive with the national average teacher salary. [SJ 79](#) (Northam) would have studied the feasibility of creating a dedicated revenue stream for teacher salaries.

Trans fats [SB 124](#) (Edwards) would have required the development of guidelines, based on the FDA's standards for trans fats, with the goal of eliminating foods containing trans fatty acids from public schools.

Unexpended funds [HB 449](#) (Rust) would have provided that any funds appropriated by the locality to a local school board that are not expended in any fiscal year must not revert to the locality but shall be re-appropriated to the local school board.

Virginia Public Procurement Act [HB 187](#) (RG Marshall) and [HB 426](#) (RG Marshall) would have expanded the forms of alternate bid, payment, and performance security that may be used to include a bond provided or executed by an individual surety.

Instruction and Standards of Learning – Passed

Advanced technical diploma [HB 97](#) (Purkey) clarifies the diplomas available to students who complete both the requirements for an advanced studies diploma and a concentration in career and technical education.

At risk students [SB 44](#) (Y. Miller) allows local school boards to establish after school programs designed to prevent at-risk youth from engaging in illegal or gang-related activities for school aged children. Local funds appropriated for educational purposes may be used to support such programs.

Career and technical education [SB 326](#) (Wagner) requires the Board of Education to develop a plan for increasing the number of students receiving industry certification and state licensure as part of their career and technical education program.

Commission on Civics Education [HB 777](#) (Tata) and [SB 306](#) (Reynolds) extend the sunset provision applicable to the Commission to July 2010.

Driver's education [HB 889](#) (Lohr) increases the minimum driving hours from 40 to 45 hours, at least 15 of which must be after sunset. The bill additionally requires, on a form supplied by DMV, certification of the hours driven. [HB 1245](#) (Hugo) provides that any person who fails the behind-the-wheel or knowledge examinations for a driver's license administered by DMV three times shall not be permitted to take such examination a fourth time until he successfully completes the in-vehicle or knowledge component of driver instruction at a driver training school.

Family life education [SB 640](#) (Ticer) adds mental health education and awareness to the list of topics to be covered in family life education curricula.

Home instruction [HB 767](#) (Tata) eliminates the requirement that correspondence courses must be approved by the Superintendent of Public Instruction in order to qualify as a suitable program for home instruction as well as the provision allowing parents to provide programs that are judged by the division superintendent to include the standards of learning objectives for language arts and mathematics. In addition, the bill allows for the provision of home instruction if the parent provides a program through distance learning or if the parent provides evidence that he is able to provide an adequate education for the child. [HB 1183](#) (Lingamfelter) provides that an appropriate evaluation that a parent may submit to the division superintendent in order to indicate an adequate level of

educational growth and progress includes: an evaluation letter from a person licensed to teach in any state, or a person with a master's degree or higher in the field of education, having knowledge of the child's academic progress, stating that the child is achieving an adequate level of educational growth and progress; or a report card or transcript from a community college or college, college distance learning program, or home education correspondence school.

Joint Subcommittee Studying Science, Math, and Technology Education at the Elementary, Secondary, and Undergraduate Levels [HJ 90](#) (Cosgrove) continues the joint subcommittee to review the curricula of existing public schools in the Commonwealth, recommend innovative ways to interest students at all education levels in science, math, and technology and address the shortage of science and engineering graduates in the Commonwealth.

Nutrition and physical activity best practices database [HB 246](#) (O'Bannon) and [SB 61](#) (Howell) require the Department of Education to develop a database of local school divisions' best practices regarding nutrition and physical education, including results of wellness-related fitness assessments. The database shall be accessible to all local school divisions and the Department of Health, and no school division shall be required to submit information to the database.

Physical fitness program [HB 242](#) (O'Bannon) requires local school boards to provide a physical fitness program with a goal of 150 minutes of activity per week for all students.

Religious viewpoint expression [HB 1135](#) (Fralin) clarifies that students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions.

Textbook purchasing contracts [HB 137](#) (Peace) and [SB 356](#) (Watkins) permit local school boards to enter into contracts with publishers for the purchase of textbooks. The bill expands the definition of textbook to include print and electronic media. The bill reorganizes the textbook purchasing process and repeals several sections of outdated code. It also provides that if consumable materials are sold to students, the local school board must provide those materials at a reduced price, or free of charge, to students who are unable to afford them. [HB 354](#) (Cole) additionally allows any private school to purchase from a local school board's contract with the publisher, with the approval of both the local school board and the publisher.

Virginia Career Readiness Certificate Program [HB 1526](#) (Byron) and [SB 756](#) (Ruff) create the Virginia Career Readiness Certificate Program to certify the workplace and college readiness skills of Virginians, in order to better prepare them for continued education and workforce training, successful employment, and career advancement. The Virginia Workforce Council, in consultation with the Secretary of Education, shall promulgate regulations necessary to implement and administer the Program.

Workforce development [HB 1312](#) (Byron) and [SB 252](#) (Ruff) provides that the strategic plan for workforce development shall be developed in coordination with the development of the comprehensive economic development policy required from the Governor during the first year of his administration. The bill changes the staff support for the Virginia Workforce Council from the Office of the Governor to the Virginia Community College System. The Governor, as Chief

Workforce Development Officer, is required to report on the transfer of Workforce Investment Act responsibilities from the Virginia Employment Commission to the Virginia Community College System and to provide evaluations of the accountability and performance of workforce programs.

Instruction and Standards of Learning – Carried Over

English as the official language of the Commonwealth [HB 55](#) (Lingamfelter) states that, except as provided by federal law, English is the official language of the Commonwealth, and no state agency or local government shall provide or otherwise assist in providing any documents, information, literature, or other written materials in any language other than English. The bill would provide exceptions to this general rule for any documents, information, literature, or other written materials in a language other than English used in connection with foreign language instruction, administration of justice in the courts of the Commonwealth, law-enforcement purposes, or the provision of health care services. [HJ 124](#) (Joannou) would be the first passage of a proposed Constitutional Amendment that would require English to be the official language of Virginia.

Learner's permits [HB 438](#) (Miller) would prohibit issuance of learner's permits to minors when the records of the school they attend show they have had more than five unexcused absences from school in the six months immediately preceding their application.

Truancy and school dropout prevention [HB 1263](#) (Hall) would provide that local school boards implement school dropout prevention programs and services that include an emphasis on truancy prevention. The bill would amend relevant Code sections pertaining to compliance with the compulsory school attendance law to strengthen the authority of local school boards. NOTE: The Virginia Commission on Youth has commenced a two year study of Truancy and School Dropout Prevention, pursuant to this legislation.

Instruction and Standards of Learning - Failed

Career coaches [HB 980](#) (Nutter) would have required the State Board for Community Colleges to establish guidelines for the placement of career coaches in public high schools in the Commonwealth and to define career coaches as a community college employees placed in a public high school or other educational or workforce situation for the purpose of helping high school students explore career aspirations, develop career plans, connect students to workforce and college preparatory programs, and guide students to other community college programs such as dual enrollment and career and technical education.

Character education [SB 438](#) (Vogel) would have stated that humane education, including compassion and responsibility in the treatment of companion animals, may be covered in character education programs.

Childhood obesity [HB 74](#) (O'Bannon) would have continued the Joint Subcommittee to Study Childhood Obesity in Virginia's Public Schools.

Driver's education [HB 1244](#) (Hugo) would have changed the terms "driver training school" and "instructor" to "professional driver training school" and "professional driving instructor" and requires driving instructors, as a precondition to licensure by the DMV, to pass a course of instruction offered by the DMV. [HB 1540](#) (Hugo) would have transferred to the Department of Motor Vehicles (DMV) responsibility for driver training programs established for the public school system by the Department of Education

Financial literacy [HB 1272](#) (Spruill) would have provided that local school boards must require the completion of 12 class hours of instruction in financial literacy as a condition for graduation from the public schools in the Commonwealth.

Family life education [HB 283](#) (Toscano) would have required school divisions to distribute to the parents or guardians of a student participating in the family life education program a summary of the program implemented by the school division. [HB 1403](#) (McClellan) and [SB 155](#) (McEachin) would have required instruction on the use of Food and Drug Administration approved methods of contraception to be added to the family life education curriculum in public schools.

General Education Development (GED) [HB 355](#) (Cole) would have lowered the age for GED testing from 18 to 16 years of age with the written permission of a parent.

Governor's Nutrition and Physical Activity Award Program [HJ73](#) (O'Bannon) would have urged all local school divisions in the Commonwealth to implement the nutrition and physical activity standards of the Governor's Nutrition and Physical Activity Award Program.

Governor's Schools in math, science, and technology [HJ 185](#) (Saxman) would have encouraged the school divisions in the Commonwealth to consider forming planning committees to establish academic year Governor's Schools in math, science, and technology.

Grade changing policies [SB 537](#) (Barker) would have required local school boards to develop policies specifying criteria and procedures for grade changes.

Humane treatment for companion animals [SJ 69](#) (Vogel) would have designated the first full week in February as Humane Treatment for Companion Animals Education Week in Virginia and would have encouraged the Department of Education to advise all public school divisions in Virginia to participate in the week.

Math specialist pilot [HB 984](#) (Nutter) would have established a math specialist grant program to provide grants to six geographically diverse school divisions across the Commonwealth for the purposes of hiring math specialists.

Online instruction [HB 1094](#) (Sickles) would have required local school boards to provide an opportunity for every high school student to integrate approved online lessons or instruction or an online experience into required courses.

Open education resources [HJ 176](#) (Peace) would have requested the Joint Commission on Technology and Science to study open education resources. NOTE: The Joint Commission on

Technology and Science already has an Open Education Advisory Subcommittee which has been in place since 2007.

Planning time [HB 1216](#) (Tyler) and [SB 48](#) (Whipple) would have required school boards to ensure that all school teachers are provided at least three hours a week of unencumbered, self-directed planning time.

Project Lead the Way [HB 494](#) (Cosgrove) would have provided matching state funding to a local school division that launches the Project Lead the Way Program in a division high school. This bill was a recommendation from the Joint Subcommittee to Study Science, Math, and Technology Education in the Commonwealth at the Elementary, Secondary, and Undergraduate Levels (HJR 25, 2006). [HJ 127](#) (Nutter) would have encouraged the school divisions in the Commonwealth to consider launching a Project Lead the Way program in the division's high schools.

Reading proficiency [SJ 61](#) (JC Miller) would have established a joint subcommittee to study ways to promote and ensure early reading proficiency and comprehension among third graders in public schools.

Instructional Technology – Passed

Computer hardware recycling [HB 343](#) (Plum) permits localities to prohibit the disposal of cathode ray tubes in any waste-to-energy or solid waste disposal facility within its jurisdiction, provided the locality has a recycling program capable of handling cathode ray tubes. Previously the ban only applied to privately operated landfills. [HB 344](#) (Plum) requires manufacturers of more than 500 items of computer equipment to adopt and implement a recovery plan providing for the reasonably convenient collection, recycling, and reuse of computer equipment returned by a consumer in the Commonwealth.

Dissemination of personal information [HB 633](#) (May) and [SB 133](#) (Houck) prohibit the dissemination of another person's social security number, regardless of whether such number is obtained from a public or private record. Currently, the prohibition against dissemination only applies to social security numbers obtained from private sources. [HB 634](#) (May) and [SB 132](#) (Houck) provide that no agency shall require an individual to furnish or disclose his social security number (SSN) or driver's license number unless the furnishing or disclosure of such number is authorized or required by state or federal law and essential for the performance of that agency's duties. Additionally, the bills have enactment clauses giving them a delayed effective date of July 1, 2009, and require state agencies to study their own collection and use of SSNs and report to the FOIA Council and JCOTS on such collection and use by October 1, 2008. The bills also contain an enactment clause providing for the gathering of similar information about the use and collection of SSNs by cities, counties and towns with a population greater than 15,000. [HB 1469](#) (Byron) requires an individual or entity that owns or licenses computerized data that includes personal information to disclose any breach of the security of the system following discovery or notification of the breach to any resident of the Commonwealth whose unencrypted and un-redacted personal information was, or is reasonably believed to have been accessed and acquired by an unauthorized person.

Joint Subcommittee Studying Science, Math, and Technology Education at the Elementary, Secondary, and Undergraduate Levels [HJ 90](#) (Cosgrove) continues the joint subcommittee to review the curricula of existing public schools in the Commonwealth, recommend innovative ways to interest students at all education levels in science, math, and technology and address the shortage of science and engineering graduates in the Commonwealth.

Public Private Education Facilities and Infrastructure Act [HB 955](#) (Nixon) and **[SB 352](#)** (Stosch) add services designed to increase productivity or efficiency through the direct or indirect use of technology to the categories of “qualifying project” under the Public Private Education Facilities and Infrastructure Act of 2002 (PPEA). The bill also adds technology applications to the types of technology infrastructure projects that may be carried out under the PPEA.

System of accounting in public schools [HB 770](#) (Tata) establishes technology as a major classification of school funds.

Textbook purchasing contracts [HB 137](#) (Peace) and **[SB 356](#)** (Watkins) permit local school boards to enter into contracts with publishers for the purchase of textbooks. The bill expands the definition of textbook to include print and electronic media. The bill reorganizes the textbook purchasing process and repeals several sections of outdated code. It also provides that if consumable materials are sold to students, the local school board must provide those materials at a reduced price, or free of charge, to students who are unable to afford them. **[HB 354](#)** (Cole) additionally allows any private school to purchase from a local school board’s contract with the publisher, with the approval of both the local school board and the publisher.

Instructional Technology – Failed

Center for Innovative Technology (CIT) [HB 497](#) (Cosgrove) would have required CIT to perform a biennial survey of the Commonwealth's technology industry to assess the current and projected demand for science, math, and technology-related graduates and identify the types of graduates most desired by the technology industry.

Computer trespass [HB 384](#) (Ware) would have altered the elements of the crime of computer trespass, no longer requiring that a person act with malicious intent in order to be guilty but requiring that the crime be committed without the consent and authorization of the computer's owner.

Governor's Schools in math, science, and technology [HJ 185](#) (Saxman) would have encouraged the school divisions in the Commonwealth to consider forming planning committees to establish academic year Governor's Schools in math, science, and technology.

Online instruction [HB 1094](#) (Sickles) would have required local school boards to provide an opportunity for every high school student to integrate approved online lessons or instruction or an online experience into required courses.

Open education resources [HJ 176](#) (Peace) would have directed the Joint Commission on Technology and Science to study opportunities to implement open education resources in the

Commonwealth's K-12 public schools. NOTE: The Joint Commission on Technology and Science already has an Open Education Advisory Subcommittee which has been in place since 2007.

Payment for certain communication devices [HB 595](#) (D. Marshall) would have prohibited the use of state funds to pay for the cellular phone, pager, or cable television service of any person unless the service is provided for use in performance of an official or contractual obligation or task.

Project Lead the Way [HB 494](#) (Cosgrove) would have provided matching state funding to a local school division that launches the Project Lead the Way Program in a division high school. This bill was a recommendation from the Joint Subcommittee to Study Science, Math, and Technology Education in the Commonwealth at the Elementary, Secondary, and Undergraduate Levels (HJR 25, 2006). [HJ 127](#) (Nutter) would have encouraged the school divisions in the Commonwealth to consider launching a Project Lead the Way program in the division's high schools.

Triennial census [HB 199](#) (R. Marshall) and [SB 190](#) (Herring) would have permitted the State Board of Elections to furnish address lists of registered voters, but not names, at a reasonable cost to local school division superintendents solely for use in conducting the triennial census of school population.

Professional Development – Passed

Virginia Teaching Scholarship Loan Program [HB 506](#) (Hamilton) and [SB 169](#) (Blevins) expands the scholarship program to award scholarships to students in an approved teacher education program leading to an endorsement in career and technical education.

Professional Development – Failed

Math, Science, and Career and Technical Education Grant Program and Fund [HB 654](#) (Moran) would have established the Math, Science, and Career and Technical Education Grant Program and Fund to award competitive grants to current teachers in Virginia to obtain master's degrees.

Virginia Teaching Scholarship Loan Program [HB 1165](#) (Saxman) would have expanded the program to include those teacher candidates pursuing an endorsement in a math or science discipline.

Personnel – Passed

HIV/Hepatitis testing; consent for minors [HB 1213](#) (Melvin) and [SB 227](#) (McDougal) clarify the procedure for obtaining consent for testing for HIV or hepatitis B or C viruses of a minor when the person exposed is a health care provider, law enforcement officer, or school board employee.

Illegal immigrant employment [HB 1298](#) (Frederick) and [SB 517](#) (Cuccinelli) requires all public bodies to provide in every written contract that the contractor does not, and shall not during the performance of the contract for goods and services in the Commonwealth, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

School employees/criminal acts [HB 1439](#) (Frederick) and [SB 241](#) (Lucas) require court clerks to notify the Superintendent of Public Instruction and division superintendent when a person known to be licensed by the Board of Education is convicted of a felony drug crime or certain felony sex crimes involving a child victim. The bill also requires (i) local school boards to develop policies and procedures to address complaints of sexual abuse of a student by a teacher or other school board employee; (ii) the Board of Education to include requirements for the denial, suspension, cancellation, revocation, and reinstatement of licensure in its regulations; (iii) notification by the local school board to the Board of Education when a licensed employee of a school board is dismissed or resigns because of certain criminal convictions or a founded child abuse or neglect case; (iv) notification by the local department of social services to the Superintendent of Public Instruction when the subject of a founded complaint of child abuse or neglect is known to hold a license from the Board of Education; and (v) the Board of Education to revoke the license of any person who has resigned because he has been convicted of a felony, sex offense, drug offense or because he is the subject of a founded case of child abuse or neglect. [HB 1242](#) (Bell) prohibits the employment of an applicant for employment requiring direct contact with students if such applicant is the subject of a founded case of physical or sexual abuse of a child. Additionally, the bill requires the dismissal of a teacher who while employed by a local school board, becomes the subject of a founded case of physical or sexual abuse of a child and has exhausted all available appeals. This bill also requires the Department of Social Services to report any founded complaints of sexual abuse of a child to a school board, where the subject of the report is a teacher in a Virginia school division. [HB 1362](#) (Cline) and [SB 350](#) (Reynolds) provide that any full-time employee of the Commonwealth, or political subdivision who, without lawful authorization, uses or permits the use of public assets for private or personal purposes unrelated to the duties and office of the accused or any other legitimate government interest when the value of such use exceeds \$1,000 in any 12-month period, is guilty of a Class 4 felony. The bill defines public assets as any personal property belonging to or paid for by a public body or the labor of any person other than the accused that is paid for by the public body.

Teacher licensure/Freedom of Information [HB 768](#) (Tata) Adds a FOIA exemption for investigator notes, and other correspondence and information with respect to an active investigation conducted by or for the Board of Education related to the denial, suspension, or revocation of teacher licenses. The bill further provides that these records may be disclosed to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of such investigation, in a form that does not reveal the identity of charging parties, persons supplying the information, or other individuals involved in the investigation. The bill also allows the Board of Education to discuss these records in a closed meeting.

Teacher licensure/military personnel [HB 809](#) (Ward) permits the Board of Education to extend a three-year provisional license an additional year for each school year or portion thereof for which a teacher is activated or deployed for military service. The bill provides that local school divisions

may offer a similar extension to teachers holding three-year local eligibility licenses. This bill contains an emergency clause and went into effect 2/29/08.

Personnel – Carried Over

Payment of wages and salaries [SB 223](#) (McDougle) would authorize employers to pay wages and salaries by credit to a prepaid debit card or card account, without the employee's affirmative consent, if the employee fails to designate a financial institution to which payment could be made by electronic automated fund transfer

Personnel - Failed

Collective Bargaining [HB 852](#) (Ebbin) would have repealed the prohibition against state and local officers, agents, and governing bodies from collectively bargaining with a labor union or other employee association as a bargaining agent of public officers or employees.

Contractors on school property [HB 1481](#) (Ware) would have provided that a contractor or his employee may request a waiver from disqualification of providing services because of a felony conviction under certain conditions. [SB 655](#) (Newman) would have provided that the contractor must certify that all persons having direct contact with students on school property under a contract for the provision of services have not been convicted of a felony barrier crime.

Earned Income Tax Credit [HB 284](#) (Toscano) and [SB 14](#) (Edwards) would have required employers to provide notice to employees that they may be eligible for the earned income tax credit and to post any notice that may be provided by the Department of Social Services informing all employees that they may be eligible for the earned income tax credit.

Employment discrimination [HB 1472](#) (Cole) would have provided that discharging or taking other employment-related action with regard to an employee on the basis of the employee's failure or refusal to comply with his employer's requirement that English be spoken or used while at work for a legitimate business purpose shall not be deemed to constitute discrimination on the basis of national origin.

Government employee's association's use of membership fees [HB 297](#) (Hargrove) would have prohibited governmental employees' associations from using an individual's membership fees to make contributions or expenditures in an attempt to influence an election or to operate a political committee, unless the individual has affirmatively authorized such use of his membership fees.

Human Rights Council [HB 198](#) (R. Marshall) would have eliminated the Human Rights Council, replacing it with the Division of Human Rights within the Department of Law to carry out the powers and duties of the Human Rights Council.

Illegal immigrant employment [HB 1047](#) (Watts) would have amended the existing prohibition on employing aliens who cannot provide documents indicating that they are legally eligible for employment in the United States to provide that it is unlawful to continue to employ already hired aliens who cannot provide documents indicating that they are legally eligible for employment in the United States when such person who cannot provide the required documentation of eligibility. [SB 90](#) (Colgan) would have required employers to participate in an electronic employment verification system or any equivalent federal work authorization program.

Income tax; teacher expenses tax credit [HB 985](#) (Nutter) would have created an income tax credit of up to \$250 for costs incurred by teachers for materials they use teaching children in grades kindergarten through 12 or to fulfill the education mission of the school division

Meet and Confer [HB 152](#) (Poisson) would have permitted employees of the Commonwealth, its political subdivisions, or any governmental agency of any of them, to form associations for the purpose of discussing their interests with their employing agencies whenever such agencies agree to engage in such discussions. Current law permits these governmental employees to form such associations for the purpose of promoting their interests before their employing agencies.

Merit pay [HJ 161](#) (Saxman) would have established a joint subcommittee to study the efficacy and appropriateness of establishing a merit pay and bonus system for public school teachers in the Commonwealth.

Parental leave for school involvement [HB 792](#) (Englin) would have required employers to permit employees who are parents or guardians of a school-aged child to take up to four hours of leave annually in order to attend parent-teacher conferences or to volunteer at the child's school.

Planning time [HB 1216](#) (Tyler) and [SB 48](#) (Whipple) would have required school boards to ensure that all school teachers are provided at least three hours a week of unencumbered, self-directed planning time.

Public funds [SB 338](#) (Cuccinelli) would have prohibited the use of public funds to pay for the membership of any employee in a professional association as a condition of employment unless membership in the professional association is required for the employee to maintain a professional or occupational license, certification, or registration that is directly related to the performance of official duties.

Teacher licensure [HB 613](#) (Poisson) would have provided that only classroom teachers must be licensed to teach in the public schools and removes the licensure requirements for division superintendents, principals, and assistant principals.

Teacher salaries [HB 92](#) (Moran) would have required that the state average teacher salary not be less than the annual national average teacher salary in order to ensure high-quality instructional personnel in the public schools. [SB 267](#) (Deeds) would have stated that it is a goal of the Commonwealth that its public school teachers be compensated at a rate that is competitive with the national average teacher salary. [SJ 79](#) (Northam) would have studied the feasibility of creating a dedicated revenue stream for teacher salaries.

Teacher shortage [HJ 170](#) (Ingram) and [SJ 55](#) (Locke) would have studied the causes of and remedies to the shortage of classroom teachers in Virginia.

Retirement and Insurance – Passed

Health insurance [HB 196](#) (Alexander) clarifies that when a group health insurance policy provides coverage for a dependent child who is enrolled based upon his status as a full-time student and who becomes unable to continue as a full-time student due to a medical condition, coverage under the policy will continue if the child's treating physician certifies that the child's absence is medically necessary. [HB 504](#) (Hamilton) authorizes insurers to offer individual or group exclusive provider policies or contracts, which are insurance policies or contracts that condition the payment of benefits on the use of preferred providers. The insurer is required to provide an option in group contracts whereby each enrollee may, at no additional cost to the group contract holder, select a benefit for preferred and non-preferred providers. Exclusive provider policies or contracts shall provide out-of-network emergency services at the minimum level required by the preferred provider policy or contract.

Long-term care [SB 353](#) (Stosch) transfers the administration of long-term care coverage programs for state employees, employees of local governments, local officers, and teachers from the Department of Human Resource Management (DHRM) to the Virginia Retirement System, upon the mutual consent of VRS and DHRM.

Unemployment compensation [HB 366](#) (Carrico) disqualifies an individual from receiving unemployment compensation benefits if he is discharged from employment as a result of a confirmed positive test for a non-prescribed controlled substance conducted in a United States Department of Transportation-qualified drug screen, conducted in accordance with an employer's bona fide drug policy. Currently, an individual is ineligible for unemployment benefits if he fails a drug test conducted in accordance with scientifically recognized standards by a laboratory accredited by the United States Department of Health and Human Services, or the College of American Pathology, or the American Association for Clinical Chemistry, or the equivalent. [HB 547](#) (Nixon) increases the wages an employee must have earned in the two highest earnings quarters of his base period in order to be eligible for unemployment benefits from \$2,700 to \$3,000 for claims effective on or after July 5, 2009. The measure also increases the maximum weekly unemployment compensation benefit from \$363 to \$378 for claims effective on or after July 6, 2008. [HJ 51](#) (Morgan) directs the Commission on Unemployment Compensation to study the need for limitations on the eligibility of seasonal or temporary employees for unemployment compensation benefits.

Retirement and Insurance – Carried Over

NOTE: The Joint Legislative Audit and Review Commission will complete a two year long study of employee compensation, with a final report scheduled for release in October. The study will consider, among other issues, employee compensation, retirement benefits, average final

compensation multipliers, retiree health insurance credits, and creditable compensation. Many of the following bills were carried over in anticipation of the release of this comprehensive report.

Health insurance credits [SB 305](#) (Houck) would increase the monthly health insurance credit for retired constitutional officers, employees of constitutional officers, general registrars, employees of general registrars, and local social service employees to \$4 for each year of creditable service. Currently, the credit is \$1.50 per month for each year of creditable service. The maximum monthly credit would be increased from \$45 to \$120. [SB 674](#) (McEachin) would expand the recipients of the health insurance credits currently going to retired teachers to all retired employees of local school divisions.

Virginia Sickness and Disability Program [SB 316](#) (Deeds) would open the enrollment into the Virginia Sickness and Disability Program between October 1, 2008, and January 1, 2009, for eligible employees not currently participating in the program. Any employee electing to participate in the program would convert his sick leave balances to (i) additional retirement service credit on the basis of one month of service for each 173 hours of sick leave or (ii) disability credits on the basis of one hour of disability credit for each hour of sick leave. Disability credits would be used to continue periods for which the employee would receive income replacement at 100 percent of creditable compensation for a disability. An election to participate in the program must be in writing, and is irrevocable.

Virginia Retirement System; average final compensation retirement multiplier [SB 619](#) (Stolle) would allow members of the Virginia Retirement System to make member contributions for purposes of increasing the average final compensation retirement multiplier from 1.7 percent to 1.85 percent. Members would be required to pay the actuarial equivalent cost for such increase. All such contributions would be treated as additional employee contributions.

Health insurance; mandated coverage [SB 645](#) (Ticer) would require health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the cost of prosthetic devices and components, if the treating physician certifies the medical necessity of the prosthetic device and component as a proposed course of treatment. The coverage shall, at a minimum, equal the coverage provided under provisions of the federal Medicare program. In addition to being carried over, this subject matter was referred to the Commission on Mandated Health Benefits for further review.

In addition, the following bills failed, but their subject matter was referred to the Commission on Mandated Health Benefits for further review: [HB 237](#) (Cosgrove) would have mandated coverage for hearing aids for minors. [HB 615](#) (Amundson) and [HB 669](#) (RG Marshall) would have mandated coverage for medically necessary amino acid-based elemental formulas. [HB 667](#) (RG Marshall) would have mandated coverage for alternatives to surgery. [SB 631](#) (Ticer) would have mandated coverage for the treatment of infertility.

Retirement and Insurance – Failed

Defined contribution retirement plan [HB 128](#) (Purkey) would have created a defined contribution retirement plan for all employees who begin employment on or after July 1, 2008, in lieu of participating in any other retirement plan administered by the Virginia Retirement System. All other employees may elect to participate in the plan in lieu of participating in any other retirement plan administered by the Virginia Retirement System.

Group life insurance coverage [HB 865](#) (Ebbin) would have allowed coverage under a group life insurance policy to be extended to insure any class of persons as may mutually be agreed upon by the insurer and the group policyowner.

Health insurance coverage [HB 1415](#) (JM Scott) and **[SB 51](#)** (Whipple) would have allowed a governing body of any locality that self-funds a health insurance program for its officers and employees to extend coverage under such program to any other class of persons as may be mutually agreed upon by the locality and the policyholder. **[HJ 53](#)** (O'Bannon) would have directed the Joint Legislative Audit and Review Commission to study measures to increase competition in the commercial health insurance market in the Commonwealth.

Health insurance credits [HB 317](#) (Morgan) would increase the monthly health insurance credit for retired state employees from \$4 for each year of creditable service to \$6 for each year of creditable service.

Health insurance; mandated coverage [HB 83](#) (RG Marshall) would have mandated insurance companies to provide coverage for habilitative services for children. **[HB 252](#)** (O'Bannon) would have mandated coverage for evaluations of brain tumors.

Retirement benefits for local school superintendents [SB 695](#) (Ruff) would have permitted retired members of the Virginia Retirement System to return to work as a local school division superintendent and still maintain his monthly retirement payments. Such option currently is available to certain other local school board instructional or administrative employees under certain conditions. The bill also would have repealed sunset dates relating to allowing retired persons to work as teachers, administrative personnel, and school division superintendents while receiving their VRS retirement pay.

Sick leave [HB 1154](#) (Phillips) would have provided that the unused sick leave balances of state and local employees who are not covered by the Virginia Sickness and Disability Program or an employer-sponsored short- or long-term disability sickness plan would be converted into additional retirement credit upon the effective date of retirement. Unused sick leave would be converted into retirement credit at the rate of one month of service for each 173 hours of unused sick leave.

Unemployment compensation [HB 599](#) (McClellan) would have provided that services performed by an individual on a temporary basis in several circumstances do not constitute "employment" for purposes of the Unemployment Compensation Act.

Virginia Retirement System; authority to manage and invest funds [SB 614](#) (Stolle) would have authorized the Virginia Retirement System to manage and invest funds in a trust or equivalent

arrangement established by a local government or other local entity to fund certain postemployment benefits.

Virginia Retirement System; average final compensation retirement multiplier [HB 484](#) (Shuler) 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, applicable to teachers first retiring on or after July 1, 2008. [HB 736](#) (Caputo) and [SB 187](#) (Herring) would have applied the same change to current retirees as well. [HB 960](#) (Shannon) would have permitted localities to increase the retirement allowance for its employees from 1.70 percent of their average final compensation multiplied by the amount of their creditable service to 1.85 percent of their average final compensation multiplied by the amount of their creditable service.

Virginia Retirement System; loss of benefits [HB 695](#) (Armstrong) would have provided that a member of any of the retirement programs administered by the Virginia Retirement System would forfeit retirement benefits if it is determined that he has been convicted of a felony that arises out of misconduct in any position covered under the retirement programs administered by the Virginia Retirement System.

School Board Governance – Passed

Conflict of Interest Act [SB 533](#) (Herring) requires local government officers and certain local government employees to list all real property in which they have an ownership interest including a partnership interest and any option, easement, or land contract. Currently, local government officers and employees are required to list real estate located in the county, city, or town in which they serve as an officer or employee and in any contiguous county, city, or town.

Freedom of Information Act; electronic meetings [HB 854](#) (Ebbin) and [SB 131](#) (Houck) allow any local governing body, school board, or any authority, board, bureau, commission, district, or agency of local government to meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address the emergency. The local public body convening the meeting shall (a) give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided members of the local public body conducting the meeting; (b) make arrangements for public access to such meeting; and (c) otherwise comply with the provisions for electronic communication meetings. The nature of the emergency and the fact that the meeting was held by electronic communication means shall be stated in the minutes.

Freedom of Information Act; teacher licensure [HB 768](#) (Tata) Adds a FOIA exemption for investigator notes, and other correspondence and information with respect to an active investigation conducted by or for the Board of Education related to the denial, suspension, or revocation of teacher licenses. The bill further provides that these records may be disclosed to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to

take personnel action with regard to an employee or (ii) any requester, after the conclusion of such investigation, in a form that does not reveal the identity of charging parties, persons supplying the information, or other individuals involved in the investigation. The bill also allows the Board of Education to discuss these records in a closed meeting.

Higher education; high school records [SB 636](#) (Cuccinelli) allows each public and private institution of higher education to request from its students complete student records, including any mental health records held by the originating school. These records would be kept confidential as required by state and federal law, including the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

Joint and regional schools [HB 771](#) (Tata) provides that any joint, regional, or regional charter school in operation prior to July 1, 2008, may request a waiver from any new regulation requirements promulgated after that date. Also, the bill provides that any joint or regional school, such as academic year Governor's Schools, may set the school calendar so that the first day students are required to attend school will comport with the calendar of any of the participating school divisions, including those granted a waiver to start before Labor Day. The provisions of the bill went into effect 2/29/08.

Misuse of public assets [HB 1362](#) (Cline) and [SB 350](#) (Reynolds) provide that any full-time employee of the Commonwealth, or political subdivision who, without lawful authorization, uses or permits the use of public assets for private or personal purposes unrelated to the duties and office of the accused or any other legitimate government interest when the value of such use exceeds \$1,000 in any 12-month period, is guilty of a Class 4 felony. The bill defines public assets as any personal property belonging to or paid for by a public body or the labor of any person other than the accused that is paid for by the public body.

No Child Left Behind [HB 1425](#) (Landes) and [SB 490](#) (Hanger) requires the Board of Education to make a recommendation to the General Assembly on whether Virginia should withdraw from the federal No Child Left Behind (NCLB) Act, unless reauthorization of the Elementary and Secondary Education Act provides the necessary revisions in the NCLB Act that allow Virginia's existing educational accountability system, as set forth in the Standards of Quality, Standards of Learning, and Standards of Accreditation, to substantially meet the accountability requirements of the federal law. If the Board recommends withdrawing from participation in NCLB, the Board must develop a plan for withdrawal and must submit such plan to the Governor and the General Assembly for their consideration by June 30, 2009.

Office of the Children's Ombudsman [HB 1131](#) (Fralin) and [SB 315](#) (Edwards) would create the Office of the Children's Ombudsman to provide ombudsman services, including investigation of complaints, advocacy, and the provision of information for children, parents, and citizens involved with child-serving agencies. The Office would investigate complaints related to agencies under the Department of Education after its second year in operation. However, the Office requires an appropriation of funds from the General Assembly to operate, which it did not receive in 2008.

Public entities; rights of persons with disabilities [HB 214](#) (Cole) adds public entities, including schools, to the list of public places in which persons with disabilities are entitled to the same full and free rights as other persons.

Religious viewpoint expression [HB 1135](#) (Fralin) clarifies that students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions.

School Board Governance – Carried Over

Conflict of Interest Act [SB 535](#) (Herring) would prohibit a local officer and certain local employees from accepting employment with any person or business that was party to any transaction before the local officer's or employee's agency in which the local officer participated in discussion and the final vote taken by the agency on the transaction or the local employee participated in an official capacity during the agency's consideration of the transaction.

Immunity for enforcement of immigration laws [HB 51](#) (Lingamfelter) would provide immunity to agencies and employees of the Commonwealth and political subdivisions for the authorized enforcement of immigration laws.

Interscholastic activities; baseball bats [HB 273](#) (P. Miller) would require the Virginia High School League to develop, implement, and enforce rules requiring the exclusive use of wood or wood composite baseball bats in interscholastic baseball or softball activities.

School boards [HJ 245](#) (Poisson) would be the first passage of a proposed Constitutional Amendment that would amend Section 7 of Article VIII to state that the General Assembly may provide by general law or special act that responsibility for supervision of schools may be exercised by a local governing body and the locality's chief administrative officer rather than a school board.

Virginia Board of Education [HJ 36](#) (Purkey) would be the first passage of a proposed Constitutional Amendment that would provide for the appointment of the members of the Board of Education as follows: four members, including a member designated as president, appointed by the Governor; three members appointed by the House of Delegates; and two members appointed by the Senate, in accordance with the rules of each house. Members would be appointed for four-year terms. Terms would be staggered. No person could be appointed to more than two consecutive full terms. Presently, the Constitution provides that all nine members are appointed by the Governor.

School Board Governance – Failed

Award payments [HB 863](#) (Ebbin) would have allowed local school boards to implement policies regarding the acceptance by a teacher, or other employee of a local school board, of an award or payment in honor of meritorious or exceptional services performed by the teacher or employee.

Charter schools [HB 614](#) (Poisson) would have amended the definition of "public charter school" to include a publicly chartered individual department or a program in math, science, or other critical shortage discipline area, to exist within a public school.

Dillon Rule [HJ 111](#) (Englin) would have created a joint subcommittee to study the Dillon Rule and its impact on Virginia's localities.

Discrimination based on sexual orientation [HB 675](#) (Plum) would have allowed Fairfax County to prohibit discrimination in housing, real estate transactions, employment, public accommodations, credit, and education on the basis of sexual orientation. Such authority currently exists with regard to race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, or disability.

Election calendar [HB 328](#) (Saxman) would have mandated that all elections for city and town mayors, councils, and elected school boards will be held at the November general election. The bill modifies current law, which gives cities and towns an option whether to elect governing bodies and school boards in May or November.

Fiscal autonomy [HJ 85](#) (Rust), [HJ 175](#) (Spruill) and [SJ 66](#) (Blevins) would have directed the Joint Legislative Audit and Review Commission to study the implications of granting fiscal autonomy to elected school boards in the Commonwealth.

Freedom of Information Act; social security numbers [HB 1102](#) (Sickles) would have exempted from the mandatory disclosure requirements of the Freedom of Information Act those portions of records containing an individual's social security number.

Grade changing policies [SB 537](#) (Barker) would have required local school boards to develop policies specifying criteria and procedures for grade changes.

Illegal immigration [HB 45](#) (Tata) would have said that any person, knowing an individual is an alien in the United States unlawfully, who, with the intent to violate the immigration laws of the United States, fraudulently assists the illegal alien in acquiring or attempting to acquire a benefit, service, status, or privilege to which the illegal alien is not lawfully entitled, is guilty of a Class 1 misdemeanor. [HB 367](#) (Carrico) would have prohibited local governing bodies from adopting policies that serve to protect undocumented immigrants from deportation. Furthermore, no locality would be able to prohibit its employees from asking a person about his immigration status. [HB 439](#) (J. Miller) would have stated that no state or local funds shall be awarded or otherwise disbursed to any organization when the award or disbursement is made to circumvent the requirement that organizations determine the legal status of applicants before granting assistance. This bill also provided that no organization receiving state or local funds shall use the funds to provide benefits or assistance to persons who are otherwise ineligible for them.

Local government [SJ 57](#) (Deeds) would have created a joint subcommittee to study the organization of Virginia local government, to review previous studies on this topic, and to make recommendations as appropriate.

Non public school students [HB 375](#) (Carrico) would have directed the VHSL to provide an exception to its rules allowing eligibility for participation in interscholastic sports by any nonpublic school student who is eligible for free tuition in a public school in Virginia.

School calendar [HB 255](#) (Fralin) would have made local school boards responsible for setting the school calendar and determining the opening of the school year, and eliminated the post-Labor day opening requirement and "good cause" scenarios for which the Board of Education might grant waivers of this requirement.

Tax credits and exemptions [HB 420](#) (RG Marshall) would have created a tax credit for certain qualifying educational expenses paid for public and private elementary and secondary schools (\$3,000) and home schooling (\$2,000). [HB 1161](#) (Saxman) would have created an income tax exemption for the amount of expenses incurred as part of an education outreach program in any elementary or secondary school in the Commonwealth. [HB 1164](#) (Saxman) would have created income tax credits for business entities and individual taxpayers who make contributions to eligible public school foundations and eligible public and private scholarship foundations.

Standards of Quality/Standards of Accreditation – Passed

Local Composite Index [HB 936](#) (Gilbert) and [SB 559](#) (Obenshain) increase from 350 to 1200 the maximum number of students allowed for a school division to qualify to have its state share of aid adjusted, based on a cost-sharing agreement with a neighboring school division. Only those school divisions in a locality with a composite index of .6000 or greater that have at least 65 percent of its local taxes coming from real estate taxes can qualify (Rappahannock County).

Standards of Quality funding methodology [HB 30](#) (Putney) and [SB 30](#) (Colgan) [the Appropriations Act] create a joint subcommittee to provide on-going direction and oversight of Standards of Quality funding cost policies and to make recommendations to their respective committees. The Subcommittee is specifically charged with studying the Commonwealth's use of the prevailing salary and cost approaches to funding the Standards of Quality, as compared with alternative approaches, such as a fixed point in time salary base that is increased annually by some minimum percentage or funding the national average teacher salary; and with reviewing the "federal revenue deduct" methodology, including the current use of a cap on the deduction.

Standards of Quality/Standards of Accreditation – Carried Over

Limited English proficiency (LEP) funding [HB 437](#) (Miller) would require division superintendents to include the number of students enrolled in the public schools of the school division for whom English is a second language in estimating the amount of money that will be needed during the next fiscal year for the support of the public schools of the school division. Also, the Department of Education would have to include the percentage of such students in the public schools of each school division when calculating the composite index of local ability-to-pay. In addition, the Superintendent of Public Instruction would have to prepare the calculation of the

composite index of local ability-to-pay to include the percentage of such students in every school division. This bill incorporates [HB 1053](#) (JM Scott).

Local Composite Index [HB 749](#) (Caputo) would require modification of the formula that determines each locality's ability to pay 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 in its apportionment of state and local share for the costs of providing an educational program meeting the Standards of Quality.

Standards of Learning; growth model for student academic achievement [HB 1234](#) (Vanderhye) would require the Board of Education to develop and implement a growth model to assess and measure individual academic performance and achievement from grade to grade. The bill would provide flexibility in allowing school divisions to select evaluation and testing instruments to measure student academic performance and achievement, including for state assessment programs.

Standards of Quality/Standards of Accreditation – Failed

Average teacher salary [HB 92](#) (Moran) would have required that the state average teacher salary not be less than the annual national average teacher salary in order to ensure high-quality instructional personnel in the public schools. [SB 267](#) (Deeds) would have stated that it is a goal of the Commonwealth that its public school teachers be compensated at a rate that is competitive with the national average teacher salary.

Limited English proficiency (LEP) funding [HB 1053](#) (JM Scott) and [SB 567](#) (Saslaw) would have increased from 17 to 30 the number of full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency. [HB 419](#) (R. Marshall) would have required the General Assembly to reduce a county or city's composite index 0.0100 for every five hundred students with limited English proficiency attending public school in that county or city.

Local Composite Index [HB 120](#) (Lingamfelter) and [SB 435](#) (Vogel) would have required the General Assembly to adjust the state share of providing an educational program meeting the Standards of Quality, for all localities that have adopted a land-use plan. [HB 1048](#) (Watts) would have codified the current Standards of Quality (SOQ) funding formula and calculation of composite index of local ability-to-pay, and modified the formula that determines each locality's ability to pay for its share of providing an educational program meeting the prescribed SOQ.

School funding study [HJ 83](#) (Rust) would have created a joint subcommittee to study the feasibility and appropriateness of implementing the recommendations of the 2002 Review of Elementary and Secondary School Funding by the Joint Legislative Audit and Review Commission.

Standards of Quality and Standards of Learning [HJ 104](#) (Plum) would have requested the Board of Education to recommend changes to the Standards of Quality and the Standards of Learning to transition from minimum competency requirements to standards that require academic excellence of all students.

Special Services – Passed

Autism services [HJ 105](#) (Valentine) directs the Joint Legislative Audit and Review Committee to study autism services in Virginia to identify and evaluate best practices in the provision of services for the diagnosis, treatment, and management of autism; methods of providing services to persons with autism; ways to disseminate information regarding best practices; and provide autism education and training for law enforcement and judicial personnel.

Comprehensive Services Act [HB 503](#) (Hamilton) and [SB 487](#) (Hanger) requires the State Executive Council to oversee the development and implementation of mandatory uniform guidelines for intensive care coordination services for children who are at risk of entering, or are placed in, residential care through the Comprehensive Services Act program. The community policy and management team would be responsible for establishing policies for providing intensive care coordination services. These bills also require family assessment and planning teams to identify children who are at risk of entering, or are placed in, residential care through the Comprehensive Services Act program who can be appropriately and effectively served in their homes, relatives' homes, family-like settings, and communities and coordinate services and develop a plan for returning the child to his home, relative's home, family-like setting, or community. [SB 483](#) (Hanger) requires the State Executive Council to oversee the development and implementation of: uniform data collection standards, utilizing a secure electronic client-specific database for CSA-funded; and a uniform set of performance measures for evaluating the CSA program. Oversight would also be required for the distribution of management reports that would provide information to the public and community policy and management teams (CPMT) to help evaluate child and family outcomes and public and private provider performance. [SJ 75](#) (Hanger) continues the Joint Subcommittee to Study the Comprehensive Services Program for At-Risk Youth and Families, in order to review the administration of the Comprehensive Services Program and develop additional legislative recommendations for the 2009 Session of the General Assembly.

Dissemination of personal information [HB 633](#) (May) and [SB 133](#) (Houck) prohibit the dissemination of another person's social security number, regardless of whether such number is obtained from a public or private record. Currently, the prohibition against dissemination only applies to social security numbers obtained from private sources. [HB 634](#) (May) and [SB 132](#) (Houck) provide that no agency shall require an individual to furnish or disclose his social security number (SSN) or driver's license number unless the furnishing or disclosure of such number is authorized or required by state or federal law and essential for the performance of that agency's duties. Additionally, the bills have enactment clauses giving them a delayed effective date of July 1, 2009, and require state agencies to study their own collection and use of SSNs and report to the FOIA Council and JCOTS on such collection and use by October 1, 2008. The bills also contain an enactment clause providing for the gathering of similar information about the use and collection of SSNs by cities, counties and towns with a population greater than 15,000.

Dyslexia Awareness Month [HJ 26](#) (Wright) and [SJ 24](#) (Ruff) designate October as Dyslexia Awareness Month in Virginia.

Higher education; high school records [SB 636](#) (Cuccinelli) allows each public and private institution of higher education to request from its students complete student records, including any mental health records held by the originating school. These records would be kept confidential as required by state and federal law, including the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

HIV/Hepatitis testing; consent for minors [HB 1213](#) (Melvin) and [SB 227](#) (McDougle) make the process for HIV and hepatitis testing when someone other than a school board member is exposed to the minor's bodily fluids consistent with the process for that of exposure of school board members. Consent is be required from the minor's parents, and, if consent is refused, the bill would require such a person to petition the juvenile and domestic relations district court where the minor resides or resided, rather than the general district court, for an order requiring such testing.

Licensing and regulation of occupational therapy assistants [HB 383](#) (O'Bannon) and [SB 134](#) (Houck) define an occupational therapy assistant and establish the requirement of a license to practice as an occupational therapy assistant.

Office of the Children's Ombudsman [HB 1131](#) (Fralin) and [SB 315](#) (Edwards) would create the Office of the Children's Ombudsman to provide ombudsman services, including investigation of complaints, advocacy, and the provision of information for children, parents, and citizens involved with child-serving agencies. The Office would investigate complaints related to agencies under the Department of Education after its second year in operation. However, the Office requires an appropriation of funds from the General Assembly to operate, which it did not receive in 2008.

Public entities; rights of persons with disabilities [HB 214](#) (Cole) adds public entities, including schools, to the list of public places in which persons with disabilities are entitled to the same full and free rights as other persons.

Replacing "mentally retarded" and "mental retardation" with "intellectually disabled" [HB 760](#) (Caputo) and [SB 620](#) (Ticer) would replace the terms "mentally retarded" and "mental retardation" with the term "intellectual disability" throughout the Code of Virginia. The provisions of the legislation do not go into effect unless reenacted by the 2009 General Assembly.

Right Choices for Youth Month in Virginia [HJ 5](#) (Peace) designates October as Right Choices for Youth Month in Virginia to promote the formation of character and integrity in young Virginians.

Schools for students with disabilities: administration of medication [HB 1445](#) (Abbitt) and [SB 271](#) (Deeds) allow a person in a licensed school for students with disabilities or a licensed private children's residential facility to administer prescription medication to a student if the person satisfactorily completes a training program for this purpose approved by the Board of Nursing, administers such drugs in accordance with the physician's instructions pertaining to dosage, frequency, and manner of administration, and complies with regulations promulgated by the Board of Pharmacy relating to security and record keeping.

Screened Family Day Home Provider List [HB 3](#) (Tata) requires the Department of Social Services to establish and maintain a website containing the Screened Family Day Home Provider List.

Student transfers [HB 259](#) (Fralin) requires a local school division to obtain written documentation of a student's transfer before making any status classification in an information management system.

Special Services – Carried Over

"CHILD WITH AUTISM" signs [HB 374](#) (Carrico) would require VDOT, when requested by the child's parent or legal guardian, to post within an area in which a child with autism who is less than 18 years old resides signs bearing the legend "CHILD WITH AUTISM."

English as the official language of the Commonwealth [HB 55](#) (Lingamfelter) would, except as provided by federal law, designate English is the official language of the Commonwealth, and state that no state agency or local government shall provide or otherwise assist in providing any documents, information, literature, or other written materials in any language other than English. The bill provides exceptions to this general rule for any documents, information, literature, or other written materials in a language other than English used in connection with foreign language instruction, administration of justice in the courts of the Commonwealth, law-enforcement purposes, or the provision of health care services. [HJ 124](#) (Joannou) would be the first resolution of a Constitutional amendment to designate English as the official language of the Commonwealth.

Interstate Compact on Educational Opportunity for Military Children [HB 395](#) (Cole) would establish a compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents. The compact would become effective when 10 states enact the compact into law.

Prohibited abortion services [HB 1538](#) (Pogge) would prohibit school divisions and their employees from providing abortion services. The bill also prohibits any provider of abortion services from providing information or course materials related to human sexuality or sexually transmitted diseases.

Special education services; parental consent [HB 808](#) (Englin) would provide that parental consent must be obtained by a local school division in order to reevaluate a child receiving special education and related services in order to determine the child's continued eligibility, unless the division can demonstrate that it has taken reasonable measures to obtain consent and the parent has failed to respond.

Textbook fees and charges [HB 379](#) (Marshall, D.) would allow local school boards to withhold a student's report card or diploma because of nonpayment of a fee or charge related to loss or damage of a textbook.

Virginia Early Graduation Incentive Grant Program [HB 327](#) (Saxman) would establish the Virginia Early Graduation Incentive Grant Program for the purpose of providing grants to Virginia

students who (i) have received an undergraduate degree within three years from an accredited institution of higher education in Virginia, (ii) are enrolled in a graduate program preparing students for careers in professions having workforce shortages, and (iii) have agreed to work in Virginia upon receiving a graduate degree.

Special Services – Failed

Admission to public institutions of higher education [HB 14](#) (Peace) would have barred an alien who is unlawfully present in the United States from admission to any public institution of higher education in the Commonwealth. [HB 165](#) (Poisson) would have directed the governing boards of public institutions of higher education to provide for the automatic acceptance of those resident students applying for admission who: (i) have graduated from a public or private high school in Virginia with a grade point average in the top 10 percent of such student's graduating class; and (ii) have completed 320 hours of community service in a program approved by the Secretary of Education, in the year preceding the academic year for which the student is seeking admission. [HB 1011](#) (Hugo) would have provided that the board of visitors or other governing body of each public institution of higher education, except for the Virginia Military Institute, Norfolk State University, and Virginia State University, must establish rules and regulations requiring that at least 75% of students admitted and enrolled at the institution be Virginia domiciles.

Career coaches [HB 980](#) (Nutter) would have required the State Board for Community Colleges to establish guidelines for the placement of career coaches in public high schools in the Commonwealth and to define career coaches as a community college employees placed in a public high school or other educational or workforce situation for the purpose of helping high school students explore career aspirations, develop career plans, connect students to workforce and college preparatory programs, and guide students to other community college programs such as dual enrollment and career and technical education.

Citizenship Assistance Initiative Program [HB 1474](#) (Eisenberg) would have established the Virginia Citizenship Assistance Initiative Program within the Office of the Secretary of Education to serve as a public resource for linking legal permanent residents directly to the information and services they need to successfully pursue citizenship.

Classroom placement of twins or higher order multiples [HB 722](#) (Scott, E.) would have required local school boards to develop and implement policies to allow a parent of twins or higher order multiples to request that the children be placed in the same classroom or separate classrooms if they are in the same grade level at the same elementary school.

Community College Scholarship Match Program [HB 512](#) (Dance), [HB 1293](#) (Athey), and [SB 125](#) (Edwards) would have established the Community College Scholarship Match Program to provide matching funds to community college foundations and the Virginia Foundation for Community College Education.

Disclosure of minor's drug test results [HB 1400](#) (Pogge) would have provided that a parent, legal guardian or person standing in loco parentis could obtain the results of any drug test of a minor or a

minor's health records, except when the minor's treating physician or the minor's treating clinical psychologist has determined in the exercise of his professional judgment that the disclosure of health records or the results of any drug test of the minor would be reasonably likely to cause substantial harm to the minor or another person.

Grade placement test [HB 107](#) (Cole) would have required the Board of Education to develop or approve a standardized test to be used to determine the appropriate grade placement for a student transferring from a private school to a public school.

Health services [HB 569](#) (Crockett-Stark) would have required each school board to employ at least one experienced professional registered nurse to supervise the nursing services provided throughout the school division. [HB 570](#) (Crockett-Stark) would have required local school boards to employ one licensed nurse for each school building and ensured that each nurse serve no more than 750 students.

Illegal Immigration; federal responsibility [SJ 120](#) (Colgan) would have memorialized the Congress of the United States to develop a comprehensive immigration policy and to demonstrate leadership on the matter of illegal immigration.

Immunizations; human papillomavirus [HB 89](#) (Marshall, R.) would have removed the requirement that girls receive the human papillomavirus vaccine. [HB 188](#) (Marshall, R.) would have extended the effective date of the requirement for sixth grade girls to receive the human papillomavirus vaccine from October 1, 2008, to July 1, 2010.

Information required on birth certificates for entrance to public schools [HB 417](#) (Marshall, R.) would have required principals or their designees to record in the pupil's permanent school record the place and country of birth collected from information obtained on the birth certificate or affidavit submitted in lieu of the birth certificate.

In-state tuition and educational benefits for unlawful aliens [SB 434](#) (Vogel) would have provided that an alien who is unlawfully present in the United States not be eligible on the basis of residency within Virginia for any postsecondary educational benefit including in-state tuition and state financial aid, unless citizens or nationals of the United States are eligible for such benefits without regard to whether such citizens or nationals are Virginia residents.

Kidney disease screening for public school students [HB 1440](#) (Hull) would have directed each school board to provide parent educational information or implement a program of regular screening for kidney disease for pupils at all grade levels, unless such students are pupils admitted for the first time to a public school and have been tested as part of the required comprehensive physical examination, or the parents of such students have indicated their preference that their children not participate in such screening.

Medicaid eligibility for young adults transitioning from foster care [HB 98](#) (Purkey) would have required the Department of Medical Assistance Services to amend the state plan to provide for the payment of medical assistance, pursuant to The Foster Care Independence Act of 1999, for any individual who (i) was receiving foster care services on his eighteenth birthday, (ii) continues to

receive independent living services pursuant to § 63.2-905.1, and (iii) has not yet reached his twenty-first birthday. Such individuals would not be subjected to Medicaid income limits.

Methicillin-resistant staphylococcus (MRSA) [HB 22](#) (O'Bannon) would have added methicillin-resistant staphylococcus aureus (MRSA) to the list of diseases required to be reported to the Department of Health.

Parental notification of minor's mental health treatment [HB 121](#) (Lingamfelter) would have required any employee or designee of any community services board or behavioral health authority, or any other state or local employee other than an employee of a local school board who provides mental health treatment to a minor to notify the minor's parent, legal guardian, or person standing in loco parentis of the provision of services within five days of the provision of services, unless the employee or designee of the community services board or behavioral health authority or other state or local employee providing mental health treatment determines that, in their professional judgment, notice to the parent, guardian, or person standing in loco parentis would be reasonably likely to cause substantial harm to the minor or another person. [HB 671](#) (Marshall, R.) would have required parental notification from administrative or instructional personnel and school counselors and psychologists who as a result of direct communication with a student had reason to believe that such student is suicidal or is at risk of harming others. In addition, the bill required parental notification of a student's receipt of mental health treatment for suicidal tendencies or other behavior indicating that such student may be an imminent danger to others.

Preadmission physical examinations [HB 896](#) (Lohr) would have provided that prior to a student entering public preschool, kindergarten, or first grade for the first time, such student must furnish a comprehensive physical examination performed within the 12 months prior to the date such pupil first enters such public preschool, kindergarten, or elementary school. [SB 557](#) (Obenshain) would have provided that a pupil's comprehensive physical examination completed within the 24 months prior to the date such pupil first enters a public kindergarten or elementary school would have been acceptable so long as the physical examination was performed prior to the pupil's attending a public pre-kindergarten program.

Transition process from school to work for disabled students study [HJ 88](#) (Amundson) would have established a joint subcommittee to study the transition process from school to work for students with disabilities.

Verification, legal presence; public schools and higher education [SB 745](#) (Hanger) would have required all public schools to verify each child's legal presence, and, if appropriate, to develop a plan to assist the child in attaining legal presence, or to take other appropriate action as determined by the locality. However, the bill would have specified that no child be denied admission to a public school for failure to provide evidence of legal presence.

Taxation – Passed

Real Estate Tax [HB 163](#) (Sherwood) permits localities to grant a real estate tax exemption or deferral to elderly and handicapped persons based upon projected income and financial worth for the current year under certain circumstances. Under current law, the previous year's income and financial worth is used.

Real property tax exemptions for the elderly and handicapped [HB 1503](#) (Loupassi) raises the maximum income eligibility restriction from \$62,000 to \$67,000 in the Cities of Charlottesville, Chesapeake, Norfolk, Portsmouth, Richmond, Suffolk, and Virginia Beach and the Counties of Chesterfield, Goochland, and Henrico. Fairfax's currently authorized income limit is \$75,000 and is unchanged by this legislation.

Taxation – Carried Over

Personal property tax relief [HB 58](#) (Frederick) would reinstate the Personal Property Tax Relief Act of 1998 at 100% reimbursement for qualifying vehicles effective January 1, 2009.

Property tax exemptions [HB 11](#) (Albo) and **[HJ 4](#)** (Albo) would be the first passage of a proposed Constitutional Amendment that would authorize the General Assembly to enact legislation that will allow localities by ordinance to exempt or partially exempt from real property taxes, or defer real property taxes on, up to 20 percent of the value of residential or farm property that is the owner-occupant's primary dwelling and lived in continuously. **[SJ 73](#)** (Hanger) would be the first passage of a proposed Constitutional Amendment that would direct the General Assembly to enact legislation that would permit localities to provide for a partial exemption from, or deferral of, local real property taxes on a taxpayer's primary residence and up to five acres of land associated with his residence. **[HJ 18](#)** (Lingamfelter), **[HJ 38](#)** (Ware), **[SJ 8](#)** (Puller) and **[SJ 10](#)** (Reynolds) would be the first passage of a proposed Constitutional Amendment that would direct the General Assembly to exempt from taxation real property that is the principal residence of a veteran (or widow or widower of a veteran) if the veteran has been determined by the United States Department of Veterans Affairs to have a 100 percent combat-related, permanent, and total disability. **[HB 465](#)** (Watts) would provide a local option formula for determining net combined financial worth that allows individuals who depend on investment income rather than pension income to qualify for real estate tax relief.

Real estate tax cap [HJ 19](#) (Frederick) would be the first passage of a proposed Constitutional amendment stating 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. Increases in the rate of taxation on real property are limited to one percent per year. **[HJ 122](#)** (Loupassi) would require localities to compute real estate taxes based on no more than a five percent increase in the assessed value on the primary residence of an owner after he has occupied it for five years. The taxes of any new owner of the dwelling would be based on fair market value until the new owner occupied the dwelling for five years.

Taxable real property [HB 215](#) (Alexander) 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. If a locality imposes a lower tax rate on residential property, then thereafter the locality would not be permitted to increase the rate of taxation on the general

class of real property. [HB 699](#) (BaCote) would permit localities to (i) tax single family dwellings, (ii) multifamily dwellings, and (iii) commercial property at different rates from each other and from all other real property.

Tax assessments [SJ 60](#) (Miller) would be first passage of a proposed Constitutional Amendment that would provide that tax assessments made by any county, city, or town of real property used by its owners solely for single family residential purposes may, by ordinance adopted by the local governing body, be reduced on an annual basis in an amount up to the first \$100,000 of the assessed value, provided that such property has been the primary residence of its owners for at least five years.

Taxation – Failed

Food and beverage tax [HB 1450](#) (Bowling) would have allowed any county to impose a levy on food and beverages provided there is a public hearing and the local governing body passes an ordinance that dedicates the revenues raised by the tax to public school construction and renovation in the county.

Income tax [HB 472](#) (Watts) would have allowed localities to impose a local income tax at a rate of either 0.50 percent or one percent upon the Virginia taxable income of individuals, trusts, estates, and corporations provided the personal property tax rate does not exceed \$0.01 per \$100 of value on personally owned motor vehicles.

Property tax exemptions [HB 183](#) (RG Marshall) would have required persons seeking property tax exemptions under current law to demonstrate that they have a right to be legally present in the United States to be eligible.

Property tax rates [HB 1036](#) (Frederick) would have required localities to fix tax rates for an ensuing year at least 30 days prior to approval of the budget for the ensuing year, with separate public notices and separate public hearings; to attach to each real and personal property tax bill information showing how the amount of the tax bill has been apportioned in the current fiscal year on the major categories of spending; and to provide more detailed information on notices of reassessments.

Real estate tax cap [HB 74](#) (Purkey) and [HB 927](#) (Nixon) would have required localities to lower their real estate tax rates for the forthcoming tax year to produce no more than the previous year's real property tax levies when any annual assessment, biennial assessment, or general reassessment of real property by the locality would result in an increase in the total real property tax levied. A locality may increase the rate above the reduced rate after a public hearing held no sooner than 30 days after the rate reduction. [HB 102](#) (Albo) would have stated that the total tax revenue in a locality may not exceed 105% of the total tax revenue in the locality in the immediately prior year unless approved by at least a two-thirds majority vote of the local governing body.

Real estate tax relief [HJ 87](#) (Watts) would have established a joint subcommittee to study the treatment of income and asset qualifications for real estate tax relief. [SJ 81](#) (JC Miller) would have

requested the Department of Taxation to study implications of a state income tax credit for homeowners with annual real property taxes exceeding a certain percentage of their annual incomes.

Sales and use tax [HB 898](#) (JM Scott) would have permitted any locality to impose an additional one-half percent sales and use tax provided that all revenue generated from the additional tax is used solely for public educational purposes.

Sales and use tax exemption [HB 57](#) (Lingamfelter) would have added computers and computer-related equipment with a sales price of \$1,500 or less to the school supplies and clothing that are exempt from sales and use tax during a three-day period in August.