



## 2007 General Assembly Summary Education-Related Legislation

**This Final Report describes legislative action  
from the 2007 General Assembly Session.**

Bills are reported as Passed or Failed 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. Moreover, to avoid misunderstanding, please note whether a bill is listed as Passed or Failed.

Provisions of passed legislation are effective July 1, 2007, unless otherwise noted in the legislation itself.

*Updated: 07/02/07*

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

**Maximum speed limit for school buses** [HB 1729](#) increases the maximum speed limit to 60 miles per hour for school buses traveling on interstates and highways where the speed limit is greater than 55 miles per hour.

**School bus safety hotline** [HB 1920](#) provides that local school boards may display decals relating to local school division bus safety hotlines. Local school divisions must bear the cost of the decals.

**Driving record abstracts** [HB 1930](#) eliminates the fee to receive driving record abstracts from the Department of Motor Vehicles for (i) local government group self-insurance pools, (ii) law enforcement officers, (iii) attorneys and court officials for the Commonwealth, (iv) officials of counties, cities, and towns, and (v) court, police, and licensing officials of other states and of the federal government.

**Public school contract employee certification** [HB 1707](#) and [SB 1346](#) requires school boards to obtain certification from a contractor that all such employees who will be providing a service have not been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child when the provision of such service will result in direct contact with students during regular school hours or during school-sponsored activities. The bill also provides that the requirement be waived in an emergency or exceptional situation when it is reasonably anticipated that the contractor or his employees will have no direct contact with students.

**Procurement of services** [HB 2137](#) requires all agencies and institutions in the executive branch to biennially report all procurements with the private sector within the last two years falling under

the commercial activities inventory prepared by the Commonwealth Competition Council (CCC). This includes higher education institutions under the control of the State Council of Higher Education for Virginia (SCHEV) and information technology procurements under the control of the Virginia Information Technologies Agency (VITA). The bill also requires that the CCC update its commercial activities list every two years. Additionally, the Department of General Services (DGS), VITA, and SCHEV are required to solicit from state agencies (under their authority) a list of services that were competed with the private sector during the previous two years and the outcome of that competition.

**Building safety and emergency management plans** [HB 2271](#) requires that local school boards annually review the written school crisis, emergency management, and medical emergency response plans and that the local division certify that review in writing to the Virginia Center on School Safety no later than August 31 of each year. [HB 3048](#) and [SB 1318](#) require every local and interjurisdictional agency to review and update its emergency operations plan every four years. The updated plan must be formally approved by the locality's governing body. [SB 1111](#) adds a closed meeting exemption for the discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

**Sex offenders** [HB 2344](#) and [SB 927](#) prohibits any adult who has been convicted of a sexually violent offense from entering any property he knows or has reason to know is a public or private elementary or secondary school or child day center during school hours, unless he is legally voting on such property, he is a student enrolled at the school, or he has received an order from a circuit court allowing him to enter such property. A violation is punishable as a Class 6 felony. Petitions for permission to enter school property may be filed with the juvenile and domestic relations court or the circuit court where the school or child day center is located. Currently, it is a Class 6 felony under for adults convicted of certain offenses (e.g., kidnapping of a minor, rape, etc.) from loitering within 100 feet of a school.

**Transportation services for nonpublic schools** [HB 2302](#) permits local school boards to enter into agreements with nonpublic schools in the school division to provide student transportation for a fee to and from the nonpublic schools, solely at the discretion of the local school board.

**Amber Alert program** [HB 2410](#) amends the definition of an "abducted child" to include a person who is enrolled in a secondary school in the Commonwealth regardless of age. [HB 2752](#) requires the State Police, where appropriate, to use automatic dialing announcing device technology to alert residents in a particular geographic area of an Amber Alert. The calls would be targeted to the area where the abducted child was most recently seen.

**Building permits** [HB 2497](#) allows localities to provide that a building official may issue an annual permit for any construction regulated by the Building Code.

**Career and Technical Education projects** [HB 2757](#) adds work undertaken by students as part of a career and technical education project for the construction of portable classrooms or single family homes, to the list of exemptions from the contractor licensing requirements.

**School bus warning devices** [HB 3048](#) requires that any new bus placed into service on or after July 1, 2007, shall be equipped with warning devices that, at a minimum, include a non-sequential system of red traffic warning lights, a warning sign with flashing lights, and a crossing control arm such that when the bus door is opened to take on or to discharge students, the red

warning lights, warning sign with flashing lights, and crossing control arm are automatically activated.

**Eminent domain** [HB 2954](#), [SB 781](#) and [SB 1296](#) provide a definition of the term "public uses" mentioned in Article I, Section 11 of the Constitution of Virginia as embracing only the ownership, possession, occupation, and enjoyment of land by the public or public agencies; the creation or functioning of public corporations and public service companies; the construction, maintenance or operation of public highways or other public transportation facilities; the construction, maintenance or operation of facilities by the Commonwealth, a political subdivision, locality, or pursuant to a public-private partnership agreement; and the elimination of blight where the property endangers public health or safety. The bills also specify certain exceptions to this definition and provide that the power of eminent domain shall not be exercised when the primary purpose of the taking or damaging of private property is to transfer ownership to a private party for a private financial gain, an increase in tax revenues, or an increase in employment.

#### **Public-Private Partnerships:**

- **Technology infrastructure** [HB 2381](#) specifies that the Virginia Public-Private Education Facilities and Infrastructure Act (PPEA) can be used for projects related to the technology and infrastructure necessary to deploy wireless broadband services to schools, businesses, and residential areas.
- **Public-Private Partnership Advisory Commission** [SB 756](#) establishes the Public-Private Partnership Advisory Commission. The purpose of the Commission is to advise responsible public entities that are agencies or institutions of the Commonwealth on proposals received pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002. The bill requires that a responsible public entity, prior to requesting or considering a proposal for a qualifying project, adopt and make publicly available guidelines that are sufficient to enable the responsible public entity to comply with this chapter. Such guidelines shall be reasonable, encourage competition, and guide the selection of projects under the purview of the responsible public entity.
- **Commonwealth Competition Council** [SB 1408](#) requires the Commonwealth Competition Council to review the procurement process under the Public-Private Transportation and the Public-Private Education Facilities and Infrastructure Acts. The Council is to make recommendations for: (1) improving the use and efficiency of the process; (2) releasing information to the public during all stages of the process; and, (3) ensuring accountability on the part of public officials and employees involved in projects under the two Acts.
- **Freedom of Information Act exemptions** [SB 1002](#) allows memoranda, staff evaluations, or other records prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the PPTA (Public-Private Transportation Act of 1995) and PPEA (Private Education Facilities and Infrastructure Act of 2002) to be withheld from public disclosure, where if such records were made public prior to or after the execution an interim or a comprehensive agreement, the financial interest or bargaining position of the public entity would be adversely affected. The bill allows any independent review panel appointed to review PPTA proposals and advise the responsible public entity concerning such records to meet in a closed meeting.

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

**Safety belts on school buses** [HB 2903](#) would have required school buses purchased by, or for use by, any school or school division on or after January 1, 2008, to be equipped with safety belts or safety belts and shoulder harnesses of types approved by the Superintendent of State Police.

**Safety hotline** [HB 1737](#) 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.

**Cell phones** [HB 2912](#) would have banned the use of cell phones by drivers of school buses and passenger-carrying commercial vehicles, except in emergencies.

**Gang prevention study** [SJ 419](#) would have established a joint subcommittee to study the availability and efficacy of gang prevention activities with particular attention paid to the potential availability of funding for these activities.

**Bus stop pavement markings** [HB 2379](#) would have provided that local governing bodies may and VDOT, upon the written request of a local governing body, must mark the pavement of highways to indicate school bus stops and keep them clear from obstruction, particularly as the result of snow removal operations.

**Children unattended in a vehicle** [HB 2146](#) would have provided that any driver or operator of a motor vehicle who leaves an unattended child (under six years of age) in a motor vehicle is guilty of a Class 1 misdemeanor. The bill defines "unattended" as left in a motor vehicle by the driver or operator of the vehicle when the driver or operator is unable to continuously observe the child, unless a person 12 years of age or older is physically present in the motor vehicle with the child. [HB 2711](#) was similar but would have found the operator guilty of a class 4 misdemeanor.

**Battery upon a bus driver** [HB 1863](#) would have provided that if any person commits a battery against another knowing or having reason to know that such other person is a school bus driver engaged in the performance of his duties as such, he is guilty of a Class 1 misdemeanor with a mandatory minimum term of confinement of two days. This provision is currently limited to teachers, principals, assistant principals and guidance counselors.

**Harassment by communication devices** [HB 2455](#) would have added computer to the prohibition against using communication devices to threaten or harass others. The term "computer" includes a computer device (e.g., Blackberry) under the Virginia Computer Crimes Act.

**Lighting standards** [HB 1928](#) would have requested the Division of Engineering and Building propagate standards for the lighting of public buildings, communications towers, and antennae to minimize adverse impacts to migratory birds.

**Green Buildings Act** [HB 2555](#) and [SB 1273](#) would have required all major facility projects of state agencies to be constructed to meet United States Green Building Council Leadership in Energy and Environment Design (LEED) certification standards, unless granted an exemption by the Director of the Department of General Services. The provisions of the bill would not have applied to construction projects of public school districts.

## **Residential Development:**

- **Impact fees** [HB 1670](#), [HB 1745](#) and [HB 1884](#) would have allowed localities to adopt provisions in subdivision ordinances for the assessment of impact fees when existing facilities for schools are inadequate to support a proposed residential development. [HB 2118](#) and [HB 2796](#) would have provided that any locality that includes within its comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses may impose and collect impact fees to cover the costs of issuing permits for residential uses. [SB 1268](#) is similar to [HB 2796](#) and would have granted general impact fee authority to “high growth” localities. [HJ 588](#) and [HJ 590](#) proposed to amend the Constitution to provide that any locality may adopt an ordinance providing for the assessment of impact fees related to the impact of new development with HJ 588 adding the acceptance of proffers.
- **Costs of development** [HJ 591](#) and [HJ 608](#) would have established a joint committee to study the identifiable costs of new residential and commercial development in Virginia.
- **Development agreements in Planning District 8** [HB 2986](#) would have required every locality located in Planning District 8 to include in its zoning ordinance provisions for the governing body to enter into binding development agreements with any persons owning legal or equitable interests in real property in the locality. Such agreements may provide, among other things, for specific land uses and the density or intensity of such uses.

**Public Procurement Act:**

- **Environmentally preferable products** [HB 2485](#) would have provided for the consideration of environmentally preferable products in the procurement of goods and services by state and local agencies.
- **Bid payment and performance bonds** [HB 3065](#) 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.
- **Service contract** [HB 1917](#) and [SB 861](#) would have required that prospective vendors for state service contracts disclose the location where services will be performed under the contract, including any subcontracts.
- **Design build construction** [SB 1406](#) would have increased from \$1 million to \$5 million the amount that localities may procure under a fixed price design-build basis.

**Employer responsibilities, employment of sex offenders** [HB 3124](#) would have provided that every employer who employs an employee who has been convicted of a felony offense occurring on or after July 1, 2007, where such felony offense requires registration and has actual knowledge of such employee's conviction, shall give notice to any facility he knows or has reason to know is a school or child day center prior to sending the employee to any worksite that is within 100 feet of the school or child day center. A violation of this section would be punishable as a Class 1 misdemeanor.

**Sales tax exemption** [HB 1620](#) would have provided a retail sales and use tax exemption for tangible personal property that is purchased by a government contractor pursuant to a contract to perform services or provide property to a government entity, when title to the property will pass to the Commonwealth, any political subdivision of the Commonwealth, or the United States Government.

**Purchase of real property** [HB 1658](#) would have required state and local public bodies, whenever acquiring a fee simple interest in real property, to have a survey of the subject property completed prior to the purchase.

**Wage requirements** [HB 2215](#) would have allowed Fairfax County to require vendors and contractors, who are awarded a county contract to perform work within the county, to pay to persons who are employed to perform such a contract and who will work within the county a wage higher than the federal minimum wage.

**Pedestrian right-of-way** [HB 2945](#) would have amended the statute that presently requires motorists to yield the right-of-way to pedestrians to require that motorists stop for pedestrians.

**Eminent domain** [HJ 708](#) would have authorized a study on the current state of the law on the exercise of eminent domain and how that law is applied in the Commonwealth. The study would have addressed whether the exercise of eminent domain is or may be subject to abuse and, if so, what amendments or changes should be made to correct the abuses.

**Design and construction of public facilities** [SB 1329](#) would have allowed localities to provide for adoption of guidelines for the design and construction of public facilities, public infrastructure, and other structures within areas of proposed development or rezoning.

### ***Conduct and Discipline - Passed***

**Computer trespass** [HB 2353](#) Currently, computer trespass is a Class 1 misdemeanor if the offense results in property damage of less than \$1,000 and a Class 6 felony if the property damage is \$1,000 or more. HB 2353 expands the definition of computer trespass to include the installation of spyware without authorization and the installation of any software designed to disable or take control of another person's computer. Furthermore, the bill makes the installation of software on more than five computers in violation of the statute a Class 6 felony. Also, the installation of any spyware on the computer of another is a Class 6 felony.

**Criminal gang member status** [HB 2524](#) adds "felony involving the use of a firearm or other weapon" to the list of crimes that qualify as predicate criminal acts necessary for criminal gang member status, which results in enhanced penalties for certain other crimes.

**Student records** [HB 2631](#) and [SB 915](#) provides that the principal or his designee may disclose identifying information from a pupil's scholastic record for the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to adjudication. Identifying information may be disclosed to attorneys for the Commonwealth, court services units, juvenile detention centers or group homes, mental and medical health agencies, state and local children and family service agencies, and the Department of Juvenile Justice and to the staff of such agencies.

### ***Conduct and Discipline - Failed***

**Removal of students from classes** [HB 3201](#) would have required parental notification when a student, including those with an Individual Education Plan, has been denied instructional services as a result of being removed from class for two or more consecutive days. However, this subject

will be addressed by the Board of Education in its current revision of the Standards of Accreditation.

**Criminal gang member status** [HB 1775](#) would have added shooting at a vehicle and shooting at an occupied building or dwelling to the list of "predicate acts" for determination of criminal street gang member status. [SB 876](#) would have allowed a person to be charged with criminal street gang participation for the first offense of manufacturing, selling, giving, distributing or possessing a controlled substance or imitation controlled substance with the intent to manufacture, sell, give, or distribute the substance. Currently, a person can only be charged for criminal street gang participation for a second or subsequent violation of such crime.

**Study of gang prevention activities and funding** [SJ 419](#) would have established a joint subcommittee to study the availability and efficacy of gang prevention activities with particular attention paid to the potential availability of funding for these activities.

**Possession of marijuana on school grounds** [HB 1857](#) would have punished the possession of marijuana on school grounds or on a school bus as a Class 1 misdemeanor. Currently the offense generally is punishable by a \$500 fine and 30 days in jail.

**Possession of pocket knives on school property** [HB 2769](#) would have amended the exception that allows a person to carry a pocket knife on school property so that it no longer applies to students or to persons not authorized to be on school property, making any person found in possession of a knife on school property guilty of a Class 1 misdemeanor.

**Custody and interrogation, rights of juvenile** [HB 2047](#) would have required that whenever a child who is under 14 years of age is taken into custody regarding the commission or alleged commission of certain acts, the person taking the child into custody shall advise the child whether the child is at liberty to terminate the interrogation and leave. If the child is not at liberty to leave, the person taking the child into custody shall advise the child that he has the right to counsel and to have present his parent, guardian, legal custodian, or other person standing in loco parentis. [HB 1693](#) would have required that statements made by a juvenile criminal defendant accused of committing a violent juvenile felony would have to be electronically recorded and that failure to record such statements would have been a factor to be considered by the court with regard to admissibility.

**Record confidentiality** [SB 1178](#) would have deleted the requirement that a law-enforcement agency, attorney for the Commonwealth, school administration, or probation office having a legitimate interest in the case, the juvenile, or the work of the court obtain a court order to inspect social, medical, psychiatric, and psychological reports and records of children who are or have been before the court, under supervision, receiving services from a court service unit, or committed to the Department of Juvenile Justice.

**Firearms on school property** [HB 1866](#) would have made it a Class 6 felony to possess a firearm that expels a projectile by action of pneumatic pressure on school property, subject to certain exemptions. [HB 3013](#) would have made it a class 1 misdemeanor.

**Investigation for criminal street gang activity, immigration status** [HB 3006](#) would have stated that upon conviction for certain youth gang offenses, the probation and parole officer shall verify the offender's immigration status. This bill would have permitted further investigation of the offender's household.

***Finance, Purchasing and Food Services – Passed***

**Public school contract employee certification** [HB 1707](#) and [SB 1346](#) requires school boards to obtain certification from a contractor that all such employees who will be providing a service have not been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child when the provision of such service will result in direct contact with students during regular school hours or during school-sponsored activities. The bill also provides that the requirement be waived in an emergency or exceptional situation when it is reasonably anticipated that the contractor or his employees will have no direct contact with students.

**Literary Fund** [HB 2350](#) provides that a school board's application to the Board of Education for a loan from the Literary Fund must be authorized by the local appropriating body and the school board. The bill also repeals provisions providing for: (i) the examination of title to property on application for loan, (ii) the certificate of the clerk of court or copy of lease on the application for a loan, and (iii) the submission of the application and certificate of title to the Attorney General.

**Funds for a joint school** [HB 2371](#) authorizes participating school boards of a joint school, including academic year Governor's Schools operated by two or more school divisions, to select the fiscal agent for the joint school from among the treasurers of the participating localities. The participating school boards must agree and the respective local governing bodies must approve any such selection. This bill included an emergency clause and went into effect February 19.

**Farm-to-School programs** [SB 797](#) requires the Commissioner of Agriculture and Consumer Services to establish a website to promote Virginia farm products to educational institutions. [SJ 347](#) requests the Secretary of Agriculture and Forestry and the Secretary of Education to establish a farm-to-school task force to develop a plan for implementing a Farm-to-School Program in Virginia.

***Finance, Purchasing and Food Services – Failed***

**“65 Percent Solution”** [HB 1617](#) would have required each local school division to allocate 65 percent of its operating budget to instructional spending while [HB 2166](#) would have set this percentage at 67 percent. In contrast, [SJ 349](#) would have recognized the problems with and implications of the "65 Percent Solution," and would have expressed opposition to its implementation.

**Local Composite Index (LCI)** [HB 1891](#) would have capped the Local Composite Index at 0.5000. [HB 2278](#) reflects JLARC recommendations from the 2002 Review on Elementary and Secondary School Funding and would have modified the formula that determines each locality's ability to pay (LCI) by (i) incorporating tax values and population estimates for the fiscal year ending one year prior to the fiscal biennium in which the distribution takes place; (ii) providing for a population density adjustment; (iii) incorporating the median, rather than average, adjusted gross income and (iv) updating the weights of each factor in the formula. [SB 1243](#) would have authorized “high growth” localities to elect to have its LCI reduced by 10 percent for the current year. The locality would then receive its state share of basic aid based on the reduced composite index, and the additional amount required for the state share for basic aid would be paid from general funds of the Commonwealth that are not otherwise designated for public education. Only Loudoun County would have been eligible for such a reduction. [HB 1702](#) would have required

the General Assembly to modify the LCI to incorporate within the real estate indicator of local wealth the land-use taxation value for those properties within a land-use plan.

**School boards unexpended funds** [HB 1752](#) 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 must be re-appropriated to the local school board.

**Unfunded mandates** [HJ 602](#) would have established a joint subcommittee to undertake a comprehensive examination of the impact of unfunded state mandates on localities, the scope and cost of presently unfunded mandates, and any possible means to lessen or limit the impact of both unfunded and under funded mandates.

**Literary Fund** [HB 2473](#) would have raised the maximum limit for any loan from the Literary Fund from \$7.5 million to \$12.0 million. [HB 1075](#) would have increased the loan amount available to a school division that, in the interest of efficiency, consolidates two or more existing schools into one new school building. The division would then be eligible for a separate loan for each school being consolidated.

**Public Procurement Act** [HB 2582](#) would have clarified that public bodies can include contract provisions allowing contract modifications for differing conditions or price escalations or de-escalations. [SB 796](#) would have exempted local school boards from the competitive bidding process when purchasing Virginia food products from a Virginia farmer. [HB 2485](#) would have provided for the consideration of environmentally preferable products in the procurement of goods and services by state and local agencies.

**Lottery profits** [SJ 335](#) would have directed the Joint Legislative Audit and Review Commission to study the distribution of net lottery profits, including the current distribution formula to determine if it can be improved.

**Spending limits** [HJ 684](#) would have provided for annual state and local government spending limits with surplus revenues returned to taxpayers. [HJ 626](#) would have limited general fund growth in any fiscal year to the preceding year's general fund appropriation plus the percentage increase in gross state product for the most recently available year and the percentage increase in state population.

**Food services, elimination of trans fats** [SB 1197](#) would have required the Board of Education to develop and disseminate guidelines for school divisions, with the goal of eliminating all foods containing trans fatty acids, beginning with the elimination of vegetable oils containing trans fats from school cafeterias.

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

**Sales and Use Tax exemption** [HB 1674](#) and [SB 999](#) extends the sunset date from July 1, 2008, to July 1, 2012, on the exemption for textbooks and other educational materials that are distributed by publishers from distribution centers for free to professors and others having an educational focus.

**Family life education** [HB 1916](#) requires the Board of Education to incorporate instruction on dating violence and the characteristics of abusive relationships into its curriculum guidelines for family life education.

**Technical education completers** [HB 1978](#) and [SB 1148](#) requires local school boards to include in their annual report to the Board of Education the number of career and technical education completers that graduated. The bill defines a "career and technical education completer" as a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program.

**Technical diploma** [HB 2039](#) and [SB 1147](#) requires the Board of Education to establish the requirements for a technical diploma. This diploma would meet or exceed the requirements for a standard diploma and would include a concentration in career and technical education. The Governor amended the bill to also require the Board of Education to establish requirements for an advanced technical diploma.

**Career and Technical Education projects** [HB 2757](#) adds work undertaken by students as part of a career and technical education project for the construction of portable classrooms or single family homes, to the list of exemptions from the contractor licensing requirements.

**Advisory Council on Career and Technical Education** [HB 2040](#) extends the sunset for the Advisory Council on Career and Technical Education to July 1, 2012.

**Childhood obesity** [HB 2214](#) and [SB 974](#) require the Superintendent of Public Instruction and the State Health Commissioner to work together to combat childhood obesity and other chronic health conditions that affect school-age children. [HJ 637](#) establish a joint subcommittee to study childhood obesity in Virginia's public schools. The joint subcommittee is to ascertain methods of combating childhood obesity in Virginia public schools and examine the relationship between the health and physical education curriculum; public health policies; social, economic, and cultural influences; and media messages; and the incidence of overweight and obese students in the public schools. This joint subcommittee will also examine methods to increase parental involvement and education to ensure proper nutrition of children, and survey other states to determine practices that have been useful in combating childhood obesity.

**Driver education programs and fees** [HB 2216](#) provides that the Board of Education may authorize a local school board's request to assess a surcharge in order to further recover program costs that exceed state funds distributed through basic aid to school divisions offering driver education programs.

**Driver training programs** [SJ 378](#) establishes a joint subcommittee to study revision of the curriculum for driver training programs.

**Provisional driver's license** [SB 1039](#) prohibits the use of wireless telecommunication devices for drivers under the age of 18 while operating a motor vehicle, except in an emergency or when parked or stopped.

**No Child Left Behind** [HB 2542](#) and [SB 1212](#) require that the Board of Education continue to seek waivers from compliance with those provisions of No Child Left Behind (NCLB) that are fiscally and programmatically burdensome to school divisions that are not instructionally sound or in the best interest of children. The Board shall report on the status of its waivers from compliance no later than October 1, 2007. If any or all waiver requests are not approved by the United States Department of Education (USED), the Board shall transmit a summary of all requests not approved to the Virginia Congressional delegation for its consideration in the reauthorization of the Elementary and Secondary Education Act (ESEA). If the reauthorization of

the ESEA does not provide the necessary revisions in the federal law to grant states and localities the flexibilities requested through waiver requests, the Board shall make a recommendation to the General Assembly on Virginia's continued implementation of NCLB. If the decision is made to withdraw from participating in NCLB, the Board of Education and Office of the Attorney General of Virginia are authorized to bring suit against USED to recover any federal funds withheld from the state that are not directly related to NCLB and that help children from low-income families.

**Commemoration of Veterans Day** [HB 2601](#) requires the Department of Education to make available information to local school divisions regarding the commemoration of Veterans Day.

**Commemoration of George Washington's Birthday** [HB 2837](#) requires the Department of Education to make information available to local school divisions regarding the commemoration of George Washington's birthday.

**Civics Education Diploma Seal** [SB 751](#) modifies the criteria for awarding a diploma seal for excellence in civics education to include the types of activities that shall qualify as community service and the number of hours required.

**Study of Virginia Preschool Initiative** [HJ 729](#) directs the Joint Legislative Audit and Review Commission to study the Virginia Preschool Initiative. In conducting its study, the Joint Legislative Audit and Review Commission will (i) review the statutory authorization for the Virginia Preschool Initiative and funding therefor; (ii) determine the costs of the program to the state and localities since its inception; (iii) assess the manner in which the program has been implemented in the several school divisions and the effectiveness of the current program in preparing at-risk four-year-olds for school readiness and success; (iv) evaluate the continued K-12 academic performance of students who participated in the current preschool program; (v) identify and assess the program's accountability measures to promote effective programs and efficient use of public funds; (vi) study the concept of the Universal Preschool or Pre-K, including which other states have adopted these programs and their success, if any; (vii) evaluate the additional costs, if any, of aligning components of the Virginia Preschool Initiative with the Quality Standards checklist recommended by the National Institute for Early Education Research; (viii) determine whether research has been conducted concerning the efficacy of preschool programs for children of middle- and upper-income parents and report the findings and recommendations; and (ix) consider such other related matters as the Commission deems appropriate to meet the objectives of this study.

**Study of high school dropout and graduation rates** [SJ 329](#) request the Board of Education study high school dropout and graduation rates in the Commonwealth. In conducting its study, the Board of Education will (i) evaluate the relevancy of the current process and procedures for defining, counting, and reporting school dropout statistics and consider the need for revisions in such process and procedures and compliance by school divisions; (ii) determine the number of students who dropped out of school before the seventh grade and the reasons therefor and the number of students who graduated annually, for school years 2003, 2004, 2005, and 2006; (iii) ascertain whether, by whom, and the manner in which students at risk of dropping out are counseled to remain in school; (iv) identify local school division initiatives and efforts to retain and retrieve students at risk of dropping out, particularly student populations with low high school graduation rates; and (v) recommend such policy, statutory, fiscal, or regulatory changes as the Board may deem necessary to increase the high school graduation rates, particularly among student populations with high dropout rates. The Board must submit its executive summary and report to the 2008 Session of the General Assembly.

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

**Kindergarten programs** [HB 1636](#) would have expanded the eligibility for kindergarten in school divisions implementing pre-kindergarten or transitional first grade programs, to include children whose fifth birthday occurs between October 1 and June 30, rather than the current cutoff of December 31.

**Required driving hours for learner's permits** [HB 1655](#) would have increased the minimum driving hours from 40 to 50 hours, at least 15 of which would be after sunset.

**Waiver of Standards of Learning requirements** [HB 1875](#) and [HB 3172](#) would have required that the Standards of Learning requirements and all related assessments must be waived for any student enrolled in an advanced placement class at the high school level who scores three or above on the advanced placement test for that subject.

**Daily recess for elementary school students** [HB 2194](#) would have provided that local school boards prohibit the denial of daily outdoor recess or unstructured play to a student for disciplinary reasons, unless the parent of the student notifies the school principal in writing that the student may be excused from all or part of recess as a means to discipline the student.

**Textbooks for home use** [HB 2556](#) would have required that each local school division shall, in providing textbooks and workbooks free of charge for each child attending public schools, ensure that such textbooks and workbooks are available in sufficient quantity to provide each student an individual copy that may be used at home.

**Gifted education** [HB 2104](#), [HB 2564](#) and [SB 1338](#) would have required local school boards to identify students in kindergarten through grade 12 who are gifted in general intellectual aptitude or specific academic aptitude in mathematics, the sciences, the English language, and history or the social sciences. The bills would have additionally required that students who demonstrate exceptional intellectual aptitude or specific aptitude in mathematics, the sciences, English language, history or social studies, technical and practical arts, or visual or performing arts, in accordance with Board of Education standards, must be enrolled in gifted education programs.

**Humane education** [SB 1276](#) would have added that humane education, including compassion and responsibility in the treatment of companion animals, may be covered in character education programs. [HJ 567](#) would have requested the Department of Education to include standards on animal safety and the humane treatment of animals in future revisions of the Standards of Learning.

**Open education content resources** [HJ 702](#) would have established a joint subcommittee to study the appropriateness and efficacy of open education content resources for public schools in Virginia.

**Religious freedom** [HJ 724](#) would have amended the current religious freedom provisions of the Constitution of Virginia to "secure further the people's right to acknowledge God;" to permit prayer and the recognition of "religious beliefs, heritage, and traditions on public property, including public schools." The current constitutional provision parallels the federal free exercise and establishment clauses of the U.S. Constitution and provides for the free exercise of religion

"according to the dictates of conscience" and prohibits the General Assembly from compelling persons to participate in religious activity.

**SOL testing [HJ 651](#)** would have requested the Board of Education, in cooperation with the Prince William County School Division, to determine the feasibility and cost-effectiveness of utilizing alternative low-cost technologies to administer the Standards of Learning assessments.

**Study of K-12 education outreach collaboration [HJ 646](#)** would have requested the Department of Education to collaborate with university, industry, and local school board stakeholders engaged in K-12 education outreach to identify best practices, pursue collaborative activities, and define a set of actions that will facilitate student participation and workforce development in math and science fields.

### ***Instructional Technology – Passed***

**Computer trespass [HB 2353](#)** Currently, computer trespass is a Class 1 misdemeanor if the offense results in property damage of less than \$1,000 and a Class 6 felony if the property damage is \$1,000 or more. HB 2353 expands the definition of computer trespass to include the installation of spyware without authorization and the installation of any software designed to disable or take control of another person's computer. Furthermore, the bill makes the installation of software on more than five computers in violation of the statute a Class 6 felony. Also, the installation of any spyware on the computer of another is a Class 6 felony.

**Public-Private Education Facilities and Infrastructure Act [HB 2381](#)** specifies that the Virginia Public-Private Education Facilities and Infrastructure Act (PPEA) can be used for projects related to the technology and infrastructure necessary to deploy wireless broadband services to schools, businesses, and residential areas.

**Internet Safety Month [HJ 587](#)** designates the month of September as Internet Safety Month in Virginia.

**Telecommuting and use of personal computers [SB 1004](#)** authorizes a state agency to allow eligible employees to use computer equipment not owned or leased by the Commonwealth to telecommute, if such use is technically and economically practical, and so long as such use meets information security standards as established by the Virginia Information Technologies Agency, or the employee receives an exception from such standards approved by the CIO of the Commonwealth or his designee.

### ***Instructional Technology-Failed***

**Instructional technology positions [HB 2199](#)** would have eliminated the requirement for school boards to employ one full-time technology support position per 1,000 students in grades kindergarten through 12 and one full-time instructional technology resource teacher per 1,000 students in grades kindergarten through 12.

**eCycling study [HJ 687](#)** would have directed the Joint Commission on Technology and Science to study the collection, recycling, and disposal of electronic waste (eCycling).

### *Personnel - Passed*

**Public school contract employee certification** [HB 1707](#) and [SB 1346](#) requires school boards to obtain certification from a contractor that all such employees who will be providing a service have not been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child when the provision of such service will result in direct contact with students during regular school hours or during school-sponsored activities. The bill also provides that the requirement be waived in an emergency or exceptional situation when it is reasonably anticipated that the contractor or his employees will have no direct contact with students.

**Severance benefits to local officials** [HB 1862](#) requires that any severance benefits provided to any departing official appointed by a local school board shall be publicly announced by that school board prior to such departure.

**Telecommuting and use of personal computers** [SB 1004](#) authorizes a state agency to allow eligible employees to use computer equipment not owned or leased by the Commonwealth to telecommute, if such use is technically and economically practical, and so long as such use meets information security standards as established by the Virginia Information Technologies Agency, or the employee receives an exception from such standards approved by the CIO of the Commonwealth or his designee.

**Home ownership grants** [SB 1292](#) eliminates the requirement that a separate ordinance be passed for each home ownership grant. Localities may, by ordinance, provide for the use of funds, other than state funds, to provide home-ownership grants to employees of the locality, employees of the school board and employees of constitutional officers, to purchase their primary residences in the locality. [HB 2834](#) increases the maximum amount of the grant to \$25,000 (up from \$5,000), subject to certain sales price and income limitations.

### *Personnel - Failed*

**School nurses** [HB 1719](#) and [HB 2479](#) would have required local school boards to employ one licensed nurse for each school building with each nurse serving no more than 750 students. [HB 1731](#) would have allowed retired persons who are members of the Virginia Retirement System to be hired as nurses without interrupting their retirement benefits.

**Issuance of warrants** [HB 1773](#) would have provided that no arrest warrant be issued upon a complaint by a citizen without the prior approval of the local attorney for the Commonwealth, if the accused is a law-enforcement officer or public school employee and the alleged offense occurred while the accused was in the performance of his official duties.

**Creditable compensation of teachers** [SB 1087](#) would have provided that the creditable compensation of teachers for retirement purposes under the Virginia Retirement System would include all compensation payable to teachers by their public school boards, including compensation that is not pursuant to a contract for teaching.

**Battery upon a school employee** [HB 1861](#) would have provided that any person who commits battery against another knowing or having reason to know that such other person is an employee of a public or private elementary or secondary school and is engaged in the performance of his duties as such, is guilty of a Class 1 misdemeanor. Currently, the enhanced punishment only

applies to a full-time or part-time teacher, principal, assistant principal, or guidance counselor. [HB 1863](#) is similar but would have added bus drivers to the list of victims.

**School administrators licensure** [HB 2151](#) would have revised the qualifications for school administrators so that the only licensure necessary for such positions is a collegiate professional license.

**Wage requirements** [HB 2215](#) would have allowed Fairfax County to require vendors and contractors, who are awarded a county contract to perform work within the county, to pay to persons who are employed to perform such a contract and who will work within the county a wage higher than the federal minimum wage.

**School board policies regarding acceptance of monetary awards** [HB 2268](#) would have allowed local school boards to develop and 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.

**Telework expenses tax credit** [HB 2437](#) and [SB 1266](#) would have provided a tax credit to employers for expenses incurred in allowing employees to telework pursuant to a signed telework agreement.

**Document verification** [HB 2328](#) would have made it unlawful, and a Class 1 misdemeanor, for an employer to fail to confirm the employment eligibility of a job applicant through the Basic Pilot Program of the U.S. Department of Homeland Security.

**Teacher harassment policies** [HB 2657](#) would have required local school boards to develop and implement policies to ensure that parents are encouraged to participate in their children's education in ways that do not unnecessarily harass teachers, principals, administrators, or other school employees.

**Contacting public officials** [HB 2731](#) would have provided that nothing shall prohibit or otherwise restrict the right of any state employee to express opinions to state or local public officials or officers on matters of public concern, nor shall a state employee be subject to acts of retaliation because the employee has expressed such opinions. The bill would have provided the same protections for local employees.

**Home ownership grants** [HJ 711](#) would have directed the Virginia Housing Commission to study current initiatives in other states and communities that establish employer-assisted housing programs, and incentives used by other states and communities to encourage employers to provide workforce housing for their employees, including but not limited to the use of tax credits and other tax-based incentives.

**Teacher experience credit** [HB 2883](#) would have required local school boards to grant one year of teaching experience credit to licensed teachers for each year of active-duty military service for which teachers are granted credit under the provisions of the Virginia Retirement System.

**Average teacher salary** [HB 2847](#) 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.

**Employment discrimination** [HB 2550](#) and [SB 820](#) would have prohibited discrimination in public employment on the basis of pregnancy, childbirth or related medical conditions, marital status, sexual orientation, or status as a special disabled veteran or other veteran covered by the Vietnam Era Veterans Readjustment Act of 1974.

### ***Professional Development - Passed***

**Virginia Teaching Scholarship Loan Program** [HB 1913](#) revises and reorganizes the section to make it consistent with language in the general appropriations act. The bill revises the intent of the program, so that it is established to (i) increase the number of teacher candidates pursuing careers in critical teacher shortage areas, as defined by the Board of Education; (ii) expand eligibility to teacher candidates, including graduate students and paraprofessionals, enrolled full-time or part-time in approved teacher education programs; and (iii) increase diversity of persons pursuing careers in teaching, including male teacher candidates enrolled in elementary or middle school education programs and minority teacher candidates enrolled in any teaching endorsement area. It also eliminates the Diversity in Teaching Initiative, as it has not been funded.

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

**Health insurance credits** [HB 2370](#) and [SB 1218](#) increase the monthly health insurance credit for retired teachers from \$2.50 to \$4.00 for each full year of the retired member's creditable service. The bill also eliminates an overall cap to the credit, and provides disability retirees with the lesser of (1) \$4 times twice the amount of their creditable service or (2) the amount of service completed at age 60 had they remained in service to that age. The bill is applicable to current and future retirees.

**Health insurance experience pool** [SJ 372](#) establishes a joint subcommittee to study the feasibility of a state-wide health insurance experience pool for educators and local government employees, including state and local early retirees not eligible for Medicare, with findings and recommendations due prior to the 2008 Session of the General Assembly.

**Unemployment compensation** [HB 2066](#) increases the maximum weekly benefit from \$347 to \$363 for claims effective on or after July 1, 2007.

### **Virginia Retirement System:**

- **Locality-specific information** [HB 2095](#) directs the Virginia Retirement System to provide each participating locality the locality-specific data as may be necessary for each locality to determine the specific assumptions that are driving its VRS-related costs, and to understand the retirement costs of different classes of covered employees. Further, the bill authorizes VRS to recover the costs of additional reporting or actuarial services from the requesting employer.
- **Freedom of Information Act exemption** [SB 1369](#) provides an exemption for the Virginia Retirement System (VRS) and a local retirement system for trade secrets provided by a private entity to the extent that the disclosure of such records would have an adverse impact on the financial interest of the VRS or local retirement system. The bill contains an emergency clause and went into effect March 21<sup>st</sup>.

- **Accumulated contributions** [HB 2096](#) clarifies that a member's "accumulated contributions" include all employer-paid, tax-deferred contributions.
- **Deferred compensation for state employees** [HB 1830](#) changes the participation in the deferred compensation plan for new state employees hired on or after January 1, 2008, to an "opt-out" plan rather than an "opt-in" plan.

**Benefit information** [HB 2764](#) requires localities to provide information about relevant benefit options and programs in writing to any local employee who develops a life-threatening health condition. The employer shall provide appropriate forms to the employee so that the employee can communicate any election of benefit options to the employer in writing on the forms.

**Post employment benefits** [SB 789](#) provides that counties, cities, towns, school divisions, and certain political subdivisions may establish local trusts or equivalent arrangements to fund post-employment benefits other than pensions.

### *Retirement and Insurance – Failed*

#### **Virginia Retirement System:**

- **Retirement multiplier** [HB 1637](#) 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. Similarly, [HB 1882](#) and [HB 1915](#) would have increased the multiplier but for teachers with only 5 or more years of creditable service.
- **Defined contribution plans** [HB 1941](#) would have created a new 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. Other employees already enrolled in a VRS plan would have been allowed to switch to the new plan immediately upon passage of the bill. [HB 2956](#) is similar but would have included all employees who enter, on or after July 1, 2007, into any position covered by any retirement plan administered by the Virginia Retirement System. [SB 850](#) would have provided that local public school boards and political subdivisions of counties, cities, and towns may not offer or provide any optional retirement benefit under the Virginia Retirement System unless authorization for the same is provided by the respective governing body of the county, city, or town.
- **Working after retirement** [HB 2519](#) would have provided that any person retired under the Virginia Retirement System may be hired into positions otherwise covered under the Virginia Retirement System without interrupting his retirement benefits for up to five years under the following conditions: (i) the person has been receiving such retirement allowance for a minimum period of time as determined by VRS; (ii) the person retired under the normal retirement provisions of his retirement program; and (iii) the person's service performed and compensation received during the period of time will not count towards his retirement benefits. [HB 2094](#) and [SB 813](#) would have permitted a retired member of the Virginia Retirement System to return to work as a local school division superintendent and still maintain his monthly retirement payments. [HB 2172](#) would have removed the sunset date (July 1, 2007) from the retirement provision that permits certain retired teachers to return to teaching and continue to receive retirement payments.

- **JLARC study of benefit programs [HJ 634](#)** would have directed the Joint Legislative Audit and Review Commission to evaluate all benefit programs administered by the Virginia Retirement System, including, but not limited to: service and disability retirement, pension death benefits, life insurance, deferred compensation, short and long-term disability benefits, long-term care insurance, health insurance credits, law-enforcement benefits, and defined contribution plans.

**Expansion of health insurance credits [HB 2866](#)** would have expanded the recipients of the health insurance credits currently going to retired teachers to include all retired employees of local school divisions.

**JLARC study of the uninsured population [HJ 613](#)** would have directed the Joint Legislative Audit and Review Commission to study the Commonwealth's uninsured population. The study would have addressed the number of uninsured Virginians, the reasons they do not have health insurance, the duration of periods of being without insurance, their eligibility for health insurance coverage or government health care programs, the health services they utilize, and the effect that the provision of these health services has on private health insurance premiums and government spending.

**Mandated coverage [HB 2635](#)** would have abolished the Special Advisory Commission on Mandated Health Insurance Benefits. **[HB 2156](#)** would have mandated health coverage for evaluations of brain tumors. **[HB 1975](#)** would have mandated coverage of cyberknife procedures. **[HB 2426](#)** would have mandated coverage for bone marrow transplants. **[HB 2447](#)** would have mandated coverage for internal formulas necessitated by inborn metabolic disorders. **[HB 2949](#)** would have mandated coverage for treatment by intensity modulated radiation therapy. **[SB 931](#)** would have mandated coverage for the cost of medically necessary prosthetic devices and components. However, the content of SB 931 was referred to the Special Advisory Commission on Mandated Health Insurance Benefits for further review.

**Benefits coverage [SB 1242](#)** would have allowed any locality that self-funds a health insurance program for its officers and employees to extend coverage under such program by any other class of persons as may be mutually agreed upon by the locality and the policyholder.

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

**Commission on Immigration [HB 1673](#)** creates the Virginia Commission on Immigration to study, report, and make recommendations to address the costs and benefits of immigration on the Commonwealth, including the impact on education, health care, law enforcement, local demands for services and the economy, and the effect on the Commonwealth of federal immigration and funding policies.

**School boards tie vote procedure [HB 1810](#)** authorizes any popularly elected school board to appoint a qualified voter who is a resident of the county, city, or town to cast the deciding vote in case of a tie vote of the school board.

**Public Charter School Fund [HB 2311](#)** establishes the Public Charter School Fund for the purposes of establishing or supporting public charter schools in the Commonwealth, to be funded from gifts, grants, bequests, or donations from public or private sources. The Board of Education

must establish criteria for making distributions from the Fund to a public charter school requesting moneys from the Fund.

**Commonwealth Educational Roundtable** [HJ 622](#) requests the Board of Education to establish and regularly convene a Commonwealth Educational Roundtable to facilitate the implementation and continuation of efforts to improve and sustain quality educational leadership in the Commonwealth's public schools.

**Religious freedom** [HB 3082](#) reiterates an individual's freedom of religion, prohibits a government entity from unduly burdening such right and provides a cause of action for declaratory or injunctive relief for violation. A person prevailing in such an action may recover reasonable costs and attorney fees, but not monetary damages.

**Immunity of citizens at public hearings** [SB 1250](#) provides that any citizen appearing at a public hearing before the governing body of any locality or other political subdivision, or the boards, commissions, agencies and authorities thereof, and other governing bodies of any local governmental entity would be immune from a civil liability for willful and malicious injury to another's reputation, trade, business, or profession, or a claim of tortuous interference with an existing contract or a business or contractual expectancy, arising from a citizen's statements concerning matters properly before the governing body.

#### **Freedom of Information Act:**

- **Electronic communication** [HB 2669](#) allows state public bodies to meet by electronic communication means without a quorum of the public body physically assembled at one location when (i) the Governor has declared a state of emergency, (ii) the meeting is necessary to take action to address the emergency, and (iii) the public body otherwise complies with the electronic communication meetings law.
- **Posting of meeting notices** [HB 2758](#) clarifies where meeting notices and minutes of state public bodies must be posted. The bill also specifies that only notices of public hearings on regulations need be published in the Virginia Register.
- **Closed meetings exemption** [SB 1111](#) adds a closed meeting exemption for the discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.
- **Response to requests** [HB 1791](#) adds an additional response to address situations when a public body receives a request for public records under FOIA but cannot find the requested records or the requested records do not exist. The bill also clarifies the other responses to requests for public records under FOIA.

#### ***School Board Governance-Failed***

**College Partnership Laboratory Schools** [HB 2509](#) would have established college partnership laboratory schools for the purpose of stimulating the development of innovative public education programs by providing opportunities for greater cooperation and coordination between institutions of higher education and K-12 education systems. The laboratory schools would be created by a contract between the school and the Board of Education and would operate much like public charter schools.

**School sponsored clubs** [HB 1727](#) and [HB 3047](#) would have required that local school boards notify parents or legal guardians of (i) the names of the clubs; (ii) the missions or purposes of the clubs; (iii) the faculty or other adult sponsors or facilitators of the clubs; (iv) the clubs' planned activities; (v) whether the clubs are affiliated with any regional, state, or national organization; and (vi) any financial requirements, such as dues, for a student to join or become a member of a school-sponsored club. In addition, school boards would have been required to either provide notice and an opportunity for parents or legal guardians to opt their children out of participation in any school-sponsored club or organization or require the prior express written permission of parents or legal guardians to be filed with the school before any student may be a member of a school-sponsored club.

**Public/Private Education Investment Tax Credit** [HB 1843](#) would have created income tax credits for business entities and individual taxpayers who make contributions to eligible public school foundations and eligible scholarship foundations. For individual taxpayers, the amount of the annual credit would have been 100% of the contribution but may not exceed \$800 for individual taxpayers and \$1,200 for married taxpayers filing jointly. The amount of the annual credit for business entities would have been 90% of the contribution with no limit on the dollar amount.

**“65 Percent Solution”** [HB 1617](#) would have required each local school division to allocate 65 percent of its operating budget to instructional spending while [HB 2166](#) would have set this percentage at 67 percent. In contrast, [SJ 349](#) would have recognized the problems with and implications of the "65 Percent Solution," and would have expressed opposition to its implementation.

**Student contact information** [HB 2549](#) would have required that the notice to parents or guardians required by federal law and regulations and the regulations of the Board of Education concerning the release of directory information be included on the emergency contact information form, which shall also include a statement printed in conspicuous, bold type that advises parents or guardians that giving consent for the release of the directory information concerning their child may result in release of such information to an official recruiting representative of the military forces of the Commonwealth or the United States. The statement would also advise parents or guardians of their right to deny consent to release directory information concerning their child or to limit the persons to whom such information may be released.

**Unexpended funds** [HB 1752](#) 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 reappropriated to the local school board.

**Teacher harassment policies** [HB 2657](#) would have required local school boards to develop and implement policies to ensure that parents are encouraged to participate in their children's education in ways that do not unnecessarily harass teachers, principals, administrators, or other school employees.

**Executive and legislative branch powers** A number of proposals ([HJ 569](#), [HJ 570](#), [HJ 572](#) and [SJ 338](#)) would have made changes to the Governor's power to appoint members to the State Board of Education, shifting appointment authority over five of the nine members to the General Assembly.

#### **Freedom of Information Act:**

- **Electronic communication** [HB 2293](#) would have allowed a local governing body, school board, or any subcommittee thereof to meet by electronic communication means provided (i) no purpose of the meeting is to take action on any matter before the governing body, school board, or subcommittee, or to otherwise transact any business of the governing body, school board, or subcommittee; (ii) the meeting is not called or prearranged with any purpose of transacting any business of the local governing body, school board, or subcommittee; and (iii) the local governing body, school board, or subcommittee otherwise complies with the electronic communication meetings law.
- **Constituent correspondence** [HB 3097](#) and [SB 1106](#) would have provided an exemption for the name, physical address, telephone number, e-mail address, social security number, and bank or other financial account information contained in correspondence to and from an individual and a member of a local governing body, school board or other local public body in which the individual is a resident, unless the correspondence relates to a public matter before such public body.

**Prohibited discrimination** [HB 2598](#) would have added "sexual orientation" as prohibited discrimination in a county with the urban county executive form of government (Fairfax County).

**Fiscal autonomy** [HJ 640](#) and [SJ 364](#) would have authorized a study of the implications of granting fiscal autonomy to elected school boards in the Commonwealth.

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

**Standards of Quality—changes in provisions** [SB 795](#) provides for the phasing out of the eighth grade cumulative history test in the 2007-2008 school year, and the implementation of the United States History to 1877, United States History: 1877 to the Present, and Civics and Economics tests in the 2008-2009 school year. The bill adds effective classroom management to the listing of professional development programs to be provided to teachers and principals. It also requires local school divisions to post a current copy of the school division policies, including the Student Conduct Policy, on the local division's website while ensuring that printed copies of such policies are available, as needed, to citizens who do not have Internet access. Additional technical changes are made to Standards 1, 3, 4, 5, 6, and 7.

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

**Standards of Quality—staffing standards** [HB 2093](#) would have revised the instructional personnel provisions to require that local school boards employ: (i) one full-time reading specialist for each 1,000 students in average daily membership for the school division; (ii) one full-time principal in every elementary, middle, and high school; (iii) one full-time assistant principal for each 400 students in every elementary, middle, and high school; (iv) one speech-language pathologist for every 60 cases; (v) one full-time mathematics specialist for each 1,000 students in grades kindergarten through eight; (vi) one full-time data manager or test coordinator for each 1,000 students in grades kindergarten through 12; and (vii) instructional and paraprofessional staff for the blind or vision impaired. [HB 2199](#) would have eliminated the requirement for school boards to employ one full-time technology support position per 1,000 students in grades kindergarten through 12 and one full-time instructional technology resource teacher per 1,000 students in grades kindergarten through 12. [HB 2613](#) would have reduced the current pupil-teacher ratio in kindergarten from an average daily membership of 24:1 to 21:1 and

in grades one, two, and three from 24:1 to 20:1. This bill would have provided that the pupil-teacher ratio may not exceed 25:1 in average daily membership in grades four through six, and 24:1 in average daily membership in English in grades six through 12.

**Gifted education programs** [HB 2104](#), [HB 2564](#), and [SB 1338](#) would have required local school boards to identify students in kindergarten through grade 12 who are gifted in general intellectual aptitude or specific academic aptitude in mathematics, the sciences, the English language, and history or the social sciences. The bills would have additionally required that students demonstrating exceptional intellectual aptitude or specific aptitude in mathematics, the sciences, English language, history or social studies, technical and practical arts, or visual or performing arts, in accordance with Board of Education standards, must be enrolled in gifted education programs.

### *Special Services - Passed*

**Due process procedures** [HB 1962](#) and [SB 847](#) provides that due process procedures prescribed by the Board of Education must require that testimony be given under oath or affirmation administered by the hearing officer.

**Human papillomavirus vaccine** [HB 2035](#) and [SB 1230](#) require females to receive three doses of properly spaced human papillomavirus (HPV) vaccine. The first dose shall be administered before the child enters the sixth grade. After having reviewed materials describing the link between the human papillomavirus and cervical cancer approved for such use by the Board of Health, a parent or guardian may elect for his or her daughter not to receive this vaccine. This bill contains a delayed effective date of October 1, 2008.

**Military dependent tuition charges** [HB 2092](#) eliminates the requirement that a student must have been attending a public school in the Commonwealth while residing with his or her custodial parent prior to the parent's deployment outside the United States in order to attend school without paying tuition. The bill clarifies that children of parents who have been deployed outside the United States may continue to attend school in the Virginia school division they attended immediately prior to the deployment without paying tuition.

**Childhood obesity** [HB 2214](#) and [SB 974](#) requires the Superintendent of Public Instruction and the State Health Commissioner to work together to combat childhood obesity and other chronic health conditions that affect school-age children. [HJ 637](#) establishes a joint subcommittee to study childhood obesity in Virginia's public schools. The joint subcommittee would ascertain methods of combating childhood obesity in Virginia public schools and examine the relationship between the health and physical education curriculum; public health policies; social, economic, and cultural influences; and media messages; and the incidence of overweight and obese students in the public schools. This joint subcommittee will also examine methods to increase parental involvement and education to ensure proper nutrition of children, and survey other states to determine practices that have been useful in combating childhood obesity.

**Student information** [HB 2893](#) authorizes public schools and public institutions of higher education in Virginia to retain certified copies of enrolled students' birth certificates as part of the students' records. Currently, any person enrolling a student in any public school in Virginia is required to present a certified copy of the student's birth record. The official state birth number printed on the birth record is recorded in the student's permanent school record.

**Student records** [SB 915](#) and [HB 2631](#) provides that the principal or his designee may disclose identifying information from a pupil's scholastic record for the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to adjudication. Identifying information may be disclosed to attorneys for the Commonwealth, court services units, juvenile detention centers or group homes, mental and medical health agencies, state and local children and family service agencies, and the Department of Juvenile Justice and to the staff of such agencies.

### ***Special Services - Failed***

**Children's Services Ombudsman** [HB 2851](#) would have directed the Board of Education to appoint for each local school division a Children's Services Ombudsman as a resource for parents of special needs children, for the purpose of resolving and mediating complaints regarding any activity, practice, policy, or procedure of any program operated by a local school board affecting the health, safety, welfare, or rights of any school-age special needs child.

**Tuition Assistance Grant Program** [SB 759](#) and [SB 1419](#) would have established a tuition assistance grant program for students with disabilities. The program would have provided grants of no more than \$10,000 a year to a Virginia nonsectarian private school of choice for students with disabilities for whom an individual education plan had been written.

**High school dropout and graduation rates study** [HJ 706](#) would have requested the Board of Education to study high school dropout and graduation rates in the Commonwealth.

**Neighborhood Assistance Grant and Tax Credit** [SB 757](#) and [SB 1394](#) would have increased the tax credit cap, providing that \$1 million of the cap increase would be dedicated for education programs and \$3 million for providing grants to private schools for students with disabilities. The Department of Education would have administered the Schools for Students with Disabilities Fund from which grants would be made to licensed, private schools for students with disabilities. The Department would have been required to establish an application process for such schools seeking grants from the Fund. The Fund would have been funded from monetary donations for which the Department would have allocated the annual \$3 million in tax credits. The Board of Education would have established regulations for the grants program, including regulations for procedures to allocate the \$3 million in tax credits in fiscal years in which there was an oversubscription of tax credits.

**Disabilities served by the Department of Rehabilitative Services** [HB 2572](#) would have included medically diagnosed autism spectrum disorders under the definition of "functional and central nervous system disabilities" for purposes of establishing the Department as the agency to coordinate rehabilitative services and to provide comprehensive assessment of the need for services.

**Proof of immigration status** [HB 2932](#) would have required the person enrolling a pupil for the first time to present other proof of actual citizenship or immigration status, if there is no certified copy of a birth certificate or affidavit explaining the absence of a certified copy of a birth certificate. If it is determined that the child was born outside of the United States, a parent of the child would be required to present evidence of his own actual citizenship or immigration status. Additionally, it would have required each school to submit an annual report to the Board of Education listing all of the immigration information obtained; and the Board of Education to submit an annual report to the Secretary of Education regarding the impact of the quality of

education provided to children who are lawful residents of Virginia, because of the enrollment of children who are not lawfully present in the United States.

**School nurses** [HB 1719](#) and [HB 2479](#) would have required local school boards to employ one licensed nurse for each school building with each nurse serving no more than 750 students. [HB 1731](#) would have allowed retired persons who are members of the Virginia Retirement System to be hired as nurses without interrupting their retirement benefits.

**Higher education admissions** [HB 2134](#) would have required each public institution of higher education to admit and enroll at least 75% of incoming students from Virginia residents.

**Residency status** [HB 2435](#) would have prevented an alien not lawfully in the United States from obtaining legal domicile in the Commonwealth.

**In-state tuition for aliens** [HB 2623](#) would have made aliens unlawfully present in the United States ineligible on the basis of residency within Virginia for any postsecondary educational benefit, including in-state tuition, unless all citizens or nationals of the United States are eligible for such benefits. [SB 1204](#) would have prohibited in-state tuition rates for individuals who are unlawfully present in the United States. The bill also provided that, notwithstanding the provisions regarding the governing bodies' mandates, any person shall be eligible for in-state tuition who: (i) has resided in Virginia while attending high school; (ii) has graduated from a public or private high school in Virginia or has received a General Education Development (GED) certificate in Virginia; (iii) has resided in the Commonwealth for at least three years on the date of high school graduation; (iv) has registered in an institution of higher education; (v) has provided an affidavit stating that he has filed an application to become a permanent resident of the United States and is actively pursuing such permanent residency or will do so as soon as he is eligible; and (vi) has submitted evidence that he or, in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis, filed, unless exempted by state law, Virginia income tax returns for at least three years prior to the date of enrollment.

**Child day-care regulations** [SB 1353](#) would have established staff-to-child ratios, activity space guidelines, and training and qualification guidelines for program directors, program leaders, and general staff for regulated child day-care centers.

**Comprehensive Services Act** [SJ 402](#) would have studied the financial impact of mandating services under the Comprehensive Services Act for all children with disabilities or in need of foster care services in Virginia.

### ***Taxation - Passed***

**Transportation funding** [HB 3202](#) provides (i) statewide funding of transportation projects through current funds and additional funds, (ii) authority to localities in Northern Virginia and Hampton Roads to impose additional fees for transportation, and (iii) several administrative and efficiency reforms impacting transportation. The bill also authorizes the Commonwealth Transportation Board to issue bonds in an aggregate amount not to exceed \$2.5 billion for statewide transportation funding with the debt service on such bonds to be paid from a portion of the annual revenues from the state recordation tax. The taxes and fees that localities would be authorized to impose are: Commercial Real Estate tax – 25 cents per \$100; Grantor's Tax – 40 cents per \$100; Motor Vehicle Rental Tax – 2 percent; Original Driver's License Fee- \$100. The

Authority is also authorized to collect and impose tolls. There is no required start date for imposition of new taxes and fees but the locality cannot impose them before July 1, 2008.

**Real estate tax** [SB 1063](#) increases from 7 to 30 days the minimum notice that a locality must give the public of a public hearing in which the locality proposes to increase its total real estate tax levies more than 101% of the prior years tax levies, and requires that such notice be posted in the building where the governing body of the locality ordinarily meets, as well as in a newspaper.

**Property exempt from taxation** [SJ 354](#) is the first passage of a proposed Constitutional Amendment and would authorize the General Assembly to enact legislation to allow localities by ordinance to 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. Constitutional amendments must be approved in two consecutive sessions of the General Assembly and approved by voter referendum.

### ***Taxation - Failed***

**Study of "Fair Tax"** [SJ 326](#) would have established a joint subcommittee to study the viability of a tax on the consumption of goods and services as an alternative tax system.

**Limitations on real estate tax rates** [HB 1706](#) would have provided that localities must set real estate tax rates so that the total real estate tax revenue would not increase by more than 3% over the previous year's total real property tax levies with one exception. The exception would have allowed a locality to set its property tax rate at a rate not to exceed the rate of population growth plus the rate of inflation in the locality for the immediately preceding year, but in no event would the rate be set at any amount that would produce more than 6% growth. [HB 1780](#) would have required each locality to lower its real estate tax rate for the forthcoming tax year, to produce no more than 101 percent of 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 of 1 percent or more in the total real property tax levied. [HB 1888](#) would have provided 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. [HJ 559](#) would have proposed a Constitutional amendment to provide that assessments of real property could 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 would be limited to one percent per year.

**Classification of taxable real property** [HB 1730](#) would have permitted 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 shall not increase the rate of taxation on the general class of real property. [SJ 393](#) would have established a joint subcommittee to study the feasibility of multiple real property tax classifications; specifically, separate tax treatment for residential, agricultural, and commercial real property and a homestead exemption program.

**Personal Property Tax relief** [HB 1709](#) would have transferred an amount equal to three-quarters of one percent (.0075) of the taxable individual income to every county and city whose personal property tax rate on motor vehicles is no greater than \$0.01 per \$100 of assessed value, based on each county's and city's share of total Virginia taxable income and dedicated the funding to secondary road maintenance and education. [HB 2262](#) would have repealed the car tax reimbursement program and replaced it by dedicating 17.5% of the state individual income tax

collections to localities. [HB 1894](#) would have removed the cap on the overall amount of car tax relief beginning January 1, 2008, and gradually increased the amount of car tax relief to 100% of the reimbursable amount for qualifying vehicles over a six-year period. [HB 1615](#) would have reinstated the Personal Property Tax Relief Act of 1998 at 100% reimbursement for qualifying vehicles effective January 1, 2008.

**Retail Sales and Use Tax** [HB 2167](#) and [HB 1659](#) would have added computer systems, computers, computer hardware, computer software, and portable or handheld calculators to the list of items that are exempt from the Retail Sales and Use Tax during the annual three-day “sales tax holiday” period.

**Distribution of local use tax revenues** [HB 2874](#) would have provided that the Tax Commissioner use a method to distribute local use tax revenues that provides more accuracy than the use of zip codes for distributing the local use tax to the actual city or county in which the tangible personal property is used.

**Communications Sales and Use Tax** [HB 1854](#) would have changed the year from 2006 to 2007 with regard to the fiscal year that is used as the base year for determining each locality's share of communications sales tax revenues.

**Local taxing authority** [HB 2193](#) would have equalized municipal and county taxing authority by granting a county the same authority available to a municipality through the uniform charter powers if such county contributes two percent or more toward the costs of construction or improvement of the urban system highway or street construction projects within the county.

**Tax “sunset”** [HB 2634](#) would have required a sunset date of no more than four years on all taxation bills that add new taxes or increase tax rates.