



## 2005 General Assembly Summary Education-Related Legislation

*This report describes legislative action from  
the Regular and Reconvened Sessions of the 2005 General Assembly.*

*Provisions of new legislation became effective July 1, 2005,  
unless otherwise noted in the legislation itself.*

*Bills are reported as passed or failed within ten subject categories,  
and are hot-linked to the Division of Legislative Services' web pages  
for text, summary, fiscal impact statement, and bill status.*

*If a bill of interest is not found in one category, please check another as  
legislation may fit under two or more labels.*

*Moreover, to avoid misunderstanding, please note whether a bill is listed as passed or failed.*

Updated: July 20, 2005

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

**School Safety Audits** [HB 1615](#) requires the Superintendent of Public Instruction to develop a list of items to be reviewed and evaluated in school safety audits and a standardized report format for school safety audits. The legislation further requires all school superintendents to collate and submit all school safety audits in the prescribed format and manner of submission to the Virginia Center for School Safety, within the Department of Criminal Justice Services.

**Sale of School Property for Transportation Purposes** [HB 1685](#) empowers Virginia Beach (identified by population and location) to sell property to the Virginia Department of Transportation or the Commonwealth Transportation Commissioner at the Commissioner's discretion.

**Proffers** [HB 2456](#) provides that no locality may seek or require payment of a cash proffer prior to issuance of a building permit on property that is the subject of rezoning. The bill also states that no locality shall either request or accept a cash proffer whose amount is scheduled to increase annually, from the time of proffer until tender of payment, by a percentage greater than the annual rate of inflation. [HB 2888](#) amends existing law on the use of cash proffers by localities by providing that any locality accepting a cash payment voluntarily proffered on or after July 1, 2005 shall within seven years of receiving full payment begin construction, site work, engineering or other improvements for which the cash payment was proffered. A locality that failed to begin construction on time would pay the amount of that proffered cash payment to the Commonwealth Transportation Board for allocation to the appropriate construction program.

**Possession of Firearms on School Property** [HB 2535](#) allows the holder of a valid concealed handgun permit to possess a concealed handgun on school property while in a motor vehicle in a parking lot, traffic circle, or vehicle entrance or exit to the school.

**Public-Private Education Facilities and Infrastructure Act** [SB 1107](#) makes several revisions to the PPEA of 2002. It authorizes the establishment of an interim agreement to provide for partial planning and development activities while other aspects of a qualifying project are being negotiated and analyzed. In addition, it requires adoption of formal timelines for the review of proposals, accelerated review of priority projects, adds factors for responsible public entities to consider when selecting proposals and provides for the Senate and House General Laws Committees to convene a work group to revise current guidelines. [HB 1945](#) expands the definition of “qualifying project” to include any improvements necessary or desirable to any unimproved state or locally owned real estate.

**Development of Former Federal Areas** [SB 1189](#) provides an alternative method for creating an authority under the Authorities for Development of Former Federal Areas Act and exempts such development authorities from the provisions of the Personnel Act and the Procurement Act.

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

**School Construction Grants** [HB 1510](#) would have authorized the Virginia Public School Authority to issue bonds to fund grants to local school divisions in the total amount of \$1 billion to pay the costs of school construction, renovation, and other school infrastructure projects. Half the funds would have been distributed equally among all school divisions, with the rest distributed on a per pupil basis.

**Transportation Services for Nonpublic Schools** [HB 1589](#) would have allowed local school boards to enter into agreements with nonpublic schools within the school division to provide pupil transportation to and from such schools under such terms and conditions as the local school boards deemed appropriate and responsible. Similarly, [HB 1658](#) would have authorized, but not required, school boards to provide transportation to pupils residing in the relevant school division to any non-public school, up to 10 miles outside of the relevant school division.

**Materials for State Buildings** [HB 1849](#) would have required that regulations be adopted to require that only light-colored materials be used for paving state parking lots and to provide waivers of this requirement when a bona fide material is needed or when paving materials are not cost effective. This bill also would have required that light colored roofing materials be used during construction of new state buildings or for replacement roofing to ensure energy savings and reduce reflective heat.

**Drug Free School Zones Boundaries** [HB 1924](#) would have expanded current drug free school zone boundaries ([§18.2-255.2](#)) to the buildings and grounds of any public or private day care center, nursery school or pre-school or within 1,000 feet of such facilities.

**Retail Sales and Use Tax** [HB 2092](#) would have exempted from paying the sales and use tax any person who contracts to perform services for and provide tangible property for consumption or use by the Commonwealth, any political subdivision of the Commonwealth, or the United States, if one of these bodies certifies that title to the property will pass to such government entity.

**School Property** [HB 2157](#) would have amended the current surplus property procedures to require school boards to automatically transfer real property that has, for a period of six months, been vacant or is no longer used for educational purposes directly to the relevant local governing body.

**Defibrillators in Public Schools** [HB 2299](#) would have required that each high school in the division be equipped with an automated external defibrillator (AED) and that these schools ensure that personnel are trained to operate them. However, adopted budget language allows Basic Aid funding attributable to school nurse funding, as calculated by the Department of Education, to be used by school divisions for the purchase of defibrillators at public high schools that offer interscholastic sports on campus.

**Possession of Firearms on School Property** [HB 2764](#) would have amended the exemption allowing unloaded firearms in closed containers in vehicles and rifles and shotguns in firearm racks in vehicles to apply only to teachers and employees of the school who have obtained prior written approval of the principal to bring the firearm onto school property. This would have also applied to students with a valid hunting license during hunting season as long as the student filed a written parental consent form as well as obtained written approval of the principal allowing the student to bring the firearm onto school property.

**Impact Fees** [HJ 682](#) would have initiated the Constitutional amendment process to require the General Assembly to provide by general law that any locality may adopt an ordinance providing for the assessment of impact fees. [HB 2476](#) would have allowed localities, by ordinance, to assess and impose impact fees on a new residential development to pay all or a part of the costs of school facility improvements attributable in substantial part to such development. [HB 2346](#) would have allowed the imposition of impact fees assessed in relation to the adequacy of education, transportation, parks, or public safety needs.

### ***Conduct and Discipline – Passed***

**Reporting of Offenses** [HB 1716](#) requires principals and division superintendents to “accurately” report any offenses, arrests, or charges exactly as recorded by law enforcement authorities when annually reporting serious incidents and crimes to the Department of Education.

**Expulsion of students** [HB 2223](#) allows local school boards to delegate authority to review petitions for readmission by expelled students to a committee of the school board or the division superintendent. If the division superintendent or a school board committee denies the petition, the student may petition the full school board for review of the denials of readmission.

**Bullying** [HB 2266](#) and [HB 2879](#) directs the Board of Education to include bullying in its standards for school board policies on student conduct and requires school boards to include instruction on the inappropriateness of bullying in their character education programs and bullying provisions in their student conduct codes. Principals are required to report certain violent acts, stalking, and other conduct to law enforcement as well as to the parents of the minor student who is the target of the conduct. Parents of the minor student who is the target of the conduct are to be notified that the incident had been reported to law enforcement, and that the parent may contact law enforcement for further information.

**Gangs** [HB 2734](#) repeals a provision relating specifically to reporting of organized youth gang activity, and creates a general law-enforcement reporting requirement of all gang activity to the Organized Criminal Gang File in the Virginia Criminal Information Network and the Violent Criminal Gang File of the National Crime Network Center maintained by the Federal Bureau of Investigation. [HJ 573](#) directs the Virginia State Crime Commission to study criminal street gang conduct and characteristics, specifically to produce a formal listing of gang names coupled with conduct and characteristics unique to those gangs. [HB 1573](#) directs the Board of Education to include provisions addressing gang-related activity in its model guidelines for codes of student conduct. [HB 2217](#) and [SB 1217](#) adds to the list of crimes defined as “predicate criminal act” to include mob assault, reckless handling of a firearm, extortion, shooting from a motor vehicle, carrying a loaded firearm in public areas, and possession of a firearm, stun weapon or taser on school property. The bill also enhances punishments for gang activities taking place at or near schools, colleges and school buses.

**Use of Steroids** [HB 2832](#) provides that the Virginia High School League must establish rules requiring a public school student athlete, who uses anabolic steroids during the training period preceding or during the sport season of the school or college on which he is a member, be ineligible to participate in interscholastic athletic competition for two years, unless the steroid was prescribed by a licensed physician for a medical condition.

### ***Conduct and Discipline – Failed***

**Student Discipline** [HB 2202](#) would have prohibited students from being disciplined for possession of a bona fide eating utensil or personal grooming device unless it was used as a weapon or to threaten an act of violence.

**Truancy** [SJ 302](#) would have established a joint subcommittee to study truancy, truancy prevention and alternatives as well as the effect of detention on truancy.

**Daily Recess** [HB 2916](#) would have authorized the Board of Education, as part of its review and revision of the Standards of Accreditation for public schools in Virginia relating to recess in elementary schools, to consult with the Virginia PTA and other interested parties in its deliberations. The intent of the bill was to provide that no elementary school student be denied recess unless the parent of the student had provided written consent to do so as a means to discipline the student.

### ***Finance – Passed***

**State Budget** The 2005 General Assembly made a number of changes to the 2004-2006 biennial budget as introduced by Governor Warner ([HB 1500/SB 700](#)). These changes include funding (\$54.8M statewide) equivalent to a three percent salary increase effective December 1, 2005 for instructional and support positions funded through the SOQ and other state-funded accounts; funding (\$2.3M statewide) to restore half of the eight percent reduction to the At-Risk Add-On payments that began in 2003; and reduction by half (to \$1.2M statewide) of the amount proposed for the “Race to the GED” Program.

**Virginia Public Procurement Act** [HB 2051](#) requires approval of the Chief Information Officer of the Commonwealth for the purchase of information technology and telecommunications goods and services from a public auction or off of another public body’s contract. The impact of the bill

appears to be limited to state agencies. [HB 2151](#) provides that whenever the lowest responsive and responsible bidder is a resident of any other state and such state under its laws allows a resident contractor of that state a preference, a like preference shall be allowed to the lowest responsible bidder who is a resident of Virginia. Currently, a preference for a Virginia resident may be given.

**License Plates** [SB 884](#) creates special license plates for supporters of education and the public schools of Virginia. A portion of the funds generated by the plate fees will be credited to a special nonreverting fund known as the Virginia Department of Education Fund.

### ***Finance – Failed***

**Limitations on General Fund Appropriations** [HB 1568](#) would have required that the Governor institute an across the board percentage reduction in general fund appropriations to all executive branch agencies whenever the general fund revenue collections for a period of six months or more show that year to date revenue growth is in excess of one percent below the official estimate. [HJ 525](#), [HJ 549](#), [HJ 606](#), [HJ 653](#) and [SJ 408](#) all would have in various ways limited the general fund growth in any fiscal year to the preceding year's total appropriations plus factors tied to population growth, inflation increases, and growth in the state gross product. [HJ 671](#) would have established a joint subcommittee to study the reduction of "unnecessary" government expenditures. [HJ 634](#) would have required "surplus" revenues, beyond those required to be deposited in the Revenue Stabilization Fund, to be returned to taxpayers.

**Standards of Quality Funding** [HB 2323](#) would have directed the General Assembly, in apportioning the state and local share for the costs of meeting the Standards of Quality, in any year in which the general fund revenue growth is at least three percent greater than the population and inflation growth combined for the previous year, to increase the state share by three percent of the total costs so that the local share shall not exceed 65 percent and the state share would be equal to at least 35 percent of the total costs. [HB 2357](#) would have codified the current SOQ funding formula and calculation of local ability to pay and would have modified the formula that determines each locality's ability to pay for its share in order to incorporate current tax values and population estimates, provide for a population density adjustment and incorporate median, rather than average, adjusted gross income.

**Procurement of Services** [HB 2556](#) would have required the Division of Purchases and Supply of the Department of General Services to require all state agencies to procure services from private sector vendors if those services were listed as a commercial activity (as determined by the Commonwealth Competition Council). [HB 2558](#) would have required the Secretary of Education to examine methods of combined purchasing arrangements for school divisions with fewer than 5,000 students to enhance savings.

**Unfunded State Mandates** [HJ 623](#) would have prohibited the Commonwealth from reducing the state-financed proportion of the costs of any existing activity or service required of localities or mandating new activities or services without full funding.

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

**Home Schooling** [HB 1767](#) directs local school boards to implement a plan to notify students receiving home instruction and their parents of the availability of Advanced Placement and

Preliminary Scholastic Aptitude Test examinations and the availability of financial assistance to low income students to take these exams.

**Civics Education** [HB 1769](#) creates a 23 member Commission on Civics Education to identify civics education projects and provide technical assistance to build a network of civic education professionals and make recommendations to the Board of Education.

**Economics Education** [SB 950](#) requires the Board of Education to develop and approve objectives for economics education and financial literacy at the middle and high school levels, that shall be required of all students, and shall provide for the systematic infusion of economic principles in the relevant Standards of Learning, and in career and technical education programs.

**Entrepreneurship Education** [SB 969](#) creates the Entrepreneurship Education Program, consisting of grants administered by the Board of Education to public secondary schools for the development of entrepreneurial, academic and life skills. This act will expire on July 1, 2007, if no gifts, donations, bequests, or other funds effectuating its purposes are received.

**Verified Credits for Industry Certifications** [SB 1045](#) directs the Board of Education to provide for the award of verified credits for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education. School boards will report annually to the Board the number of industry certifications obtained and state licensure examinations passed, and include this number as a category on the school's achievement report card. [SJ 403](#) requests that the Board of Education study the permanent use of industry certifications and state licensure tests for the award of verified units of credit in the public schools.

**Elementary Physical Education** [SB 1130](#) provides that physical education in elementary schools consist of activities not limited to cardio-vascular, muscle building, or stretching exercises.

**Workforce Development** [HJ 713](#) establishes a joint subcommittee to study the need for greater consolidation of coordination of the workforce development and training resources available in the Commonwealth.

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

**Education Improvement Act** [HB 1532](#) would have created the Phonics Instruction Incentive Program and Fund to award grants on a competitive basis to public schools that have failed to achieve full accreditation due to poor student performance in reading to purchase materials using systematic and explicit phonics for kindergarten through grade two, and for related instructional training programs.

**Diploma Requirements** [HB 1541](#) would have directed the board of Education to provide waivers from the Standards of Learning assessment and related credit requirements for children of active duty members of the United States Armed Forces or the National Guard or other reserve component if their service resulted in the transfer of such child to a public school in the Commonwealth within 24 months of that child's anticipated graduation.

**Student Grades** [HB 1585](#) would have prohibited principals and assistant principals from altering a student's grade for coursework or individual classroom assignments without the consent of the relevant classroom teacher.

**Drivers Licenses** [HB 1625](#) would have prohibited the issuance of driver's licenses and learner's permits to persons incapable of communicating in English.

**Standards of Learning** [HB 1870](#) would have required the Board of Education to establish a statewide assessment program for those career technical education courses that do not lead to industry certification or state licensure.

**Character Education** [SB 952](#) would have required that character education programs include instruction relating to humane treatment of animals, including responsible pet ownership and care. [SB 717](#) would have provided that character education programs in public schools may include opportunities for voluntary participation in community service activities pursuant to guidelines developed by the Board of Education.

**Workforce Training Resources** [HB 2069](#) would have created the Department of Business Assistance and Workforce Services to combine workforce training resources and to plan policy and program evaluation for workforce development programs. [HB 2626](#) would have transferred the responsibility for administering the workforce training programs, under Title 1 of the Workforce Investment Act, from the Virginia Employment Commission to the Department of Business Assistance (and renamed it the Department of Business Assistance and Workforce Services).

**Kindergarten Programs** [HB 2484](#) would have required all school divisions to establish full-day kindergarten programs by July 1, 2008. Parents of a child eligible for a kindergarten program could have petitioned the division Superintendent to enroll the child in half-day kindergarten, which would be granted unless the Superintendent thought full day kindergarten was in the best interest of the child. [SB 1214](#) would have required that on and after July 1, 2010, all school divisions provide early childhood education programs for four year olds and five year olds who are not eligible to attend kindergarten or at-risk early childhood education programs.

**Home Schooling** [HB 2541](#) would have changed the date upon which parents must submit evidence of educational progress for their children receiving home instruction from August 1 to August 15. [HB 1770](#) would have required the Department of Education to maintain a list of achievement tests, evaluations, and assessments that may be used to satisfy the requirement that the home schooler's parent annually provide evidence of the student's progress.

**Young Voters** [HJ 565](#) would have encouraged the State Board of Elections and the Commonwealth's local electoral boards to increase their collaborative efforts to encourage the registration of young voters.

**Public Schools Study** [SJ 402](#) would have requested that the Department of Education conduct a comprehensive study of the best educational practices and programs for use in public schools, focusing on programs with demonstrated success in increasing the academic achievement of at-risk students.

***Personnel – Passed***

**Teachers** [HB 1781](#) and [SB 761](#) extends from 2005 to 2010 the current sunset on the requirements that (i) division superintendents identify and report critical shortages to the school board and (ii) local school boards identify and report critical shortages to the Superintendent of Public Instruction and the Virginia Retirement System. [HB 1782](#) extends from 2005 to 2010 the current sunset on the requirements that the Superintendent of Public Instruction annually survey school divisions to identify critical teacher shortage areas and report these shortages to the Virginia Retirement System.

**Teacher Licensure** [SB 949](#) provides for teacher licensure by reciprocity for an individual who has obtained a valid out-of-state license that is in force at the time the application for a Virginia license is made. The individual will have to establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. No professional teacher's assessment or service requirements shall be imposed for these licensed individuals. Current Board of Education regulations (8 VAC 20-21-90) require a professional teacher's assessment (PRAXIS) for out-of-state applicants who (i) have completed a state-approved teacher training program through a regionally accredited four-year college or university, or (ii) hold a valid out-of-state teaching license in force at the time the license application is made. These persons must also provide student transcripts. The bill also deletes the statutory requirement that before completing any approved teacher education program, candidates would have to achieve the minimum score on the test prescribed by the Board (Praxis I). In light of the General Assembly's actions, the Board of Education will replace the end-of-program Praxis I test requirement with a to-be-developed Literacy and Communication Skills Assessment. [HB 2790](#) requires the Board of Education regulations governing teacher licensure to establish criteria and a procedure to allow teachers seeking initial certification to substitute experiential learning in lieu of the coursework required under current teacher licensure standards.

**Child Protective Services** [HB 2163](#) and [SB 1243](#) provides that if, after an investigation of a child protective services complaint, the local department of social services determines that the actions or omissions of a teacher, principal, or other person employed by a local school board or employed in a school operated by the Commonwealth were within such employee's scope of employment and were taken in good faith in the course of supervision, care, or discipline of students, then the standard in determining if a report of abuse or neglect is founded is whether such acts or omissions constituted gross negligence or willful misconduct.

**Criminal Background Checks** [SB 895](#) provides that only one set of fingerprints need be provided by the prospective employee of a business or organization providing care to children, the elderly or disabled as part of such entity's request for a national criminal background check.

**Civil Immunity** [HB 2267](#) immunizes school employees or volunteers from civil liability for prompt good faith reporting to the appropriate school official in compliance with specified procedures, of any alleged acts of bullying or crimes against others.

**Student Use of Steroids** [HB 2832](#) requires the Board of Education to suspend or revoke the administrative or teaching license for three years of any person who knowingly and willfully with the intent to compromise the outcome of an athletic competition procures, sells, or administers anabolic steroids, or by failing to report student use of anabolic steroids.

***Personnel – Failed***

**Criminal History Record Information** [HB 2046](#) would have disqualified from employment in proximity to minors any person who has a criminal history relating to crimes against minors or crimes that could endanger minors.

**Teacher Income Tax Credit** [HB 2496](#) would have provided a \$500 income tax credit to individuals employed as licensed instructors in schools that have not attained full accreditation either for a specific subject area or for the entire school year.

**Teacher Salaries** [SB 1285](#) would have established as a goal of the commonwealth, that the average salary for Virginia public school teachers equal or surpass the national average salary for public school teachers, and the Commonwealth's national ranking for such salaries. [HJ 645](#) would have encouraged the Governor to include adequate funding in the Executive Budget to attain the national average for teacher salaries by 2010. [HB 2075](#) would have required that the state average teacher salary not be less than the annual national average teacher salary in order to ensure highly qualified instructional staff in the public schools.

**Teacher Qualifications** [SB 731](#) would have allowed local school boards, in staffing underfilled or overcrowded classes in secondary schools, to place licensed instructional personnel who do not hold an undergraduate degree in the relevant subject but are actively enrolled in a program that leads to meeting such degree requirements.

**Substitute Teachers** [SB 964](#) would have defined a long-term substitute as a teacher who is employed in the same position for more than 20 days.

**Parental Leave for School Involvement** [SB 713](#) 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 or be involved at the child's school.

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

**Optional Life Insurance** [HB 1651](#) increases from \$500,000 to \$600,000 the amount of optional life, accidental death, and dismemberment insurance that employees may purchase. The bill also eliminates the requirement for a review once every two years and provides for a review period of at least once every five years.

**Virginia Retirement Service** [HB 1653](#) clarifies that an employee with 20 years creditable service with a retirement plan administered by the VRS or any other public plan participating in the group life insurance program would have life insurance based on two times their highest annual salary earned during such employment. [HB 1927](#) clarifies that retirement payments are to be suspended whenever the member is employed in a position covered by any of the retirement plans administered by the Virginia Retirement System. [HB 1928](#) permits the Virginia Retirement System to include its administrative costs in setting the employer contribution rates for any defined contribution plan administered by VRS.

**Teachers** [HB 1787](#) and [SB 817](#) extends from July 1, 2005 to July 1, 2007, the sunset date for provisions allowing retirees to be hired as teachers or administrative personnel without interruption of their retirement benefits. The bills also require the VRS to determine the actuarial cost of this provision and report it prior to the 2007 Session.

**Line of Duty Act [HB 1793](#)** requires the state to provide an additional death benefit in the amount of \$20,000 for every employee of the Commonwealth or of a political subdivision called to federal active duty services to be paid if the employee is killed in action in any armed conflict while serving in the Army, Navy, Marine Corps, Air Force, Coast Guard or any reserve component.

**Worker's Compensation [HB 1863](#)** provides for imposition of civil and criminal penalties on employers that fail to insure payment of workers compensation to their employees and for imposition of civil penalties on employers that fail to comply with requirements governing professional employer organizations.

**Unemployment Compensation [HB 2050](#)** increases from \$2,500 to \$2,700 the wages an employee must have earned in the two highest earning quarters of his bases period in order to be eligible for unemployment compensation benefits, and increases the maximum weekly benefit from \$326 to \$330. [HB 2371](#) provides that chronic absenteeism or tardiness, in deliberate violation of a known policy of the employer, or unapproved absence following written reprimand or warning, is misconduct that may result in disqualification for unemployment compensation benefits.

**Medicare Prescription Drug Program [HB 1624](#) and [SB 841](#)** directs the Board of Medical Assistance Services to promulgate necessary regulations to implement the provisions of the Medicare Part D prescription drug benefit that becomes effective January 1, 2006.

**Health Savings Accounts [HB 1492](#) and [SB 1097](#)** require the Department of Taxation and the State Corporation Commission to amend the Virginia Medical Savings Account Plan to address the provisions of federal law that permit eligible individuals to establish health savings accounts, including high deductible health plans. The revised plan, to be called the Virginia Health Savings Account Plan, will identify measures that will increase the utilization of health savings accounts. Existing medical savings accounts can be converted to health savings accounts.

**Sick Leave [HB 2912](#)** requires local school boards to adopt policies providing for leave without pay for school board employees with debilitating or life-threatening illness or injury, without regard to the employee's length of service with the school board.

**Health Insurance [SB 1338](#)** allows coverage under a group accident and sickness insurance policy to be extended to insure any class of persons as may mutually be agreed upon by the insurer and the group policyholder.

### ***Retirement and Insurance – Failed***

**Unemployment Compensation for Military Spouse [HB 1491](#), [HB 1495](#) and [HB 1700](#)** would have provided that good cause for leaving employment exists if an employee voluntarily leaves a job to accompany a spouse who is an enlisted person on active duty in the military or naval services of the United States in pay grades E-1 through E-8.

**Health Insurance for Retired Teachers [HB 1503](#), [HB 1523](#), [HB1866](#), [SB 703](#) and [SB 1014](#)** all would have increased the monthly health insurance credit to retired teachers and/or would have raised or eliminated the current \$75 overall monthly cap on the credit.

**Creditable Compensation** [SB 754](#) would have included all compensation payable to teachers by their public school boards, including compensation that is not pursuant to a contract for teaching, as creditable compensation for retirement purposes under the Virginia Retirement System.

**Virginia Retirement System** [HB 1521](#) would have increased monthly retirement benefits of certain future Virginia state employees and law enforcement officers by increasing the multiplier from 1.7 to 2.0 for service in excess of 25 years. [SB 1073](#) would have created a defined contribution plan as an alternative to current defined benefit retirement plans. VRS covered employees would have been eligible to elect a defined contribution plan in lieu of one of the current defined benefit retirement plans. [SJ 365](#) would have established a joint subcommittee to study direct contribution retirement alternatives. [HB 1521](#), [HB 1996](#) and [SB 1299](#) would all have increased the average final compensation retirement multiplier for teachers.

**Health Insurance** [HB 1629](#) and [SB 860](#) would have required health insurers and health maintenance organizations who provide prescription drugs to include coverage for any prescribed drug or device approved by USDA for use as a contraceptive. [HB 1740](#) would have required health insurers or health maintenance organizations to provide coverage for hearing aids and related devices for children from birth to age 18. [HB 2011](#) would have mandated coverage for treatment of inborn errors of metabolism. The following proposals were killed but referred to the Mandated Health Insurance Benefits Commission for further consideration: [HB 1936](#) and [SB 1032](#) would have mandated coverage for treatment of morbid obesity, [HB 2525](#) would have mandated coverage for ambulance services and [SB 1049](#) would have required that health insurers, health maintenance organizations, and corporations providing healthcare coverage make coverage available for the treatment of developmental delay.

### ***School Board Governance – Passed***

**Freedom of Information Act** [SB 1196](#) reduces the notice required for electronic communication meetings (meetings where one or more participants “attend” the meeting via phone or video conferencing) from 30 days to seven working days. The bill also (i) eliminates the 25 percent limitation on the number of electronic meetings held annually; (ii) eliminates the requirement that an audio or audio/visual recording be made of the electronic communication meeting, but retains the requirement that minutes be taken; (iii) allows for the conduct of closed meetings during electronic meetings; (iv) changes the annual reporting requirement from the Virginia Information Technology Agency to the Virginia Freedom of Information Advisory Council and the Joint Commission on Technology and Science; and (v) expands the type of information required to be reported. School boards are currently not authorized to conduct electronic communications meetings.

**Virginia Public Records** [HB 1791](#) makes several clarifying and technical changes to the Virginia Public Records Act. The bill removes obsolete definitions, clarifies existing definitions of "archival records" and "public records," and creates a definition for "private record," a term that is used in the Act but not currently defined. The bill also clarifies that a public record may not be destroyed or discarded unless certain requirements are met. This bill was a recommendation of HJR 6, a study completed in 2004.

**School Efficiency Reviews** [HB 1967](#) requires school divisions to pay 25% of the costs of the school efficiency review in the fiscal year following the completion of the final school efficiency review report. The Director of the Department of Planning and budget will develop, coordinate

and manage a school efficiency review program. For reviews completed in 2006, partial recovery of the cost of the reviews may be made in the fiscal year beginning not less than 12 months and not more than 24 months following the release of a final efficiency review report for the individual school system.

**Athletic Trainers** [HB 2526](#) allows out of state practitioners of one of the professions regulated by the Board of Medicine to travel with a team or athlete and practice in Virginia for the duration of the event. This bill also allows licensed athletic trainers to possess and administer certain schedule IV topical drugs and to possess and administer epinephrine for anaphylactic shock.

**No Child Left Behind Waivers** [HB 2602](#) and [SB 1136](#) direct the Board of Education to seek waivers from compliance with provisions of NCLB that are in conflict with federal code which prohibits federal authorities from mandating, directing, or controlling state or local allocation of resources and from mandating state or local expenditure of funds not paid for under the act; that are duplicative of the Standards of Quality, Standards of Learning and Standards of Accreditation; are lacking in effectiveness; and that already comply with the spirit and intent of the act. The Bill also requires the Department of Education to examine the fiscal and other implications for the Commonwealth and its local governments in the event that Virginia continues its compliance with, or withdraws from participation in, the federal No Child Left Behind Act, to be conveyed to the General Assembly no later than October 1, 2005.

### ***School Board Governance – Failed***

**Elections Activities at Polling Locations** [HB 1509](#) would have authorized the electoral board and the person in charge of the facility where a polling place is located to approve a sale of refreshments by a nonprofit, nonpartisan group within the 40-foot prohibited area at the polling place. The sales must be conducted by persons too young to vote.

**Grievance Procedures (Binding Arbitration)** [SJ 338](#) would have initiated the Constitutional amendment process to authorize the General Assembly to enact a personnel grievance procedure for school board employees that would have permitted a body, other than the school board, to resolve the grievance.

**Military Dependent Admissions** [HB 1678](#) and similarly [HB 1679](#) would have provided that a child of a parent called to active military duty and who resides on a military or naval reservation located wholly or partly within the geographical boundaries of any school division, shall be admitted into the public schools of any adjacent school division and shall not be charged tuition. [HB 2568](#) would have provided that dependents of active duty military personnel residing in the Commonwealth who otherwise satisfy any relevant eligibility, participation, or admissions criteria shall be given priority consideration for placement for such admission, participation, placement, or enrollment in any special academic programs or opportunities offered by the public schools of the Commonwealth, regardless of whether such program (i) is offered by the school in the attendance zone in which the student resides or (ii) has reached maximum enrollment.

**Non Public School Students Participation in Interscholastic Sports** [HB 1731](#) would have directed the Virginia High School League to provide an exception to its rules to provide eligibility for participation in interscholastic sports by any nonpublic school student eligible for free tuition in such public school within the attendance zone in which the student lives. [HB 2297](#) would have made the same exception for students receiving home instruction and students enrolled in

a charter school that does not sponsor or provide interscholastic activities or teams in which the student desires to participate.

**Pledge of Allegiance** [HB 1912](#) would have required the Board of Education, in its guidelines for Pledge recitation in the public schools, to include provisions addressing parental notification for minor students who decline to stand or to recite the Pledge.

**Educational Tax Credits** [HB 1942](#) would have created a tax credit to promote educational opportunities for children at risk of educational failure. Tax Credits would have been rewarded to business entities for eligible contributions made to eligible nonprofit tuition assistance grant funding organizations. [SB 1126](#) would have established a pilot program for refundable income tax credits for tuition and textbook expenses charged by a private school or a public school to parents of certain children limited to low income taxpayers in counties with a population less than 10,000.

**State Inspector General** [HB 2062](#) would have established the Office of the State Inspector General to examine the management and operation of state agencies and nonstate agencies.

**Surveys and Questionnaires** [HB 2613](#) would have prohibited local school boards from administering questionnaires or surveys to public school students during the regular school day or at school sponsored activities if such questionnaires or surveys sought disclosure of parents political affiliations, social security numbers, sexual behavior and attitudes, or critical assessments of family members.

**Student Club Access to Schools** [HB 2868](#) would have authorized local school boards to prohibit the use of school facilities by any student club or other student group that encourages or promotes sexual activity by unmarried minor students.

**Virginia Freedom of Information Act** [HB 2672](#) would have amended an existing meetings exemption to allow for closed meetings to discuss records exempt from public disclosure relating to the Public-Private Education Facilities and Infrastructure Act. [HB 2760](#) would have allowed local public bodies to conduct meetings under FOIA through means of electronic communication. However, the matter was referred to the FOIA Council for their consideration before the 2006 General Assembly Session.

**Religious Freedom** [HJ 537](#) would have amended the current religious freedom provisions of the Virginia Constitution to “secure further people’s right to acknowledge God”; to permit prayer and the recognition of “religious beliefs, heritage, and traditions” on public property, including schools; and to prohibit the Commonwealth and its political subdivisions, including public school divisions, from composing school prayers or requiring students to join in prayer or other religious activity.

**Fiscal Autonomy for Elected School Boards** [HJ 655](#) would have directed the Joint Legislative Audit and Review Commission (JLARC) to study the implications of granting fiscal autonomy to elected school boards in the Commonwealth.

**Parental Rights** [HJ 712](#) would have initiated the Constitutional amendment process to state that "the God-given right of parents to direct the upbringing and education of their children is a fundamental right, subject only to those same limitations as other fundamental rights."

**Time Release Programs** [SB 1318](#) would have directed local school boards to issue guidelines for time release programs in grades K-5 on a school-by-school basis, subject to a two-thirds vote of the parents of children enrolled at a school creating such program. The bill would have prohibited the discontinuance of a time release program unless a majority of the parents of enrolled children vote in support of the discontinuance.

### ***Special Services – Passed***

**Mental Health Transition Plan** [HB 2245](#) and [SB 843](#) requires the Board of Juvenile Justice, after consultation with related agencies, to promulgate regulations for the planning and provision of mental health, substance abuse or other therapeutic treatment services for persons returning to the community following commitment to a juvenile correctional center or post-dispositional detention.

**Youth Suicide Prevention** [HB 2796](#) and [SB 889](#) provide that the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) is the lead agency for suicide prevention across the lifespan. DMHMRSAS will coordinate the activities of the agencies of the Commonwealth pertaining to suicide prevention in order to develop and carry out a comprehensive suicide prevention plan addressing public awareness, the promotion of health development, early identification, intervention and treatment, and support to survivors. The Department of Health continues to be responsible for youth suicide prevention.

**Child Day Care Council** [HB 1550](#) requires the Board of Social Services and the Child Day-Care Council to review all regulations under their purview regarding child day programs to determine whether they adequately provide for the notification of parents, legal guardians, or other persons duly authorized to pick up a child in the event a child sustains a significant physical injury while under the programs care. If they are found to be inadequate then the Board and Council will establish regulations establishing notification procedures.

**Self-injected Epinephrine** [HB 1743](#) adds self-injected epinephrine to the list of medications that public school students diagnosed with asthma or anaphylaxis, or both may self administer under certain conditions. School and health department personnel supervising the administration of this medication are immune from civil liability.

**Illegal Aliens Benefits** [HB 1798](#) and [SB 1143](#) provide that no person who is not a U.S. citizen or legally present in the United States is eligible for any state or local public benefits. The bill defines state and local public benefits, and sets forth a series of exceptions to this eligibility rule (access to public K-12 education is one such exception). The bill also requires applicants for state or local assistance to provide proof of legal presence in the United States and establishes a process for temporary receipt of benefits when applicants cannot provide such proof. The provisions of this act will be effective January 1, 2006.

**School Division Residency** [HB 2382](#) creates a Class 4 misdemeanor for knowingly making a false statement concerning the residency of a child in a particular school division or school attendance zone.

**Minors' Health Records** [HB 2516](#) and [SB 1109](#) revise certain provisions relating to minors' health records to be more consistent with the federal regulations promulgated by the federal Secretary of Health and Human Services pursuant to the Health Insurance Portability and

Accountability Act (HIPAA) concerning access and authority to disclose protected health information.

**Comprehensive Services Act** [HB 2787](#) adds two General Assembly members to the State Executive Council for Comprehensive Services for At-Risk Youth and Families.

**Non-custodial Parent Contact** [SB 981](#) provides that unless a court order has been issued to the contrary, the non-custodial parent of a student enrolled in a public school or day care center must be included, upon request, as an emergency contact for events occurring during school or day care activities.

**Foster Care** [SB 1006](#) requires that when a child is moved from one foster care placement to another, that they may continue to be enrolled in the same school or within the receiving school division regardless of whether the social services agency is able to produce the required documents for enrollment, upon agreement by the placing social services agency that such attendance is in the best interest of the child. The person enrolling the student must provide a written statement verifying the student's age, standing in the previous school, and that the student is in good health. However, the provisions relating to immediate enrollment and across jurisdictional placements will only apply to children who are subjects of foster care placements through entrustments or commitments to the local social services board or licensed child-placing agency and will not apply to children whose parents have an agreement with the local board or public agency through the community policy and management team where legal custody remains with the parents.

**Virginia Immunization Information** [HB 2519](#) and [SB 1132](#) establishes, to the extent funds are appropriated by the General Assembly or otherwise made available, the Virginia Immunization Information System as a statewide immunization registry that consolidates patient immunization histories from birth to death into a record to be made available to participating health care providers throughout Virginia.

**Child Protective Services** [SB 1243](#) and [HB 2163](#) provide that if, after an investigation of a child protective services complaint, the local department of social services determines that the actions or omissions of a teacher, principal, or other person employed by a local school board or employed in a school operated by the Commonwealth were within such employee's scope of employment and were taken in good faith in the course of supervision, care, or discipline of students, then the standard in determining if a report of abuse or neglect is founded is whether such acts or omissions constituted gross negligence or willful misconduct.

### ***Special Services – Failed***

**Medically Fragile** [SB 1250](#) and [HB 2752](#) would have added medically fragile students to those children with disabilities entitled to special education services in public schools. Currently, medically fragile students are entitled to special education services under the category "other health impairments."

**Alien Students and Higher Education** [HB 2910](#) would have provided that persons who are unlawfully present in the country may not be admitted to any public institution of higher education in Virginia. [HB 1598](#) would have granted in-state tuition to a student holding a valid student or other temporary visa if the student's parent is a legal alien holding a valid permanent or temporary visa who has, for at least one year immediately prior to the date of alleged

entitlement for in-state tuition charges, resided in Virginia, been employed full time and paid individual income taxes to Virginia. [HB 2122](#) would have granted in-state tuition to any person who has applied with the federal Immigration and Naturalization Service for admission or classification as a refugee or asylum status, subject to residency and tax paying qualifications.

**Health Services to Minors** [HB 1662](#) would have required any state or local government agency employee who provides health services to a minor, relating to sexually transmitted diseases, the provision of emergency contraception, pregnancy, illegal drug use, and the contemplation of suicide to attempt notification of delivery of such services to a custodial parent or legal guardian.

**Standard Diplomas** [HB 1768](#) would have directed the Board of Education, in awarding verified credits required for a standard diploma for students who are subject to an individualized education plan (IEP), to establish procedures for the student to earn verified credit based upon a score within 10 points of passing the relevant Standards of Learning assessment and a portfolio (or other assessment approved by the Board) which demonstrates the student's mastery of the required knowledge and skills.

**Higher Education Scholarship Initiatives** [HB 1780](#) would have repealed the requirement that continuation of the incentive reward program be contingent upon funding for the 2004-2005 fiscal year. [HB 2483](#) would have created the Commonwealth Scholars Program to award scholarships to Virginia public high school graduates finishing in the top five percent of their classes and meeting certain other requirements. [HJ 679](#) would have requested the State Council of Higher Education of Virginia to study the feasibility of creating a program of student assistance modeled after the Georgia HOPE Scholarship and Grant Program.

**Rehabilitative and Disability Services** [HB 1803](#) would have consolidated the Department of Rehabilitation Services and the Departments for the Blind and Vision Impaired and the Deaf and Hard-of-Hearing into the Department of Rehabilitative and Disability Services.

**Alternative Education Programs** [HB 1906](#) would have amended Standard 1 of the Standards of Quality to require school boards to establish alternative education programs for disruptive, suspended and expelled students. This bill would have also required that appropriate state funding be provided to support quality education programs designed to accommodate the educational and support services needs of such students.

**Chicken Pox Vaccine** [HB 2040](#) would have required that children who have not received immunization against chicken pox receive the immunization prior to entering sixth grade.

**Childhood Obesity** [HB 2140](#) would have required the local school boards of each school division to annually administer the Virginia Wellness-Related Fitness Test, including an assessment of a student's height and weight. [HB 2610](#) would have updated and strengthened the requirements for health and physical education to address the problem of obesity among students through required instruction concerning health issues and health consequences of obesity. [HJ 589](#) would have established a joint subcommittee to study the relationship between obesity and the school lunch program. [SB 747](#) would have required the Board of Education to promulgate regulations establishing standards to ameliorate childhood obesity in the public schools. The bill would also have added the improvement of school health as one of the criteria to be considered by local schools during the annual evaluation of division superintendents.

**Student Attendance** [SB 880](#) would have incorporated the concept of chronic tardiness into the reporting, recordkeeping, and enforcement provisions of the compulsory school attendance law and other enforcement provisions relating to the welfare of children, including the law relating to juvenile and domestic courts and the parental responsibility law relating to public education and discipline. The bill would have defined "chronically tardy" to identify those children who are in violation of compulsory school attendance by reason of being habitually and without justification absent from school for a significant portion of the day because of routine and substantial late arrival to school. [HJ 576](#) would have requested the Department of Education to study the correlation between student attendance and achievement in the Commonwealth and methods of improving attendance.

**Mental Health Treatment** [HB 2148](#) would have required the Departments of Education; Health; Health Professions; Juvenile Justice; Medical Assistance Services; Mental Health, Mental Retardation, and Substance Abuse Services; and Social Services to develop a children's mental health treatment strategy. The strategy would have included increase funding for Medicaid and FAMIS as well as provisions for professionals and parents obtaining treatment for children.

**Compulsory Attendance** [SB 1290](#) would have moved the date on or before which children who had reached their fifth birthday, making them subject to compulsory school attendance, from September 30 to July 31.

**Higher Education Admissions** [HB 2091](#) would have required public institutions of higher education in Virginia to establish admissions policies that prohibit discrimination on the basis of the geographical region of the Commonwealth where the applicant resides.

#### ***Standards of Quality and Standards of Accreditation – Passed***

**Standards of Quality** [HB 1762](#) and [SB 779](#) revise the Standards of Quality to require local school boards to (i) make use of data in instructional program evaluation; (ii) implement any actions identified through the academic review of schools accredited with a warning; (iii) analyze and report annually the results of industry certification examinations; (iv) annually review their professional development programs; and (v) report compliance with the Standards of Quality annually to the Board of Education. These recommendations track the Virginia Board of Education's SOQ recommendations released late last year and are intended to reflect current best practices already in place in school divisions.

#### ***Standards of Quality and Standards of Accreditation – Failed***

**Speech Language Pathologists** [HB 1766](#) and [SB 958](#) would have amended the Standards of Quality to require local school boards to employ speech-language pathologists in sufficient numbers to ensure a caseload that does not exceed 60 students per position.

**School Operations and Business Managers** [HB 1771](#) would have amended the staffing requirements set forth in the SOQ to require the employment of school operations and business managers at the following levels: in elementary schools, one full time at 900 students; in middle schools, one full-time at 600 students; and in high schools, one full-time for at 600 students. The school operations and business manager would have been responsible for certain administrative functions at the school including facilities, security, personnel, transportation, food services, purchasing, budget and finance.

**Pupil-Teacher Ratios** [HB 2358](#) would have required that local school boards assign instructional staff in a manner to establish a maximum class size of 24 to one in kindergarten and grades one through three. If the average daily membership were to exceed 24 students then a full time teacher's aide would be assigned to the class.

**Costs of Testing** [HB 2761](#) would have provided that no local funds shall be required to support federally-mandated student assessments that are not required by the Standards of Quality or the Standards of Accreditation. Funding for such assessments would be provided by the Commonwealth through state appropriations or federal or private funds.

### ***Taxation – Passed***

**Retail Sales and Use Tax** [HB 1638](#) and [SB 708](#) reduce the rate of the state sales and use tax on food for human consumption from 3% to 1.5% beginning July 1, 2005.

**Transient Occupancy Tax** [HB 1965](#) adds Craig County and Prince George County to the list of counties that may levy the transient occupancy tax at a rate of five percent, with the revenues collected from that portion of the tax over two percent designated solely for tourism, marketing of tourism or initiatives that, as determined in consultation with the local tourism industry organizations attract travelers to the locality to generate tourism revenues in the locality.

### ***Taxation – Failed***

**Business, Professional and Occupational Licensing Tax** [HB 1504](#) would have required localities that impose the BPOL tax to eliminate license fees, exempt the first \$100,000 of gross receipts from taxation and reduce several different rates currently in code.

**Estate Tax** [HB 1490](#), [SB 907](#) and [SB 1138](#) would have effectively eliminated the estate tax. [HB 1910](#) and [SB 736](#) would have exempted from the estate tax all estates where the majority of assets are an interest in a closely held business, including working farms and all estates where the gross estate is worth \$10 million or less.

**Teacher Expenses** [HB 1529](#) and [HB 1898](#) would have provided an income tax credit of up to \$500 for costs incurred by teachers for materials they use teaching children in grades kindergarten through 12. [SB 698](#) would have provided a similar tax deduction, instead of a credit. [SB 1239](#) would have provided a \$250 tax deduction.

**Sales and Use Taxes** [HB 1534](#), [HB 1593](#), [HB 1878](#), [HB 2559](#), [HB 2269](#), [SB 694](#), [SB 946](#) and [SB 1028](#) all would have provided a sales and use tax exemption for certain school supplies including clothing and footwear and computers purchased in a time frame near the opening of school. [SB 1135](#) would have conformed Virginia's sales and use tax laws to the provisions of the Streamlined Sales and Use Tax Agreement.

**Piggyback Income Tax** [HB 2359](#) would have allowed localities to impose a local income tax at a rate of either one-half 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. The Tax Commissioner would have collected the tax and returned it to localities based on taxpayers' residences.

**Income Tax Revenues to Localities** [HB 2702](#) would have required the transfer of one percent of individual income tax revenues to localities in 2005, with the amount increasing one percent each year until reaching a maximum of five percent for 2009 and thereafter. Revenues would have been distributed as follows: (i) 50 percent based on the relative share of the total state income tax paid by taxpayers filing returns in each locality, (ii) 40 percent based on where wages are earned, and (iii) 10 percent divided equally among all counties and cities. [HB 2811](#) would have required the distribution of 25 percent of income tax revenues collected from employees of new business enterprises back to the localities in which the enterprises are located.

**Local Recordation Tax** [HB 1566](#) and [SB 920](#) would have allowed cities and counties to impose a fee not to exceed \$250 on certain recorded instruments that are subject to the state recordation tax. The fee would have been paid by the grantor and would only be allowed in localities having a growth rate in K through 12 school age population of one-half percent over the previous three years combined growth rate.

**Real Estate Tax Credits** [HB 1811](#) would have authorized Prince William County to provide a credit against real estate taxes paid by the owner of a home in the attendance zone of a school that the school board has declared to be overcrowded (defined as enrollment exceeding 110 percent of a school's capacity).

**Surplus Tax Revenues** [HB 2233](#) would have established a mechanism to provide tax relief to Virginia taxpayers when the Revenue Stabilization Fund has reached its maximum size as provided in the Constitution of Virginia. The excess would have gone into a special nonreverting fund called the Virginia Taxpayer Surplus Relief Fund. [HB 2607](#) and [SJ 358](#) would have required the General Assembly to refund to tax payers funds in excess of the amount appropriated in a fiscal year, after required deposits to the Revenue Stabilization Fund.

**Local Government Taxing Authority** [HB 2354](#) and [SB 1100](#) would have equalized city and county taxing authority by granting counties the same authority available to cities. [HB 2392](#) would have allowed all counties to impose a cigarette tax not to exceed 50 cents per pack. [SB 720](#) would have allowed Giles County to impose a food and beverage tax by adoption of local ordinance, instead of by referendum.

**Car Tax Relief** [HB 1654](#) would have removed the cap on the overall amount of car tax relief and gradually increased the amount of car tax relief to 100 percent of the reimbursable amount for qualifying vehicles over a six-year period. [HB 2498](#) would have repealed the car tax reimbursement program and replaced it by giving counties the same taxing authority as cities, and authorizing localities the option of imposing a local income tax. [HB 2066](#) would have repealed the car tax reimbursement program replacing it by dedicating 17.5 percent of the state individual income tax collections to localities. [SB 1224](#) would have replaced the car tax reimbursement program by allowing localities to increase their local sales and use tax rate. [HJ 697](#), [HJ 620](#), [HJ 641](#), [HJ 659](#) and [SJ 340](#) would have initiated the Constitutional amendment process to exempt all motor vehicles from property taxes. [SJ 383](#) would have established a joint subcommittee to examine the most efficient and equitable way to eliminate the tangible personal property tax.

**Local Property Taxes** [SJ 449](#) and [HJ 820](#) would have authorized the General Assembly to enact legislation permitting localities to exempt from property taxes up to the first \$100,000 of value of real estate designed for continuous habitation, owned and occupied by the same

individuals as their dwelling. [HJ 616](#) and [SJ 329](#) would have limited increases in real estate assessments to 105 percent of the assessed value in the previous year, until the property is sold or improved. [SJ 384](#) would have limited increases to 102 percent.

**Voting Rules for Changes in Tax Laws** [HJ 547](#) would have required that any law that imposes, continues, increases, or revives a tax must be approved either by a four-fifths vote of the members voting in each house of the General Assembly or by a majority vote of all members voting in each house of the General Assembly and by a majority of the people voting in a referendum on the question of whether the law shall take effect.