

# 2009 General Assembly Update



Fairfax County Public Schools  
Office of Government Relations  
[www.fcps.edu/legupdate](http://www.fcps.edu/legupdate)

January 23, 2009

**SB 1266 (Vogel) School calendar** would make local school boards responsible for setting the school calendar and determining the opening of the school year and eliminating the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education might grant waivers of this requirement.

**HB 2406 (Bulova) School records; self-authentication** would expand the types of school records that may be received as evidence in cases involving custody of the student or termination of parental rights to all school records provided that they are authenticated by the custodian of the records as true and accurate copies. Currently, only school records relating to attendance, transcripts, or grades may be received as evidence based on such authentication.

**HB 2513 (Marsden) Mob violence reportable by intake officers to schools** would add "act of violence by a mob pursuant to §18.2-42.1" to the listing of offenses that are reported by a juvenile intake officer to a school division superintendent when committed by a student.

**HB 2341 (Amundson) Short-term suspension of a student; alternative education program** would provide that pending the decision by the division superintendent or his designee as to whether to require that a student charged with an offense involving intentional injury to another student of the school division attend an alternative education program, a local school board may impose a short-term suspension upon such student. The bill would additionally provide that a school board may require a student charged with certain juvenile offenses that are required to be disclosed to the superintendent of the school division to attend an alternative education program.

**HB 1836 (Toscano) Public schools; application of pesticides** would direct school boards to adopt integrated pest management programs to minimize the chemical application of pesticides on school property.

**HB 1727 (Cole) Interstate Compact on Educational Opportunity for Military Children** would establish a compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents. The compact is currently in effect as at least 10 states have enacted the compact into law.

**HB 2089 (Fralin) Local school boards; grievance procedure** would provide additional direction to school boards in establishing and administering a grievance procedure to resolve disputes arising between the school board and certain employees.

**HB 2070 (Scott, E.T.) Local school board policies; classroom placement of twins or higher order multiples** would require local school boards to develop and implement policies to allow a parent of twins

or higher order multiples to request that the children be placed in the same classroom or separate classrooms if they are in the same grade level at the same elementary school.

**HB 2304** (Griffith) **Special education; one year to appeal due process hearing decisions** would provide that any party aggrieved by a decision made in a due process hearing may appeal to a circuit court for a period of one year.

**HB 2344** (Amundson) **Board of Education; benchmarks for student reading achievement; adolescent literacy** would require the Board of Education to establish benchmarks for student achievement in reading in grades six through 12 to be implemented by local school divisions in English, history and social science, science, and math. This bill would provide that the benchmarks must be infused into the designated Standards of Learning and related assessments. Additionally the bill would require local school boards to develop comprehensive literacy policies and action plans in order to implement the Board of Education benchmarks.

**HB 2474** (Hugo) **Planning time for school teachers** would require school boards to ensure that all elementary school teachers are provided an average of 30 minutes a day of planning time.

**SB 1040** (Hanger) **No Child Left Behind; compliance** would prohibit the Board of Education from complying with any provisions of the federal No Child Left Behind Act that are unfunded and are not an integral or necessary component of the Commonwealth's own Standards of Quality, Standards of Accreditation, or Standards of Learning. This bill also states that the Board of Education would not require any localities to comply with such provisions.

**SB 1322** (Whipple) **Food allergies; Board of Education to establish guidelines for managing children in public schools** would require the Board of Education to establish guidelines for managing and caring for children with food allergies in the public schools. The guidelines must provide a protocol for caring for children with life-threatening food allergies and requirements for accommodating children with special dietary needs and training of school personnel, and incorporate Board of Education policies pertaining to the management of food allergies and the U.S. Department of Agriculture's Food and Nutrition Service standards for accommodating children with special dietary needs. **SB 1367** (Barker) would require that no later than January 1, 2010, each local school board develop and implement a policy for the management of public school students with life-threatening food allergies. This policy would be based on the Department of Education's Special Care Issues Guidelines relating to food allergies and anaphylaxis.

**HB 2063** (Hamilton) and **SB 1342** (Reynolds) **Triennial census of school population; sales and use tax distribution** would eliminate the requirement that every three years a census of all school-age persons residing within each school division take place. It would also eliminate all related requirements regarding appointment and compensation of persons taking census, agents, and census results. This bill would amend the procedure regarding sales and use tax distribution to localities so that distribution would be based on the average daily membership of the school division rather than the school-age population of a school division.

**SB 1340** (Herring) **School teachers as witnesses in certain proceedings** would provide that a party in any case in which custody or visitation of a minor child is at issue may have a subpoena issued to summon a teacher of the child to testify at a deposition or a court hearing. Prior to having the subpoena issued, however, the party would have to contact the teacher to determine his teaching schedule, make reasonable efforts to avoid conflicts with that schedule, and explain to the teacher the party's reason for seeking the teacher's testimony. The bill would permit the court to modify the date prescribed in the subpoena for attendance at the deposition or court hearing if it finds that such teacher's teaching responsibilities would otherwise be impaired by compliance with the subpoena. Furthermore, the bill would authorize the court to impose sanctions upon any party who has such subpoena issued in bad faith.