



2000 General Assembly Summary Education-Related Legislation

*This report describes legislative action from
the Regular and Reconvened Sessions of the 2000 General Assembly.
Provisions of new legislation and the budget are effective July 1, 2000,
unless otherwise noted in the legislation.*

Items are reported as passed, carried over, or failed within ten subject categories.
If a bill of interest is not found in one category, please check another as legislation may cross categories. Moreover, to avoid misunderstanding, please note whether a bill is listed as passed, carried over, or failed. A bill that is carried over continues on the agenda of the committee voting to carry it over. The committee may keep a bill alive or kill it in the interim before the General Assembly reconvenes in 2001.

Find the legislative history and text of a bill at <http://leg1.state.va.us/001/bil.htm>

Buildings/Contracts/Buses - Passed

Educational Infrastructure HJ 223 continues the Commission of Educational Infrastructure, renaming it the Commission on Educational Infrastructure and Technology. In addition to studying the construction needs of local school divisions, the Commission will include in its 2000 agenda the development of a formula for funding educational technology and technology support personnel.

Indoor Air Quality Task Force SB 682 adds a school administrator to the membership of the task force which is to identify existing standards for indoor air quality for schools.

Public Procurement Act HB 808 requires that every contract over \$10,000 include a clause that requires the contractor to provide a drug-free workplace; contractors must include such a clause in any contracts with subcontractors or vendors so that the provisions will be binding upon all parties. HB 1046 and SB 626 increase from \$30,000 to \$50,000 the threshold for small purchases of goods and services, other than professional services, without competitive sealed bidding or competitive negotiation. HB 1239 allows for multiple awards under competitive negotiation; currently, multiple awards can only be made under the competitive sealed bidding process. HB 1240 and SB 639 add best value concepts, defined as the overall combination of quality, price, and various elements of required services that in total are optimal relative to a public body's needs, to the Procurement Act. The bill permits such concepts to be used when procuring goods and nonprofessional services but best value does not apply to construction or professional services contracts. In addition, a feasibility study will be conducted to determine whether the federal government's Contractor Performance and Rating System should be implemented in Virginia.

Buildings/Contracts/Buses - Carried Over

Public Procurement Act HB 937 would direct the Division of Purchases and Supply to establish conditions under which a public body may accept unsolicited bid proposals and award contracts without further competitive procurement. HB 1381 would require a payment clause requiring contractors to pay their employees a living wage. Living wage is set at 125 percent of the federal poverty level.

School Buses HB 894 would require that all school buses purchased on or after January 1, 2001, be equipped with safety belts or safety belts and shoulder harnesses. The Virginia Board of Education would adopt policies, guidelines, and regulations to ensure that all passengers, including the driver, wear these belts and/or harnesses whenever the bus is in motion. HB 1393 would establish that in a civil prosecution for passing a stopped school bus, the only rebuttal to the presumption that the driver and owner of the vehicle are the same, is to identify the probable driver at the time the offense occurred.

Buildings/Contracts/Buses - Failed

Impact Fees HB 853, HB 1285 and SB 719 would have permitted impact fees for school construction to be charged to developers to meet the increased demand attributable in substantial part to new development. Currently, impact fees are permitted in Northern Virginia only for road improvements. HB 1529 would have permitted localities to charge impact fees on residential development to be used for capital improvements for transportation, education, emergency services, law enforcement, recreation, libraries or other public facility needs generated by the new development.

Conduct/Discipline/School Safety - Passed

Bomb Threats HB 254 requires that principals immediately report bomb threats to the local law enforcement agency. Such incidents must also be reported to the division superintendent and included in the annual report to the Virginia Department of Education. In addition, the bill extends immunity to school personnel involved in reporting or investigating a bomb threat.

Harassment Via Computer HB 1524 makes it unlawful to use a computer or computer network to communicate obscene, vulgar or profane language, make obscene suggestions or proposals, or threaten any illegal or immoral act with the intent to coerce, intimidate, or harass another person.

Loitering Near Schools SB 197 provides that anyone convicted of an offense prohibiting proximity to children shall be forever forbidden from loitering within 1,000 feet of a school.

Safety Awareness and Education HJ 270 recognizes October 17, 2000, as the Day of National Concern About Young People and Gun Violence and encourages local school divisions to also recognize the day and include it on the school calendar. HJ 300 requests that the Virginia Board of Education join the state boards of Maryland, West Virginia, Kentucky, Tennessee and North Carolina to encourage the inclusion of personal safety education in the public school curriculum. Personal safety education should stress the importance of teaching children ways to protect their safety and avoid abduction and potential abuse.

Standards of Student Conduct HB 815 requires each local school board to include in its standards of student conduct prohibitions against profane or obscene language or conduct. HB 1445 requires local school boards to adopt and revise for the 2001-2002 school year regulations governing student searches that are consistent with the Virginia Board of Education's guidelines. SB 589 clarifies that school resource officers are authorized to enforce school board rules and codes of student conduct.

Street Gangs SB 143 establishes a new series of separate and distinct felonies relating to criminal street gang activity. Also, recruitment of juveniles to participate in a gang is made a Class 6 felony.

Substance Abuse Testing and Treatment HB 588 permits a local school board to require any student who has been found to have been in possession of, or under the influence of, drugs or alcohol on a school bus, on school property, or at a school-sponsored activity, to undergo evaluation for drug or alcohol abuse, and if recommended, to participate in a treatment program. Parental consent is required before entering a treatment program. HB 383 requires that juveniles found delinquent of a first drug offense be screened for drug and/or alcohol abuse and that they submit to periodic substance abuse testing. Such juveniles shall be required to participate in a drug treatment or education program, if deemed appropriate by the court.

Violations of Drug Control Act HB 1361 permits law enforcement authorities to report to the principal or his designee violations of the Drug Control Act committed by students while on a school bus, on school property, or at a school-sponsored activity.

Virginia Center for School Safety HB 391 authorizes the Department of Criminal Justice Services to establish the Virginia Center for School Safety. The Center will provide training and technical assistance to school personnel in school safety and the effective identification of students who may be at risk for violent behavior, and disseminate information on effective school safety initiatives. The budget provides \$110,000 to fund the Center.

Conduct/Discipline/School Safety - Carried Over

Bomb Threats HB 369 would raise the penalty for making bomb threats from a Class 5 felony to a Class 4 felony and would also lower the age whereby minors can be tried as adults for such an offense from fifteen to thirteen. HB 1189 would allow any person or entity that suffers actual damages from a threat to bomb a school to recover such damages from the parents of a minor child making the threat to a public school. This penalty is in addition to any other laws imposing parental liability for the acts of his minor child. HB 1254 includes the same provisions, however, recovery of damages would be limited to \$5,000.

Threats HB 173 would make it a Class 1 misdemeanor to orally threaten to kill or injure any school employee, student, or person having a reason to be at the school. Currently, the law applies only to threats against school employees. The bill also would make it a crime to send a note threatening to kill or injure another person, even if the person receiving the note is not the intended victim. HB 174 and HB 1067 would increase the offense of threatening death or bodily harm to a school employee from a Class 1 misdemeanor to a Class 6 felony, and such a penalty would also apply to oral threats against students. In addition, HB 1067 would also make it unlawful to post such threats in a public place or on an electronic site. HB 197 would make it a Class 6 felony to make an oral or written threat to commit an act of violence on school property or at a school sponsored activity.

Weapons in County Facilities SB 425 would allow Fairfax and Arlington Counties to adopt an ordinance making possession of a dangerous weapon in a posted county-owned or -operated facility punishable as a Class 1 misdemeanor.

Weapons on School Property HB 516 and SB 311 would make it a Class 1 misdemeanor to threaten to use a firearm to kill or do bodily harm in school buildings, school buses or on school property. HB 247 and SB 82 would eliminate the exemption that permits the discharge of a firearm on or within 1,000 feet of school property if the person is engaged in lawful hunting, involved in a school approved program, or on an established shooting range. HB 246 would make those same changes and also would remove the exemption that permits unloaded firearms in a closed container or in a gun rack in a vehicle on school property. HB 292 would impose a mandatory five-year prison sentence for the possession, manufacture, or use of explosive materials on school grounds.

Conduct/Discipline/School Safety - Failed

Battery of a Sports Official HB 1182 would have required a mandatory minimum sentence of two days in jail if convicted of battery of a sports official. A mandatory minimum sentence of six months in jail would have been imposed if a firearm or other weapon was used.

Classroom Telecommunications/Surveillance HJ 46, that would have required the Virginia Board of Education to study the feasibility and appropriateness of installing two-way communication systems in schools, did not pass. However, a letter from the General Assembly will be sent to the Board requesting this action. SJ 240, that would have directed the State Crime Commission to study the use of cameras, monitors and other surveillance equipment in classrooms, school buildings and on buses to prevent violence, did not pass. However, a letter from the General Assembly will be sent to the Commission requesting this action.

Parental Liability HB 175 would have made the parents of a minor child liable for damages suffered by a willful or malicious act of the child which results in the destruction of or damage to property in excess of \$2,500 or the injury or death of another person, if: the child was living with parents, the parents knew or should have known the child had a propensity to commit a willful or malicious act, and the parents failed to use reasonable efforts to prevent the child's actions. HB 595 would have increased from \$2,500 to \$4,000 the maximum amount that may be recovered from the parents of a minor who damages public property.

Student Discipline HJ 186, that would have established a joint legislative subcommittee to study and revise the statutes relating to student discipline did not pass. However, the General Assembly has directed the Commission on Youth to undertake the project.

Weapons on County or School Property HB 148 would have allowed Fairfax County to adopt an ordinance making it unlawful to possess a dangerous weapon on the property of any posted county-owned or -operated facility. HB 248 and SB 81 would have eliminated the exemption from mandatory one year expulsion for students possessing a firearm on school property because of a school sponsored or authorized activity, or as part of the curriculum.

Finance - Passed

Block Grants New budget language permits school divisions to use state funds designated for three mandated remediation programs (Standards of Quality, Standards of Learning and summer school) as a block grant with no restrictions or reporting requirements, other than reporting necessary to determine program funding levels.

Cost of Competing Another step toward full restoration of the cost of competing factor was achieved. The budget includes an additional \$1.1 million for the nine school divisions in Planning District 8 in FY 2001.

Fees From Special License Plate SB 413 renames a special license plate authorized for supporters of public schools. A portion of the additional fees for these plates is returned to the school division of the locality where the vehicle is registered. This legislation also adds the purchase of textbooks, in addition to classroom supplies and equipment, as an approved use for such fees.

Governor's Schools The budget raises the cap on the number of students the state funds per academic year Governor's school from 800 to 1,275, and includes an appropriation of \$856,000 for the biennium to fund the additional students. Thomas Jefferson High School for Science and Technology will benefit from this change.

Literary Fund HB 763 amends the Uniform Disposition of Unclaimed Property Act to exempt certain items from its provisions. Proceeds from the state sale of unclaimed property go to the Literary Fund; therefore, an unintended consequence of this legislation could be a reduction in the Literary Fund which is used to fund school construction and pay the debt service on the educational technology grants.

Lottery Expenditures Budget language sets out that no more than 50 percent of a school division's lottery allocation may be spent on recurring costs, and at least 50 percent must be spent on nonrecurring costs such as school construction and renovation, technology and other expenditures related to modernizing classroom equipment, and debt service payments for projects completed during the last ten years.

Lottery Proceeds Fund HB 749 and SB 546 provide for a voter referendum at the November 7, 2000, election to approve or reject an amendment to the Constitution requiring the General Assembly to establish a Lottery Proceeds Fund. All net revenues would be deposited in the Fund and distributed to counties, cities and towns to be used for public education purposes. Any locality accepting a distribution from the Fund must pay its share of maintaining the Standards of Quality without use of lottery proceeds. (HJ 121 and SJ 131 set out the language for such an amendment to the Constitution.

School Health Services The budget increases statewide school health incentive payments by \$735,000 for the biennium to provide for additional nursing services.

School Resource Officers The budget increases statewide the school resource officer incentive grants fund by \$1.3 million for the biennium.

Technology Expenditures New budget language requires the Department of Education to collect from local school divisions, as part of the financial section of the Annual School Report, data on technology expenditures, to include hardware, software and required infrastructure

modifications. This language is also included in the current year budget, so this data will be required beginning with the 1999-2000 school year.

Finance - Carried Over

Income Tax Credits - SB 336 would establish an income tax credit for tuition and other instructional fees charged by a public or private school and for certain fees and costs associated with home schooling. The bill also would establish an income tax credit for persons making a cash donation to a school tuition organization or qualifying school. The House version of this bill (HB 68) was passed by indefinitely in committee.

Local Revenue Sources HB 1244 would allow localities to impose an infrastructure fee on residential transactions in an amount equal to one-third of the state recordation fee. Such revenues could only be used for school construction or transportation projects identified in the locality's capital improvement plan. HB 1442 would grant counties the same taxing power currently authorized for cities; allow all localities to impose a local income tax, if approved by referendum in November 2000; expand the authorized use of the local income tax to include education, rather than only transportation; and repeal the sunset clause that authorizes collection of a local income tax for only a five-year period. HJ 30 would amend the Constitution to require the General Assembly to maintain local sources of revenue, and to appropriate state funds to localities to offset any loss in revenue due to the passage of legislation that diminishes local sources. However, the General Assembly could override the maintenance requirement by a four-fifths majority vote.

Private School Tuition Assistance HB 1351 would create a tuition assistance program, administered by the Virginia Board of Education, to provide funds for full-time, Virginia-resident students in grades 6-12 attending nonsectarian, private, accredited, nonprofit schools in the Commonwealth. Tuition grants could not exceed the annual state average per-pupil cost for public elementary and secondary education.

Sales and Use Tax HB 296 would, for a ten day period in August, exempt school supplies, clothing and footwear from the sales and use tax, provided each item costs \$200 or less. HB 330 would exclude from the use tax any out-of-state catalog or Internet purchase totaling less than \$500 per transaction. Current law exempts out-of-state catalog purchases totaling \$100 per calendar year, and has no provision for Internet purchases. HB 343 would exempt all Internet purchases from the sales and use tax, regardless of the point-of-sale.

Taxes Returned to Localities HB 2 would return to localities, based on the taxpayer's residence, five percent of the income tax revenues collected, beginning in 2001. HB 277 would return to localities, based on point of collection, five percent of net income tax revenues beginning in 2001. The transfer would not be made, however, if state revenues did not exceed the official general fund revenue estimate by at least one percent or if any of the circuit breakers in the Personal Property Tax Relief Act were triggered. Moreover, if the revenues would be returned, localities would have to reduce the real estate or other locally levied taxes by certain percentages. SB 471 would increase from \$40 million to \$111 million the amount of the state recordation tax returned to localities. Such returned revenue would have to be used for education or transportation purposes.

Finance - Failed

Extended School Year or Day Costs HB 217 would have required localities to pay for any costs associated with the lengthening of the school year or day beyond the state minimums. Moreover, local school boards would have to obtain approval from the local governing board before making such a decision. State funding would have been provided only if the extended day or year were required by the state.

Income Tax Credits HB 769 would have provided an income tax credit to persons donating money to a public school division endowment fund.

Local Income Tax The House failed to override the Governor's veto of HB 692 which would have permitted certain Northern Virginia localities to impose up to a one percent local income tax to be used for education, or transportation, or both, if approved by voters in a referendum. At least 55 percent of the revenues would have had to be used for transportation; educational purposes included construction, technology and debt service.

Lottery Proceeds The Governor vetoed SB 505, a bill that would have established the Lottery Proceeds Fund and codified current budget language that sets out how lottery funds must be spent.

Repeal of Taxes HB 354 would have repealed, effective January 1, 2002, the merchant's capital and business, professional, and occupational license taxes (BPOL).

Return of Taxes to Localities HB 560 would have required the return to localities of two percent of the total general funds collected. The distribution would have been based equally on population and degree of fiscal stress.

Standards of Quality Funding HB 231 would have required that the state's share of funding for instructional positions be based on the actual numbers of instructional personnel employed by school boards instead of the ratios and class size limits set forth in the Standards of Accreditation. A budget amendment for \$1.8 billion would have provided grants to school divisions to reflect actual staffing levels, salary expenditures and operating expenses. A budget amendment for \$283 million would have increased from 55 percent to 58 percent the state's share of SOQ funding.

School Construction A budget amendment would have provided an additional \$50 million to the School Construction Grants Program for the biennium.

Instruction - Passed

Advanced Mathematics and Technology Seal SB 706 directs the Virginia Board of Education to establish, by July 1, 2000, criteria for an advanced mathematics and technology seal for both the standard and advanced studies diplomas. Technical writing, technology-related practical arts training, and the acquisition of industry, professional, and trade association certifications are listed as essential criteria.

Driver Education HB 430 and SB 248 require that motorcycle awareness be included in driver education instruction.

Preschool Programs SB 170 modifies the pupil/teacher ratio from 8/1 to 9/1 and sets the maximum class size at 18 for preschool programs. This change increases slightly the number of students that may be served with existing staff levels and facilities.

Technology Instruction and Training HB 203 includes proficiency in the use of computers and related technology among the educational objectives mandated in the Standards of Quality. (Previously, the SOQ requirement had been to develop technological proficiency.) The bill also requires the Virginia Board of Education to include in the Standards of Accreditation requirements and guidelines for the integration of technology into instructional programs as well as requirements for staff positions for supporting educational technology. HB 936 and SB 460 include adult education and literacy program personnel among those eligible for in-service training in the effective use of educational technology through institutes established by the state for this purpose. SJ 242 extends the Joint Subcommittee to Study Continuing and Vocational/Technical Education for another year and adds the word technical to its title. The Joint Subcommittee will review Virginia's laws relating to vocational/technical education for relevancy to existing and future programs.

Virginia History SB 114 adds language to the Standards of Quality to specify the teaching of Virginia history. The program of instruction must emphasize Virginia history as well as world and United States history, and one credit in United States and Virginia history is required for a standard or advanced high school diploma.

Vocational Education for Disadvantaged Persons SB 628 broadens the provisions of the existing Economic and Employment Improvement Program for Disadvantaged Persons to extend educational and job training services to persons eligible for such programs under state and federal welfare reform laws. In addition, the bill adds to the Grant Awards Committee a representative of the Virginia Department of Education knowledgeable of both public school vocational/technical education programs and adult literacy/education services.

Instruction - Carried Over

External Diplomas HB 471 and SB 436 would provide grants to public high schools graduating students who have earned eligible advanced diplomas, such as the International Baccalaureate, approved by the Virginia Board of Education. The grants would be calculated on a per-student basis and could be used by schools for purposes related to advanced external diplomas such as textbooks, professional training, and testing fees. HB 472 and SB 435 would provide scholarships to Virginia public school graduates who have earned an eligible external diploma and are enrolled in any four-year public institution of higher education in Virginia. Awards would be for one year but would be renewable.

Instruction - Failed

Behind-the-Wheel Driver Education HB 1413 would have required the Virginia Board of Education to approve behind-the-wheel training programs for instruction by parents. It would also have required school divisions to provide behind-the-wheel training to home instructed students consistent with how such training is provided to students regularly enrolled in public school.

English as a Second Language Students HJ 184 would have continued the Commission to Study Educational Issues Involving Students for Whom English is a Second Language or Who

Have Been Identified as Having Limited English Proficiency. One of the objectives of the Commission would have been to monitor the performance of ESL/LEP students on the Standards of Learning tests and the impact of this performance on the students and the schools.

Insurance and Retirement - Passed

Required Coverage for Health Insurance HB 165 requires that coverage for general anesthesia and hospitalization be provided for dental procedures for patients who are under the age of five, or severely disabled, or have a medical condition that makes hospitalization necessary to safely perform the procedure. HB 1376 and SB 274 clarify several provisions relating to mandated diabetes coverage, including that no policy, dollar or durational benefit limits may be imposed. SB 26 mandates coverage for colorectal cancer screening. SB 221 requires coverage for routine and necessary childhood immunizations. SB 358 clarifies that the effective date for the 1999 legislation requiring coverage for certain mental illnesses was January 1, 2000. SB 541 requires coverage for the treatment of morbid obesity.

Unemployment Compensation HJ 249 continues the Joint Subcommittee Studying the Funding Requirements of the Virginia Unemployment Trust Fund to ensure the Fund's adequacy to meet current and projected benefit payments. SB 779 increases from \$230 to \$268 the maximum weekly benefit amount. This bill has an emergency clause and is effective retroactively to November 28, 1999.

VRS - Benefit Ceiling SB 51 would provide that any adjustment to the ceiling on retirement benefits required by the Internal Revenue Service will apply to members of the Virginia Retirement System, including those who have died, retired, or otherwise terminated service with a nonforfeitable right to a retirement allowance before the effective date of such adjustments.

Insurance and Retirement - Carried Over

Required Coverage for Health Insurance HB 1151 would require coverage for treatment of infertility. HB 1261 would add social anxiety disorder to the list of diagnoses included in the definition of biologically based mental illnesses for which coverage is required.

VRS - Creditable Compensation HB 200, HB 218 and SB 56 would include all taxable compensation plus certain elective salary reductions or deferrals in the calculation of benefits.

VRS - Deferred Retirement Option HB 1, HB 947, SB 72 and SB 152 would establish a program whereby members eligible to retire with unreduced benefits may continue to work up to an additional five years. During this time, a percentage of the amount of monthly retirement benefits the member would have received would be deposited into an account to be paid with interest upon actual retirement.

VRS - Health Insurance Credits HB 623 and SB 356 would increase from \$75 to \$90 the maximum monthly health insurance credit. HB 362 and SB 167 would extend the current \$75 health insurance credit to all retired school division employees who participate in VRS. Currently, certain groups of employees are limited to a lesser credit.

VRS - Hiring Retired Employees - HB 251 and HB 252 would allow certain retired teachers and licensed instructional or administrative employees who have been receiving an allowance for at least nine months to return to work without an interruption in benefits. SB 146 would permit licensed instructional personnel who have been retired for at least one year to return to a full-time teaching position with uninterrupted benefits. However, such employees must be hired on an annual contract basis and not be eligible for continuing contract status.

VRS - Member Contributions HB 332 and SB 57 would require employers to pay the five percent member contribution. Currently, this practice is permissive.

VRS - Purchase of Service Credit HB 172 would remove the prohibition that prior service credit can only be purchased if such prior service is not creditable with another retirement system. HB 268 would provide that if less than full service credit is granted to an employee transferring from a political subdivision, the employee may purchase the amount not transferred. HB 272 would remove the four year limit on purchase of credit for active military duty service and permit all such credit to be purchased at five percent of current salary or highest three consecutive years of salary. HB 303 would allow members with five years of service to purchase up to five years of prior service credit for employment with certain public employers. Currently, a member must have twenty-five years service and may purchase up to four years credit.

VRS - Retirement Allowances HB 147 would provide an additional retirement allowance for members who retire with more than thirty years service and would remove the ceiling on the health insurance credit provided to them.

Insurance and Retirement - Failed

Required Coverage for Health Insurance SB 165, a bill that would have required coverage for speech and language therapy, occupational therapy, physical therapy and related therapies relevant to the treatment of biologically based mental illnesses, whether or not they effect a cure, did not pass. However, the General Assembly has requested that the Advisory Commission on Mandated Health Benefits look at this issue.

Unemployment Compensation HB 764 would have required as a condition to receive benefits that applicants sign a statement declaring that termination of employment was not due to drug use, and that the applicant has not used illegal drug in the past ninety days and agrees not to use illegal drugs while receiving benefits. SB 303 would have eliminated the one week waiting period required before applying for benefits.

VRS - Part-Time Teachers HJ 266 would have created a joint subcommittee to study the feasibility and appropriateness of allowing part-time teachers to participate in the Virginia Retirement System.

Workers' Compensation HB 812 would have eliminated the requirement for employee notice of accident if the employer were already compensating the employee for the accident.

Personnel - Passed

Child Protective Services Investigations SB 259 directs the State Board of Social Services to implement emergency regulations for joint investigations, by the Department of Social Services and the relevant private or state-operated facility or school board, of allegations of out-of-family child abuse and neglect.

Disclosure of Certain Employment Information HB 1126 makes any employer who, upon request from a person's prospective or current employer, furnishes information about that person's professional conduct, reasons for separation, or job performance immune from civil liability, provided that the employer is not acting in bad faith.

Employee Relations HB 605 requires the Prince William County School Board to notify, by May 15 of each year, all teachers who may be subject to a reduction in force due to a decrease in the school board's budget as approved by the appropriating body. HB 650 prohibits individuals who are parties or witnesses to the matter grieved from serving as members of the fact-finding panel. In addition, the bill prohibits panel members from conducting an independent investigation involving the matter grieved.

Permissible Use of Force HB 1229 provides that the offenses of simple assault and assault and battery do not include the use, by any teacher acting in his official capacity, of incidental, minor or reasonable physical contact to maintain order, or reasonable and necessary force to prevent physical harm or damage to property or to obtain possession of dangerous objects or controlled substances.

Records Checks HB 865 and SB 691 require the Department of Social Services to respond to requests made by local school boards for a search of the registry of founded complaints of child abuse and neglect regarding applicants for employment within ten business days if there is no match within the central registry. In cases where there is a match, the response shall be within thirty business days. Moreover, the response may be made by facsimile transmission. HB 1238 mandates that all school boards require any applicant who is offered or accepts employment to submit to fingerprinting and provide personal information for the purpose of obtaining criminal history record information. The bill also applies to any employee for whom a school board has received notification of arrest.

Teacher Licenses HB 473 and SB 289 establish licensure by reciprocity with comparable endorsement areas for those individuals holding a valid out-of-state teaching license and certification from a nationally recognized program, such as the National Board for Professional Teaching Standards, approved by the Virginia Board of Education. HB 867 and SB 548 authorize the Virginia Board of Education to suspend or revoke the administrative or teaching license it has issued to any person who commits certain acts with the intent to compromise secure mandatory tests administered to students. Moreover, the bills authorize the Office of the Attorney General to bring a cause of action in circuit court against such a person, with a civil penalty not to exceed \$1,000. SB 113 permits local school boards to issue three-year local teacher licenses, valid only within the issuing division, and nonrenewable. Licensees must hold a baccalaureate degree from an accredited institution of higher learning and have the experience in a subject or content area the local school board and superintendent deem appropriate for the intended teaching assignment.

Teacher Shortages HJ 159 and SJ 248 direct the Commission on Educational Accountability to study the demand for and preparation of classroom teachers. The Commission is asked to

assess recruitment and retention efforts and evaluate procedures for awarding continuing contracts.

Teaching Scholarship and Mentor Programs HB 1404 and SB 630 expand the Virginia Teaching Scholarship Loan Program to include scholarships to support critical teacher shortage disciplines and extend eligibility to part-time students, sophomores and graduate students. The budget provides funds for at least 50 more students to receive scholarship loans each year and increases funding for the Clinical Faculty and Mentor Teacher Programs by \$375,000 in each year for a total of \$2.75 million for the biennium.

Personnel - Carried Over

Testimony of Licensed Personnel HB 663 would provide that licensed instructional personnel may not be required to testify in a custody action involving a current or former student when the testimony involves disclosure of personal information communicated to the teacher by the student. However, exceptions would be made for judicial discretion and instances in which the physical or mental condition of the student is at issue.

Personnel - Failed

Teacher Grievance Procedures HJ 271 and SJ 226, expressing the concern that administrators may be reluctant to challenge employee competency if they view existing grievance procedures as too complicated or ineffective, would have created a joint subcommittee to study public school grievance procedures. However, letters have been sent to the Commission on Educational Accountability expressing legislative interest in such a study.

Teacher Licensure HB 558 would have made persons graduating from any institution of higher education, regardless of whether such institution has been accredited or whether its teacher education program has been approved by the Virginia Board of Education, eligible to take any professional teacher's assessment prescribed by the Board for licensure.

School Board/Governance - Passed

Charter Schools SB 411 and HB 785 require each local school board to provide public notice by December 31, 2000, of its intent to accept or not accept applications for public charter schools. The bills require charter schools to comply with the Standards of Learning and the Standards of Accreditation; currently, charter schools are subject only to the Standards of Quality. In addition, regional public charter schools operated by two or more school boards are authorized. HB 742 authorizes the establishment of residential charter schools for at-risk pupils, but it does not require a school board to fund services other than the educational program.

Commercial Promotional Activities in High Schools HJ 239 establishes a 14-member joint subcommittee to examine legal and ethical issues related to athletic apparel companies and other companies providing gifts to schools and individuals as a quid pro quo for some advertising benefit, such as displaying the logo on school property.

Extended School Year Incentive Program HB 1234 and SB 545 establish a program of incentive grants to public school divisions for the operation of schools with year-round calendars which include intersessions with instructional days beyond the 180-day school year. The Virginia Department of Education is to establish procedures and administer the program. The budget provides \$400,000 for the incentive grants in FY 2001.

Legal Holidays HB 1124 and SB 672 establish as state holidays the third Monday in January to honor Martin Luther King, Jr., and the Friday preceding the third Monday in January to honor Robert E. Lee and Stonewall Jackson.

Minute of Silence SB 209 mandates what has been an optional daily observance of one minute of silence in each classroom. During this time each pupil may choose to meditate, pray, or engage in any other silent activity that does not interfere with others. The bill requires the Attorney General to provide legal defense of this law. Moreover, in HJ 71 the General Assembly urges the Congress of the United States to propose a Constitutional amendment to allow for voluntary school prayer.

School Board Salaries HB 20 and SB 15 approve higher salary limits for six local school boards (Colonial Heights, Culpeper, Manassas City, Prince William, Roanoke City, and Suffolk) and set salary limits for the Falls Church and Lynchburg school boards for the first time.

Student Delivery of Political Materials HB 1541 requires local school boards to implement policies, no later than January 1, 2001, to ensure that students are not required to deliver any materials advocating the election or defeat of any candidate for elective office, or the passage or defeat of any referendum question or other matter pending before a local school board, local governing body, the General Assembly, or the Congress of the United States.

Virginia Freedom of Information Advisory Council HB 551 and SB 340 create a 12-member advisory council to encourage and facilitate compliance with the Freedom of Information Act. The Council will furnish advisory opinions and guidelines, upon request, and will conduct training seminars on the requirements of the Act.

School Board/Governance - Carried Over

Diploma Warranty HB 347 would require each local school board to provide a two-year warranty for its graduates, guaranteeing minimum competencies in reading, writing, and mathematics. Furthermore, the warranty would have to entitle any student graduating with a standard or advanced studies diploma who is identified by a Virginia employer as deficient in one or more of these competencies to free retraining by the school division.

Procedures for Setting School Board Salaries HB 637 would authorize local school boards to pay each of their members an annual salary consistent with the salary procedures and limits provided in the Code or by charter for the respective local governing bodies. Thus, school boards would no longer have to seek legislative approval to raise salary limits.

School Board/Governance - Failed

Enrollment of Non-Public School Students HB 761 would have required local school boards to adopt policies for the part-time admission and enrollment of nonpublic school students. Enrollment would have been permitted for no more than two classes and would have been conditioned on space being available in the desired class or classes. Currently, local school boards may choose to adopt such policies.

Fiscal Autonomy for Elected School Boards Study HJ 105 would have established a 12-member joint subcommittee to study the implications of granting fiscal autonomy to elected school boards. Issues to be studied would have included funding implications for the Commonwealth and its local governments, equity in educational funding, the composite index, tax rates, and debt for school construction.

Opening of the School Year All House bills proposing to repeal or relax the law prohibiting local school boards from opening school before Labor Day were tabled in the House Education Committee. HB 426 would have repealed the existing law. HB 619 would have authorized the Virginia Board of Education to grant a waiver from the current law based on a local school board's petition that such a waiver is in the best educational interests of its students. HB 683 and HB 1373 would have declared each local school board responsible for determining the opening of the school year. HB 1431 would have exempted schools operating on a year-round calendar from having to obtain a waiver for opening before Labor Day. (SB 640, which would repeal the existing law, has been carried over.)

Preservation of Religious Freedom HB 1225 and SB 448 would have prohibited any governmental entity from substantially burdening a person's free exercise of religion even if the burden results from a rule of general applicability, unless the governmental entity demonstrates that application of the burden is essential to further a compelling governmental interest.

Voting Privileges for Student Representatives to School Boards HB 1330 would have permitted a local school board to grant limited voting powers to its student representative for all matters except those concerning the budget, disciplinary and personnel actions, and other issues as may be identified.

Standards of Quality/Standards of Accreditation/Standards of Learning - Passed

Computerized Tests and Remediation HB 1484 permits the Virginia Board of Education to provide, through approved vendors, web-based computerized tests and assessments for evaluation of student progress during and after remediation and a remediation item bank directly related to the Standards of Learning. The budget provides funding to the Department of Education to pilot on-line Standards of Learning instruction, remediation, and testing in regions across the Commonwealth.

Costs of the Standards of Accreditation The budget directs the Virginia Board of Education to calculate the costs of implementing and complying with the Standards of Accreditation, reporting its findings to the Governor and Chairmen of the Senate Finance and House Appropriations Committees by September 1, 2000.

Regular Revision of the Standards of Learning HB 303 and SB 606 require the Virginia Board of Education to establish a regular schedule for the review and revision of the Standards of Learning in all subject areas. Each subject area must be reviewed at least once every seven years. Moreover, by November 1, 2000, the Board must begin the review and revision of the Social Studies Standards of Learning.

Remediation Programs HB 975 requires local school divisions to report to the Virginia Board of Education the number of students who successfully complete the objectives of remedial programs they attended due to their performance on the Standards of Learning assessments. The bill also requires the Board to establish a funding formula to assist school divisions in transporting students required to attend remedial programs. HB 1353 clarifies that only students who do not pass any of the Standards of Learning assessments in grades three, five, or eight shall be required to attend summer school or another remediation program, while students who pass one or more, but not all, of these assessments may be required to attend. The bill also links full funding of summer remedial programs to the minimum number of instructional hours provided and an evaluation of program effectiveness.

Standards of Learning Tests HB 1019 requires the Board of Education to make the Standards of Learning tests public as soon as practicable after their administration, so long as the release does not compromise test security or deplete the test item bank to the extent that subsequent tests cannot be constructed. Moreover, the bill does not require the release of test items under the Freedom of Information Act if security would be compromised or the test bank depleted. HB 1020 directs the Virginia Board of Education to develop separate tests for United States History to 1877, United States History: 1877 to the Present, and Civics and Economics, to be administered at the option of local school boards. The budget provides some funds in FY 2002 to begin the item development and field testing required for implementation. HJ 302 creates a special task force of the Commission on Educational Accountability to examine the need for appropriate alternative forms of Standards of Learning assessments for special education students. SB 318 directs the Virginia Board of Education to establish, in consultation with division superintendents, a timetable for administering the Standards of Learning assessments to ensure genuine end-of-course and end-of-grade testing.

Standards of Learning Tests Allowed in Certain Circumstances HB 489 requires the Virginia Board of Education to allow students completing elective classes into which the Standards of Learning for a required course have been integrated to take the relevant Standards of Learning assessment, and, if the test is passed, to receive a verified unit of credit which satisfies the Board's verified credit requirement for the required course. HB 1196 allows qualified students to obtain credit for courses upon mastery of the course content and objectives, to take the relevant Standards of Learning assessment, and, if successful, to receive verified credit. The purpose of the bill is to facilitate accelerated learning; for example, allowing verified credit, upon passing the relevant Standards of Learning test, for a course taken during the summer at a local university.

Standards of Quality Funding Study The Governor successfully vetoed the budget item directing the Joint Legislative Audit and Review Commission (JLARC) to study the funding of the Standards of Quality (SOQ) and prevailing school division practices for providing elementary and secondary education. However, the JLARC vice-chairman has announced that he will instruct the Commission to conduct the SOQ study, the gubernatorial veto notwithstanding.

Standards of Quality/Standards of Accreditation/Standards of Learning – Carried Over

Local Scoring HB 767 would require the Virginia Board of Education to establish procedures for the local scoring of Standards of learning assessments.

Multiple Criteria for Accreditation, Promotion, and Diplomas HB 409 would mandate that multiple criteria be used in determining the accreditation status of public schools and in developing student promotion and retention policies, and that the results of any Standards of Learning assessments not be the sole basis for promotion, retention, or the awarding of diplomas. HB 631 would require that additional assessment tools such as work samples, projects, portfolios, teacher-made tests, and external reviews of student achievement be used in assessing students' educational progress. HB 632 would require, in the determination of school accreditation status, the use of multiple criteria such as access to high quality curricula and instruction designed to meet diverse needs; attendance, dropout, and graduation rates; postsecondary education and employment rates; school and division-wide demographic factors; school and community resources; and parental involvement levels. HB 1483 would direct the Virginia Board of Education to seek assistance from teacher education faculty, professional educators, parents, and community members in determining requirements for graduation and student achievement.

Remediation Programs HB 1043 would require local school boards to provide prevention, intervention and remediation programs for students whom teachers have determined need such programs, based on multiple measures of student achievement that are primarily locally-developed classroom assessments supplemented by standardized test scores.

Standards of Accreditation HB 1509 would enact, in the Standards of Quality section of the Code of Virginia, the Standards of Accreditation regulations for public schools. The bill uses the current revisions proposed for adoption by the Virginia Board of Education.

Time of Test Administration HB 770 and HB 956 would require that the Standards of Learning assessments be given only after the completion of the required curriculum course work and instruction.

Standards of Quality/Standards of Accreditation/Standards of Learning – Failed

Elementary School Guidance Counselors The House of Delegates failed to override the Governor's veto of HB 245. The bill would have mandated in the Standards of Quality that guidance counselors be provided in elementary schools. Currently, local school boards may decide whether to provide guidance counselors at the elementary school level.

Pupil/Teacher Ratios HB 131 would have required a division-wide ratio not greater than 24 students to one teacher in mathematics classes in grades six through 12. This is the ratio currently required for English classes in the same grades. HB 304 would have lowered the current pupil/teacher ratios mandated by the Standards of Quality in kindergarten through grade four; for example, maximum class size would have been reduced from 30 to 25 in grades one, two, and three, and from 36 to 28 in grade four. HB 519 would have placed the ratio of speech language pathologists to students in the Standards of Quality and reduced it from one to 70 students to one to 65; however, the budget provides funding to reduce the ratio to one to 68.

HB 1032 would have mandated a pupil/teacher ratio of 24 to one in grades six through eight, with no class being larger than 29.

Student Services and Special Education - Passed

Admission of Students SB 147 revises various statutes relating to the enrollment of homeless students, addressing the requirement for street addresses, requiring referral of such students to the county health department for physical examination, and requiring admission of such a student pending receipt of the examination report. SB 499 permits a local school board to admit and, if desired, charge tuition to, children of school age who are residents of nearby states or the District of Columbia which grant the same privileges to Virginia residents.

Alternative Education HB 188 establishes a grant program, to be administered by the Department of Education, for regional pilot programs for elementary school alternative education options. The budget provides \$400,000 in FY 2001 for such grants. HB 1468 clarifies that the division superintendent must seek immediate compliance with the compulsory school attendance law when a student fails to comply with the conditions of his or her individual student alternative education plan.

Health HB 983 permits registered nurses to provide proof of immunizations and tuberculosis certificates, whether or not they are employed by a local health department. HB 1010 requires local school boards to develop and implement policies permitting a student to possess and self-administer inhaled asthma medications during the school day and at school-sponsored activities, effective July 1, 2000. Written consent of the parent, written notice from the physician, and the development of an individualized health care plan, including emergency procedures, are required. HB 1012 and SB 490 require a comprehensive statewide asthma management plan with primary emphasis on children under the age of 18. HB 1391 authorizes school personnel to administer, with parental and physician permission, prescription medications to students in accordance with school board regulations relating to training, security, and record-keeping. HB 1438 and SB 437 authorize a licensed nurse practitioner acting under the supervision of a licensed physician to provide the report of the physical examination required for admission to school. HB 1489 and SB 550, which establish the state's Family Access to Medical Insurance Security Plan, require that the benefits include physical therapy, occupational therapy, speech language pathology, and skilled nursing services for special education students, to the extent required by Title XXI of the Social Security Act.

Scholastic and Test Records HB 536 removes the requirement that a school provide the parent written notice of the transfer of a student's scholastic record to another school division upon the request of that school division. HB 1499 allows copies of school records solely related to attendance, transcripts or grades of a minor to be received as evidence in any proceeding involving custody or the termination of parental rights. An affidavit from the custodian attesting to their authenticity is required, and subjective information must be redacted. SB 224 prohibits school personnel from requiring elementary school students to disclose their race or ethnicity on tests, but it does not prevent school personnel from obtaining and placing such information on the test instrument.

Special Education HJ 228 requests the Departments of Education, Health, and Mental Health, Mental Retardation and Substance Abuse Services to study the services available for children with autism and pervasive developmental disorders, including the number and location of such children and the availability of teachers and other special education and treatment

professionals. HJ 231 continues the Joint Subcommittee Studying the Overrepresentation of African-American Students in Special Education Programs for one more year. The joint subcommittee shall determine the demographic composition of students identified for special education by gender, race, age, disability, grade level if applicable, and school division. The budget provides state funding to reduce the student caseload for speech-language pathologists from 70 to 68 students.

Student Services and Special Education - Carried Over

Access to Higher Education HB 1429 would require Virginia's four-year public institutions of higher education to maintain a proportion of not less than sixty-seven percent in-state students in each incoming freshman class.

Child Abuse and Neglect Reporting HB 965 would require teachers and other school personnel who suspect that a child is abused or neglected to report their suspicion directly to the local department of social services or the toll-free child abuse hot line. Current law requires them to report suspected abuse or neglect to the school principal or other person in charge.

Special Education HB 1001 would prohibit the Virginia Board of Education from promulgating special education regulations that require any local school board to exceed the requirements of state law.

Truant Students' Driver's Licenses SB 412 would mandate local school boards to require the division superintendent to request that the Department of Motor Vehicles suspend the driver's license of any student with 15 or more unexcused absences. When regular attendance has been achieved, the division superintendent would request that the student's license be reinstated.

Student Services and Special Education - Failed

Gifted Education HJ 293 would have established the Commission on the Educational Needs of Certain Underserved Gifted Students.

Home Instruction SB 486 would have authorized a licensed teacher engaged by the parent to decide whether the program of study or curriculum chosen by the parent included the Standards of Learning objectives for language arts and mathematics and whether it would provide an adequate education.

School Health Services HB 1064 would have created a Health Services Program for Underserved High School Students, consisting of five regional projects, one of which would have been in Northern Virginia. The projects would have been staffed by a full-time school nurse and other health professionals as needed and would have addressed health conditions affecting academic performance.

Special Education HB 1521 would have provided weighted formulas for the purposes of calculating pupil-teacher ratios when students with disabilities are taught in the general classroom for more than sixty percent of the instructional time. SJ 84 would have initiated a study of the institutionalization of children with developmental disabilities in nursing homes and

other long-term care facilities; a letter of interest will be sent to the Secretary of Health and Human Resources. SJ 235, requesting the Administrative Law Committee to study problems of the current special education hearing officer and appeals system, failed; but, a letter will be sent to the Committee expressing legislative interest in such a review.

Youth Suicide Prevention Plan SJ 148, which would have directed the Virginia Commission on Youth, with the assistance of other agencies and interested individuals, to develop a comprehensive youth suicide prevention plan, failed. However, a letter will be sent expressing legislative interest in the development of such a plan, and the budget provides some funding for suicide prevention efforts.

Technology - Passed

Joint Commission on Educational Infrastructure and Technology SB 237 continues the work of the Joint Commission for another year and adds Technology to its name. The resolution observes that the Commission has become convinced of the importance and integral role of educational technology in this new century and thereby incorporates HJ 63 and SJ 40, both of which requested that a formula be developed to fund educational technology and technology support personnel.

Obsolete Hardware and Software HB 805 permits school divisions to donate obsolete hardware and software to public school students, according to guidelines to be promulgated by the Virginia Board of Education. These guidelines shall include criteria for determining student eligibility and need, and shall require that parents be notified of the availability of obsolete items.

Privacy Policy Required HB 513 requires every public body having an Internet website to develop an Internet privacy policy and an Internet privacy policy statement to explain the policy to the public, by December 1, 2000, and to make the statement conspicuously available on its website by January 1, 2001. The Secretary of Technology shall provide guidelines for the policy and statement. A school board is considered a public body.

Technology Initiative The budget modifies the educational technology program in the introduced budget to provide funds to each school division on a per-school and per-division basis. Divisions are required to use the funding to establish a computer-based instructional and testing system for the Standards of Learning in each high school, ensuring the capacity to administer SOL on-line testing by May, 2003. Remaining funds may be used for middle and elementary schools. A 20 percent match is required. FCPS will receive \$10.2 million for the biennium.

Technology Resource Assistants The budget provides \$4.8 million in FY 2002 for on-site support for the Standards of Learning Technology Initiative in high schools. School boards may use the funding to employ technology resource assistants.

Web Portal HJ 62 and SJ 41 request the Virginia Information Providers Network Authority to create and maintain a web portal for educational information and services.

Technology - Carried Over

Computer Proficiency Enhancement Project HB 512 and SB 84 would designate six Computer Proficiency Enhancement Project schools in economically disadvantaged areas of the Commonwealth. As a remedy for the digital divide, an undetermined number of laptop computers would be provided to students in the Project schools for use in school and at home.

Technology Internship Tax Credits HB 859 and SB 574 would grant a tax credit, not to exceed \$2,000, to employers for a portion of the wages paid to an eligible student technology intern, and a tax credit not to exceed \$1,000 per teacher or guidance counselor to whom the employer has provided information technology training.

Technology Resource Assistants SB 83 would add technology resource assistants to the staffing requirements for public schools. A technology resource assistant would be required to serve, either part-time or full-time, in each school.

Technology - Failed

Control of Student Access to the Internet HB 291 would have required every school furnishing student access to information infrastructure services to take appropriate measures to ensure that students are not permitted access to child pornography or other materials deemed harmful to juveniles, beginning with the 2000-2001 school year.

Technology Resource Assistants HB 1040 would have amended an as-yet unfunded section of the Code to require a technology resource assistant to serve every school in the Commonwealth. Existing language requires one such assistant for every elementary school.

State Funding for School Division Technology Plans HB 520 would have mandated state support for school division technology plans in basic school aid on the basis of statewide prevailing costs, pursuant to the appropriation act.

Webcasting SJ 77 would have requested a study of webcasting, a technology through which some legislative entities, including state legislatures, currently broadcast their meetings over the Internet. However, a letter expressing legislative interest will be sent.

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