



## 2001 General Assembly Summary Education-Related Legislation

*This report describes legislative action from  
the Regular, Reconvened, and Special Sessions of the 2001 General Assembly.  
Provisions of new legislation become effective July 1, 2001, unless otherwise noted in the bill.*

**Bills are reported as passed or failed within nine 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 or failed.*

**Find the legislative history and text of a bill at <http://leg1.state.va.us/011/bil.htm>**

### ***Buses/Buildings/Purchasing – Passed***

**Energy Efficiency** HB 1967, the Energy and Operational Efficiency Performance-Based Contracting Act, allows any public body to enter into energy performance-based contracts to significantly reduce energy and operating costs of a facility, although it does not apply to new construction. The bill clarifies the Public Procurement Act to allow the same vendor to provide analysis and design as well as management of a project from start to finish. The bill includes definitions of energy conservation measures and specifies required contract provisions.

**Model School Design Plans** SJ 400 requests the Department of Education to study the feasibility of providing model school design plans for elementary, middle, and high schools as a cost saving measure.

**Public Procurement Act – Bidding** HB 2050 clarifies that in the case of tie bids, preference shall be given to Virginia produced or provided goods or services. SJ 403 and HJ 625 request a study of the methods and technologies needed to implement competitive procurement via electronic means, including electronic sealed bidding. SB 1024 authorizes the use of reverse auctions to procure goods and nonprofessional services. A reverse auction is a process by which vendors' prices are revealed to their competitors. As prices are revealed, all competitors are permitted to resubmit their proposals until the timeframe for bid submission expires. Once bidding is closed, the contract is awarded to the lowest responsive and responsible bidder. The bill includes a sunset provision for July 1, 2003.

**Public Procurement Act – Contracts** HB 2051 clarifies relations between contractors and subcontractors, providing that any waiver of the right to sue on a payment bond shall be void unless it is in writing, signed by the person whose right is waived, and executed after such person has furnished labor or materials for use in the performance of the contract. HB 2052

makes a public body liable for a percentage of a contractor's costs for a contractor delay claim that has been denied by the public body but reversed by litigation. HB 2054 requires contracts to include or reference procedures for consideration of contractual claims and administrative appeals procedures if the public body has already established such procedures. HB 2183 expands to all public bodies the authority to award term contracts for architectural and engineering services for multiple projects. Current law limits this authority to state agencies and other units of state government.

**Public Procurement Act – Exemptions** HB 1855 and SB 810 provide that purchases of a school board through its public school foundation are generally exempt from the requirements of the PPA.

**School Buses** HB 1724 allows school divisions to accept references for prospective bus drivers from the applicant's home community, and not only from the local school division. This was an FCSB legislative initiative. SB 905 provides, in cases of motorists charged with passing a stopped school bus, that the testimony of a school bus driver, supervisor of school buses or a law-enforcement officer that the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning devices as prescribed in the *Code of Virginia* is prima facie evidence that the vehicle is a school bus. This was an FCSB legislative initiative.

### ***Buses/Buildings/Purchasing – Failed***

**Public Procurement Act** HB 1931 and SB 961 would have prohibited public bodies from using best value to require contractors to pay wage rates established by the public body. HB 2053 would have allowed public bodies, following public opening and announcement of bids received on an Invitation to Bid, to determine whether the apparent low bidder is responsible without reference to the requirements in the invitation. SB 1176 would have eliminated prohibitions on contract provisions waiving or releasing the rights of a contractor to recover costs or damages to the extent that the delay is caused by acts or omissions of a public body.

**School Buses** HB 2689 would have required that school buses purchased by, or for use by, any school division on or after January 1, 2003, be equipped with safety belts or safety belts and shoulder harnesses. The Board of Education would have been required to provide guidelines to ensure their use by all passengers, including the driver, whenever the bus was in motion. HB 2754 would have allowed school buses to travel the posted speed limit on all interstate highways. HJ 791 would have requested that the Departments of Education and State Police recommend ways to better enforce the prohibition against passing a stopped school bus.

### ***Conduct/Discipline/School Safety – Passed***

**Bomb Threats** HB 1575 and SB 789 provide that a juvenile who makes a bomb threat shall be additionally punished with the loss of driving privileges for one year.

**Corporal Punishment** HB 1866 clarifies within the child abuse and neglect statutes that teachers, principals or other persons employed by a school board are prohibited from subjecting a student to corporal punishment.

**Discharge of Firearms** HB 247 makes it a Class 4 felony to willfully discharge a firearm on any public property within 1,000 feet of school property, unless engaged in lawful hunting or in a program sponsored by the school.

**Disclosure** HB 2841 authorizes the chief of police or sheriff of a jurisdiction to disclose to a school principal that a juvenile is a suspect in or has been charged with a violent juvenile felony or a crime involving arson, bombs, or weapons.

**School Crossing Guards** HB 2103 and SB 1222 allow uniformed school crossing guards to control traffic at all marked school crossings.

**School Safety** HB 1587 and SB 1334 require schools to submit school safety audits to the school division superintendent who is to collate and submit the audits to the Virginia Center for School Safety. SB 1022 requires public schools to perform at least one tornado drill every school year to familiarize students with drill procedures.

**School Safety Specialists/Resource Officers** HB 1652 authorizes the Criminal Justice Services Board to disburse up to five percent of the School Resource Officer Grant Fund for the training of school resource officers. HJ 542 requests that the Virginia State Crime Commission examine the roles, responsibilities, training, and authority of school security officers and school safety specialists. In its study, the Commission will consider data regarding incidences of school crime and violence.

**Student Discipline** HB 2512 and SB 1359 extensively reorganize the student discipline statutes, moving some sections to other articles of Title 22.1 based on recommendations by the Commission on Youth. Among the changes are new sections defining short-term suspension, long-term suspension and expulsion; requirements for school boards to establish, by regulation, schedules pursuant to which students may apply and reapply for readmission to school; and the establishment of a list of criteria to be considered when making recommendations for expulsion.

HB 1706 and HB 1707 contain provisions also found in the more comprehensive HB 2512 and SB 1359. HB 1706 allows school boards to exclude from attendance students who have been suspended for more than 30 days or expelled by another school division or for whom private school admission has been withdrawn regardless of the offense for which the disciplinary action was imposed. HB 1707 allows school boards to take action against a pupil for breakage, destruction, or failure to return school property that is caused or committed by the pupil in pursuit of his studies.

**Threats** HB 197 and SB 847 make it a Class 6 felony to knowingly communicate in writing or electronically a threat to kill or do bodily injury on school property, buses or during school events, regardless of whether the threat is received. Oral threats remain a Class 1 misdemeanor.

**Weapons on School Property** HB 1624 makes it a Class 1 misdemeanor to carry any knife on school property or at school-sponsored events except for a pocket knife having a folding metal blade less than three inches long. The prohibition applies to all persons, not just students. The measure retains current *Code of Virginia* exemptions for food preparation and school programs.

## ***Conduct/Discipline/School Safety – Failed***

**Alcohol to Minors** HB 2538 would have created the crime of giving alcohol to a minor under the age of 15, punishable as a Class 6 felony. If bodily injury resulted, it would have been a Class 5 felony.

**Battery of School Employee** HB 1997 would have extended the prohibition against battery of a teacher, principal, assistant principal or guidance counselor engaged in the performance of their duties to any personnel who have direct contact with students. HB 2690 would have made it a Class 1 misdemeanor to commit battery against any resource officer or school safety specialist engaged in the performance of their duties, with a two day mandatory minimum confinement or a six month mandatory minimum confinement if a weapon were used.

**Driver's License Revocation** HB 2745 would have authorized school boards to request that the Department of Motor Vehicles cancel a learner's permit or license of students who fail to comply with the compulsory school attendance law, or who have received long-term suspensions or been expelled.

**Firearms on School Grounds** HB 2147 would have altered the exemptions to the prohibition on firearms on the grounds of a public school by changing the requirement that the unloaded weapon be kept in a closed container to a requirement that the closed container be kept in or upon a motor vehicle. It would have disallowed keeping unloaded shotguns or rifles in firearms racks on vehicles, as well as disallowed the possession of such weapons as part of the curriculum or activities in public schools.

**School Safety Specialists/Resource Officers** SB 1137 would have required the Department of Criminal Justice Services to create compulsory minimum in-service and advanced training standards for school safety and security specialists.

**Sports Officials** HB 2521 would have imposed a mandatory two day incarceration against an adult who commits battery with the intent to cause bodily harm against a sports official, six months if a weapon was used.

**Student Adjudication** HJ 643 requested a study of the transfer of information regarding certain adjudications of students to and among public schools.

**Student Conduct** HB 2644 would have required the Board of Education to create guidelines for the appropriate manner of addressing teachers and administrators within the school setting.

**Weapons in County Facilities** HB 1712 and SB 934 would have allowed Fairfax County by ordinance to make it a Class 1 misdemeanor to possess a dangerous weapon while in any county-owned building. HB 1969 would have prohibited localities from adopting any resolution, motion, administrative rule or regulation governing the purchase, possession, or carrying of firearms other than those authorized by state statute from and after January 1, 1987. It would have clarified that any statute not referring directly to firearms or ammunition should not be construed to provide express authorization for restrictions on firearms or ammunition.

## ***Finance – Passed***

**Budgetary Growth** HB 2865 directs the Joint Legislative Audit and Review Commission to provide an annual report on state spending, including analyses of individual spending functions and programs and identification of the largest and fastest-growing programs in the budget. The report is also to identify the causes of program growth and whether they rationally relate to growth in rates of inflation, tax relief measures, mandated expenditures and populations served. HJ 773 directs JLARC to analyze the growth in spending in the Commonwealth since FY 1981, including an analysis of the use of performance budgeting, performance measurement, and program evaluation information in the legislative budgeting process.

**Federal Funding for the Individuals with Disabilities Education Act** HJ 30 urges the US Congress to fully fund the federal share of the special education costs mandated by IDEA at the 40 percent level authorized in legislation. In addition, the resolution encourages the US Congress to include IDEA in the mandatory spending category. (Special Session)

**Food and Beverage Tax** SB 1320 requires that a referendum ballot question for an increase in the county food and beverage tax shall include language describing the projects or purposes for which the revenues are to be used if the Board of Supervisors resolution authorizing the referendum includes such language.

**Income Tax Check Off** HB 2583 allows taxpayers to voluntarily contribute their income tax refund, or additional amounts, to public foundations for local school improvement projects. The provision takes effect for taxpayers January 2, 2002, and sunsets January 1, 2007.

**Real Property Tax** SB 939 authorizes localities to increase by ordinance the maximum income and net worth limitations for purposes of obtaining an exemption or deferral of real property taxes for qualified elderly or permanently disabled persons.

**Taxation Studies** HJ 671 creates the Commission on Growth and Economic Development to study, among other things, the adequacy of current revenue resources to meet existing and future infrastructure needs and to consider the recommendations of the Commission on Virginia's State and Local Tax Structure for the 21st Century. HJ 685 and SJ 387 create a joint subcommittee to study and revise Virginia's state tax code, including consideration of the long-term effects of the phase-out of the personal property tax and the determination of an equitable division of support to be assumed by the state and localities for education. The committee is directed to complete its work by November 30, 2002.

## ***Finance – Failed***

**Budget** The General Assembly adjourned May 9 after failing to adopt a revised spending plan for FY2001-2002. The Commonwealth will continue to operate on the biennium budget passed in 2000, which is unbalanced because of reduced revenue collections. In order to comply with the Constitutional requirement for a balanced budget, and in the absence of a budget agreement, the Governor has made cuts of approximately \$400 million in the existing budget. K-12 education has been exempted from the formal reductions, although operating on the existing budget effectively reduces anticipated state funding for FCPS.

The House had included in its set of proposed budget amendments the same amount of cost of competing funding for FY 2002 as the biennium budget approved last year for FY 2001 only. Both the House and the Senate in their separate proposals provided a second year of grant funding for the year-round school initiative adopted and funded in the first year only by last year's budget. Without a budget agreement, these funds are not available in FY 2002. Neither the House nor the Senate recommended raising the cap on state reimbursement for academic year Governor's School enrollment for a second time. It remains 1, 275 students, the level to which it was raised from 800 during the last session.

**Income Tax** HB 2249 would have redistributed one percent of individual income tax to localities based on taxpayer residence. HB 2446, SB 1165 and SB 1218 would have redirected from two percent in 2003 to ten percent by 2007 of individual income tax revenues to a fund to be redistributed based on taxpayer residence (50%), location where wage was earned (40%), and an equal distribution among all localities of the remainder (10%).

**Lottery** HB 2767 would have authorized a statewide referendum on the repeal of the state lottery law. SB 1267 would have created the Lottery Proceeds Fund for net lottery revenues to be appropriated to localities to use for public education purposes. This bill also would have established authorization for an escrow account for the moneys appropriated from the Fund to localities. At present, the appropriation of lottery revenues is provided for in the budget.

**Personal Property Tax** HJ 609 proposed an amendment to the Constitution of Virginia to eliminate the personal property tax on motor vehicles used for non-business purposes.

**Public Education Funding** HB 1977 and HB 2151 would have required that the average teacher salary used to calculate Standards of Quality funding for local school divisions be based on actual salaries, rather than the statistically-derived linear weighted average. These FCSB initiatives would have significantly increased state SOQ spending. HB 2741 would have required the Commonwealth to fund at least 55% of the total actual costs of public education. Under this proposal, the distribution formulas for SOQ funding would have been reviewed biennially.

**Return of General Funds and Revenues to Localities** HB 1635 would have required that two percent of total general funds be returned to all localities based equally on size of population and degree of fiscal stress as reported by the Commission on Local Government. SJ 398 proposed a constitutional amendment requiring the General Assembly to maintain local sources of revenue and to appropriate general funds to localities to offset any loss of revenues occasioned by the passage of a law diminishing a local source of revenue.

**Sales and Use Tax** HB 2511 and SB 1255 would have exempted certain school-related purchases, including computer systems under \$1,500, from the sales and use tax during a designated one-week period during the end of August. HJ 601 would have studied the availability and efficacy of alternative sources and procedures for obtaining a triennial census of the school age population. The triennial census is used to distribute one percent of the sales tax to localities for public schools.

**Sales and Use Tax Referendum** HB 2776 and SB 1368 would have authorized Northern Virginia localities to hold a referendum on increasing the local sales tax by one percent to be used for public education and transportation capital projects.

**School Board Contingency Funds** SB 1354 would have added language to the *Code of Virginia* allowing a school board to include in its budget reserve funds for contingencies and capital improvements.

**Spending Limits** HB 2695 would have limited gubernatorial authority to increase spending at a rate no greater than cost of living and population growth rates. It would also have required that surplus revenues be deposited into a Virginia Investment Account, to be appropriated for such items as tax relief, transportation, and public school construction.

**Taxing Authority** HB 1794 would have equalized city and county taxing authority by granting counties the same authority available to cities and towns through uniform charter powers. SJ 366 proposed a constitutional amendment to grant counties the same borrowing authority as cities and towns. This amendment would have eliminated the requirement of a voter referendum that currently applies to most county bond issues.

**Web Site Advertising** SJ 360 would have directed the Secretary of Technology to study and develop guidelines for advertising on government web sites.

## ***Instruction – Passed***

**African-American Scientist and Inventor Day** SJ 377 designates February 25 each year as African-American Scientist and Inventor Day. The resolution states the importance of all Virginians, especially African-American youth, realizing that the fields of science, mathematics, engineering, and technology are available and accessible to every one.

**Alcohol Abuse** HB 1882 requires the public schools to provide instruction concerning the public safety hazards and dangers of alcohol abuse, underage drinking, and drunk driving. Educational materials from the Department of Alcoholic Beverage Control approved by the Board of Education shall be distributed to the public schools.

**Balanced Curriculum** HJ 802 requests the Board of Education to encourage a balanced curriculum for all students and to provide opportunities in all secondary schools for students to pursue both the academic and career and technical skills that will enable them to reach their desired goals.

**Career and Technical Education** SB 1055 changes the name of vocational technical education in the *Code of Virginia* to career and technical education to reflect the increased status and complexity of vocational education programs. No public school need change its name because of this regulation; however, a vocational school must continue to comply with relevant laws and regulations. SB 1057 clarifies that funds provided for educational technology may be used for career and technical education and that local school division technology plans must integrate educational technology into career and technical education programs as well as academic programs.

**Comparative Religion Elective** SB 1391 authorizes, as an elective in grades nine through twelve, a comparative religion class focused on the tenets, history, and observances of world religions.

**Driver Education Programs and Driver's Licenses** HB 2554 and SB 1329 direct the Board of Education to set the minimum number of miles to be driven during the behind-the-wheel portion of driver education programs. The bills also raise the minimum ages at which individuals may receive learner's permits and driver's licenses and impose various driving restrictions on drivers less than 18 years old.

**Phonics Proficiency and Instruction** HJ 794, an FCSB legislative initiative, requests the Department of Education, in cooperation with the State Council of Higher Education, to study the proficiency of Virginia teachers in teaching systematic explicit phonics and the availability in local school divisions of decodable textbooks and other suitable instructional materials. The Department is to submit its findings by November 30, 2001.

**Remediation** HJ 608 requests the Board of Education to act on findings and recommendations of the Joint Subcommittee on Remediation and its follow-up task force. These recommendations include General Assembly incentives to local school divisions to provide more than the required 180 days of instruction for at-risk students, increased state funding for remedial summer school, and greater flexibility for school divisions in designing remedial programs that meet the specific needs of their students.

**Structured K-5 Education Programs** SB 1144 permits local school boards to establish optional age-appropriate programs for K-5 students who require guidance, supervision, and discipline in a structured learning environment and who need to learn appropriate classroom decorum and acceptable personal behavior.

**Veteran's History** HJ 571 designates the second week in November 2001 and each succeeding year as Veteran's History Week in Virginia. The resolution urges Virginia's school districts to emphasize veteran's contributions in their curriculum to coincide with Veteran's Day and urges them to work with local veteran's organizations and military installations to develop an education program on patriotism and the preservation of freedom. School districts are to report annually on these efforts to the Board of Education. HJ 808 requests the Board of Education to ensure through the Standards of Learning that Virginia students learn about the role of America's military and veterans in defending freedom during the Cold War.

## ***Instruction – Failed***

**Advanced Placement/International Baccalaureate Examinations** HB 2590 would have required local school boards to provide financial assistance to needy students for the costs of AP/IB examinations, using state appropriations and funds provided by the College Board. School boards would have been required to report to the Department of Education information about the numbers of eligible students served and unserved, the scores they earned, and the total costs of the examinations.

**Algebra Readiness Initiative Program** HB 2396 and SB 981 would have established in the *Code of Virginia* the Algebra Readiness Program created by the Governor and provided for in the current adopted budget. The legislative proposal would have changed the student population on which funding is based, given the Board of Education authority to issue additional governing guidelines, and permitted local school boards to accept supporting contributions from the community, including faith-based organizations.

**Early Intervention Reading Initiative Program** HB 2111 and SB 1313 would have established in the *Code of Virginia* the Early Intervention Reading Initiative Program created by the Governor and provided for in the current adopted budget. The legislative proposal would have changed the student population on which funding is based, given the Board of Education authority to issue additional governing guidelines, and deleted the existing authority for local school divisions to administer diagnostic tests other than the state-provided test.

**English as a Second Language Students** SB 1240 would have required school boards to implement English-immersion programs only in providing instruction to students for whom English is a second language. Bilingual programs that are content oriented and conducted in a language other than English would have been prohibited for students with limited English proficiency. The chairman of the Senate Education & Health Committee indicated that a subcommittee would review the merits of this proposal before the next session.

**Family Literacy Grants Program** HB 2715 would have established a program to award competitive grants to school divisions to support services designed to increase the literacy skills and educational levels of parents, enhance parents' understanding of child-development and parenting skills, and assist parents in pursuing further training and improving employability.

**Four-Year Old Programs** SB 1303 would have expanded state funding to cover 100 percent, rather than the current 60 percent, of the unserved at-risk four-year-olds and five-year-olds who are not eligible to attend kindergarten in Virginia. SJ 324 would have created a legislative study commission to examine the feasibility and appropriateness of providing universal, voluntary education for four-year-olds in the public schools.

**Governor's Academic Challenge Grant Program** HB 2540 and SB 1138 would have established in the Code of Virginia the Academic Challenge Program created by the Governor earlier this school year to assist schools Accredited with Warning or Provisionally-Accredited/Needs Improvement in raising student achievement. The Board of Education would have received the authority to issue governing guidelines. The Governor inserted a \$6 million appropriation for FY 2002 in his proposed amendments to the biennium budget; however, this funding is not certain as the General Assembly has not adopted any budget amendments.

**Remedial Summer School** HB 2084 would have required the Board of Education to implement a funding formula for remedial summer school consistent with the method of funding basic instructional programs. The formula would have allowed local school divisions to receive state payment for services provided to students attending their summer programs but enrolled for the regular school year in the public schools of another division.

**Technology Internship Program** HB 2326 and SB 1261 would have granted tax credits to employers against the wages paid to a high school student participating in an information technology internship. The bills would also have granted employers a \$1,000 tax credit per teacher or guidance counselor to whom they provided an information technology training course.

## ***Personnel – Passed***

**Conflict of Interest Act** HB 1887 provides that the State and Local Government Conflict of Interest Act does not prohibit a teacher or school board employee from accepting an award or payment in honor of meritorious or exceptional services.

**Criminal Records History** HB 1996 provides that the criminal records history obtained by school boards for applicants who are offered or who accept school board employment, whether on a temporary, permanent, or part- or full-time basis, address all felony and Class 1 misdemeanor convictions as well as equivalent offenses in other states. Currently, records are searched for all felonies but only certain misdemeanor offenses. In addition, reports of all arrests of school employees, not just the currently enumerated serious crimes, will now be reported to school boards. These employees must then submit to fingerprinting and a criminal history records check, also expanded to include all felony and misdemeanor convictions. HB 2588 authorizes local school boards to exchange information obtained from a criminal history records check conducted within the previous 90 days, if the applicant requests and gives permission in writing that another school board to which they have applied for employment may be informed of the results. Criminal history record information may only be exchanged between school boards in the Commonwealth with current reciprocity agreements that specify the apportionment of costs between the different school divisions and the applicant.

**Discrimination** HB 1859 prohibits, under the Virginia Fair Employment Contracting Act, agencies from engaging in any unlawful discriminatory practice including violations of any Virginia or federal statute or regulation governing discrimination on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability.

**First Offender Status** HB 1862 and SB 1032 provide that school employees who are placed on probation as first offenders for drug offenses are not automatically entitled to reinstatement or any escrowed salary. This measure addresses cases of probation for first offender status where there is technically no finding of guilt nor is there an acquittal.

**Reduction in Force Notification** HB 1983 moves, from April 15 to May 15, the date by which the FCSB and the school boards of Arlington and Falls Church are required to notify teachers who may be subject to a reduction in force due to a decrease in the school board's budget. This FCSB legislative initiative will be effective immediately upon the Governor's approval and will sunset July 1, 2003.

**Standards of Learning Remediation** HB 2514 and SB 1304 require that, as a condition of achieving continuing contract status, teachers hired on or after July 1, 2001 must have completed training in instructional strategies and techniques for intervention for or remediation of students who fail or are at risk of failing the Standards of Learning assessments. Local school divisions will be required to provide the training at no cost to teachers within the division.

**Teacher Licensure** HB 2123 directs the Board of Education to review the passing scores it has previously established for the professional teacher's examination required for initial licensure, and allows the Board to make such modifications to the passing scores as it may deem appropriate, including composite scoring.

**Teacher Shortage** HJ 688 requests that the Board of Education and the State Council of Higher Education implement provisions already in the *Code of Virginia* which require the establishment of five geographically distributed pilot projects to recruit elementary and secondary school students, particularly students of diverse backgrounds, for the teaching profession.

## ***Personnel – Failed***

**Child Abuse and Neglect Training for Mandated Reporters** SB 1352 would have required mandated reporters to complete two hours of training regarding the identification and reporting of child abuse and neglect within one year of the establishment of the training program by the Department of Social Services. Teachers and persons employed in public schools are considered mandated reporters.

**Criminal Records History** HB 2359 and SB 1395 proposed to exempt applicants for adult education instructional positions in which there is no contact with minors from criminal records checks and fingerprinting.

**Election Day Holiday** HB 1782 would have made the Tuesday following the first Monday in November (Election Day) a legal holiday. SB 858 would have done the same, but only in years with national Presidential elections.

**Employment Database** SB 1396 would have required the Department of Education to collect and maintain teacher employment data from the various school divisions, including information on positions filled by temporary teachers, teachers working outside their endorsement areas, and specific hiring needs and employment opportunities.

**Freedom of Information Act** HB 2091 would have provided a record exemption for records, documents or other information, the disclosure of which would constitute an unwarranted invasion of personal privacy, which was defined.

**Housing for Teachers** HB 1697 would have created a program within the Department of Housing and Community Development to provide teachers with mortgage loans at below prevailing interest rates, conditioned on the agreement to teach in Virginia for a minimum of three years. SJ 356 would have required the Virginia Housing Study Commission to study ways to assist teachers in purchasing homes in the communities in which they teach.

**Income Tax Credits** HB 1628 would have provided up to a \$100 credit against the individual income tax of K-12 teachers who purchase instructional materials and supplies for use in their classrooms.

**Teacher Education** HB 2353 would have required all persons subject to the Virginia Licensure Regulations for School Personnel to complete cultural diversity training as a condition of licensure and license renewal, effective July 1, 2003. HB 2823 would have created the Educators' Higher Education Opportunity Program, comprised of voluntary contributions of full-time licensed instructional or administrative personnel, such funds as appropriated, and donations, to fund savings trust accounts pursuant to the Virginia College Savings Plan. SB 866 proposed to grant in-state tuition to any teacher or administrator who had accepted full-time employment by a local school board in the Commonwealth, but who had not yet met the requirements for establishing residency. SJ 357 would have requested that the Joint Task Force on the K-12 Teaching Profession in Virginia examine increasing staffing levels in the state's teacher education programs in order to admit additional students.

**Teacher Licensure** SB 1239 would have required the Board of Education to issue a license by reciprocity to teachers holding licenses in good standing in other states. Upon licensure by reciprocity, teachers could not be required to comply with certain of the Board's statutory testing and training requirements. SB 1341 would have restricted the eligibility of candidates seeking

three-year local eligibility licenses to those candidates who had not been employed by a Virginia local school board during the previous three years. SB 1397 would have stricken the provision authorizing the revocation of teacher licenses or any other disciplinary action pursuant to Board of Education regulations for teacher breach of contract.

**Teacher Retention** HJ 642 proposed to establish a joint subcommittee to study teacher retention initiatives in the Commonwealth and in other states.

**Technology Leadership** HJ 764 requested that the Department of Education, in cooperation with the State Council of Higher Education, study the technology training and technology leadership of principals.

**Temporarily Employed Teachers** HB 1654 would have eliminated the 90 day ceiling on the employment of temporarily employed teachers, instead allowing individual school boards to determine the time period necessary to address teacher shortages in particular grade levels or content areas.

**Testimony in Custody or Visitation Hearings** SB 1417 would have required that in any case in which a teacher is subpoenaed to testify at a hearing or deposition regarding the custody or visitation of a child, the issuing party shall schedule the testimony for a time that does not conflict with the teacher's teaching schedule.

**Virginia Teaching Scholarship Loan Program** SB 1105 would have expanded the Virginia Teaching Scholarship Loan Program to include combination state and local awards to address critical teaching shortages in particular localities. Localities would contribute one-third of the cost of the scholarship, and students would be required to teach for a minimum of three years in the particular locality that provided their funding.

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

**Insurance Defined** SB 987 defines insurance within Title 38.2 of the *Code of Virginia* as “the business of transferring risk by contract wherein a person, for a consideration, undertakes to indemnify another person, to pay or provide a specified or ascertainable amount of money, or to provide a benefit or service upon the occurrence of a determinable risk contingency.”

**Required Insurance Coverage** HB 2063 prohibits insurers from denying the issuance or renewal of, or canceling, a policy, or including an exception or exclusion of benefits, for persons who have a high risk of breast cancer or who have had breast cancer but have been free of the disease for at least five years. SB 1200 requires insurers to provide coverage for infant hearing screenings and certain other audiological examinations.

**Unemployment Compensation** HJ 611 continues the Joint Subcommittee Studying the Funding Requirements of the Virginia Unemployment Trust Fund. The study has been expanded to address, among other things, current formulas determining solvency of the Trust Fund, the propriety of regional benefit features, employee benefit eligibility criteria and current tax schedules for employers.

**VRS Benefit Enhancements** HB 1739 and SB 1071 provide three new accidental death benefits: up to \$5,000 for transportation of the deceased to a mortuary if an insured employee dies by accident at least 75 miles from his principal residence; up to \$50,000 if an insured

employee dies or suffers dismemberment while driving or riding in a private passenger vehicle, provided the employee was wearing a seatbelt and the driver was not under the influence of drugs or alcohol; and, up to \$50,000 if an insured employee dies or suffers dismemberment as a result of a felonious assault by someone other than an immediate family member. HB 1960 permits retirees to continue optional group life insurance coverage on themselves and on spouses and minor dependents, provided that the employee was continuously insured for such coverage for at least 60 continuous months prior to retirement. SB 945 provides an increase, beginning July 1, 2001, of the monthly retirement allowance payable to any VRS retiree who retired before January 1, 1980 with at least 15 years of creditable service.

**VRS Benefit Restoration Plan** HB 1748 and SB 856 establish a Benefit Restoration Plan to provide benefits to those members whose total annual benefits would otherwise be limited by § 415 (b) of the Internal Revenue Code.

**VRS Partial Lump-sum Option Payment (PLOP)** HB 2629 and SB 843 provide any member who elects to work beyond the date of initial eligibility for unreduced retirement benefits to choose to receive at the time of actual retirement a lump-sum payment of up to 36 times the monthly retirement allowance. A lump sum payment 12 times the monthly retirement shall be paid for one additional year of service, 24 times for two additional years, and 36 times for three additional years. If a lump-sum payment is taken, the subsequent monthly retirement allowance shall be reduced on an actuarially equivalent basis. This option is a mechanism for encouraging individuals to continue working after reaching eligibility for unreduced retirement benefits.

**VRS Purchase of Prior Service Credit** HB 2293 and SB 1077 make several changes to existing law regarding purchase of prior service credit and establish a comprehensive purchase of service policy. The bills promote purchasing service early in an employee's career when it is less costly and reduce the cost of purchasing credit from military or other government service.

**VRS Retirees Rehired by Local School Boards** HB 252 and HB 1589 are identical bills providing that VRS retirees may be rehired as local school board instructional or administrative employees without interruption of their retirement benefits, if they are employed in a critical shortage area identified by the Superintendent of Public Instruction. The length of the break in service that will be required preceding such employment will be determined so that there will be no negative fiscal impact to the Commonwealth. The VRS and the Superintendent of Public Instruction shall promulgate all policies and procedures necessary to implement this legislation, the provisions of which expire on July 1, 2006.

**VRS Survivor Benefits** SB 949 provides for the continuation of certain retirement allowances paid to surviving spouses of VRS employees who die in service from a cause compensable under the Virginia Workers' Compensation Act even when the surviving spouse remarries. Surviving spouses of VRS members who remarried before the effective date of the bill are covered.

**Workers' Compensation** HB 2306 removes the four-year limit on the insurance premium discount that workers' compensation insurers provide to employers instituting and maintaining drug-free workplace programs. Currently, insurers are required to provide employers who institute such programs that satisfy the insurer's criteria with premium discounts of up to five percent for a total of no more than four years.

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

**Health Insurance for Teachers** HB 1783 would have required that local school boards provide teachers the opportunity to participate in local choice health insurance programs administered through the Department of Human Resources Management. The state-administered local choice health insurance program currently offers prescription drug coverage for retirees.

**Required Insurance Coverage** HB 1637 would have required health insurers to provide coverage for training and education in the use of EEG biofeedback equipment and techniques. EEG biofeedback is often prescribed as a treatment for attention deficit disorder or attention deficit-hyperactivity disorder. SB 1191 would have required health insurers to provide coverage for hearing aids and related services, including one hearing aid per hearing-impaired ear, up to a cost of \$1,200, every 48 months.

**Retired Teachers Prescription Drugs Purchasing Program** SB 1252 would have established a statewide program to provide retired teachers who are at least 60 years of age and their dependents access to a variety of prescription drugs at the lowest possible market rate.

**Unemployment Compensation** HB 2456 and SB 1152 proposed to exclude pension benefits paid under the Social Security Act from the current requirement that unemployment compensation benefits be reduced by the amount received from any governmental or other pension, retirement or retired pay, annuity, or other periodic payment under a plan maintained or contributed to by an employer based on the recipient's prior work.

**VRS Creditable Compensation** HB 1816 would have allowed an employer to include remuneration received by a teacher, on a contractual basis, for extra duties and for teaching during the summer or outside normal daytime school hours as creditable compensation. Creditable compensation is the full compensation payable annually to an employee working full-time in his covered position.

**VRS Deferred Compensation Plan** HB 2783 would have created a cash match program as an incentive for local school board employees to participate in 403(b) tax deferred savings programs. This program is currently provided for state workers with the state matching employee contributions up to \$40 per month.

**VRS Deferred Retirement Option Program** HB 1688 and SB 1015 would have established a deferred retirement option program for state employees and teachers eligible to retire with unreduced benefits who elected to continue working for up to five more years. However, the General Assembly did adopt two retirement plans encouraging employees to work beyond eligibility for normal retirement. See above.

**VRS Health Insurance Credits** HB 2012 and HB 2080 would have increased the monthly health insurance credit by \$1.00 for each year of creditable service for retired teachers, not to exceed a monthly maximum of \$105.00. The current amounts are \$2.50 and \$75.00. HB 2148 and SB 927 would have reduced from 15 years to five years the amount of creditable service required for eligibility for retired teachers' receipt of monthly health insurance credits. HB 2231 would have extended the current health insurance credit received by retired teachers to all retired school division employees who participate in VRS and have at least 15 years of creditable service.

**VRS Multiplier Increase** SB 895 would have increased the multiplier used to determine the annual retirement allowance from 1.70 to 2.0 percent. This figure is multiplied by the average final compensation multiplied by the amount of creditable service to arrive at an individual's annual retirement allowance.

**VRS Permanent Part-time Service** HB 1820 would have permitted any member to receive service credit for prior permanent part-time employment covered under VRS. Permanent part-time is defined in the bill as being paid on a salaried basis and working more than twenty but less than forty hours per week.

**VRS Purchase of Service Credit** SB 942 would have created an additional purchase of prior service credit option for teachers who are military spouses. To be eligible, a teacher would have to have at least 15 years of creditable service as a licensed teacher in Virginia and have been married for 20 years or more to a person on active duty. SB 1093 would have permitted a member to purchase up to one year of service credit for any unpaid leave of absence due to the serious illness or disability of a spouse or other specified close relative.

**Workers' Compensation** HB 1594 would have required employers to list one chiropractor on the panel of physicians from which an employee chooses a physician when the employee's injury was to the back, neck or spine. HB 2039 would have required the Workers' Compensation Commission, if it found that employers or insurers unreasonably delayed or denied payment of medical expenses, to award interest on the amount paid for such medical attention to the employee, or health care provider if the health care provider had not been paid. SB 1189 proposed to prohibit the Workers' Compensation Commission from suspending benefits previously awarded to an employee prior to conducting an evidentiary hearing when an employer seeks the termination or suspension of such benefits on grounds of unjustified refusal to accept medical service or vocational rehabilitation services, refusal of selective employment within the employee's physical capacity, or a change in the employee's condition.

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

**Charter Schools** HB 2439 and SB 1393 provide that a local school board may, upon giving public notice, alter its previous decision to accept or not accept applications for public charter schools.

**Commercial and Corporate Sponsorships** HB 2395 requires each local school board to develop and implement a policy relating to commercial, promotional, and corporate partnerships and sponsorships involving the public schools. HJ 661 requests the Virginia School Boards Association and the Virginia High School League to provide factual information about problems and issues related to commercial activities, promotional and corporate partnerships and sponsorships in public schools and to develop guidelines to assist local school boards.

**Commission on Educational Accountability** SJ 385 continues the Commission on Educational Accountability and its three special task forces for another year. The Commission's charges are to review the Standards of Accreditation and the accountability mechanisms included therein and to monitor implementation of the Standards of Learning and the assessment program. One of the special task forces is considering what forms of Standards of Learning assessments are appropriate for special education students.

**Freedom of Information Act** HB 2750 provides that a public body may convene in closed session to discuss or consider any matter that would involve the disclosure of any information contained in a scholastic record. The present exception is limited to discussion or consideration of admission or disciplinary matters concerning a student.

**“In God We Trust”** HJ 493 affirms the General Assembly’s encouragement of the public display of the national motto, “In God We Trust,” in all public buildings and public schools in Virginia. A bill requiring such display failed. See next section.

**Internet Filtering Required** HB 1691 requires school divisions to select a technology to filter or block Internet access through the division’s computers to child pornography and obscenity as defined in the *Code of Virginia*.

**Pledge of Allegiance Required Daily** SB 1331 mandates that each local school board require the daily recitation of the Pledge of Allegiance in each classroom and ensure that the flag of the United States is in place in each classroom. Students may be exempted from reciting the Pledge because of religious, philosophical, or other objections. The school board’s code of conduct shall apply to disruptive behavior during the recitation of the Pledge as it does to disruptive behavior in similar circumstances.

**School Board Redefined** HB 2786, a Virginia School Boards Association initiative, changes the definition of “school board” in Title 22 of the *Code of Virginia*. School board now means the school board that governs a school division.

**School Board Salaries** HB 1885 and SB 814 raise salary limits for the school boards of Greene, Lancaster, Louisa, and Russell counties and the cities of Portsmouth and Salem.

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

**Fiscal Autonomy** HJ 602 would have directed the Joint Legislative Audit and Review Commission to study the potential impact of granting fiscal autonomy to local school boards. HJ 780 would have directed JLARC to study the implications of granting fiscal autonomy to elected local school boards only.

**“In God We Trust”** The Senate Finance Committee did not act on HB 1613 which would have required all school boards to prominently post the statement “In God We Trust” in a conspicuous place in each school. The bill easily passed the House of Delegates, however.

**Opening of the School Year** As have all similar bills before it, HB 1564 failed in the House Education Committee. It would have made each local school board responsible for determining the opening of the school year, effectively repealing the statutory prohibition against opening school before Labor Day. HB 2561 would have exempted schools operating on a year-round calendar basis from the pre-Labor Day prohibition and thus also from having to obtain an early opening waiver. However, the Chairman of the House Education Committee is expected to request the Virginia Board of Education to extend from one to five years the early opening waiver granted to year-round calendar schools.

**Part-time Admission in Governor’s Schools** HB 2465 and SB 1388 would have directed local school boards to adopt policies for the part-time admission and enrollment in Governor’s Schools of students who are either enrolled in a nonpublic school or receiving home instruction.

**Preservation of Religious Freedom** HB 1692 would have prohibited government agencies from burdening a person’s free exercise of religion. HB 2386, somewhat more narrowly drawn,

would have prohibited government agencies from substantially burdening such exercise except in cases where a compelling government interest to do so has been proved.

**School Board Salaries** The Governor vetoed HB 637 after the General Assembly rejected his amendment which would have made local school board salary increases subject to local governing body approval. The bill passed by the legislature would have eliminated General Assembly limits on the salaries of members of elected school boards and would have authorized elected school boards to set salaries consistent with the salary procedures -- and no more than the salary limits -- provided for local governing bodies.

**Tax Credits and Vouchers** HB 1961 would have established income tax credits for tuition and other instructional fees charged by a public or private school and for certain fees and costs incurred in association with home schooling. It would also have provided an income tax credit for cash donations to charitable Virginia corporations providing financial assistance for the education of children from low-income households. HB 2498 would have created a voucher system to provide choice in education for children in grades K-12 eligible for free or reduced-price lunch. Public schools would have been required to participate while private schools would have been able to choose whether to participate in such a system. HJ 561 would have established a joint subcommittee to study for two years the efficacy and appropriateness of school vouchers and tuition tax credits and deductions. Among other issues, the joint subcommittee would have been asked to determine the maximum limits for such vouchers, tax credits, and tax deductions and to estimate the costs to the Commonwealth.

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

**Resource Guides** HB 2777 requires the Board of Education to solicit public comment prior to revising or adopting SOL resource guides. The Board must also make such resource guides available for public inspection at least thirty days prior to final revision or adoption.

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

**Advisory and Review Commissions** HB 2794 and SB 1372 would have required the Board of Education to appoint an independent committee of testing experts to evaluate annually the application and uses of the SOL assessments for student promotion, retention, remedial placement, graduation requirements, and school accreditation. The committee would have been directed to conduct a consequential validity analysis and make recommendations as to the need for any additional assessment mechanisms. HB 2847 would have established the SOL Assessment Advisory Commission as a legislative agency of the Commonwealth, with four legislators and ten citizens as members. The Commission would have been directed to make recommendations for the ongoing implementation of the SOA as well as the use and application of statewide and divisionwide student assessments. HJ 570 would have requested the Joint Legislative Audit and Review Commission to examine the implementation of the SOL assessments, looking specifically at the legal sufficiency of the SOL assessment testing process and the effect of SOL testing on classroom instruction.

**Assessments** SB 1424 would have prohibited the administration of SOL assessments for any subject area under review or revision by the Board of Education. Current law requires reviews of each subject area at least once every seven years.

**Instruction via the Internet** HB 1841 would have required the establishment of a comprehensive program of instruction in the four core SOL disciplines to be provided via the Internet for students enrolled in or eligible for enrollment in the public schools. Although the bill was tabled in the House Education Committee, the committee chairman intends to establish a special subcommittee to explore such a program of instruction before the next legislative session.

**Multiple Criteria for School Accreditation** HB 2163 would have required that the criteria for the accreditation of all schools include the results of the SOL assessments, improvement in SOL assessment scores, and attendance rates. Differing additional criteria would have been required for elementary, middle, and high schools, and the SOA provision that alternative education schools be evaluated pursuant to standards appropriate to such schools would have been codified. The results of SOL assessments would have accounted for no more than three-quarters of a school's accreditation rating. HB 2391 would have required the Board of Education to provide for the use of a sliding scale, including SOL assessment results along with other indicators of school performance, to determine school accreditation ratings. SOL assessment scores would have been weighted in the scale so as to benefit the individual school. HB 2392 would have provided that the SOL scores of transfer students, students with limited English proficiency, and special education students be considered in the determination of an individual school's accreditation rating only if including these scores would benefit that rating. SB 1265 would have included such items as student reading levels, school safety audits, school and divisionwide demographic factors, postsecondary education and employment rates, and parental involvement levels among the multiple criteria it would have required be used to determine school accreditation.

**Multiple Criteria for Student Achievement** HB 2122 would have required the Board of Education to develop guidelines whereby local school boards could use additional criteria to determine whether a student who has obtained a passing grade in a course but failed the relevant SOL assessment twice would be awarded a verified unit of credit. HB 2394 would have required the Board of Education to establish a formula whereby a student could earn a verified credit based on a combination of the SOL test score and the end-of-course grade in instances in which the student has narrowly failed the SOL test upon retaking it. HB 2727 would have required that the SOA incorporate multiple measures of student achievement such as the results of locally-developed classroom assessments and other direct assessments of student work over time as well as external reviews of student work. The results of SOL and standardized assessments would have been given weight less than or equal to other criteria used in determining student promotion, retention, course placement, and graduation. HB 2831 would have codified the successful completion of the 140-hour class and any assignments, tests, and evaluations prescribed locally as multiple criteria for the awarding of standard units of credit. It would have codified the successful passing of the relevant SOL assessments, or their Board of Education approved substitutes, and earning the standard credits as multiple criteria for the awarding of verified units of credit. The bill would also have codified that multiple opportunities must be provided for students to retake failed SOL assessments. HB 2122, HB 2394, and certain provisions of HB 2831 would have applied only to those students in grades six through nine in the 2000-2001 school year. The Senate Education & Health Committee referred all of these bills to the Board of Education for consideration.

**Remediation** HB 2085 would have allowed local school boards to use state funds provided under initiatives to hire additional classroom teachers to instead increase the compensation of licensed in-service teachers who agree to teach SOL, reading, or remediation courses; tutor at-risk students during extended hours; or teach in schools with low student performance on SOL assessments. HB 2086 would have mandated that local school boards provide transportation for pupils required to attend summer remediation programs, before or after school remediation programs, or remediation programs outside their school of attendance. Moreover, the bill would have required the Board of Education to establish standards for summer remedial programs requiring linear tracking of the academic progress of students required to attend, educational plans specific to the academic needs of such students, and teachers trained in remediation instructional techniques. HB 2816 would have required local school boards to evaluate students in grades K-12, using Board of Education selected multiple criteria including SOL test performance, in order to identify students for remediation or prevention programs.

**Staffing Requirements** HB 2393 would have amended the SOQ to require guidance counselors in elementary schools (one hour per day per 100 students, one full-time at 500 students, one hour per day additional time per 100 students or major fraction thereof) and one full-time reading specialist per elementary school. Reading teachers are currently employed at the discretion of the local school board. SB 1266 would have similarly required guidance counselors in elementary schools. SB 944 would have added an SOQ requirement for attendance officers and clerical staff at levels to be developed by the Board of Education which are adequate for implementing the compulsory school attendance law.

**Substitution of Tests** The Governor vetoed SB 1056 which would have authorized the Board of Education to substitute industry certification and state licensure examinations for SOL assessments for the purpose of awarding verified units of credit for career and technical education courses, codifying current Board practice.

## ***Student Services and Special Education – Passed***

**Attention Deficit Disorder** HJ 660 establishes a joint subcommittee to study the effects of attention deficit disorder on student performance and investigate the improper prescription and illegal use of Ritalin and OxyContin. The joint subcommittee is directed to identify school practices to manage, the methods used to treat, and the medications prescribed for and dispensed to ADD/ADHD students in the school setting; evaluate the special education programs provided or which may be provided to meet the needs of such students; evaluate the effect of ADD/ADHD on disciplinary action taken by the public schools; and, establish whether the use of Ritalin or OxyContin for non-medical purposes is a problem among school-aged children. Recommendations are due to the General Assembly by November 30, 2001.

**Autism and Pervasive Developmental Disorders** HJ 523 continues the study, begun last year, of services available to children with autism and pervasive developmental disorders, including the efficacy of various treatment and educational programs. The resolution expands the study to include adults. Recommendations are due to the General Assembly by November 30, 2001.

**Early Intervention Services** HB 2738 requires the lead agency for the early intervention services system to develop uniform statewide procedures, on or before January 1, 2002, for public and private providers to use to determine parental liability and to charge fees for early

intervention services in accordance with federal law and regulations. Local interagency coordinating councils are to implement such procedures on or before the same date.

**Enrollment in Institutions of Higher Learning** HJ 675 requests the Joint Subcommittee on Higher Education Funding Policies to examine in-state and out-of-state student enrollment practices in Virginia's public institutions of higher learning. The Joint Subcommittee is directed to consider, among other things, the estimated fiscal impact of an articulated cap on out-of-state enrollments and potential revenue sources to support any shortfalls. HB 2144 and SB 1324 prohibit Virginia's public institutions of higher learning from considering a Virginia public high school's accreditation status in making admissions determinations for students who have earned a diploma in accordance with Board of Education regulations.

**Hearing Loss** HJ 548 requests that the Commissioner of Health and the Director of the Department of Deaf and Hard of Hearing, in cooperation with the Superintendent of Public Instruction, develop a plan for an education program on the prevention of hearing loss in conjunction with the testing of hearing of students in the public schools.

**High School Access for Military Recruiters** SB 1207 requires a school board to provide military recruiters the same access to its high schools as is provided to other persons conducting occupational, professional, or educational recruitment.

**Preschool Physical Examination** SB 1201 adds a physician assistant who is acting under the supervision of a licensed physician to the list of those qualified to perform physical exams of students prior to their entering kindergarten or elementary school.

**Special Education Placement** HB 1226 directs the Board of Education to disseminate to parents of students enrolled in or found eligible for placement in special education programs information regarding current federal law and regulation addressing rights related to the placement and withdrawal of students in special education. HJ 640 requests the Board of Education to address recommendations of the Joint Subcommittee Studying the Overrepresentation of African-American Students in Special Education. These recommendations include monitoring the identification and placement of African-American and other minority students in special education, with annual reports of the findings submitted to the General Assembly January, 2002 through January, 2004. The resolution encourages the cross-disciplinary training of all teachers in the identification of students for special education services.

**Youth Suicide Prevention** HB 2015 and SB 1190 require the Department of Health to assume lead responsibility for coordinating activities in the Commonwealth concerning youth suicide prevention. The bills require an annual report to the Governor and the General Assembly on the status of prevention efforts.

## ***Student Services and Special Education – Failed***

**Comprehensive Services Act** HB 2739 would have required an annual examination of the costs borne by localities in providing services mandated under the CSA. It would also have required a plan to address the inequitable fiscal burden upon localities for providing such services and a plan for phasing-in state assumption of the costs of such mandated services. SB 1081 would have exempted localities from providing a local match for Medicaid provider payments when collected by the Office of Comprehensive Services for Medicaid eligible children or youth in residential treatment or therapeutic foster care.

**Enrollment in Institutions of Higher Learning** HB 2506 would have required public institutions of higher learning to maintain a ratio of the in-state and out-of-state student population in each incoming freshman class that is not less than 75 percent in-state students. Out-of-state students on athletic scholarships would not be included in the calculations. However, HJ 675, requiring a study of in-state and out-of state enrollment, was passed. See above.

**Guidance Counselor Licensing** HJ 663 would have requested the Board of Education to examine the licensure requirements for secondary school guidance counselors in relationship to sufficient knowledge of career and technical education to effectively advise students of suitable career and technical courses and of employment/career opportunities utilizing technical skills.

**Home Instruction** HB 2541 would have permitted persons having a high school diploma to provide home instruction, whereas the current requirement is a baccalaureate degree. It would have permitted a licensed teacher engaged by a home-schooling parent to determine whether a program of study meets state requirements and to determine whether a student is making adequate educational progress, whereas these determinations are currently made by the division superintendent. SB 1342 would have permitted persons having an associate degree to provide home instruction.

**New Century Scholars Program** HB 2343 and SB 1234 would have established the New Century Scholars Program, a gubernatorial initiative to provide scholarships for any Virginia high school graduate who earned a grade point average ranking within the top 20 students in the graduating class or who scored at the advanced level on SOL end-of-course tests and maintained at least a B average. In addition, the student must not have been suspended or expelled from any school and must be a full-time student in a Virginia degree-granting public or private institution of higher learning or a career school. Each scholarship would have been awarded for only one year and would have amounted to no more than \$3,000 to any one student.

**Special Education Placement** HB 2591 would have deemed the General Education Diploma (GED) to be a regular diploma for high school graduation when awarded to any student identified as disabled for educational purposes. Thus, achievement of a GED would have terminated the right of a student to special education services. HJ 638 would have required the Department of Education and the Department of Mental Health, Mental Retardation and Substance Abuse Services to study the educational placement of children eligible for early intervention programs to, among other reasons, assess the effectiveness of the programs and the costs of providing services.

*Report Updated: 5/10/01*

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