

**2020 General Assembly Summary
Education Related Legislation
Fairfax County Public Schools, Office of Government Relations**

COMPREHENSIVE LEGISLATION REPORT

This report describes all education-related legislation as considered during the 2020 General Assembly Session. Legislation is reported as Passed, Continued to 2021, or Failed.

Adopted legislation goes into effect as of July 1, 2020, unless otherwise noted in the legislation itself.

Bills designated as "Continued to 2021" are effectively "Failed" for purposes of the 2020 Session but can still be acted upon by the Committee that recommended Continuing the legislation prior to the 2021 Session (by December 3, 2020). Even if a bill were to be acted upon prior to that deadline (which rarely occurs), it would still have to proceed through the remainder of the legislative process (pass in both chambers, signed by the Governor) during the 2021 Session.

Bills are subdivided into thirteen subject categories. If a bill of interest is not found in one category, please check another as legislation often can fit under multiple labels. Legislation is linked to the Division of Legislative Services' web pages for text, up to date summary information, and fiscal impact statements.

UPDATED MARCH 30, 2020

BUILDINGS, BUSES, AND SAFETY - PASSED

Commission on School Construction and Modernization Established; Report SB 888 (McClellan) establishes the Commission on School Construction and Modernization for the purpose of providing guidance and resources to local school divisions related to school construction and modernization and making funding recommendations to the General Assembly and the Governor. *The bill has a sunset date of July 1, 2026, with a provision that if the Commission does not receive funding in the appropriation act after its first year, it will sunset on July 1 of the following year.*

Conditional Zoning for Solar Photovoltaic Projects HB 655 (Heretick) and **SB 870** (Marsden) authorize a locality to include reasonable regulations and provisions in its zoning ordinance for a special exception for any solar photovoltaic (electric energy) project. The bills authorize the governing body of such locality to grant a condition that includes (i) dedication of real property of substantial value or (ii) substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the granting of a conditional use permit, so long as such proffered conditions are reasonably related to the project.

Construction Management Contracts; Use by Local Public Bodies HB 890 (Sickles) and **SB 341** (Locke) remove the provision limiting the use of construction management contracts by local public bodies to projects with a cost expected to exceed \$10 million and provides that construction management may be utilized on projects where the project cost is expected to be less than the project threshold established in the procedures adopted by the Secretary of Administration for using construction management contracts.

Control of Firearms by Localities; Permitted Events HB 421 (Price) and SB 35 (Surovell) authorize any locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by such locality for governmental purposes; (ii) any public park owned by the locality; (iii) any recreation or community center facility; or (iv) any public street, road, alley, sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. Provisions limiting the authority of localities and state governmental entities to bring

lawsuits against certain firearms manufacturers and others are also repealed. The bills also provide that any firearm received by the locality pursuant to a gun buy-back program shall be destroyed by the locality unless the person surrendering such firearm requests in writing that such surrendered firearm be sold. **SB 35** incorporates **SB 450** (Edwards), **SB 505** (Edwards), **SB 506** (Edwards), and **SB 615** (Deeds)

Custodial Interrogation of a Child; Parental Notification and Contact HB 746 (Watts) requires that prior to the custodial interrogation of a child who has been arrested by a law-enforcement officer for a criminal violation, the child's parent, guardian, or legal custodian be notified of the child's arrest and the child have contact with his parent, guardian, or legal custodian. Such notification and contact may be in person, electronically, by telephone, or by video conference. However, notification and contact prior to a custodial interrogation is not required if the parent, guardian, or legal custodian is a codefendant in the alleged offense; the parent, guardian, or legal custodian has been arrested for, has been charged with, or is being investigated for a crime against the child; the person cannot reasonably be located or refuses contact with the child; or the law-enforcement officer conducting the custodial interrogation reasonably believes the information sought is necessary to protect life, limb, or property from an imminent danger and the questions are limited to those that are reasonably necessary to obtain that information.

Distributed Renewable Energy HB 572 (Keam), **HB 1184** (Lopez), and **SB 710** (McClellan) promote the establishment of distributed renewable solar and other renewable energy. The measure removes the one percent cap on the total amount of renewable energy that can be net metered in a utility's service territory, authorizes third-party power purchase agreements for all customer classes throughout the Commonwealth, allows local governments and certain other public bodies to install solar or wind facilities of up to five megawatts on government-owned property and use the electricity for government-owned buildings, allows all net metering customers to attribute output from a single solar array to multiple meters, allows the owner of a multi-family residential building or the common areas of a condominium to install a renewable energy generation facility and sell the electricity to tenants or condominium unit owners, removes the restriction on customers installing a net-metered generation facility larger than that required to meet their previous 12 months' demand, raises the cap for net-metered nonresidential generation facilities from one megawatt to three megawatts, and removes the ability of utilities to assess standby charges. The measures also amend the Commonwealth Energy Policy to include provisions supporting distributed generation of renewable energy. **HB 572** incorporates **HB 912** (Simon).

Emergency Services and Disaster Preparedness Plans HB 420 (Price) directs the Department of Emergency Management (the Department) to review its emergency services and disaster preparedness programs to determine if changes are necessary to address the needs of individuals with limited English proficiency, as defined in the bill, and individuals with access or functional needs and report its findings to the Chairs of the Senate Committee on General Laws and Technology and the House Committee on General Laws. Such report shall include any recommendations for legislation that would be required to fully address the needs of individuals with limited English proficiency and individuals with access or functional needs. *The bill directs the Department to complete its review no later than November 1, 2020.*

Energy Efficiency in State Buildings SB 963 (Surovell) requires the head of each state agency to designate an existing employee, known as an energy manager, who shall be responsible for implementing improvements to state buildings to reduce greenhouse gas emissions and improve energy efficiency and climate change resiliency.

Epinephrine Required in Certain Public Places HB 1147 (Keam) allows public places to make epinephrine available for administration. The bill allows employees of such public places who are authorized by a prescriber and trained in the administration of epinephrine to possess and administer epinephrine to a person present in such public place believed in good faith to be having an anaphylactic reaction. The bill also provides that an employee of such public place who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person present in the public place believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. The bill directs the Department of Health, in

conjunction with the Department of Health Professions, to develop policies and guidelines for the recognition and treatment of anaphylaxis in public places. *Such policies and guidelines shall be provided to the Commissioner of Health no later than July 1, 2021.*

Fair Employment Contracting Act; Sexual Harassment Policy HB 1228 (Tran) requires contracting agencies that employ more than five employees and that enter into government contracts of over \$10,000 to include a provision in the contract requiring the contractor to provide training on the contractor's sexual harassment policy to all supervisors and employees providing services in the Commonwealth that have not received such training or any sexual harassment training required by the Department of Human Resource Management within the year in which the contract is signed and that the contractor agree to post the contractor's sexual harassment policy in a conspicuous public place in each building located in the Commonwealth owned or leased by the contractor for business purposes or the contractor's employee handbook.

Firearms or Other Weapons on School Property HB 1080 (Hope) provides that no school board may authorize or designate any person to possess a firearm on school property other than those persons expressly authorized by statute. The bill also clarifies that no exemption exists for a special conservator of the peace to possess a firearm or other weapon on school property.

Firearms; Possession on School Property SB 71 (Lucas) adds public, private, or religious preschools and licensed child day centers that are not operated at the residence of the provider or of any of the children to the list of schools where possessing a firearm on school property or on a school bus is prohibited. The provisions of the bill regarding child day centers only apply during the regular operating hours of such child day center. Under current law, the list of such schools only includes public, private, or religious elementary, middle, or high schools. The bill also provides that a licensed child day center or religious or private preschool may hire an armed security officer to provide security services.

Handheld Personal Communications Devices While Driving a Motor Vehicle HB 874 (Bourne) and **SB 160** (Surovell) prohibit any person from holding a handheld personal communications device while driving a motor vehicle. Current law prohibits (i) the reading of any email or text message and manually entering letters or text in such a device as a means of communicating and (ii) holding a personal communications device while driving in a work zone. The bills expand the exemptions to include handheld personal communications devices that are being held and used (a) as an amateur radio or a citizens band radio or (b) for official Department of Transportation or traffic incident management services. *The bill has a delayed effective date of January 1, 2021. HB 874 incorporates HB 377 (Willet), HB 387 (Edmunds), HB 512 (Bulova), HB 1672 (Ware) and SB 160 incorporates SB 136 (Stuart) and SB 944 (Saslaw).*

Hearing Notice by Localities; Timely Notice Related to Planning or Zoning Matter to Newspaper HB 166 (Knight) and **SB 869** (DeSteph) provide that in any instance in which a locality in Planning District 23 has submitted a timely notice of public hearing to a newspaper published or having general circulation in the locality and the newspaper fails to publish the notice, such locality shall be deemed to have met certain notice requirements so long as the notice was published in the next available edition. *The bill has an expiration date of July 1, 2022.*

Lead Testing; Potable Water; Parental Notification HB 797 (Askew) and **SB 392** (McPike). require each local school board's plan to test and remediate certain potable water sources to be consistent with guidance published by the U.S. Environmental Protection Agency or the Department of Health. The bills require each local school board to submit such testing plan and report the results of any such test to the Department of Health. The bills also require local school boards to take all steps necessary to notify parents if testing results indicate lead contamination that exceeds 10 parts per billion.

Lead Testing; Potable Water; Child Day Programs HB 799 (Askew) and **SB 393** (McPike) require licensed child day programs and certain other programs that serve preschool-age children to develop and implement a plan to test potable water from sources identified by the U.S. Environmental Protection Agency

as high priority. The bills require such a plan and the results of each such test to be submitted to and reviewed by the Commissioner of Social Services and the Department of Health's Office of Drinking Water. The bills stipulate that if the result of any such test indicates a level of lead in the potable water that is at or above 15 parts per billion, the program shall remediate the level of lead in the potable water to below 15 parts per billion, confirm such remediation by retesting the water, and submit the results of the retests to the Commissioner of Social Services and the Department of Health's Office of Drinking Water for review. The bills also provide such programs the option of using bottled water in lieu of testing or remediation.

Lock-Down Drills, Frequency, Exemptions HB 402 (Keam) requires every public school to hold at least one lock-down drill after the first 60 days of the school session, in addition to the two lock-down drills required to be held during the first 20 days of the school session at each such school. Current law requires each public school to hold at least two lock-down drills after the first 20 days of the school session. The bill requires pre-kindergarten and kindergarten students to be exempt from mandatory participation in lock-down drills during the first 60 days of the school session and requires local school boards to develop policies to implement such exemption.

Lock-Down Drills, Notice to Parents HB 270 (VanValkenburg) requires every public school to provide the parents of enrolled students with at least 24 hours notice before the school conducts any lock-down drill. The bill specifies that no such notice is required to include the exact date and time of the lock-down drill.

Memorandums of Understanding; School Boards Local Law-Enforcement Agencies; Frequency of Review HB 292 (VanValkenburg) and **SB 221** (Locke) shorten from every five years to every two years the frequency of the review period for memorandums of understanding between school boards and local law-enforcement agencies. The bills also require local school boards to conspicuously publish the current division memorandum of understanding on its division website and provide notice and opportunity for public input during each memorandum of understanding review period. **HB 292** incorporates **HB 897** (Guzman) and **HB 1135** (Lopez).

Menstrual Supplies; Certain School Buildings HB 405 (Keam) and **SB 232** (Boysko) require each school board to make tampons or pads available, at all times and at no cost to students, (i) in such accessible locations as it deems appropriate in each elementary school in the local school division and (ii) in the bathrooms of each middle school and high school in the local school division.

Micro-Business Participation in Local Procurement HB 558 (Lindsey) allows any locality to enact an ordinance to enhance micro-business participation in local government procurement practices. Such measures may include special designation of local micro-businesses, providing technical support to micro-businesses, setting target goals for micro-business participation in the local procurement process, and other reasonable measures intended to promote micro-business participation in the locality. "Micro-business" is defined as a small, women-owned, or minority-owned business with no more than 25 employees.

Mold Testing; Parental Notification SB 845 (Ebbin) requires each local school board to develop and implement a plan to test and, if necessary, a plan to remediate mold in public school buildings in accordance with guidance issued by the U.S. Environmental Protection Agency. The bill requires each local school board to (i) submit such testing plan and report the results of any test performed in accordance with such plan to the Department of Health and (ii) take all steps necessary to notify school staff and the parents of all enrolled students if testing results indicate the presence of mold in a public school building at or above the minimum level that raises a concern for the health of building occupants, as determined by the Department of Health. *The bill has an effective date of July 1, 2021.*

Naloxone; Possession and Administration, Employee or Person Acting on Behalf of a Public Place SB 836 (Suetterlein) provides that an employee or other person acting on behalf of a public place who has completed a training program on the administration of naloxone or other opioid antagonist may possess and administer naloxone or other opioid antagonist, other than naloxone in an injectable formulation with a

hypodermic needle or syringe, in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. The bill defines "public place" as any enclosed area that is used or held out for use by the public, whether owned or operated by a public or private interest.

Numbering on Buildings; Civil Penalty HB 106 (Cole, M.L.) provides that an ordinance that requires buildings to have visible numbering may include provisions for a civil penalty not to exceed \$100 for a violation that has not been corrected within 15 days of notice of such violation. Civil penalties assessed under this provision shall be paid into the treasury of the locality where the violation occurred.

Office of Drinking Water HJ 92 (Lopez) requests the Office of Drinking Water of the Department of Health to study the Commonwealth's drinking water infrastructure and oversight of the drinking water program. In conducting its study, the Office shall identify problems or issues that may result in contamination of drinking water with lead, copper, or other substances or organisms or increase the likelihood of contamination of drinking water with lead, copper, or other substances or organisms and develop recommendations for addressing such problems or issues.

Passing Stopped School Bus; Vendor; Administrative Fee HB 1427 (Krizek) authorizes a private vendor operating a video monitoring system for a school division for the purpose of recording those illegally passing stopped school buses to impose and collect an administrative fee to recover the cost of collecting the civil penalty to be paid by the operator of the vehicle.

Photo Speed Monitoring Devices; Civil Penalty HB 1442 (Jones) authorizes state and local law-enforcement agencies to operate photo speed monitoring devices, defined in the bill, in or around school crossing zones and highway work zones for the purpose of recording images of vehicles that are traveling at speeds of at least 10 miles per hour above the posted school crossing zone or highway work zone speed limit within such school crossing zone or highway work zone when such zone is indicated by conspicuously placed signs displaying the maximum speed limit and that such photo speed monitoring devices are used in the area. The bill provides that the operator of a vehicle shall be liable for a monetary civil penalty, not to exceed \$100, if such vehicle is found to be traveling at speeds of at least 10 miles per hour above the posted highway work zone or school crossing zone speed limit by the photo speed monitoring device. The bill provides that if the summons for a violation is issued by mail, the violation shall not be reported on the driver's operating record or to the driver's insurance agency, but if the violation is personally issued by an officer at the time of the violation, such violation shall be part of the driver's record and used for insurance purposes. The bill provides that the civil penalty will be paid to the locality in which the violation occurred if the summons is issued by a local law-enforcement officer and paid to the Literary Fund if the summons is issued by a law-enforcement officer employed by the Department of State Police. **HB 1442** incorporates **HB 621** (Willett) and **HB 1721** (Hurst).

Prevailing Wage; Public Works Contracts, Penalty HB 833 (Carroll Foy) and SB 8 (Saslaw) require contractors and subcontractors under any public contract with a state agency, or with a locality that has adopted an ordinance requiring the payment of prevailing wages, for public works to pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works at the prevailing wage rate. The provisions of the bills would not apply to any contract for public works of \$250,000 or less. The Commissioner of Labor and Industry is required to determine the prevailing wage rate for such public contracts on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the federal Davis-Bacon Act. A contractor or subcontractor who willfully employs any mechanic, laborer, or worker to perform work contracted to be done under the public contract at a rate that is less than the prevailing wage rate is guilty of a Class 1 misdemeanor. In addition, such a contractor or subcontractor shall be liable to such individuals for the payment of all wages due plus interest and shall be disqualified from bidding on public contracts with any public body until full restitution has been paid to the individuals. **HB 833** incorporates **HB 114** (Kory).

Project Labor Agreements; Public Procurement HB 358 (Lopez) authorizes any public body, including any state or local government, when engaged in procuring products or services or letting contracts for construction, manufacture, maintenance, or operation of public works, to require bidders to enter into or adhere to project labor agreements on the public works projects. **HB 358** incorporates **HB 122** (Carroll Foy), **HB 1202** (Tran) and **HB 1311** (Kory).

Public Posting of Contract Information on Central Electronic Procurement HB 544 (Carr) and **SB 563** (Ruff) provide for the Department of General Services to post on its central electronic procurement system awarded contracts and any modifications to such contracts. The bills also require agencies that use the Department's central procurement website to post the same information and provides that any contract awarded pursuant to an Invitation to Bid or a Request for Proposals on or after July 1, 2021, including any subsequent modifications to the contract by a using agency, shall be posted on the Department's central electronic procurement system. The bills require a modification made by a using agency on or after July 1, 2021, to any other contract that has two or more years remaining to be posted on the Department's central electronic procurement system, along with the original contract and any previous modifications.

Public School Security Equipment Grant Act of 2013; Eligible Security Equipment SB 594 (Hanger) classifies security-related devices located outside of the school building on school property and security-related devices located on school buses as eligible security equipment under the Public School Security Equipment Grant Act of 2013. **SB 595** (Hanger) classifies vaping detectors as eligible security equipment under the Public School Security Equipment Grant Act of 2013.

Student Transportation in Certain Cases HB 1208 (Tran) requires each school board that provides for the transportation of students and that has established a rule, regulation, or policy to exclude certain students who reside within a certain distance from the school at which they are enrolled from accessing such transportation to establish a process for waiving, on a case-by-case and space-available basis, such exclusion and providing transportation to any such student whose parent is unable to provide adequate transportation for his child to attend school because the parent is providing necessary medical care to another family member who resides in the same household, as evidenced by a written explanation submitted by a licensed health care provider who provides care to such family member.

School Bus Drivers; Critical Shortages HB 351 (Bell) and **SB 324** (Deeds) require the Superintendent of Public Instruction, with the assistance of each school board or division superintendent, to survey each local school division to identify critical shortages of school bus drivers by geographic area and local school division and to report any such critical shortage to each local school division and to the Virginia Retirement System. The bills permit any school bus driver hired by a local school board in any geographic area or school division in which a critical shortage of school bus drivers has been so identified to elect to continue to receive a service retirement allowance during such employment if the driver meets certain other conditions.

School Crisis, Emergency Management, and Medical Emergency Response Plans HB 501 (Krizek) permits each school board to designate another entity or individual to participate on its behalf in the annual review of its written school crisis, emergency management, and medical emergency response plan.

School Resource Officers and School Security Officers Data HB 271 (VanValkenburg) and **SB 170** (Locke) require the Department of Criminal Justice Services, in coordination with the Department of Education and the Department of Juvenile Justice, to annually collect, report, and publish data related to incidents involving students and school resource officers. The bills also require the Virginia Center for School and Campus Safety to analyze and disseminate submitted data.

School Resource Officers and School Security Officers; Training Standards HB 1419 (Jones) and **SB 171** (Locke) require school resource officers and school security officers to receive training specific to the role and responsibility of a law-enforcement officer working with students in a school environment that

includes training on (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques such as physical alternatives to restraint; (v) disaster and emergency response; (vi) awareness of cultural diversity and implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research.

Solar Energy Projects; National Standards HB 656 (Heretick) and **SB 875** (Marsden) authorize a locality to include in its zoning ordinance provisions to incorporate generally accepted national standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) projects.

Strip Searches of Children HB 1544 (Carter) provides that no child under the age of 18 shall be strip searched or subjected to a search of any body cavity by a law-enforcement officer or a jail officer. The bill provides exceptions for (i) children committed to the Department of Juvenile Justice or confined or detained in a secure local facility for juveniles or a jail or other facility for the detention of adults; (ii) persons in custodial arrests for a traffic infraction, Class 3 or 4 misdemeanor, or violation of a city, county, or town ordinance that is punishable by no more than 30 days in jail where there is reasonable cause to believe on the part of a law-enforcement officer that the individual is concealing a weapon; or (iii) persons taken into custody by or remanded to a law-enforcement officer pursuant to a circuit or district court order.

Stun Weapons; Prohibits Possession on School Property, Exempts Holder of Concealed Handgun Permit SB 173 (Hanger) allows the holder of a valid concealed handgun permit to possess a stun weapon on school property while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school. The bill also allows a stun weapon to be stored in a closed container in a motor vehicle while such vehicle is on school property.

Unmanned Aircraft; Local Regulation of HB 742 (Bulova) authorizes a political subdivision, by ordinance or regulation, to regulate the take-off or landing of certain unmanned aircraft on property owned by the political subdivision in accordance with the rules and regulations adopted by the Department of Aviation. The bill requires the locality to report the ordinance or regulation to the Department and directs the Department to publish a summary on the locality's website. The bill also directs the Department, by January 1, 2021, to develop rules and regulations specific to take-offs and landings in consultation with representatives of the unmanned aircraft system industry, small and medium-sized businesses utilizing unmanned aircraft systems, localities, and other stakeholders. *The bill has a delayed effective date of January 1, 2021. HB 742 incorporates HB 311 (Gooditis) and HB 1227 (LaRock).*

Utility Easements; Location of Broadband HB 831 (Carroll Foy) and **SB 794** (Lewis) declare that it is the policy of the Commonwealth that (i) easements for the location and use of electric and communications facilities may be used to provide or expand broadband or other communications services; (ii) the use of easements to provide or expand broadband or other communications services is in the public interest; (iii) the installation, replacement, or use of public utility conduit, including the costs of installation, replacement, or use of conduit of a sufficient size to accommodate the installation of infrastructure to provide or expand broadband or other communications services, is in the public interest; (iv) the use of easements to provide or expand broadband or other communications services (a) does not constitute a change in the physical use of the easement, (b) does not interfere with, impair, or take any vested or other rights of the owner or occupant of the servient estate, (c) does not place any additional burden on the servient estate other than a de minimis burden, if any; (iv) has value to the owner or occupant of the servient estate greater than any de minimis impact; and (v) the installation and operation of broadband or other communications services within easements, appurtenant or gross, are merely changes in the manner, purpose, or degree of the granted use as appropriate to accommodate a new technology. The measures further provide that (1) absent any express prohibition on the installation and operation of broadband or other communications services in an easement that is contained in a deed or other instrument by which the easement was granted, the installation and operation of broadband or other communications services within any easement shall be deemed, as a matter of law, to be a permitted use within the scope of every easement for the location and use of electric and communications facilities and (2) subject to compliance with any express prohibitions in

a written easement, any incumbent utility or communications provider may use an easement to install, construct, provide, maintain, modify, lease, operate, repair, replace, or remove its communications equipment, system, or facilities, and provide communications services through the same, without such incumbent utility or communications provider paying additional compensation to the owner or occupant of the servient estate or to the incumbent utility, provided that no additional utility poles are installed. The measures provide that any incumbent utility or communications provider may use a prescriptive easement to install, construct, provide, maintain, modify, lease, operate, repair, replace, or remove its communications equipment, system, or facilities, and provide communications services through the same, without such incumbent utility or communications provider paying additional compensation to the owner or occupant of the servient estate or to the incumbent utility, provided that no additional utility poles are installed. **SB 794** incorporates **SB 302** (Stanley) and **SB 539** (Peake).

Virginia Clean Economy Act HB 1526 (Sullivan) and **SB 851** (McClellan) would establish a schedule by which Dominion Energy Virginia and American Electric Power are required to retire electric generating units located in the Commonwealth that emit carbon as a byproduct of combusting fuel to generate electricity and by which they are required to construct, acquire, or enter into agreements to purchase generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind. The measures replace the existing voluntary renewable energy portfolio system (RPS) program with a mandatory RPS. Under the mandatory RPS, Dominion Energy Virginia and American Electric Power are required to produce their electricity from 100 percent renewable sources by 2045 and 2050, respectively. A utility that does not meet its targets is required to pay a specific deficiency payment or purchase renewable energy certificates. The proceeds from the deficiency payments are to be deposited into an account administered by the Department of Mines, Minerals and Energy, which is directed to distribute specific percentages of the moneys to job training and renewable energy programs in historically-disadvantaged communities, energy efficiency measures, and administrative costs. The measures require the State Air Pollution Control Board to adopt regulations to reduce the carbon dioxide emissions from certain electricity generating unit in the Commonwealth and authorizes the Board to establish, implement, and manage an auction program to sell allowances to carry out the purposes of such regulations and to utilize its existing regulations to reduce carbon dioxide emissions from electric power generating facilities. Among other things, the measures also (i) require, by 2035, American Electric Power and Dominion Energy Virginia to construct or acquire 400 and 2700 megawatts of energy storage capacity, respectively; (ii) establish an energy efficiency standard under which each investor-owned incumbent electric utility is required to achieve incremental annual energy efficiency savings that start in 2022 at 0.5 percent for American Electric Power and 1.25 percent for Dominion Energy Virginia of the average annual energy retail sales by that utility in 2019 and increase annually; (iii) exempt large general service customers from energy savings requirements; (iv) revise the incentive for electric utility energy efficiency programs; (v) provide that if the Commission finds in any triennial review that revenue reductions related to energy efficiency measures or programs approved and deployed since the utility's previous triennial review have caused the utility to earn more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for Dominion Energy Virginia and after December 31, 2013, for American Electric Power, more than 70 basis points below a fair combined rate of return on its generation and distribution services, the Commission shall order increases to the utility's rates for generation and distribution services necessary to recover such revenue reductions; (vi) establish requirements regarding the development by Dominion Energy Virginia of qualified offshore wind projects having an aggregate rated capacity of not less than 5,200 megawatts by January 1, 2034 and that in constructing any such facility, the utility shall (a) identify options for utilizing local workers; (b) identify the economic development benefits of the project for the Commonwealth, including capital investments and job creation; (c) consult with relevant governmental entities, including the Commonwealth's Chief Workforce Development Officer and the Virginia Economic Development Partnership, on opportunities to advance the Commonwealth's workforce and economic development goals, including furtherance of apprenticeship and other workforce training programs; and (d) give priority to the hiring, apprenticeship, and training of veterans, local workers, and workers from historically economically disadvantaged communities; (vii) require each utility to include, and the Commission to consider, in any application to construct a new generating facility the social cost of carbon, as determined by the Commission, as a benefit or cost, whichever is appropriate; (viii) remove provisions that authorize nuclear and offshore wind generating facilities to continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved

first portion of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between 5 and 15 years in the case of a facility utilizing energy derived from offshore wind; (ix) remove a provision that declares that planning and development activities for new nuclear generation facilities are in the public interest; (x) increase the limit from 5000 megawatts to 16,1000 megawatts on those solar and onshore wind generation facilities that are declared to be in the public interest and increases the limit from 16 megawatts to 3000 megawatts on those offshore wind generation facilities that are declared to be in the public interest; (xi) amend the net energy metering program by increasing the maximum capacity of renewable generation facilities of participating nonresidential eligible customer-generators from one to three megawatts, increases the cap on the capacity of generation from facilities from the customer's expected annual energy consumption to 150 percent of such amount for customers in Dominion Energy Virginia's service territory, increase each utility's systemwide cap from one percent of its adjusted Virginia peak-load forecast for the previous year to six percent of such amount, five percent of which is available to all customers and one percent of which is available only to low-income utility customers; (xii) establish the Percentage of Income Payment Program (PIPP), which caps the monthly electric utility payment of low-income participants at six percent, or, if the participant's home uses electric heat, 10 percent, of the participant's household income, require the Commission to issue its final order regarding the PIPP by December 31, 2020, and require the Department of Housing and Community Development and the Department of Social Services to convene a stakeholder group to develop recommendations for implementing the PIPP and to submit the stakeholder groups recommendations to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor by December 1, 2020; (xiii) increase the cap on third party power purchase agreements to 500 megawatts for jurisdictional customers and 500 megawatts for nonjurisdictional customers of Dominion Energy Virginia and to 40 megawatts for customers of American Electric Power; (xiv) require each investor-owned utility to consult with the Clean Energy Advisory Board in how best to inform low-income customers of opportunities to lower electric bills through access to solar energy; (xv) require the Department of Mines, Minerals and Energy in consultation with the Council on Environmental Justice to prepare a report to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor that determines if the implementation of the measure imposes a disproportionate burden on historically disadvantaged communities; (xvi) require the Secretary of Natural Resources and the Secretary of Commerce and Trade, in consultation with the State Corporation Commission and the Council on Environmental Justice and appropriate stakeholders, to report to the General Assembly by January 1, 2022, any recommendations on how to achieve 100 percent carbon free electric energy generation by 2045 at least cost for ratepayers; and (xvii) provide that it is the policy of the Commonwealth that the State Corporation Commission, Department of Environmental Quality, Department of Mines, Minerals and Energy, Virginia Council on Environmental Justice, and other applicable state agencies, in the development of energy programs, job training programs, and placement of renewable energy facilities, shall consider those facilities and programs being to the benefit of low-income geographic areas and historically economically disadvantaged communities that are located near previously and presently permitted fossil fuel facilities or coal mines. **SB 851** incorporates **SB 532** (Edwards) and **SB 876** (Marsden).

Virginia Energy Plan; Commonwealth Energy Policy HB 714 (Reid) and **SB 94** (Favola) adopt findings that climate change is an urgent and pressing challenge for Virginia, that swift decarbonization and a transition to clean energy are required to meet the urgency of the challenge, and that the Commonwealth will benefit from being a leader in deploying a low-carbon energy economy. The measures state that the Commonwealth recognizes that the following objectives will advance the health, welfare, and safety of Virginians: (i) establishing sufficient supply and delivery infrastructure to enable widespread deployment of distributed energy resources; (ii) maximizing energy efficiency programs in order to produce electricity cost savings and to create jobs and revenue from the energy efficiency service sector; (iii) establishing greenhouse gas emissions reduction goals across Virginia's economy that reach net-zero emissions by 2045; (iv) requiring that pathways to net-zero greenhouse gas emissions be determined; (v) enabling widespread integration of distributed energy resources into the grid; (vi) mitigating the negative impacts of climate change and the energy transition on disadvantaged communities and prioritizing investment in these communities; (vii) developing the carbon-free energy resources required to fully decarbonize the electric power supply of the Commonwealth including deployment of 30 percent renewables by 2030 and realizing 100 percent carbon-free electric power by 2040; and (viii) ensuring that decision-making is transparent and includes opportunities for full participation by the public. The measures also state that it is

the policy of the Commonwealth to (a) ensure the adequate supply of natural gas necessary to ensure the reliability of the electricity supply and the needs of businesses during the transition to renewable energy; (b) establish greenhouse gas emissions reduction standards across all sectors of Virginia's economy that target net-zero emissions carbon by 2045; (c) enact mandatory clean energy standards and overall strategies for reaching net-zero carbon in the electric power sector by 2040; (d) equitably incorporate requirements for technical, policy, and economic analyses and assessments that recognize the unique attributes of different energy resources and delivery systems to identify pathways to net-zero carbon that maximize Virginia's energy reliability and resilience, economic development, and jobs; and (e) minimize the negative impacts of climate change and the energy transition on economically disadvantaged or minority communities and prioritize investment in these areas. The measures also require that the Virginia Energy Plan identify actions consistent with the goals of achieving a net-zero carbon economy by 2045 and include an inventory of all greenhouse gas emissions for the four years preceding the issuance of the Plan.

Virginia Public Procurement Act; Architectural and Professional Engineering Term Contracts SB 368 (Bell) decreases the population threshold from 78,000 to 50,000 for a locality to qualify for the exceptions from the \$150,000 single-project fee limit for architectural and professional engineering term contracts and the \$750,000 annual aggregate total limit for all such projects. and **SB 487** (Bell) increases the aggregate limit for architectural and engineering services contracts for localities for projects performed in a one-year contract term from \$6 million to \$8 million and for environmental location, design, and inspection work regarding highways and bridges by the Commissioner of Highways for projects performed in an initial two-year term contract from \$5 million to \$8 million.

Virginia Public Procurement Act; Determination of Nonresponsibility, Local Option HB 1201 (Tran) and **SB 380** (McPike) allow any locality to include in the Invitation to Bid criteria that may be used in determining whether a bidder who is not prequalified by the Virginia Department of Transportation is a responsible bidder. Such criteria may include a history or good faith assurances of (i) completion by the bidder and any potential subcontractors of specified safety training programs established by the U.S. Department of Labor, Occupational Safety and Health Administration; (ii) participation by the bidder and any potential subcontractors in apprenticeship training programs approved by state agencies or the U.S. Department of Labor; or (iii) maintenance by the bidder and any potential subcontractors of records of compliance with applicable local, state, and federal laws.

Virginia Public Procurement Act; Process for Competitive Negotiation HB 1078 (Hope) provides that, except with regard to contracts for architectural, professional engineering, transportation construction, or transportation-related construction services, a public body may include a proposer's employment of persons with disabilities to perform the specifications of the contract as a factor in evaluating a proposal.

Virginia Public Procurement Act; Purchase Programs for Recycled Goods, Climate Positive Materials HB 454 (Wyatt) directs the Department of General Services to make state agencies aware of the availability of recycled materials and products certified as climate positive. The term "climate positive" is defined as having a negative carbon footprint.

Virginia Public Procurement Act; Small Purchases HB 452 (Murphy) and **SB 650** (Boysko) increases from \$100,000 to \$200,000 the small purchases exemption under the Virginia Public Procurement Act for single or term contracts for goods and services other than professional services. The bills also remove outdated provisions related to informal solicitations required to be posted on the Department of General Services' central electronic procurement website.

Virginia Public Procurement Act; Statute of Limitations On Actions On Construction Contracts HB 1300 (Hurst) and **SB 607** (Norment) provide that no action may be brought by a state public body on any construction, architectural, or engineering contract, including construction management and design-build contracts, unless such action is brought within fifteen (15) years after completion of the contract, and provides that no action may be brought by a state public body more than five years after written notice of a defect or breach is delivered to the contractor. The bills also modify the time frame during which a public body may bring an action against a surety on a performance bond to within five years after completion of

the work on the project. Current law allows a public body, other than the Department of Transportation, to bring such an action within one year after (i) completion of the contract, including the expiration of all warranties and guaranties, or (ii) discovery of the defect or breach of warranty that gave rise to the action. **HB 1300** incorporates **HB 847** (Runion) and **SB 607** incorporates **SB 195** (Cosgrove).

Water Management Program; Legionella Bacteria SB 410 (Hashmi) requires each school board to maintain a water management program for the prevention of Legionnaires' disease at each public school building in the local school division. The bill requires the Department of Education to make recommendations for the establishment, maintenance, and validation of water management programs in public school buildings and to notify each local school board of its recommendations *no later than July 1, 2021, the date on which the provisions of the bill requiring school boards to maintain such water management program become effective.*

Zoning for Wireless Communications Infrastructure HB 554 (VanValkenburg) authorizes a locality to disapprove an application submitted for an administrative review-eligible project or for any zoning approval required for a standard process project that proposes to locate a new structure, or to co-locate a wireless facility, in an area where all cable and public utility facilities are required to be placed underground by a date certain or encouraged to be undergrounded as part of a transportation improvement project or rezoning proceeding as set forth in objectives contained in a comprehensive plan, on grounds that an applicant has not given written notice to adjacent landowners at least 15 days before it applies to locate a new structure in the area.

BUILDINGS, BUSES, AND SAFETY - CONTINUED TO 2021

Certain Early Childhood Care and Education Programs; Parents of Enrolled Children; Car Seats HB 1432 (Sullivan) would require the Department of Social Services to adopt regulations to require the parent of any child who attends any certified preschool, child day center, child day home, or family day home, including any registered family day home, to provide an age-appropriate and developmentally appropriate car seat for his child on any day on which the child attends a field trip that requires the use of such a car seat. The bill would require the Board of Education to adopt the same regulations for any Virginia Preschool Initiative program or early childhood special education program licensed by the Board of Education and direct any Head Start program offered in the Commonwealth to adopt the same requirement.

Climate Change; State, regional, and local planning; HB 672 (Willet) would establish a policy of the Commonwealth to prevent and to minimize actions that contribute to the detrimental effects of climate change in the Commonwealth. The bill would require any state agency to examine any new regulation in furtherance of this policy. The bill would require local and regional planning commissions to consider the impacts from and causes of climate change in adopting a comprehensive plan, regional strategic plan, or zoning ordinance.

Legal Notices; Online Publications HB 712 (Hope) would provide that, where any ordinance, resolution, notice, or advertisement is required by law to be published in a newspaper, such ordinance, resolution, notice, or advertisement instead may be published in an online publication, subject to certain requirements specified in the bill. **HB 712** incorporates **HB 588** (Guzman).

Mental Health Break Spaces; Regulations HB 40 (Samirah) would require the Board of Education to amend its regulations to require that each public school create and maintain a mental health break space within the public school building.

School Modernization Loan Interest Rate HB 1633 (Edmunds) would require the Board of Education to establish a program to use Literary Fund proceeds to subsidize interest payments on certain loans made by the Virginia Public School Authority to local governing bodies and school boards for the design and construction of new school buildings and facilities or the modernization and maintenance of existing school

buildings and facilities as follows: for school divisions in localities determined to have above-average or high fiscal stress by the Commission on Local Government in its most recent version of such report, the Board shall subsidize up to 100 percent of the interest due on such loan.

BUILDINGS, BUSES, AND SAFETY - FAILED

Alcoholic Beverage Control; Possession or Consumption of Alcoholic Beverages at School-Sponsored Activities; Penalty HB 1142 (Tran) would have prohibited persons from possessing or drinking alcoholic beverages while attending a public elementary or secondary school-sponsored activity hosted at a non-school facility. A violation of the provisions of the bill would have been a Class 2 misdemeanor.

Building and Fire Codes; Notice Requirements SB 141 (Stuart) would have required that notice mandated by the Statewide Fire Prevention Code or the Uniform Statewide Building Code be provided to the owner of the building, structure, property, or premises in question by the enforcement agency or local building department, respectively.

Calling Auxiliary Police Officers Into Service SB 152 (Stanley) would have clarified that a locality may call into service or provide for calling into service auxiliary police officers at any time for the purpose of assisting in or providing school security services to Virginia public elementary and secondary schools.

Capital Murder of a Person in a School Setting; Penalty SB 331 (Stuart) would have provided that the willful, deliberate, and premeditated killing of any person by another when such person is upon the property of any child day center, any public, private, or religious preschool, elementary school, middle school, or high school, or any institution of higher education is punishable as capital murder, a Class 1 felony. The bill would also have provided that any person convicted of such offense shall be sentenced to no less than a mandatory minimum term of confinement for life.

Carrying Weapon Into Building Owned or Used by the Commonwealth or Political Subdivision Thereof; Penalty HB 1510 (McQuinn) would have made it a Class 1 misdemeanor for a first or second offense for a person to transport any gun or other weapon designed or intended to propel a missile or projectile of any kind; frame, receiver, muffler, silencer, missile, projectile, or ammunition designed for use with a dangerous weapon; or other dangerous weapon into a building owned or used by the Commonwealth or any agency or political subdivision thereof for governmental purposes. The bill would have provided exceptions for law-enforcement officers, conservators of the peace, magistrates, court officers, judges, city or county treasurers, commissioners or deputy commissioners of the Virginia Workers' Compensation Commission, authorized security personnel, and active military personnel while in the conduct of such individuals' official duties. The offense of this or certain other firearms offenses would have been punishable as a Class 6 felony.

Clean School Bus Grant Fund and Program HB 1140 (Keam) would have established the Clean School Bus Grant Fund and required the Department of Education to establish the Clean School Bus Grant Program for the purpose of awarding grants from the Fund on a competitive basis to school boards for the complete replacement of existing diesel school buses with electric school buses no later than 2030, the implementation of recharging infrastructure or other infrastructure needed to charge or maintain such electric school buses, and workforce development and training to support the maintenance, charging, and operation of such electric school buses and developing education outreach to promote the Program.

Concealed Handgun With a Permit; Employees of Any Agency of the Commonwealth or Political Subdivision Thereof HB 669 (Cole) would have provided that, notwithstanding any other provision of law or any rule, regulation, or workplace policy to the contrary, an employee of any agency of the Commonwealth or a political subdivision thereof with a valid concealed handgun permit may possess or carry a concealed handgun at his workplace.

Control of Firearms in Local Government Buildings; Waiver of Sovereign Immunity HB 1382 (Campbell) would have provided that any locality that adopts an ordinance or policy that generally prohibits firearms, ammunition, or components or combination thereof in any building owned or used by such locality for governmental purposes shall waive its sovereign immunity protection with regard to any civil claim for damages brought by an individual who claimed his injuries are the result, at least in part, of such ordinance or policy. In such instance, a locality would have been subject to an ordinary negligence standard for its invitees.

Electric School Bus Pilot Program HB 75 (Kory) would have authorized Dominion Energy to implement a pilot program under which it will deploy electric school buses in participating school divisions in its service territory. The initial phase of the pilot program would have been limited to the deployment of 50 electric school buses at a cost of up to \$13.5 million. In each of the five years thereafter, the pilot program may have been expanded by up to 200 additional electric school buses at a cost of up to \$54 million per year. The pilot program would have provided that the utility could have used vehicle-to-grid technology to access electricity in the storage batteries of the electric school buses when they are not in use and the primary purpose of electric school buses is student transportation and if the Phase II utility's use of the battery compromised the school boards' ability to transport the students either through bus unavailability or insufficient charge, then the Phase II utility would have compensated the school board. The duration of the pilot program would not have exceeded 10 years, though the utility may petition the State Corporation Commission to make it permanent. Program costs, including the incremental cost of the electric school buses, would have been recoverable through the utility's base rates. **SB 988** (Lucas) and **SB 1096** (Lucas) would have authorized Dominion Energy Virginia to implement projects designed to encourage the proliferation of school buses that are fueled in whole or in part by electricity, along with associated charging and other infrastructure, for the purpose of transporting students and that may have also served as electric grid stabilization or peak shaving resources. Under an electric school bus project, Dominion would have been able to purchase, own, manage, or control electric school buses, along with associated charging or other infrastructure; enter into third-party agreements for the purchase, lease, or use of electric school buses, along with associated charging or other infrastructure; enter into agreements with any the school board of any public school division located in the Commonwealth for joint ownership of or for leasing on commercially competitive terms of electric school buses, along with associated charging or other infrastructure; provide financial incentives or rebates to any school board to promote or facilitate the purchase and ownership by such public school board of electric school buses, along with associated charging or other infrastructure; and engage in other activities to promote the development and proliferation of electric school bus transportation in the Commonwealth. The bills also would have provided a tax exemption for electric school buses and associated charging and other infrastructure that is related or incidental to an authorized electric school bus project.

Firearm-Free Zones Designated by the Commonwealth or a Locality; Waiver of Sovereign Immunity HB 162 (McGuire) would have provided that if the Commonwealth designated any property owned by it or if any locality designated such locality or any part of such locality as a firearm-free zone, the Commonwealth or such locality waives its sovereign immunity as it relates to any injuries sustained by persons lawfully present in such firearm-free zone.

Green New Deal Act; fossil fuel projects moratorium, clean energy mandates, civil penalties HB 77 (Rasoul) would have established a moratorium, effective January 1, 2021, on approval by any state agency or political subdivision of any approval required for electric generating facilities that generate fossil fuel energy through the combustion of a fossil fuel resource; import or export terminals for fossil fuel resources; certain maintenance activities relating to an import or export terminal for a fossil fuel resource; gathering lines or pipelines for the transport of any fossil fuel resource that requires the use of eminent domain on private property; certain maintenance activities relating to such gathering lines or pipelines; refineries of a fossil fuel resource; and exploration for any type of fossil fuel, unless preempted by applicable federal law.

Key Boxes On High-Risk Structures HB 1732 (Miyares) would have directed the Board of Housing and Community Development to require that all high-risk structures, defined in the bill, have key boxes installed in strategic locations on the outside of such structures. The bill would have required that such key box

contain keys or other credentials or access cards that may have been necessary for law-enforcement officials to gain access to such structure or an area within such structure during an emergency.

Local Government Buildings; Dangerous Weapons; Penalty HB 1312 (Kory) would have prohibited the possession or transport of guns or other weapons designed or intended to propel a missile or projectile of any kind; frames, receivers, mufflers, silencers, missiles, projectiles, or ammunition designed for use with a dangerous weapon; or certain other dangerous weapons in any building owned or used by a locality for governmental purposes in the Commonwealth. A violation would have been punishable as a Class 1 misdemeanor.

Possession of Ammunition on School Property; Penalty HB 318 (Kory) would have provided that a person is guilty of a Class 1 misdemeanor if he knowingly possesses ammunition for a firearm upon the property of any public, private, or religious elementary, middle, or high school, including buildings and grounds; that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or any school bus owned or operated by any such school.

Potable Water HB 1085 (Hayes) would have established minimum requirements for the installation of water bottle filling stations and drinking fountains in new public-school buildings, additions to existing public-school buildings, and alterations to existing public school buildings estimated to cost \$50,000 or more. The bill would have required the Board of Education to amend its regulations to require local school divisions to allow all students to carry and utilize a water bottle while at school. **SB 299** (Stanley) would have required each local school board to install at least one purified water bottle filling station in every public school in the local school division.

Prevailing Wage; Public Works Contracts With Localities; Penalty HB 1203 (Tran) and **SB 180** (Favola) would have required contractors and subcontractors under any public contract with a locality for public works to pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract at the prevailing wage rate. The Commissioner of Labor and Industry would have been required to determine the prevailing wage rate for such public contracts on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the federal Davis-Bacon Act.

Public School Assistance Fund and Program SB 4 (Stanley) would have created the Public School Assistance Fund and Program, to be administered by the Department of Education, for the purpose of providing grants to school boards to be used solely for the purpose of repairing or replacing the roofs of public elementary and secondary school buildings in the local school division.

Public School Buses; Decals; "In God We Trust" HB 710 (Rush) would have permitted local school boards, notwithstanding any regulation to the contrary, to display decals containing the motto "In God We Trust" on public school buses, provided that no such decal obstructs the name of the school division or the number of the school bus.

Purchases of Materials Made in the United States SB 369 (DeSteph) would have directed the Department of General Services to develop and maintain a guidance document assisting state public bodies to purchase iron and steel that are made in the United States and manufactured goods with at least 50 percent of the constituent parts and materials originating in the United States.

Risk Management Plan; Coverage for Injury or Death on Public School or College Property; Concealed Handgun Prohibition SB 476 (Chase) would have provided that the risk management plan established by the Division of Risk Management shall include coverage for any claim made by or on behalf of any person who is injured or killed upon any buildings, grounds, or properties owned or leased by a public elementary or secondary school or institution of higher education as a result of the criminal act of a third party if an armed security officer was not present on the premises and the carrying of a concealed

handgun on such buildings, grounds, or properties was prohibited by regulation. The bill would have also provided that, in addition to providing for the actual damages arising from the person's injury or death, the coverage shall include an additional amount of \$350,000.

School Buildings; Assessments; Compliance HB 1446 (Aird) would have required any local school board in a local school division that is under a division-level corrective action plan, contains any school that is under a corrective action plan, or receives at-risk add-on payments pursuant to the general appropriation act to annually assess each school building in the local school division for compliance with the Board of Education's minimum standards for school buildings and report the results to the Board.

School Buses; Seat Belts HB 15 (Krizek) would have required the Board of Education to make regulations to require each new public school bus purchased for the transportation of students to be equipped with a seat belt consisting of a lap belt and shoulder strap or harness in every seat. The bill would have required each school board to ensure that no later than July 1, 2038, each school bus that it uses for the transportation of students be equipped with a seat belt in every seat.

School Construction Fund and Program HB 1274 (O'Quinn) and **SB 1087** (Pillion) would have established the School Construction Fund as a special nonreverting fund in the state treasury and would have required the Department of Education to establish the School Construction Program for the purpose of providing grants from the Fund, subject to certain conditions, to school boards that leverage federal, state, and local programs and resources to finance the design and construction of new school buildings and facilities or the modernization and maintenance of existing school buildings and facilities.

School Facility Modernization SB 6 (Stanley) would have provided for a statewide referendum on the question of whether the General Assembly shall issue state general obligation bonds in the amount of \$3 billion for the purpose of K-12 school building construction, repair, or other capital projects related to the modernization of school facilities. The results would have been advisory only and are intended only to demonstrate the preference of the citizens of the Commonwealth on the issuance of such bonds. The referendum would have been held at the November 2020 general election.

School Guardian Fund and Program; Establishment SB 691 (Obenshain) would have established the School Guardian Fund and required the Virginia Center for School and Campus safety to establish and administer the School Guardian Program for the purpose of providing grants from the Fund on a competitive basis to school boards for the appointment or hiring of school guardians, which the bill defines as any individual, including any school resource officer, school security officer, or other school board employee, who is hired or appointed by a school board to carry a firearm on school property during normal school hours for school security purposes. The bill would have required each such school guardian to receive an annual stipend of \$500 for the performance of his duties. The bill would have required the Center to establish training and screening standards for such school guardians that include, at minimum, a requirement to receive a psychological screening and a drug screening prior to the commencement of school guardian duties and adopt such other rules and policies as it deems necessary for the administration of the Program, including rules and policies for grant applications and awards.

School Resource Officer in Every School; School Resource Officer Supplementary Fund Created HB 424 (McGuire) would have required each local school board to place a school resource officer in each public elementary and secondary school. The bill provides that 44 percent of revenues from taxes on alcohol licenses, distilled spirits, and beer and wine coolers shall accrue to the School Resource Officer Supplementary Fund, created by the bill, which would have been used to fund the costs of the school resource officer requirement.

School Resource Officers; Custodial Interrogation; Parental Consent HB 718 (Reid) would have prohibited each school resource officer from conducting a custodial interrogation, which the bill defines as any interview of a public elementary or secondary school student conducted by a school resource officer in such circumstances that would lead a reasonable person to consider himself to be in custody associated

with arrest and during which the school resource officer takes actions or asks questions that are reasonably likely to elicit responses from the student that could incriminate him, without the written consent of the student's parent.

Security of Public Property SB 319 (Chase) would have provided that any property owned by the Commonwealth or any political subdivision of the Commonwealth, or used by a public body, where firearms have been prohibited by law shall have law-enforcement officers or armed security officers on the premises to provide security services.

Uniform Minimum Standards for Modern Public School Buildings SB 5 (Stanley) would have required the Board of Education to prescribe by regulation uniform minimum standards for the erection of modern public school buildings and the modernization of existing public school buildings for the purpose of promoting positive educational outcomes for each public elementary and secondary school student. The bill would have required such regulations to include uniform minimum modern public school building standards that promote the delivery of instruction that complies with the Standards of Learning by addressing enrollment capacity and available space and the health and safety of each enrolled student. The bill would have required each school board, once every three years, to assess and report to the Board the extent to which each public school building in the local school division complies with such uniform minimum standards and submit to the Board a long-range plan for compliance with such uniform minimum standards, including an assessment of the cost of such compliance, in any case in which the school board determines that a public school building in the local school division does not comply with such standards.

Use of Handheld Personal Communications Devices; School Zones and School Property; Penalty SB 932 (Kiggans) would have added school crossing zones and school property to the locations in which a driver is prohibited from holding a handheld personal communications device in his hand while driving a motor vehicle, with certain exceptions. The bill would have provided that a violation is punishable by a mandatory fine of \$250.

Virginia Public Procurement Act; Best Value HB 359 (Lopez) would have permitted public bodies to consider best value concepts when procuring construction services. **HB 1488** (Hudson) would have clarified the definition of "best value." **SB 475** (Bell) would have authorized any public body to procure construction on a best value procurement basis using a numerical scoring system consisting of the following: technical solution, 30 percent; past performance, 30 percent, including price history of cost overruns, schedule history of on-time delivery, and contractor performance ratings from the immediately preceding five-year period; and price, 40 percent.

Virginia Public Procurement Act; Cooperative Procurement; Construction HB 467 (Keam) would have allowed public bodies to utilize cooperative procurement for construction projects not exceeding \$200,000.

Virginia Public Procurement Act; Definition of Small Business; LGBT-Owned Business HB 1709 (Heretick) would have amended the definition of small business to include LGBT-owned businesses, defined in the bill, for purposes of programs administered by the Department of Small Business and Supplier Diversity and the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

Virginia Public Procurement Act; Preference for Contractors Using Automatic Billing Verification Software HB 685 (LaRock) would have required that, for any bid on a contract in excess of \$500,000 and requiring work to be performed using a computer, all state agencies give preference to responsive and responsible bidders that agree to verify the hours worked on the associated contract and billed to the agency by using automatic billing verification software that meets certain standards. The bill would have provided that any data collected by such automatic billing verification pursuant to a contract with a state agency would have been considered accounting records belonging to the contractor; however, contractors are prohibited from selling or transferring such data or using it for any other purpose or manner other than to verify and manage the hours worked on the associated contract and billed to the agency.

Virginia Public Procurement Act; Cooperative Procurement; Construction SB 418 (Petersen) would have allowed public bodies to utilize cooperative procurement for construction projects not exceeding \$200,000.

Virginia Public Procurement Act; Professional and Information Technology Project Services Contracts; Verification of Work HB 133 (Miyares) would have required state agencies contracting for professional and information technology project services to include provisions in such contracts that require contractors to install software that allows for verification of the number of hours worked on a project using a computer.

Volunteer School Security Officers by Local School Boards and Private or Religious Schools SB 1091 (Stanley) would have allowed local school boards and private or religious schools to employ volunteer school security officers, giving these officers the same authority and restrictions as provided to full time school security officers.

CONDUCT & DISCIPLINE - PASSED

Alternative School Discipline Process SB 1020 (Stanley) allows a school board to adopt an alternative school discipline process to provide a principal and parties involved in an incident involving assault, or assault and battery without bodily injury, that occurs on a school bus, on school property, or at a school-sponsored event an option to enter into a mutually agreed-upon process between the involved parties as an alternative to reporting such incident to law enforcement. The bill provides that a principal in a school division with such an alternative accountability process may attempt to engage the parties involved in such an incident in the process prior to reporting such incident to the local law-enforcement agency and prohibits, if provided for by the school board, a principal from reporting a party who successfully completes the alternative school discipline process.

Chesterfield County School Board; Recovery High School HB 928 (Coyner) permits the Chesterfield County School Board to establish a recovery high school in the school division as a year-round high school (i) for which enrollment is open to any high school student who resides in Superintendent's Region 1 and is in the early stages of recovery from substance use disorder or dependency and (ii) for the purpose of providing such students with the academic, emotional, and social support necessary to make progress toward earning a high school diploma and reintegrating into a traditional high school setting.

Discipline; Suspension; Access to Graded Work HB 415 (Delaney) requires school boards to adopt policies and procedures to ensure suspended students are able to access and complete graded work during and after the suspension.

Disorderly Conduct in Public Places; School Activities HB 256 (Mullin) and **SB 3** (McClellan) provide that an elementary or secondary school student is not guilty of disorderly conduct in a public place if the disorderly conduct occurred on the property of an elementary or secondary school, on a school bus, or at any activity conducted or sponsored by any elementary or secondary school. **HB 256** incorporates **HB 8** (*Bourne*).

Drug Control Act; Schedule I HB 1263 (Hodges) and **SB 538** (Newman) add certain chemicals to Schedule I of the Drug Control Act. The Board of Pharmacy has added these substances to Schedule I in an expedited regulatory process. A substance added via this process is removed from the schedule after 18 months unless a general law is enacted adding the substance to the schedule.

School Boards; Dress or Grooming Codes HB 837 (Carroll Foy) requires the Board of Education to include in its guidelines and model policies for codes of student conduct standards for reducing bias and harassment in the enforcement of any code of student conduct and standards for dress or grooming codes,

which the bill defines as any practice, policy, or portion of a code of student conduct adopted by a school board that governs or restricts the attire of any enrolled student. The bill permits any school board to include in its code of student conduct a dress or grooming code. The bill requires any dress or grooming code included in a school board's code of student conduct or otherwise adopted by a school board to permit any student to wear any religiously and ethnically specific or significant head covering or hairstyle, including hijabs, yarmulkes, headwraps, braids, locs, and cornrows; maintain gender neutrality by subjecting any student to the same set of rules and standards regardless of gender; not have a disparate impact on students of a particular gender; be clear, specific, and objective in defining terms, if used; prohibit any school board employee from enforcing the dress or grooming code by direct physical contact with a student or a student's attire; and prohibit any school board employee from requiring a student to undress in front of any other individual, including the enforcing school board employee, to comply with the dress or grooming code.

School Principals; Incident Reports HB 257 (Mullin) and **SB 729** (McClellan) eliminate the requirement for school principals to report to the local law enforcement agency certain acts enumerated that constitute a misdemeanor offense. The measures also require that when the principal reports any act to the parents of any minor student, the principal shall report whether the incident has been reported to local law enforcement. **HB 257** incorporates **HB 695** (Simonds).

Use of Topical Sunscreen SB 44 (Spruill) permits any public elementary or secondary school student to possess and use topical sunscreen in its original packaging on a school bus, on school property, or at a school-sponsored event without a note or prescription from a licensed health care professional if the topical sunscreen is approved by the U.S. Food and Drug Administration for nonprescription use for the purpose of limiting damage to skin caused by exposure to ultraviolet light.

Youth and Gang Violence Prevention Grant Fund and Program; Creation HB 422 (Price) establishes the Youth and Gang Violence Prevention Grant Fund and Program, to be administered by the Department of Criminal Justice Services, for the purpose of awarding grants to the Cities of Hampton, Newport News, Norfolk, Portsmouth, Richmond, and Roanoke for the purpose of performing community assessments for youth and gang violence prevention. Grants are to be awarded in an amount of \$25,000 to each city to perform such an assessment. No more than \$150,000 per year shall be allocated by the program.

CONDUCT & DISCIPLINE – CONTINUED TO 2021

Corporal Punishment of a Child With an Object; Penalty SB 32 (Petersen) would provide that any parent, guardian, or other person responsible for the care of a child under 18 years of age who uses an inanimate object to subject a child to corporal punishment, as defined in the bill, would be guilty of a Class 4 misdemeanor.

Marijuana: Legalization of Simple Possession, Penalties HB 87 (Carter) would eliminate criminal penalties for possession of marijuana for persons who are 21 years of age or older. The bill would also decriminalize marijuana possession for persons under 21 years of age and provides a civil penalty of no more than \$100 for possession of two and one-half ounces or less of marijuana or 12 or fewer marijuana plants and a civil penalty of no more than \$500 for possession of more than two and one-half ounces of marijuana or 12 marijuana plants. The bill would also modify several other criminal penalties related to marijuana. The bill would impose an additional tax of 10 percent on retail marijuana and retail marijuana products sold by retail marijuana stores and microbusinesses and directs the first \$20 million of such revenues, after expenses of the Board are paid, to the Veterans Treatment Fund, established in the bill. The remaining tax receipts would be distributed to the localities in which the businesses operate, toward the state's share of Standards of Quality basic aid payments, and to the Commonwealth Mass Transit Fund.

Public Elementary and Secondary School Students; Suspension and Expulsion; Sufficient cause HB 109 (J.G. Cole) would provide that in no case shall sufficient cause for the suspension or expulsion of a student from attendance at a public elementary or secondary school include only instances of truancy or nonviolent behavior.

CONDUCT & DISCIPLINE - FAILED

Electronic Transmission of Sexually Explicit Visual Material by Minors; Penalties SB 440 (Surovell) would have provided that a minor who knowingly transmits, distributes, publishes, or disseminates to another minor an electronically transmitted communication containing sexually explicit visual material of his own person or knowingly possesses at least one but not more than 10 electronically transmitted communications containing sexually explicit visual material of another minor is guilty of a Class 2 misdemeanor.

Juvenile Law-Enforcement Records; Disclosures to School Principals SB 59 (Hanger) would have changed from discretionary to mandatory that the chief of police of a city or chief of police or sheriff of a county disclose to a school principal all instances where a juvenile at the principal's school has been charged with a violent juvenile felony, an arson offense, or a concealed weapon offense and adds an offense that requires a juvenile intake officer to make a report with the school division superintendent to the list of such instances that must be disclosed to a school principal for the protection of the juvenile, his fellow students, and school personnel.

Principal Incident Reports HB 1114 (Hudson) would have eliminated the requirement that school principals report certain enumerated acts that may constitute a misdemeanor offense to law enforcement. *Note that while this legislation failed, similar legislation (HB 257 (Mullin) and SB 729 (McClellan)) did pass.*

FINANCE - PASSED

Budget Bill HB 29 (Torian) amends Chapter 854 of the 2019 Acts of Assembly.

Budget Bill HB 30 (Torian) provides for all appropriations of the Budget submitted by the Governor of Virginia in accordance with the provisions of § 2.2-1509, Code of Virginia, and provides a portion of revenues for the two years ending respectively on the thirtieth day of June, 2021, and the thirtieth day of June, 2022.

Distribution of Excess Food HB 698 (Roem) allows public school boards to distribute excess food to students eligible for the School Breakfast Program or National School Lunch Program administered by the U.S. Department of Agriculture or to students that the school board determines are otherwise eligible to receive excess food.

Local Government Revenues and Expenditures; Comparative Report, Filing Date HB 406 (Subramanyam) changes the annual deadline for local submittal of the comparative report of local government revenues and expenditures to the Auditor of Public Accounts from November 30 to December 15 and the annual deadline for the statement of the Auditor of Public Accounts showing in detail the total and per capita revenues and expenditures of all localities for the preceding fiscal year from January 31 to February 15.

Lottery Board; Regulation of Casing Gaming HB 4 (Knight) and **SB 36** (Lucas) authorize casino gaming in the Commonwealth to be regulated by the Virginia Lottery Board. The bill specifies the requirements for licensure of casino gaming operators and the conduct of casino gaming and imposes criminal and civil

penalties for violations of the casino gaming law. The location of casino gaming establishments shall be limited to eligible host cities that meet specified criteria: the Cities of Portsmouth, Richmond, Norfolk, Danville, and Bristol. The bill requires each eligible host city to hold a referendum on the question of whether to allow casino gaming in the city and, with the exception of the City of Richmond, to hold such referendum at the November 2020 general election. The bill imposes a tax ranging from 18 to 30 percent of the adjusted gross receipts of licensees, based upon a licensee's annual adjusted gross receipts, and provides for disbursement of the tax revenues. **HB 4** incorporates **HB 374** (Kilgore), **HB 428** (Scott), **HB 560** (Lindsey), **HB 1343** (Bourne), and **HB 1661** (Carr). **SB 36** incorporates **SB 102** (Pillion), **SB 374** (Lewis), **SB 609** (Norment), **SB 743** (McPike), and **SB 1083** (McClellan).

Minimum Wage **HB 395** (Ward) and **SB 7** (Saslaw) increase the minimum wage from its current federally mandated level of \$7.25 per hour to \$9.50 per hour effective January 1, 2021; to \$11.00 per hour effective January 1, 2022; to \$12.00 per hour effective January 1, 2023; to \$13.50 per hour effective January 1, 2025; and to \$15.00 per hour effective January 1, 2026. For January 1, 2027, and thereafter, the annual minimum wage shall be adjusted to reflect increases in the consumer price index. The measures create a training wage at 75 percent the minimum wage for employees in on-the-job training programs lasting less than 90 days. The measures also provide that the Virginia minimum wage applies to persons whose employment is covered by the Fair Labor Standards Act; persons employed in domestic service or in or about a private home; persons who normally work and are paid on the amount of work done; persons with intellectual or physical disabilities except those whose employment is covered by a special certificate issued by the U.S. Secretary of Labor; persons employed by an employer who does not employ four or more persons at any one time; and persons who are less than 18 years of age and who are under the jurisdiction of a juvenile and domestic relations district court. The measures provide that the Virginia minimum wage does not apply to persons participating in the U.S. Department of State's au pair program; persons employed as temporary foreign workers; and persons employed by certain amusement or recreational establishments, organized camps, or religious or non-profit educational conference centers. **HB 395** incorporates **HB 433** (Carroll Foy), **HB 583** (Guzman), and **HB 615** (Plum). **SB 7** incorporates **SB 73** (Locke), **SB 81** (Marsden), and **SB 816** (Morrissey).

Minimum Wage; Pay Based On Work Done **SB 78** (Howell) eliminates the exemption to Virginia's minimum wage requirements for persons who normally work and are paid based on the amount of work done.

School Meals; Availability to Students **HB 1426** (Roem) requires each school board to require each public elementary and secondary school in the local school division to participate in the federal National School Lunch Program and the federal School Breakfast Program administered by the U.S. Department of Agriculture and to make meals available pursuant to such programs to any student who requests such a meal, regardless of whether such student has the money to pay for the meal or owes money for meals previously provided, unless the student's parent has provided written permission to the school board to withhold such a meal from the student. *The bill has a delayed effective date of July 1, 2021.*

School Meal Debt; Donations **HB 703** (Roem) permits any school board to solicit and receive any donation or other funds for the purpose of eliminating or offsetting any school meal debt at any time and requires each school board to use any such funds solely for such purpose.

School Meal Policies **HB 697** (Roem) requires each local school board to adopt policies that prohibit school board employees from requiring a student who cannot pay for a meal at school or who owes a school meal debt to throw away or discard a meal after it has been served to him.

Wage Payment Statements **HB 689** (Aird) limits the scope of the requirement enacted in 2019 that requires periodic wage payment statements to show the number of hours worked during the pay period. The measure provides that the statement is required to show the number of hours worked if the employee is either paid on the basis of the number of hours worked or paid on the basis of a salary that is less than the standard salary level adopted by the U.S. Department of Labor establishing an exemption from the overtime premium pay requirements of the federal Fair Labor Standards Act and to include sufficient

information to enable the employee to determine how the gross and net pay were calculated. *The measure contains an emergency clause and became effective upon the Governor's signature on March 10, 2020.*

FINANCE – CONTINUED TO 2021

Cost of Competing Adjustment; Eligibility; Certain School Boards SB 327 (Lewis) would declare the Accomack County School Board and the Northampton County School Board eligible to receive the cost of competing adjustment to salaries for instructional and support positions as part of the state share of basic aid pursuant to the general appropriation act.

Credit Unions; Authorizes Localities and Political Subdivisions to Hold Public Deposits HB 69 (Carter) would authorize localities and political subdivisions to hold public deposits in a credit union.

Regional Alternative Education Programs; Funding HB 1031 (Adams, L.R.) would require the funding transferred from the Department of Education to the relevant school divisions in support of a regional alternative education program to be based on each such school division's need for the current school year.

Virginia Minimum Wage Act; Exclusions HB 333 (Krizek) and **SB 719** (McClellan) would eliminate the exclusion in the Virginia Minimum Wage Act for persons whose employment is covered by the federal Fair Labor Standards Act of 1938 (FLSA) and for persons whose earning capacity is impaired by physical deficiency, mental illness, or intellectual disability.

FINANCE - FAILED

Biennial Appropriations; Odd-Numbered Years SB 518 (McDougle) would have provided that the Commonwealth's biennial appropriations shall start on July 1 of odd-numbered years beginning with the biennial appropriation act for the period July 1, 2023, through June 30, 2025. The bill would have required that the fiscal year beginning July 1, 2022, would not be a part of any biennial appropriation act (i.e., it would be a single-year transitional budget).

Composite Index of Local Ability to Pay Adjustments and Expanding Access to the Cost of Competing Adjustment; Report HJ 20 (Cole, M.L.) and **SJ 28** (Reeves) would have directed the Joint Legislative Audit and Review Commission to study the feasibility of adjusting the composite index of local ability to pay and expanding access to the cost of competing adjustment by reviewing current statutory, constitutional, and budgetary provisions governing the calculation of Standards of Quality costs and funding; examining the components of the composite index of local ability to pay and the cost of competing adjustment; evaluating other states' public school funding formulas; and hearing local concerns and seeking input from various state and national experts, as applicable.

Costs of Education; JLARC Study SJ 57 (Lewis) would have directed the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality.

Fiscal Impact Statements SB 986 (Peake) would have required the Department of Planning and Budget (the Department) or an agency designated by the Department to prepare a fiscal impact statement for any bill and any amended version of a bill, except the Budget Bill and debt bills, that increases or decreases the total revenue available for appropriation or that establishes a new state program or initiative requiring an appropriation.

Legislation Affecting Local Government Expenditures and Revenues SB 188 (Peake) would have required legislation with a negative local fiscal impact to be filed no later than the December 15 immediately preceding the first day of a regular session of the General Assembly.

Local Match for Basic Aid, Debt Service on Projects in School Divisions HB 86 (Kilgore) would have permitted any local school board that governs a school division in which the locality is designated as fiscally at-risk or fiscally distressed by the Appalachian Regional Commission in the most recent fiscal year or is determined to have above-average fiscal stress or high fiscal stress by the Virginia Commission on Local Government in its most recent "Report on the Comparative Revenue Capacity, Revenue Effort, and Fiscal Stress of Virginia Counties and Cities" and for which the composite index of local ability to pay is less than or equal to 0.2000 to expend up to 25 percent of the required local effort for basic aid for debt service on school building capital renovation or construction projects.

Lottery Funds; Rural Transportation Fund HB 1390 (O'Quinn) would have established the Rural Transportation Fund, to be funded by transferring 10 percent of annual lottery revenues in fiscal years 2020 through 2024 from the Lottery Proceeds Fund. All lottery revenues transferred to the Rural Transportation Fund would have been used solely for the purposes of funding transportation projects in Planning District 1, 2, 3, 4, 5, or 6 or any locality with a population of no greater than 100,000.

Minimum Wage; Local Alternative Minimum Wage HB 325 (Levine) would have established a procedure by which a local alternative minimum wage could have been imposed in any locality. A local alternative minimum wage would have required every employer to pay to each of its employees' wages at a rate to be determined by local ordinance for work performed by them within the locality. If the federal minimum wage exceeds the levels specified in a local alternative minimum wage requirement, the federal minimum wage would have prevailed. The measure also would have provided that the Virginia minimum wage applies to persons whose employment is covered by the FLSA and to public employees.

Regional Alternative Education Programs; Funding SB 552 (Ruff) would have required the funding transferred from the Department of Education to the relevant school divisions in support of a regional alternative education program to be based on each such school division's need for the current school year.

School Meal Policies; Parental Notification and Opt-Out HB 701 (Roem) would have required each school board to adopt policies that require each elementary and secondary school in the school division to send to the parents of each student by the end of the first week of the school year notice of the consequences of school meal debt and the school board policy and procedure relating to such debt, including any requirement that such student be served an alternative meal or be required to dispose of meals served to him while such debt remains unpaid; require any elementary or secondary school in the school division to resend such notice to the parents of any student who accrues a school meal debt before the consequences of such debt go into effect; and require the parents of any student who do not want their child to be served a school meal to submit a written request to the student's school.

Teachers; Required to be Compensated at or Above National Average HB 233 (Mugler) would have required public school teachers to be compensated at a rate that is at or above the national average. Under current law, compensation at such rate is aspirational. The foregoing provisions of the bill have a delayed effective date of July 1, 2025. The bill requires funding to be provided on an incremental basis pursuant to the general appropriation act to implement such teacher compensation rate by the effective date.

Teacher Salaries and Benefits in the Commonwealth; Regional Competitiveness of Such Salaries and Benefits HJ 41 (Scott) would have directed the Joint Legislative Audit and Review Commission to study teacher salaries and benefits in the Commonwealth, including the regional competitiveness of such salaries and benefits, by analyzing the relationship between salaries and benefits provided to teachers in the Commonwealth, states adjoining the Commonwealth, and the District of Columbia and the recruitment and retention of teachers in each such state and the District of Columbia.

INSTRUCTION & STANDARDS OF LEARNING - PASSED

Career and Technical Education Work-Based Learning Guide; Board of Education Review and Revise HB 1680 (Tyler) requires the Board of Education to review and revise, in consultation with certain stakeholders, its Career and Technical Education Work-Based Learning Guide to expand the opportunities available for students to earn credit for graduation through high-quality work-based learning experiences or in the case of agricultural education, supervised agricultural experiences, in addition to job shadowing, mentorships, internships, and externships. *Such revisions are to be completed no later than December 1, 2020.*

Child Care Providers; Out-of-State Background Checks SB 668 (Boysko) requires certain child care providers and employees or volunteers thereof to submit to background checks that include a criminal history record information check and sex offender registry check in any state in which the applicant has resided in the preceding five years.

Commission on Civic Education; Sunset and Funding; Membership SB 957 (Marsden) repeals the sunset provision for the Commission on Civic Education and repeals a prohibition on the use of general funds to support the work of the Commission. The bill also increases and adjusts the makeup of the Commission's membership.

Culturally Relevant and Inclusive Education Practices Advisory Committee HB 916 (Sickles) and **SB 853** (Boysko) require the Department of Education to establish and appoint such members as it deems appropriate to a Culturally Relevant and Inclusive Education Practices Advisory Committee for the purpose of providing (i) standards recommendations to the Department of Education that shall be considered by the Board of Education during the 2021-2022 review of the history and social science Standards of Learning and (ii) recommendations on meaningful professional development with school personnel related to culturally relevant and inclusive education practices. *The bills require the Committee to report its recommendations to the Board of Education, the Governor, and the Chairs of the House Committee on Education and the Senate Committee on Education and Health no later than July 1, 2021. HB 916 incorporates HB 483 (Kory) and HB 1110 (Hudson).*

Digital Devices; Guidelines for Use of HB 817 (Hope) requires the Department of Education, in collaboration with the Department of Health and medical professional societies, to develop and distribute health and safety best practice guidelines for the use of digital devices in public schools *no later than the 2021-2022 school year.*

Dyslexia and Literacy; Multisensory Structured Language Education SB 904 (Vogel) direct the State Council of Higher Education for Virginia to facilitate the development of a statewide coalition of public institutions of higher education in the Commonwealth, by December 1, 2020, to gather and share information on the latest evidence-based methods and approaches to prepare teachers to effectively educate K-12 students in reading, including multisensory structured language education to instruct students with dyslexia. The bill allows each public institution's school of education, education department, or relevant department for the career paths of K-12 reading specialists and teachers to collect such information and collaborate with other public institutions of higher education in the Commonwealth regarding the latest reliable research for reading instruction to all K-12 students, with an emphasis on improving reading instruction to students with dyslexia.

Early Childhood Care and Education; Establishment of System, Licensure HB 1012 (Bulova) and **SB 578** (Howell) require the Board of Education to establish a statewide unified public-private system for early childhood care and education in the Commonwealth to be administered by the Board of Education, the Superintendent of Public Instruction, and the Department of Education. The bills transfer the authority to license and regulate child day programs and other early child care agencies from the Board of Social Services and Department of Social Services to the Board of Education and Department of Education. The bills maintain current licensure, background check, and other requirements of such programs. *Such*

provisions of the bills have a delayed effective date of July 1, 2021. The bills require the Superintendent of Public Instruction to establish a plan for implementing the statewide unified early childhood care and education system and requires the Department of Social Services and the Department of Education to enter into a cooperative agreement to coordinate the transition. *The bills also require the Board of Education to establish, no later than July 1, 2021, a uniform quality rating and improvement system designed to provide parents and families with information about the quality and availability of certain publicly funded early childhood care and education providers and to publish the initial quality ratings under such system in the fall of 2023.*

Family Life Education Programs; Materials; Summaries HB 1394 (Leftwich) requires each local school board that offers a family life education program to post for public viewing on the local school division's official website a summary of such program. The bill also requires local school boards to share through any available parental portal a complete copy of all printed family life education program materials not subject to copyright protection and a description of all family life education program audio-visual materials. *The bill requires each local school board to implement the foregoing provisions no later than the start of the 2021-2022 school year.*

Family Life Education; Standards of Learning and Curriculum Guidelines; Contemporary Community HB 1336 (Keam) requires each school board to conduct a review of its family life education curricula at least once every seven years, to evaluate whether such curricula reflect community standards, and to revise such curricula if necessary.

Gifted Students Educational Services; comprehensive review HB 1139 (Keam) requires the Board of Education, as part of its current comprehensive review of its Regulations Governing Educational Services for Gifted Students, to consider revisions to the process of screening and identifying students for eligibility for gifted and talented programs and referring students to such programs to improve the identification of student populations that are underrepresented in such programs, including economically disadvantaged students, English language learner students, and students with disabilities and the data collection requirements of the annual report required by such regulations to better inform equitable screening and identification for and access to gifted and talented programs for student populations that are underrepresented in such programs.

Kindergarten Instructional Time SB 238 (Barker) increases from 540 hours to 990 hours the minimum instructional hours in a school year for students in kindergarten. The bill directs the Board of Education to adopt regulations by July 1, 2022, establishing standards for accreditation that include a requirement that the standard school day for students in kindergarten average at least 5.5 instructional hours in order to qualify for full accreditation. *The provisions of the bill become effective beginning July 1, 2022.*

Parental Notice; Literacy and Response to Intervention Screening and Services HB 410 (Delaney) requires each local school board to enact a policy to require that timely written notification is provided to the parents of any student who undergoes literacy and Response to Intervention screening and services or does not meet the benchmark on any assessment used to determine at-risk learners in preschool through grade 12, which notification shall include all such assessment scores and sub-scores and any intervention plan that results from such assessment scores or sub-scores.

Religious-Exempt Child Day Centers; Staff-to-Children Ratios HB 1235 (Wilt) and **SB 927** (Hanger) provide that, with respect to a child day center that is exempt from licensure due to its operation under the auspices of a religious institution, the applicable staff-to-children ratio for children receiving care in a group shall be based on the age of the youngest child in such group.

Social-Emotional Learning and Development HB 753 (Rasoul) requires the Department of Education to establish a uniform definition of social-emotional learning and develop guidance standards for social-emotional learning for all public students in grades kindergarten through 12 in the Commonwealth; *make such standards available to each local school division no later than July 1, 2021; and issue a report no later*

than November 1, 2021, on the resources needed to successfully support local school divisions with the implementation of a statewide social-emotional learning program.

INSTRUCTION – CONTINUED TO 2021

College and Career Readiness Steering Committee HB 958 (Ayala) would require the Secretary of Education to establish a 21-member College and Career Readiness Steering Committee to develop and oversee implementation of a strategic plan for ensuring that all students in the Commonwealth, and particularly subgroups of students who have been historically underserved, graduate from high school meeting the requirements for an advanced studies diploma, having had the opportunity to participate and succeed in pathways that integrate rigorous academic instruction aligned with the Standards of Learning, including career and technical education, work-based learning, wraparound services, and opportunities to earn credit for postsecondary education while enrolled in high school, and having had a high school experience that is aligned with expectations for postsecondary education and employer demand and provide certain recommendations, guidance, leadership, goals, and assistance relating to the implementation of such strategic plan.

Computer Science or Introduction to Technology Course Requirements, Students in Grades Six, Seven, and Eight HB 694 (Simonds) would require each student in grades six, seven, and eight, starting in the 2025–2026 school year, to complete at least one semester-long or year-long computer science elective course or introduction to technology course that is aligned with the appropriate Standards of Learning and may include the following content: examining systems and resources of technology, solving problems in technology, introducing microcontrollers, exploring the designed world, computing systems, networks and the Internet, cybersecurity, data and analysis, algorithms and programming, and the impacts of computing. The bill would provide that no such student shall be required to complete an end-of-course assessment for any such course. The bill would require the Board of Education to amend or create Standards of Learning as necessary to implement the foregoing provisions and requires the Department of Education to confer with certain organizations to ensure that the proper training is available to the teachers of such courses.

Dual Enrollment; Course Credit for; Strategies for Enhancing Opportunities HB 195 (Orrock) would require the State Council of Higher Education for Virginia, in consultation with each public institution of higher education and in collaboration with the Department of Education, to include in its policy for granting undergraduate course credit to any entering student who has successfully completed a dual enrollment course strategies for public high schools and institutions of higher education to enhance dual enrollment opportunities for students.

Education and Workforce Development; Virginia Works Portal SB 363 (Dunnavant) would create the Virginia Works Portal to provide one-stop access to information regarding education pathways, career opportunities, and workforce development information available from agencies, institutions, and entities around the Commonwealth. The bill would provide that the Portal shall provide an interactive, user-friendly environment and must be available to the public by July 1, 2021.

Sixth Grade Science Curriculum SB 779 (Lewis) would direct the Department of Education to coordinate with the Department of Environmental Quality to update the "Window into a Green Virginia" curriculum developed by the Departments for sixth grade science to include a unit on the benefits, including the energy benefits, of recycling and reuse.

Reading Diagnostic Tests and Instruction HB 332 (Hope) would require the Department of Education to develop and implement a geographically representative two-year pilot program to administer reading diagnostic tests that include all components of a normed rapid automatized naming test. The bill would require each local school division in the pilot program to provide evidence-based instruction, including

structured literacy instruction, to students in kindergarten through grade three who fall below the benchmark on any such reading diagnostic test or demonstrate deficiencies based on their individual performance on the Standards of Learning reading test.

Public Institutions of Higher Education; Entrance Requirements; Computer Coding HB 1309 (Carroll Foy) would require each public institution of higher education to count credit received for successful completion of a high school computer coding course toward the mathematics or science entrance requirements of the institution.

INSTRUCTION - FAILED

Civic Education; Recommendations for Improving HB 223 (McNamara) would have required the Department of Education to develop and report to the Board of Education, the Governor, and the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than July 1, 2021, recommendations for improving civic education for each public elementary and secondary school student in the Commonwealth, including strategies for expanding their level of civic knowledge, increasing their respect for the political history of the Commonwealth and the United States, mitigating the politically polarizing effects that the mainstream media can have on such students, and helping such students become civically and politically engaged in a rational and civil manner.

Critical National Security Language Grant Fund and Program; Established HB 156 (Sickles) would have established the Critical National Security Language Grant Fund and the Critical National Security Language Grant Program within the Department of Education for the purpose of awarding grants on a competitive basis to any school division that provides a foreign language course in a foreign language that is currently identified as critical by the National Security Language Initiative for Youth scholarship program. Such grants are limited to \$5,000 per student who successfully completes a critical foreign language course per school year.

Early Childhood Care SB 599 (Hanger) would have required the Superintendent of Public Instruction and the Commissioner of Social Services to (i) convene a stakeholder group to consider the development of a statewide unified public-private system for early childhood care and education in the Commonwealth and (ii) collaborate to develop a uniform quality rating and improvement system with required participation by publicly funded early childhood care and education programs and voluntary participation by privately funded providers.

Electives on the Hebrew Scriptures/Old Testament and the New Testament HB 1122 (Robinson) would have required local school boards to offer as an elective in grades nine through 12 with appropriate credits toward graduation a course, either in a traditional classroom setting or in a virtual classroom setting, on the Hebrew Scriptures/Old Testament of the Bible or the New Testament of the Bible or a combined course on both. **SB 132** (Chase) would have required the Board of Education to authorize local school boards to offer as an elective in grades nine through 12 with appropriate credits toward graduation a course on the Hebrew Scriptures/Old Testament of the Bible or the New Testament of the Bible or a combined course on both.

Experiential Learning and Workforce Development Opportunities in High-Demand Fields, Report HJ 66 (Kilgore) would have requested the Department of Education to study experiential learning and workforce development opportunities for high school students in high-demand fields.

Family Life Education Programs; Student Participation HB 683 (LaRock) would have prohibited any public elementary or secondary school student from participating in any family life education program without the prior written consent of his parent.

Financial Literacy Objectives; Mathematics Standards of Learning; Report HB 197 (Orrock) would have required the Department of Education to determine and report to the General Assembly no later than December 1, 2020, the feasibility of incorporating the Board of Education's student financial literacy objectives into the appropriate pre-high school mathematics Standards of Learning.

Firearm Safety Education Program HB 939 (Webert) and **SB 129** (Norment) would have required local school boards to provide firearm safety education programs for students in high school. The bills would have required the Board of Education to establish curriculum guidelines for the program, in consultation with the Department of State Police, and requires that the program be taught by a school resource officer, other law-enforcement officer, or a United States Armed Forces instructor. The bills would have prohibited the use of firearms in the program. **SJ 77** (Norment) would have requested the Virginia Center for School and Campus Safety, in collaboration with the Department of Education, to study, develop, and recommend best practices for firearm safety education in the Commonwealth's public schools.

Homework Assignments; Internet Connection HB 1177 (Poindexter) would have required each school board to establish a policy to prohibit any teacher in the school division from assigning to any student a homework assignment that requires the use of an Internet connection that is capable of transmitting information at a rate that is not less than 256 kilobits per second in at least one direction when such student lacks meaningful access to such an Internet connection.

Success Sequence, Public Elementary Schools; Instruction; HB 1089 (Miyares) would have required each public elementary school principal to ensure that instruction on the importance of the success sequence, which the bill defines as the sequential act of graduating from high school, securing full-time employment, and marrying before having children and the impact that has on poverty in the United States, is provided at least annually to each student at the grade level that the principal deems appropriate. The bill would have permitted such instruction to be incorporated into existing curricula and to be delivered in collaboration with any other entity or individual.

Science, Technology, Engineering, Arts, and Mathematics (STEAM) Programs; Grants HB 953 (Ayala) would have established the STEAM Education Fund for the purpose of awarding grants in amounts not to exceed \$50,000 annually to any public elementary or secondary school in the Commonwealth at which at least 25 percent of students qualify for free or reduced lunch that provides an academic class, curriculum, or activity focused on a science, technology, engineering, arts, or mathematics (STEAM) discipline.

Sixth Grade Science Curriculum HB 272 (VanValkenburg) would have directed the Department of Education to coordinate with the Department of Environmental Quality to update the "Window into a Green Virginia" curriculum developed by the Departments for sixth grade science to include a unit on the benefits, including the energy benefits, of recycling and reuse.

Virtual Virginia; Availability HB 1711 (Bagby) would have required Virtual Virginia to be made available to every public middle school student in the Commonwealth and permit it to be available to every public elementary school in the Commonwealth. Existing law requires availability only to public high schools. **SB 142** (Dunnivant) would have required that the Virtual Virginia Program, the statewide electronic classroom established by the Department of Education, be made available to all public schools. The bill would have required the Department to utilize a learning management system for the purposes of implementing Virtual Virginia. The bill also would have authorized the Department to charge a per-student, per-course fee to school divisions for each student enrolled in a full-time Virtual Virginia program beyond an initial allotment of 15 such students per course, per school. The bill would have prohibited the Department from limiting the total number of such students by school division.

Volunteer Cybersecurity and Information Technology Professionals; Workforce Development and Mentorship HB 524 (Subramanyam) would have directed the Secretary of Administration to establish a register of cybersecurity and information technology professionals interested in volunteering to assist

localities and school divisions, in collaborating on workforce development, and in providing mentorship opportunities.

INSTRUCTIONAL TECHNOLOGY - PASSED

Computer Trespass; Expands the Crime SB 378 (Mason) expands the crime of computer trespass to provide that the prohibited actions that constitute computer trespass are criminalized if done through intentionally deceptive means and without authority and specifies that a computer hardware or software provider, an interactive computer service, or a telecommunications or cable operator does not have to provide notice of its activities to a computer user that a reasonable computer user should expect may occur. **SB 378** incorporates **SB 844** (Mason).

Virginia Information Technologies Agency; Required Information Security Training Program HB 852 (Ayala) requires the Chief Information Officer of the Virginia Information Technologies Agency (the CIO) to develop by November 30, 2020, and annually update a curriculum and materials for training all state employees in information security awareness and in proper procedures for detecting, assessing, reporting, and addressing information security threats. *The bill requires the Commonwealth's executive, legislative, and judicial branches and independent agencies, beginning January 1, 2021, to provide annual information security training for each of its employees using the curriculum and materials developed by the CIO.*

INSTRUCTIONAL TECHNOLOGY - CONTINUED TO 2021

Learning Management System SB 366 (Dunnivant) would direct the Department of Education to obtain a statewide learning management system for use in public schools by the start of the 2022-2023 school year. *Note that there is related budget language **Item (141 #2c)** which would re-allocate funding for the proposed learning management system the first year and provide additional funding in the second year for a statewide learning management system as well as direct the Department of Education convene a workgroup to develop a plan on the development and implementation of a statewide learning management system by December 1, 2020.*

Student Growth Measurement System SB 367 (Dunnivant) would direct the Department of Education to obtain an individualized student growth measurement system that tracks and analyzes student growth indicators. The bill would require that the student growth measurement system be implemented during the 2022-2023 school year.

INSTRUCTIONAL TECHNOLOGY - FAILED

Authority of Localities to Provide Broadband Service HB 1242 (Heretick) and **SB 351** (Lucas) would have provided that any locality may establish any department, office, board, commission, agency, or other governmental division or entity that has authority to offer telecommunications, Internet access, broadband, information, and data transmission services.

Blockchain Technology; Joint Subcommittee to Study Emergence & Integration in the Economy HJ 63 (Rush) and **HJ 105** (Subramanyam) would have established a 19-member, two-year joint subcommittee to identify research and economic development opportunities to inform a statewide, comprehensive, and coordinated strategy relating to blockchain technology.

Broadband and Economic Development SB 526 (McDougle) would have required the Governor to include in the budget bill recommended appropriations for initiatives that promote and develop broadband infrastructure comparable to or greater than any recommended appropriations for economic development.

Virginia Data Commission; Report SB 400 (Dunnavant) would have established the Virginia Data Commission as a permanent legislative commission. The Commission would have studied, reported, and made recommendations on all areas of data governance and analytics in the Commonwealth to ensure that Virginia would be a national leader in data-driven policy and evidence-based decision making. The Commission would have developed standards, guidelines, and best practices related to data and would have sought to coordinate agency efforts to prevent dup

PERSONNEL - PASSED

Annual Teacher Compensation Review; Report HB 1443 (VanValkenburg) requires the Department of Education to conduct a biennial review of teacher compensation that takes into consideration the Commonwealth's compensation for teachers relative to the national average teacher salary. Current law requires the Director of Human Resource Management to complete such biennial review and to compare compensation for teachers relative to member states in the Southern Regional Education Board.

Collective Bargaining for Local Public Employees HB 582 (Guzman) and **SB 939** (Saslaw) permit counties, cities, towns, and local school boards to adopt local ordinances authorizing them to (i) recognize any labor union or other employee association as a bargaining agent of any public officers or employees, except for Constitutional officers and their employees, and including public school employees and (ii) collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment. Within 120 days of receiving certification from a majority of public employees in a unit considered by such employees to be appropriate for the purposes of collective bargaining, the governing body is required to take a vote to adopt or not adopt an ordinance or resolution to provide for collective bargaining by such public employees and any other public employees deemed appropriate by the governing body. The bills provide that prohibition against striking for public employees applies irrespective of any such local ordinance. **HB 582** incorporates **HB 327** (Levine) and **SB 939** incorporates **SB 1022** (Boysko).

Compensation Discrimination Information HB 624 (Hurst) directs the Division of Human Rights of the Department of Law to develop recommendations regarding the type of information about businesses and their employees and the accompanying methodology that would be required for the Division to proactively enforce provisions of the Code of Virginia requiring equal pay of similarly situated employees irrespective of sex and race. The bill requires the Division to also develop recommendations regarding appropriate enforcement mechanisms, including causes of action and civil remedies, to address discrimination in compensation based on sex and race. In developing such recommendations, the bill directs the Division to engage stakeholders representing employers and employees in the Commonwealth. *The bill requires the Division to report its findings and recommendations to the Governor and the General Assembly no later than November 30, 2020.*

Diversity and Cultural Competency Training HB 581 (Guzman) requires the Department of Human Resource Management to develop an online diversity and cultural competency training module. *The bill requires all state employees commencing or recommencing employment with the Commonwealth on or after January 1, 2021, to complete such training within 90 days of commencing or recommencing such employment and all persons employed with the Commonwealth on January 1, 2021, to complete such training no later than April 1, 2021.*

Diversity, Equity, and Inclusion, Director of; Position Created HB 394 (Ward) establishes the position of Director of Diversity, Equity, and Inclusion (the Director), to be appointed by the Governor. The Director is empowered to develop a sustainable framework to promote inclusive practices across state government; implement a measurable, strategic plan to address systemic inequities in state government practices; and facilitate methods to turn feedback and suggestions from state employees, external stakeholders, and community leaders into concrete equity policy.

Education Preparation Programs; Teacher Licensure; Certain Coursework, Training, or Instruction HB 894 (Levine) requires education preparation programs offered by public institutions of higher education and private institutions of higher education to ensure that, as condition of degree completion, each student enrolled in the education preparation program receives instruction on positive behavior interventions and supports; crisis prevention and de-escalation; the use of physical restraint, consistent with regulations of the Board of Education; and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion. The bill requires every person seeking initial licensure as a teacher who has not received such instruction to receive instruction or training on such topics. The bill requires the Board of Education to adopt regulations to implement the foregoing requirements.

Employee Misclassification; Retaliatory Actions Prohibited; Civil Penalty HB 1199 (Tran) and **SB 662** (Boysko) prohibit an employer from discharging, disciplining, threatening, discriminating against, or penalizing an employee or independent contractor because the employee or independent contractor reported or plans to report that an employer or any officer or agent has failed to properly classify an individual as an employee and failed to pay required benefits or other contributions. The measures also prohibit such actions against an employee or independent contractor who is requested or subpoenaed by an appropriate authority to participate in an investigation, hearing, or inquiry by an appropriate authority or in a court action. These prohibitions apply only if an employee or independent contractor acts in good faith and upon a reasonable belief that the information is accurate. The measures authorize the Commissioner of Labor and Industry to institute proceedings against an employer who has taken such prohibited retaliatory action. Available remedies include reinstatement of the employee and recovery of lost wages. An employer that violates these provisions is subject to a civil penalty equal to the employee's lost wages.

Employment; Prohibited Retaliatory Action HB 798 (Delaney) Prohibits an employer from discharging, disciplining, threatening, discriminating against, penalizing, or taking other retaliatory action against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because the employee (i) reports a violation of any federal or state law or regulation to a supervisor or to any governmental body or law-enforcement official; (ii) is requested by a governmental body or law-enforcement official to participate in an investigation, hearing, or inquiry; (iii) refuses to engage in a criminal act that would subject the employee to criminal liability; (iv) refuses an employer's order to perform an action that violates any federal or state law or regulation and the employee informs the employer that the order is being refused for that reason; or (v) provides information to or testifies before any governmental body or law-enforcement official conducting an investigation, hearing, or inquiry into any alleged violation by the employer of federal or state law or regulation. A person who alleges a violation of this chapter may bring a civil action seeking injunctive relief, reinstatement, and compensation for lost wages, benefits, and other remuneration.

Limiting Employees' Sharing of Wage Information Prohibited; Civil Penalty HB 622 (Hurst) prohibits an employer from discharging or taking other retaliatory action against an employee because the employee inquired about or discussed with, or disclosed to, another employee any information about either the employee's own wages or other compensation or about any other employee's wages or other compensation. Violations are subject to a civil penalty of \$100.

Mental Health Awareness Training HB 74 (Kory) and **SB 619** (Deeds) require each school board to adopt and implement policies that require each teacher and other relevant personnel, as determined by the school board, employed on a full-time basis, to complete a mental health awareness training or similar program at least once and provide such training, which may be provided pursuant to a contract with the Department of Behavioral Health and Developmental Services, a community services board, a behavioral health authority,

a nonprofit organization, or other certified trainer or via an online module. **HB 74** incorporates **HB 716** (Reid) and **HB 1554** (Samirah).

Microcredentials; Standards HB 836 (Carroll Foy) requires the Department of Education to develop a plan to adopt and implement standards for microcredentials used toward add-on endorsements and renewal of licenses earned by Virginia license holders in science, technology, engineering, and mathematics (STEM) fields. The bill requires such plan to include (i) a process for reviewing and administering educator microcredentials; (ii) assurances that educator microcredentials rely upon demonstrable evidence from the submission of artifacts, such as student projects and teacher lesson plans, that are then objectively scored against existing rubrics; and (iii) assurances that educator microcredentials focus on interrelated competencies leading to logical teacher professional development pathways and stacks of educator microcredentials and align with the Board of Education's ongoing work on educator professional development. Such plan shall also include the resources needed for statewide implementation.

Misclassification of Workers; Cause of Action HB 984 (Delaney) **SB 894** (Saslaw) authorize an individual who has not been properly classified as an employee to bring a civil action for damages against his employer for failing to properly classify the employee if the employer had knowledge of the individual's misclassification. The court may award damages in the amount of any wages, salary, employment benefits, including expenses incurred by the employee that would otherwise have been covered by insurance, or other compensation lost to the individual, a reasonable attorney fee, and the costs incurred by the employee in bringing the action. The measures provide that an individual who performs services for a person for remuneration shall be presumed to be an employee unless it is shown that the individual is an independent contractor as determined under the Internal Revenue Service guidelines.

Misclassification of Employees as Independent Contractors; Department of Taxation to investigate HB 1407 (Ward) prohibits an employer from classifying an individual as an independent contractor if he is an employee. An individual shall be considered an employee of the party that pays the remuneration for purposes of Titles 40.1 (Labor and Employment), 58.1 (Taxation), 60.2 (Unemployment Compensation), and 65.2 (Workers' Compensation) unless it is demonstrated that such individual is an independent contractor. The Department of Taxation shall determine whether an individual is an independent contractor by applying Internal Revenue Service guidelines. Violators are subject to civil penalties and debarment from public contracts. *The bill has a delayed effective date of January 1, 2021.*

Nonpayment of Wages; Discriminatory Actions Prohibited HB 337 (Price) and **SB 48** (Spruill) prohibit an employer from discharging or otherwise discriminating against an employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding related to the failure to pay wages, or has testified or is about to testify in any such proceeding. The measure authorizes the Commissioner of Labor and Industry to institute proceedings against an employer who has taken such prohibited discriminatory action. Available remedies include reinstatement of the employee, recovery of lost wages, and liquidated damages.

Nonpayment of Wages; Investigations HB 336 (Price) and **SB 49** (Spruill) authorize the Commissioner of Labor and Industry, if he acquires information during an investigation of a complaint of an employer's failure or refusal to pay wages and that information creates a reasonable belief that other employees of the same employer may not have been paid wages, to investigate whether the employer has failed or refused to make a required payment of wages to other employees. The measures also provide that if the Commissioner finds in the course of such investigation that the employer has committed a violation, the Commissioner may institute proceedings on behalf of any employee against his employer. In such proceedings, the Commissioner is not required to have obtained a written complaint of the violation or the written and signed consent of any employee.

Prohibited Discrimination; Sexual Orientation and Gender Identity HB 1049 (Levine) prohibits discrimination in employment, public accommodation, public contracting, apprenticeship programs, housing, banking, and insurance on the basis of sexual orientation or gender identity. The bill also adds

discrimination based on sexual orientation or gender identity to the list of unlawful discriminatory housing practices.

Prohibited Discrimination; Public Accommodations, Employment, Credit, and Housing: Causes of Action; Sexual Orientation and Gender Identity. SB 868 (Ebbin) creates causes of action for unlawful discrimination in public accommodations and employment in the Virginia Human Rights Act. Currently, under the Act there is no cause of action for discrimination in public accommodations, and the only causes of action for discrimination in employment are for (i) unlawful discharge on the basis of race, color, religion, national origin, sex, pregnancy, or childbirth or related medical conditions including lactation by employers employing more than five but fewer than 15 persons and (ii) unlawful discharge on the basis of age by employers employing more than five but fewer than 20 persons. The bill allows the causes of action to be pursued privately by the aggrieved person or, in certain circumstances, by the Attorney General. Before a civil cause of action may be brought in a court of the Commonwealth, an aggrieved individual must file a complaint with the Division of Human Rights of the Department of Law, participate in an administrative process, and receive a notice of his right to commence a civil action. The bill prohibits discrimination in public and private employment on the basis of sexual orientation and gender identity. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran. Additionally, the bill (a) prohibits discrimination in public accommodations on the basis of sexual orientation, gender identity, or status as a veteran; (b) prohibits discrimination in credit on the basis of sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, disability, and status as a veteran; and (c) adds discrimination on the basis of an individual's sexual orientation, gender identity, or status as a veteran as an unlawful housing practice. SB 868 incorporates SB 66 (McClellan) and SB 159 (Boysko).

Provisional Teacher Licensure; Certain Individuals HB 1630 (Kilgore) permits any school board and division superintendent to extend from three months to six months the period within which the provisional license of an individual seeking initial teacher licensure who has not completed professional assessments will expire for the purpose of establishing such individual's eligibility for initial licensure, provided that such individual has received a satisfactory mid-year performance review in the current school year and meets all other eligibility criteria.

Public Elementary & Secondary School Teachers; Probationary Term of Service, Performance Evaluation HB 365 (Carroll Foy) and SB 98 (Locke) remove the option for local school boards to extend the three-year probationary term of service for teachers by up to two additional years and the prohibition against school boards reemploying any teacher whose performance evaluation during the probationary term of service is unsatisfactory. HB 365 incorporates HB 1169 (Wampler) and HB 1326 (Kory).

Public Employment; Limitations on Inquiries by State Agencies and Localities Regarding Arrests HB 757 (Aird) prohibits state agencies and localities from including on any employment application a question inquiring whether the prospective employee has ever been arrested for, charged with, or convicted of any crime. The bill prohibits asking a prospective employee if he has ever been arrested or charged with or convicted of any crime unless the inquiry takes place during or after a staff interview of the prospective employee. The prohibition does not apply to applications for employment with law-enforcement agencies or positions related to law-enforcement agencies. The prohibition also does not apply to applications for state agency positions designated as sensitive or to state agencies that are expressly permitted to inquire into an individual's criminal arrests or charges for employment purposes pursuant to any provision of federal or state law. For localities, the prohibition also does not apply to positions for employment by the local school board. HB 757 incorporates HB 140 (Davis).

School Board Employment; Applicant Criminal History. HB 392 (Ward) prohibits each school board from employing any individual who has been convicted of a violent felony set forth in the definition of barrier crime in subsection A of § 19.2-392.02 of the Code of Virginia or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child. The bill permits each school board to employ any individual who has been convicted of any felony or crime of moral turpitude that is not set forth in the

definition of barrier crime in subsection A of § 19.2-392.02 of the Code of Virginia and does not involve the sexual molestation, physical or sexual abuse, or rape of a child, provided that in the case of a felony conviction, such individual has had his civil rights restored by the Governor. The bill contains parallel provisions for contractors and their employees who have direct contact with students on school property during regular school hours or during school-sponsored activities. Current law provides that any felony conviction is a bar to employment and contract work in public schools.

Social Workers; Licensure by Endorsement SB 53 (Stanley) directs the Board of Social Work to pursue the establishment of reciprocal agreements with jurisdictions that are contiguous with the Commonwealth for the licensure of baccalaureate social workers, master's social workers, and clinical social workers. The bill provides that reciprocal agreements shall require that a person hold a comparable, current, unrestricted license in the other jurisdiction and that no grounds exist for denial based on the Code of Virginia and regulations of the Board.

Teacher Grievance Procedures; Hearing; Three-Member Fact Finding Panel SB 377 (Bell) permits a school board to conduct a teacher grievance hearing before a three-member fact-finding panel consisting of one member selected by the teacher, one member selected by the division superintendent, and an impartial hearing officer selected by the other two panel members to serve as the chairman of the panel. The bill also removes the requirement that a teacher grievance hearing be set within 15 days of the request for such hearing and extends from five days to 10 days the minimum period of advanced written notice to the teacher of the time and place of such hearing.

Teacher Licensing Process; Department of Education to Study SJ 15 (Locke) requests the Department of Education to study the teacher licensure process and the assessment requirements therein for any inherent biases that may prevent minority teacher candidates from entering the profession. The provisions of the resolution are contingent on funding in a general appropriation act.

Teacher Licensure; Written Reprimand; Suspension HB 1344 (Askew) provides that when adopting regulations regarding the issuance of written reprimands of teachers and other school personnel required to hold a license, the Board of Education shall establish in such regulations the grounds for such written reprimands and provides that for a teacher who breaches his contract the local board of education or division superintendent, in addition to a written reprimand or revocation of the teacher's license as in current law, may issue a suspension of the teacher's license.

Teachers Employed in Accredited Private Elementary and Secondary Schools; Provisional Licenses HB 1469 (Gooditis) requires the Board of Education to extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher employed in an accredited private elementary or secondary school or a school for students with disabilities that is licensed by the Board upon receiving from the school administrator of such school a recommendation for such extension and satisfactory performance evaluations for such teacher for each year of the original three-year provisional license. *HB 1469 incorporates HB 725 (Reid)*

Teacher and Support Staff Shortages HB 376 (Willet) requires (i) each school board to report to the Department of Education annually the number and type of teacher, other instructional personnel, and support staff vacancies in the school division and (ii) each approved education preparation program to report to the Department of Education annually the number of individuals who completed the program by endorsement area. The bill requires the Department of Education to (a) establish deadlines for and the format of the reporting of such data and (b) aggregate and report such data annually on the Department's website.

Teachers in Certain Schools for Students With Disabilities; Provisional Licenses; Extension SB 680 (Mason) requires the Board of Education to extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher employed in a school for students with disabilities that is licensed by the Board upon receiving from the school administrator of such school a

recommendation for such extension and satisfactory performance evaluations for such teacher for each year of the original three-year provisional license.

Teachers; Unsatisfactory Performance Evaluations, Grounds for Dismissal HB 570 (Guzman) and **SB 167** (Favola) remove the definition of "incompetency" for the purpose of establishing grounds for the dismissal of public-school teachers.

Technical Professional Licenses; Eligibility Criteria HB 1613 (Brewer) requires the Board of Education, pursuant to regulation, to permit any individual who seeks a technical professional license to substitute the successful completion of an intensive, job-embedded, three-year program of professional development for the nine semester hours of professional studies required for such license.

Technical Professional Licenses; Military Science Endorsement HB 1568 (Rush) and **SB 978** (Edwards) direct the State Board of Education to amend its regulations to require that persons seeking a technical professional license with an endorsement to teach military science have either the appropriate credentials issued by the United States military or a recommendation from a Virginia employing educational agency.

Virginia Human Rights Act; Discrimination on the Basis of Pregnancy, Childbirth, or Related Medical HB 827 (Carroll Foy) and **SB 712** (McClellan) require employers, defined in the bill, to make reasonable accommodation for the known limitations of a person related to pregnancy, childbirth, or related medical conditions, if such accommodation is necessary to assist such person in performing a particular job, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer. The bills also prohibit employers from taking any adverse action against an employee who requests or uses a reasonable accommodation and from denying employment or promotion opportunities to an otherwise qualified applicant or employee because such employer will be required to make reasonable accommodation to the applicant or employee. The bills create a cause of action against any employer who denies any of the rights afforded by the bill and permits the court or jury to award compensatory damages, back pay, and other equitable relief.

Virginia Human Rights Act; Racial Discrimination; Hair HB 1514 (McQuinn) and **SB 50** (Spruill) provide that the terms "because of race" and "on the basis of race," and terms of similar import, when used in reference to discrimination in the Code of Virginia and acts of the General Assembly, include traits historically associated with race, including hair texture, hair type, and protective hairstyles such as braids, locks, and twists.

PERSONNEL – CONTINUED TO 2021

Employee Protection; Discharge for Protective Order Prohibited SB 427 (Saslaw) would prohibit an employer from discharging, taking other retaliatory personnel action, or otherwise discriminating against an employee solely on the basis that such employee has filed for or has been issued an emergency protective order or a preliminary protective order against the employer or another employee of such employer. The bill would establish an administrative process for an employee that believes he has been discharged or discriminated against in violation against such prohibition.

Employment; Disclosure of Terms HB 800 (Delaney) would require every employer of employees who are 18 years of age or older who work for daily wages or are employed to work on a project for a total of 10 days or less, with some exceptions specified in the measure, to furnish to such employees, at the time of the employee's hiring, a written disclosure of information regarding the terms of employment, including the name and address of the employer, the rate of pay and basis thereof, and the regular payday. The measure would also require employers to notify its employees in writing of any changes to this information.

Human Rights, Division of; Duties HB 11 (Samirah) would clarify that the duties of the Division of Human Rights shall include receiving and investigating all complaints alleging unlawful discriminatory practices that are filed within the applicable statute of limitations period and allege a wrongdoing covered under applicable federal or state law.

Urban Teacher Fund and Program; Established SB 1080 (Morrissey) would establish the Urban Teacher Fund and Program, to be administered by the Superintendent of Public Instruction, for the purpose of providing grants to persons employed in urban school divisions with teacher shortages who remain employed by the urban school division for a period of at least five years.

Veterans and Active Duty Members of the Armed Forces; Teachers; Credit for Service SB 461 (Reeves) would require each local school board to give any veteran or active duty member of any of the Armed Forces of the United States or the Commonwealth who it employs as a teacher in the local school division credit for any time served in any such forces in determining such teacher's step on the local school division's teacher salary scale.

Wage or Salary History; Inquiries Prohibited, Civil Penalty HB 416 (Cole, J.G.) would prohibit a prospective employer with 25 employees or more from requiring as a condition of employment that a prospective employee provide or disclose the prospective employee's wage or salary history, attempting to obtain the wage or salary history of a prospective employee from the prospective employee's current or former employers, requesting a prospective employee to complete an application for employment that includes a question inquiring about the prospective employee's wage or salary history, or asking a prospective employee in an employment interview any question intended to obtain information about the prospective employee's wage or salary history. Violations would be subject to a civil penalty not to exceed \$100 per violation. HB 416 incorporates HB 326 (Levine) and HB 802 (Delaney).

FAILED

Child Abuse and Neglect; Gender Identity or Sexual Orientation HB 580 (Guzman) would have expanded the definition of "abused or neglected child" to include any child whose parents, or other person responsible for his care, create or inflict, threaten to create or inflict, or allow to be created or inflicted upon such child a physical or mental injury on the basis of the child's gender identity or sexual orientation.

Earned Paid Sick Time SB 481 (Favola) would have required public and private employers with 15 or more employees to provide those employees with earned paid sick time; however, the provisions of the bill would not apply to an employer that has entered into a bona fide collective bargaining agreement. SB 481 incorporated SB 1069 (Barker).

Employment; Requiring the Purchase or Provision of Materials HB 417 (Cole, J.G.) would have prohibited any employer, including state or local government, from requiring any employee to purchase from the employer or any other person necessary or required for the employee to perform or complete the work for which he was hired. The measure would have also prohibited an employer from requiring any employee to furnish, use, or provide at the employee's expense any necessary materials; deducting the cost or value of any necessary materials provided by the employer from the employee's wages or salary; or discharging or taking retaliatory action against an employee for certain actions related to a violation.

Local Grievance Procedure HB 662 (Mullin) would have incorporated into the local grievance procedure certain provisions in the state grievance procedure related to appeal of final decisions to the circuit court.

Parental Leave for School Involvement HB 64 (Miyares) would have required employers to grant four hours of leave annually to employees who are parents or guardians of, or who stand in loco parentis to, a

school-aged child in order to attend parent-teacher conferences, volunteer at the child's school, or otherwise be involved in the child's school.

Planning Time and Planning Periods for Elementary School Teachers HB 273 (VanValkenburg) and **SB 134** (Stuart) would have required each local school board to ensure that each elementary school teacher has an average of one 45-minute period per school day of planning time and that each middle and high school teacher is provided an average of one planning period per school day or the equivalent, which shall be at least 45 minutes or one class period, whichever is longer. The bill permits local school boards and teachers to enter into an appropriate contractual arrangement providing for compensation in lieu of such planning time or period.

Professional License Reinstatement SB 829 (Stanley) would have given the Governor the power to reinstate the license for any profession regulated by an executive branch agency that has been revoked by such agency.

Prohibited discrimination; public accommodations, employment, credit, and housing: causes of action; sexual orientation and gender identity. HB 1663 (Sickles) would have created explicit causes of action for unlawful discrimination in public accommodations and employment in the Virginia Human Rights Act. **HB 1663** incorporated **HB 3** (McQuinn), **HB 21** (Lindsey), **HB 23** (Lindsey), **HB 217** (Convirs-Fowler), **HB 1050** (Levine), **HB 1200** (Tran), and **HB 1512** (McQuinn). Note that a bill with similar provisions, **SB 868** (Ebbin) did pass.

Prohibited Discrimination; Sexual Orientation and Gender Identity SB 23 (Ebbin) would have prohibited discrimination in employment and public accommodations on the basis of sexual orientation or gender identity. The bill would have codified existing prohibited discrimination in public employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran and adds discrimination based on sexual orientation or gender identity to the list of unlawful discriminatory housing practices.

Right to Work; Repeals Provisions HB 153 (Carter) would have repealed the provisions of the Code of Virginia that, among other things, prohibit any agreement or combination between an employer and a labor union or labor organization whereby nonmembers of the union or organization are denied the right to work for the employer, membership in the union or organization is made a condition of employment or continuation of employment by such employer, or the union or organization acquires an employment monopoly in any such enterprise.

Strikes by Government Employees HB 67 (Carter) would have limited to law-enforcement officers the scope of the existing provision that deems any public employee who strikes to have terminated his employment and bars him from further public employment.

Toll Facilities; Free Use by Teachers, Firefighters, and Emergency Medical Services Personnel HB 429 (Scott) would have authorized any teacher employed by a public school district, firefighter, or emergency medical services personnel to use all toll bridges, toll ferries, toll tunnels, and toll roads in the Commonwealth without the payment of toll while traveling between his place of residence and his place of employment.

Virginia Human Rights Act; Discrimination on the Basis of Pregnancy, Childbirth SB 866 (Favola) would have created a cause of action against any employer employing more than five but fewer than 15 persons who engages in an unlawful discriminatory act against any employee on the basis of pregnancy, childbirth, or related medical conditions.

Virginia Diverse Educator Scholarship Fund and Program; Established. HB 419 (Cole, J.G.) would have established the Virginia Diverse Educator Scholarship Fund and Program, to be administered by the State Council of Higher Education for Virginia, for the purpose of annually providing to each Historically

Black College or University in the Commonwealth (Hampton University, Norfolk State University, Virginia State University, and Virginia Union University) such sums as are necessary for each such institution to annually provide scholarships on a competitive basis to no more than two students who identify as African American, Asian, Hispanic or Latino, Native American or Native Alaskan, or Native Hawaiian or Pacific Islander; are accepted to or enrolled in such institution's education preparation program; and are eligible for a federal Pell Grant to attend such institution. The bill would have required each student who is awarded a scholarship pursuant to the Program to agree in writing to teach in a public elementary or secondary school in the Commonwealth in which at least half of the enrolled students qualify for free or reduced price lunch or are members of families whose income is below the federal poverty guidelines established by the U.S. Department of Health and Human Services upon graduation for a period that is at least as long as the period during which the recipient used scholarship funds to attend a Historically Black College or University and be mentored by an experienced teacher, as described in clause (d), during such period of employment. **HB 419** incorporated **HB 804** (Askew).

RETIREMENT AND INSURANCE – PASSED

Health Benefit Plans; Sale or Renewal or Offer of Plans, Special Exception HB 1141 (Tran) repeals a provision of the Code of Virginia authorizing health carriers to sell, issue, or offer for sale any health benefit plan that would otherwise not be permitted to be sold, issued, or offered for sale due to conflict with the requirements of the federal Patient Protection and Affordable Care Act (PPACA), to the extent that the(a) the appropriate federal authority has suspended enforcement of provisions of the PPACA or (b) the requirements of the PPACA are amended by any federal law.

Health Insurance; Cost-Sharing Payments for Prescription Insulin Drugs HB 66 (Carter) prohibits health insurance companies and other carriers from setting an amount exceeding \$30 per 30-day supply that a covered person is required to pay at the point of sale in order to receive a covered prescription insulin drug. The measure also prohibits a provider contract between a carrier or its pharmacy benefits manager and a pharmacy from containing a provision authorizing the carrier's pharmacy benefits manager or the pharmacy to charge, requiring the pharmacy to collect, or requiring a covered person to make a cost-sharing payment for a covered prescription insulin drug in an amount that exceeds such limitation. **HB 66** incorporates **HB 1403** (Leftwich).

Health Insurance; Coverage for Autism Spectrum Disorder HB 1503 (Ward) and **SB 1031** (Barker) require health insurers, corporations providing health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder under insurance policies, subscription contracts, or health care plans issued in the individual market or small group markets. The existing requirement that such coverage be provided for policies, contracts, or plans issued in the large group market is not affected. *The provision applies with respect to insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2021.* **HB 1503** incorporates **HB 1043** (Krizek).

Health Insurance; Credits for Retired School Division Employees HB 1513 (McQuinn) requires school divisions to provide a health insurance credit of \$1.50 per year of service to non-teacher employees of a local school division with at least 15 years of total creditable service. In addition, localities may elect to provide such individuals an additional health insurance credit of up to \$1 per month for each year of creditable service. This measure does not apply to any local school division employee who retired on disability prior to July 1, 2020, if this measure would reduce the monthly credit currently payable to such former member. Eligible employees who retired prior to July 1, 2020, and did not receive a health insurance credit prior to that date will only receive the \$1.50 per year of service health insurance credit prospectively. *The bill provides that the additional benefits for retired school division employees other than teachers shall not be paid to any such employee prior to July 1, 2021.*

Health Insurance; Essential Health Benefits, Preventive Services SB 95 (Favola) requires a health carrier offering or providing a health benefit plan, including (i) catastrophic health insurance policies and policies that pay on a cost-incurred basis; (ii) association health plans; and (iii) plans provided by a multiple-employer welfare arrangement, to provide, as an essential health benefit, coverage that includes preventive care. The bill defines essential health benefits as those general categories and those items and services within such categories that are covered in accordance with regulations issued pursuant to the Patient Protection and Affordable Care Act in effect as of January 1, 2019.

Health Insurance; Formula and Enteral Nutrition Products HB 840 (Murphy) and **SB 605** (McDougle) require health insurers, health care subscription plans, and health maintenance organizations whose policy, contract, or plan includes coverage for medicines to classify medically necessary formula and enteral nutrition products as medicine and to include coverage for medically necessary formula and enteral nutrition products for covered individuals requiring treatment for an inherited metabolic disorder. Such coverage is required to be provided on the same terms and subject to the same conditions imposed on other medicines covered under the policy, contract, or plan. The measures provide that the required coverage includes any medical equipment, supplies, and services that are required to administer the covered formula or enteral nutrition products. These requirements apply only to formula and enteral nutrition products that are furnished pursuant to the prescription or order of a physician or other health care professional qualified to make such prescription or order for the management of an inherited metabolic disorder and are used under medical supervision. **SB 605** incorporates **SB 654** (Boysko).

Health Insurance; Interhospital Transfer for Newborn or Mother SB 718 (McClellan) prohibits health insurers from requiring prior authorization for the interhospital transfer of a newborn infant experiencing a life-threatening emergency condition or the hospitalized mother of such newborn infant to accompany the infant.

Health Insurance; Mandated Coverage for Hearing Aids for Minors SB 423 (DeSteph) requires health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts to provide coverage for hearing aids and related services for children 18 years of age or younger when an otolaryngologist recommends such hearing aids and related services. The coverage includes one hearing aid per hearing-impaired ear, up to a cost of \$1,500, every 24 months. *The measure applies to policies, contracts, and plans delivered, issued for delivery, or renewed on and after January 1, 2021.*

Health Insurance; Nondiscrimination; Gender Identity or Transgender Status HB 1429 (Roem) prohibits a health carrier from denying or limiting coverage or imposing additional cost sharing or other limitations or restrictions on coverage, under a health benefit plan for health care services that are ordinarily or exclusively available to covered individuals of one sex, to a transgender individual on the basis of the fact that the individual's sex assigned at birth, gender identity, or gender otherwise recorded is different from the one to which such health services are ordinarily or exclusively available. The measure also prohibits a health carrier from subjecting an individual to discrimination under a health benefit plan on the basis of gender identity or being a transgender individual or requiring that an individual, as a condition of enrollment or continued enrollment under a health benefit plan, pay a premium that is greater than the premium for a similarly situated covered person enrolled in the plan on the basis of the covered person's gender identity or being a transgender individual. The measure requires health carriers to assess medical necessity according to nondiscriminatory criteria that are consistent with current medical standards.

Health Insurance; Payment to Out-of-Network Providers, Emergency Services HB 1251 (Torian) and **SB 172** (Favola) provide that when an enrollee receives emergency services from an out-of-network health care provider or receives out-of-network surgical or ancillary services at an in-network facility, the enrollee is not required to pay the out-of-network provider any amount other than the applicable cost-sharing requirement and such cost-sharing requirement cannot exceed the cost-sharing requirement that would apply if the services were provided in-network. The measures also provide that the health carrier's required payment to the out-of-network provider of the services is a commercially reasonable amount based on payments for the same or similar services provided in a similar geographic area. If such provider disputes the amount to be paid by the health carrier, the measures require the provider and the health carrier to

make a good faith effort to reach a resolution on the amount of the reimbursement. If the health carrier and the provider do not agree to a commercially reasonable payment and either party wants to take further action to resolve the dispute, then the measure requires the dispute will be resolved by arbitration. The measures establish a framework for arbitration of such disputes that includes (i) a timeline for the proceedings, (ii) a method for choosing an arbitrator, (iii) required and optional factors for the arbitrator to consider, (iv) non-disclosure agreements, (v) reporting requirements, and (vi) an appeals process for appeals on certain procedural grounds. The measures require the State Corporation Commission to contract with Virginia Health Information (VHI) to establish a data set and business protocols to provide health carriers, providers, and arbitrators with data to assist in determining commercially reasonable payments and resolving disputes. The measures require the Commission, in consultation with health carriers, providers, and consumers, to develop standard language for a notice of consumer rights regarding balance billing. The measures authorize the Commission, the Board of Medicine, and the Commissioner of Health to levy fines and take action against a health carrier, health care practitioner, or medical care facility, respectively, for a pattern of violations of the prohibition against balance billing. Additionally, the measures prohibit a carrier or provider from initiating arbitration with such frequency as to indicate a general business practice. The measures provide that such provisions do not apply to an entity that provides or administers self-insured or self-funded plans; however, such entities may elect to be subject such provisions. The measures authorize the Commission to adopt rules and regulations governing the arbitration process. *The measure has a delayed effective date of January 1, 2021.* **HB 1251** incorporates **HB 58** (Ware), **HB 189** (Levine), **HB 901** (Sickles), **HB 1494** (Bagby), and **HB 1546** (Adams).

Insurance for Certain Retired Employees of Political Subdivisions **HB 1385** (Leftwich) and **SB 349** (Lucas) allow localities to extend certain insurance benefits to retired employees of political subdivisions.

Pharmacy Benefits Managers; Licensure and Regulation **HB 1290** (Leftwich) and **SB 251** (Edwards) provide that no person is authorized to provide pharmacy benefits management services or otherwise act as a pharmacy benefits manager without first obtaining a license from the State Corporation Commission. The measures prohibit a carrier on its own or through its contracted pharmacy benefits manager or representative of a pharmacy benefits manager from (i) causing or knowingly permitting the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue; (ii) charging a pharmacist or pharmacy a fee related to the adjudication of a claim other than a reasonable fee for an initial claim submission; (iii) reimbursing a pharmacy or pharmacist an amount less than the amount that the pharmacy benefits manager reimburses a pharmacy benefits manager affiliate for providing the same pharmacist services, calculated on a per-unit basis using the same generic product identifier or generic code number and reflecting all drug manufacturer's rebates, direct and indirect administrative fees, and costs and any remuneration; or (iv) penalizing or retaliating against a pharmacist or pharmacy for exercising rights provided by this measure. The measures also prohibit a carrier from (a) imposing provider accreditation standards or certification requirements inconsistent with, more stringent than, or in addition to requirements of the Virginia Board of Pharmacy or other state or federal entity; (b) including any mail order pharmacy or pharmacy benefits manager affiliate in calculating or determining network adequacy; or (c) conducting spread pricing in the Commonwealth. The measures also impose recordkeeping and reporting requirements. **HB 1290** incorporates **HB 1659** (Head) and **SB 251** incorporates **SB 862** (Pillion). *The bill has a delayed effective date of October 1, 2020.*

Unemployment Compensation; Leaving Employment to Follow Military Spouse **HB 143** (Ware) repeals the sunset provision on the current statutory provision that provides that good cause for leaving employment exists if an employee voluntarily leaves a job to accompany the employee's spouse, who is on active duty in the military or naval services of the United States, to a new military-related assignment established pursuant to a permanent change of duty order from which the employee's place of employment is not reasonably accessible. This provision will presently expire on December 31, 2020.

Virginia Retirement System; Accidental Death and Dismemberment Benefits, Definitions **HB 536** (Carr) and **SB 109** (Ruff) change the funding structure for the Virginia Retirement System's obligation to fund a savings trust account for higher education for a qualifying child of a VRS member who dies as a result of an accident caused by a felonious assault committed by other than an immediate family member.

The bills require VRS to contribute to such trust account an amount equal to the current average cost, as published by the State Council of Higher Education for Virginia, of four years of tuition and mandatory fees at baccalaureate public institutions of higher education in the Commonwealth.

Virginia Retirement System; Retired Law-Enforcement Officers Employed As School Security **HB 1495** (Torian) and **SB 54** (Cosgrove) allow a retired law-enforcement officer to continue to receive his service retirement allowance during a subsequent period of employment by a local school division as a school security officer, so long as he has a break in service of at least 12 calendar months between retirement and reemployment, did not retire under an early retirement program, and did not retire under the Workforce Transition Act of 1995. **HB 1495** incorporates **HB 986** (Batten), **HB 1368** (Leftwich), and **HB 1493** (Helmer).

Workers' Compensation; Employer to Notify Employee of Intent **HB 46** (Carter) requires an employer whose employee has filed a claim under the Virginia Workers' Compensation Act to advise the employee whether the employer intends to accept or deny the claim or is unable to make such a determination because it lacks sufficient information from the employee or a third party. If the employer is unable to make such a determination because it lacks sufficient information from the employee or a third party, the employer shall so state and identify the needed additional information. If the employer intends to deny the claim, it shall provide the reasons. The bill provides that an employer may, if the employee consents, send any such required response to the employee by email.

Workers' Compensation; Presumption of Compensability for Certain Diseases **HB 783** (Askew) and **SB 9** (Saslaw) add cancers of the colon, brain, or testes to the list of cancers that are presumed to be an occupational disease covered by the Virginia Workers' Compensation Act when firefighters or certain employees develop the cancer. The presumption shall not apply for any individual who was diagnosed with one of the conditions before July 1, 2020. The measures remove the compensability requirement that the employee who develops cancer had contact with a toxic substance encountered in the line of duty. The bills also reduce the number of years of service needed to qualify for the presumption from 12 to five for various types of cancer. For hypertension or heart disease, the bills add a requirement that an individual complete five years of service in their position in order to qualify. **HB 783** incorporates **HB 44** (Brewer), **HB 121** (Carroll Foy), **HB 733** (Reid) and **HB 1536** (Wyatt). **SB 9** incorporates **SB 58** (Cosgrove), **SB 381** (McPike) and **SB 531** (Vogel).

Workers' Compensation; Ombudsman Program **HB 1558** (Kilgore) authorizes the Virginia Workers' Compensation Commission to create an Ombudsman program and appoint an ombudsman to administer such program. The program's purpose will be to provide neutral educational information and assistance to persons who are not represented by an attorney, including those persons who have claims pending or docketed before the Commission.

Workers' Compensation; Repetitive Motion Injuries **HB 617** (Guzman) directs the Virginia Workers' Compensation Commission to engage an independent and reputable national research organization to examine the implications of covering workers' injuries caused by repetitive motion through the Virginia workers' compensation system.

Workers' Compensation; Post-Traumatic Stress Disorder; Law-Enforcement Officers and Firefighters **HB 438** (Heretick) and **SB 561** (Vogel) provide that post-traumatic stress disorder incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act if a mental health professional examines a law-enforcement officer or firefighter and diagnoses the individual as suffering from post-traumatic stress disorder as a result of the individual's undergoing of a qualifying event, defined as an incident or exposure occurring in the line of duty on or after July 1, 2020, (i) resulting in serious bodily injury or death to any person or persons; (ii) involving a minor who has been injured, killed, abused, or exploited; (iii) involving an immediate threat to life of the claimant or another individual; (iv) involving mass casualties; or (v) responding to crime scenes for investigation. Other conditions for compensability include (a) if the post-traumatic stress disorder resulted from the law-enforcement officer or firefighter acting in the line of duty and, in the case of a firefighter, such firefighter complied with certain

federal Occupational Safety and Health Act standards; (b) if the law-enforcement officer's or firefighter's undergoing of a qualifying event was a substantial factor in causing his post-traumatic stress disorder; (c) if such qualifying event, and not another event or source of stress, was the primary cause of the post-traumatic stress disorder; and (d) if the post-traumatic stress disorder did not result from any disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or similar action of the officer or firefighter. The measures also establish requirements for resilience and self-care technique training. **HB 438** incorporates **HB 1596** (Murphy) and **SB 561** incorporates **SB 741**(McPike) and **SB 924** (Cosgrove).

RETIREMENT AND INSURANCE – CONTINUED TO 2021

Health Benefit Plans; Enrollment by Pregnant Individuals HB 39 (Samirah) would require health carriers to allow pregnant individuals to enroll in a health benefit plan at any time after the commencement of the pregnancy, with the pregnant individual's coverage being effective as of the first of the month in which the individual receives certification of the pregnancy. The measure applies to such agreements that are entered into, amended, extended, or renewed on or after January 1, 2021.

Health Carriers; Licensed Athletic Trainers HB 59 (Ware) would require health insurers and health service plan providers whose policies or contracts cover services that may be legally performed by a licensed athletic trainer to provide equal coverage for such services when rendered by a licensed athletic trainer.

Health Insurance; Coverage for Donated Human Breast Milk HB 442 (Carroll Foy) would require health insurers, corporations providing health care coverage subscription contracts, and health maintenance organizations to provide coverage for expenses incurred in the provision of pasteurized donated human breast milk.

Health Insurance; Coverage for Fertility Preservation Procedures for Cancer Patients HB 776 (Helmer) would require health insurance policies, subscription contracts, and health care plans to provide coverage for standard fertility preservation procedures that are medically necessary to preserve the fertility of a covered individual due to the covered individual's receiving cancer treatment that may directly or indirectly cause iatrogenic infertility. **HB 776** incorporates **HB 1567** (Keam).

Health Insurance; Coverage for Mammograms HB 579 (Guzman) would require health insurers, on and after January 1, 2021, to provide coverage for low-dose screening mammograms at rates that are more frequent than is currently required if the covered individual has a family history of breast cancer. If the individual has a family history of breast cancer, the bill would have required coverage for annual mammograms from age 30 through 49 and biannual mammograms starting at age 50.

Health Insurance; Coverage for Prosthetic Devices HB 503 (Roem) and **SB 382** (McPike) would require health insurers, corporations providing health care coverage subscription contracts, health maintenance organizations, and the Commonwealth's Medicaid program to provide coverage for prosthetic devices, including myoelectric, biomechanical, or microprocessor-controlled prosthetic devices that have a Medicare code.

Health Insurance; Essential Health Benefits, Abortion Coverage HB 1713 (Hudson) would remove the prohibition on the provision of coverage for abortions in any qualified health insurance plan that is sold or offered for sale through a health benefits exchange established or operating in Virginia.

Health Insurance for Local School Board Employees SB 234 (Chafin) would allow local school boards to elect to have all of their employees and retirees, as well as the dependents of such employees and retirees, be eligible to participate in the state employee health insurance plan in lieu of the current state-

administered local health insurance plan. Any participating local school board would be responsible for whatever portion of the cost of such insurance is not paid by the employee, except any portion that the General Assembly elects to pay.

Health Insurance; Mandated Coverage for Hearing Aids for Minors HB 1594 (Cole, J.G.) would provide mandated coverage for hearing aids for minors.

Health Insurance; Provider Contracts; Business Practices SB 765 (Barker) would prohibit a carrier from unilaterally amending a provider contract or any material provision, addenda, schedule, exhibit, or policy thereto, as it relates to any material provision that was agreed to or accepted by the provider in the previous 12-month period. The measure would require such an amendment to be agreed to by the provider in a signed written amendment to the provider contract. The measure would define a material provision of a provider contract as any policy manual, coverage guideline, edit, multiple procedure logic, or audit procedure that decreases the provider's payment or compensation, limits an enrollee's access to covered services under his health plan, or changes the administrative procedures applicable to a provider contract in a way that may reasonably be expected to significantly increase the provider's administrative expense. The measure would require carriers to permit a provider to determine the carrier's policies regarding the use of edits or multiple procedure logic. The measure would require carriers to provide, for each health plan in which the provider participates or is proposed to participate, a complete fee schedule for all health care services included under the provider contract with the provider in writing and to make them available in machine-readable electronic format. The measure would require carriers to permit a provider a minimum of one year from the date a health care service is rendered to submit a claim for payment.

Preventive Services; Coverage for Outpatient Mental Health Screenings or Visits HB 1036 (Rasoul) would require a health carrier to provide coverage as a preventive service for at least six annual therapy or counseling outpatient screenings or visits with a licensed mental health professional for the early detection or prevention of mental illness. Health carriers are prohibited from imposing any cost-sharing requirements for mandated preventive services.

Prescription Drug Price Transparency; Penalties HB 1559 (Hurst) would require pharmaceutical drug manufacturers, pharmacy benefits managers, and health carriers to submit reports containing certain information concerning prescription drug costs to the Commissioner of the Bureau of Insurance (the Commissioner). The measure would require pharmaceutical drug manufacturers' reports to include information on the current wholesale acquisition cost information for FDA-approved drugs sold in or into the Commonwealth by the pharmaceutical drug manufacturer

Preventive Services; Coverage for Outpatient Mental Health Screenings or Visits HB 1036 (Rasoul) would require a health carrier to provide coverage as a preventive service for at least six annual therapy or counseling outpatient screenings or visits with a licensed mental health professional for the early detection or prevention of mental illness. Health carriers would be prohibited from imposing any cost-sharing requirements for mandated preventive services.

Reproductive Health Services; Health Benefit Plans to Cover the Costs of Specified Services, etc. HB 526 (Kory) would require health benefit plans to cover the costs of specified health care services, drugs, devices, products, and procedures related to reproductive health, including well-woman preventive visits; counseling for sexually transmitted infections; screening for certain conditions; (iv) folic acid supplements; breastfeeding support, counseling, and supplies; breast cancer chemoprevention counseling; contraceptive drugs, devices, or products; voluntary sterilization; and any additional preventive services for women that must be covered without cost sharing under federal law as of January 1, 2019. **SB 917** (Locke) would require health benefit plans to cover the costs of specified health care services, drugs, devices, products, and procedures related to reproductive health. The health benefit plan requirements would become effective when a plan is delivered, issued for delivery, reissued, or extended in the Commonwealth on and after January 1, 2021, or at any time thereafter when any term of the health benefit plan is changed or any premium adjustment is made.

RETIREMENT AND INSURANCE - FAILED

Canadian Prescription Drug Importation Program Established HB 1404 (Leftwich) would have established the Canadian Prescription Drug Importation Program, pending federal approval and certification from the Secretary of the U.S. Department of Health and Human Services.

Earned Paid Sick Time HB 898 (Guzman) would have required public and private employers with six or more employees to provide those employees with earned paid sick time. The measure would have provided for an employee to earn at least one hour of paid sick leave benefit for every 30 hours worked. **HB 898** incorporated **HB 418** (Cole) and **HB 1684** (Sickles).

Family and Medical Leave Insurance Program; Funding by Employee and Employer Taxes HB 328 (Levine) would have entitled individuals to a family and medical leave insurance (FMLI) benefit payment for each month they are engaged in qualified caregiving, not to exceed 60 qualified caregiving days per year.

Health Benefit Plans; Coding for Adverse Childhood Experiences HB 1682 (Samirah) would have required any carrier that offers a health benefit plan that provides coverage for screening of covered persons for adverse childhood experiences that may impact a patient's physical or mental health or the provision of health care services to such patient to utilize a coding system that enrolls a code for such screening services.

Health Care Spending Study HJ 36 (Carter) would have directed the Joint Commission on Health Care to study health care spending in the Commonwealth.

Health Insurance; Amino Acid-Based Elemental Formula HB 612 (Plum) would have required health insurers, health care subscription plans, and health maintenance organizations whose policy, contract, or plan includes coverage for medicines to cover amino acid-based elemental formula for the treatment of specified diseases or disorders.

Health Insurance; Coverage for Case Management Services and Peer Support Services HB 1704 (Kory) would have required health insurance policies, subscription contracts, and health care plans to provide coverage for case management services that are prescribed by a licensed physician for a covered individual who has a primary diagnosis of a substance abuse disorder and peer support services for any covered person who has a primary diagnosis of a mental health disorder other than substance abuse disorder.

Health Insurance; Coverage for Diabetes HB 645 (Price) would have required health insurers, health care subscription plans, and health maintenance organizations to include coverage for insulin, certain equipment, certain supplies, regular foot care and eye care exams, and up to three in-person outpatient self-management training and education visits upon an individual's initial diagnosis of diabetes and up to two such visits upon a significant change in an individual's condition.

Health Insurance; Coverage for Infertility Treatments SB 1086 (Pillion) would have required health insurance policies, subscription contracts, and health care plans, including plans administered by the Department of Medical Assistance Services, to provide coverage for infertility treatment.

Health Insurance; Payment to SB 767 (Barker) would have provided that when a covered person receives covered emergency services from an out-of-network health care provider or receives out-of-network services at an in-network facility, the covered person is not required to pay the out-of-network provider any amount other than the applicable cost-sharing requirement.

Health Insurance Program for Local Government Employees; Entities Created or Owned by Local Governments **HB 1113** (Hudson) would have added employees of locally owned public service corporations, local government associations, and entities created for the joint exercise of power by political subdivisions to the definition of "employees of local governments" for the purposes of the Commonwealth's health insurance program for local government employees.

Health Plans; Calculation of Enrollee's Contribution to Out-of-Pocket Maximum or Cost-Sharing Requirement; Rebates **SB 424** (DeSteph) and **SB 573** (Dunnavant) would have required any carrier issuing a health plan in the Commonwealth to count the amount of any rebates received or to be received by the carrier or its pharmacy benefits manager in connection with the dispensing or administration of a prescription drug when calculating the enrollee's overall contribution to any out-of-pocket maximum or any cost-sharing requirement under the carrier's health plan.

Human Resources Management, Department of; Health Insurance for Local School Board Employees **HB 107** (Kilgore) would have allowed local school boards to elect to have all of their employees and retirees, as well as the dependents of such employees and retirees, be eligible to participate in the state employee health insurance plan in lieu of the current state-administered local health insurance plan. Any participating local school board would have been responsible for whatever portion of the cost of such insurance is not paid by the employee, except any portion that the General Assembly elects to pay.

Options for Financing Universal Health **HB 529** (Samirah) would have directed the Secretary of Health and Human Resources to enter into a contract with a qualified entity to study options for financing universal health care in the Commonwealth.

Overtime Compensation; Penalties **HB 1535** (Samirah) would have required an employer to compensate its employees who are entitled to overtime compensation under the federal Fair Labor Standards Act at a rate not less than one and one-half times the employee's regular rate of pay for any hours worked in excess of 40 hours in any one workweek. The sanctions for an employer's failure to pay such overtime wages, including civil and criminal penalties, would have been the same as currently provided for failing to pay wages generally.

Paid Family and Medical Leave Program **SB 770** (Boysko) would have required the Virginia Employment Commission to establish and administer a paid family and medical leave program with benefits beginning January 1, 2023.

Paid Maternity Leave Benefit Policy **HB 693** (Simonds) would have required each school board to establish a paid maternity leave benefit policy to grant any mother who has been employed full-time by the school board for at least two years and who gave birth to or adopted a child 12 weeks of paid sick leave, in addition to any other sick leave to which such individual is otherwise entitled, to care for such child.

Price Transparency for Prescription Drugs for the Treatment of Diabetes; Civil Penalty **HB 1405** (Leftwich) would have required a manufacturer of a prescription drug indicated for use in the treatment of diabetes to report certain information to the Commissioner of Health regarding the cost of such prescription drugs and to report additional information when the price of such a drug increases beyond the increase in the medical care component of the Consumer Price Index for the preceding year.

Universal Health Care in the Commonwealth; Report **HJ 18** (Carter) would have directed the Joint Legislative Audit and Review Commission to study the cost of implementing universal health care in the Commonwealth.

Virginia Retirement System; Return to Employment by Certain **SB 671** (Mason) would have provided that a political subdivision participating in the Virginia Retirement System may hire up to two retirees at a time to return to work in full-time positions. Such employees could have received their service retirement allowance during the subsequent period of employment provided that there was a bona fide break in service

of one year between retirement and employment in the full-time position and that there was no prearrangement for reemployment.

Virginia Workers' Compensation Commission; Fee Schedules SB 227 (Spruill) would have required the Virginia Workers' Compensation Commission to review and adjust the Virginia fee schedules annually.

Workers' Compensation; Foreign Injuries HB 47 (Carter) would have provided that an injured employee is eligible for benefits under the Virginia Workers' Compensation Act when a compensable accident happens while the employee is employed outside Virginia if the employment contract was not expressly for services exclusively to be performed outside Virginia and either the employer's place of business is in Virginia or the employee regularly performs work on the employer's behalf in Virginia and resides in Virginia.

Workers' Compensation; Retaliatory Discharge of Employee HB 45 (Carter) would have prohibited an employer or other person from discharging an employee if the discharge is motivated to any extent by knowledge or belief that the employee has filed a claim or taken or intends to take certain other actions under the Virginia Workers' Compensation Act.

SCHOOL BOARD GOVERNANCE - PASSED

Community Services Efficiency Act; Department of Education; Community Schools. HB 1355 (Rasoul) requires the Department of Education to establish an interagency task force composed of state and local agencies and entities in the areas of early childhood development, health, social services, community engagement, family engagement, higher education, communities in schools, and workforce development for the purpose of developing a program for the establishment of community school whereby public elementary and secondary schools serve as centers for the provision of such community programs and services to students and their families as may be necessary on the basis of the unique needs of the student population to be served. The bill requires such program to include a process by which school boards and community partnerships may apply to the Department of Education to designate an elementary or secondary school in the local school division as a community school.

Elections; Date of June Primary Election. SB 316 (Kiggans) changes the date of the primary election held in June from the second Tuesday in June to the third Tuesday in June. The bill also changes candidate filing deadlines to reflect the change of date.

Elementary and Secondary Schools and Institutions of Higher Education in the Commonwealth HB 973 (VanValkenburg) and **SB 600** (Lucas) repeal several Acts of Assembly from 1901 to 1960 that contain provisions relating to the racial segregation of students in elementary and secondary schools and institutions of higher education in the Commonwealth.

Immunity of Persons at Public Hearing; Attorney Fees; Costs SB 401 (Hashmi) allows for the award of reasonable attorney fees and costs to any person who has a subpoena against him quashed in an action for statements made at a public hearing before the governing body of a locality or other local entity when he is immune from liability for such statements.

Interstate Compact on Educational Opportunity for Military Children, Va. Council On; Membership SB 41 (DeSteph) adds two nonlegislative citizen members to the Virginia Council on the Interstate Compact on Educational Opportunity for Military Children, one of whom is a parent of a military child, to be appointed by the Governor, and one of whom is a military spouse serving on the Department of Education's Military Student Support Process Action Team, to be appointed by the Superintendent of Public Instruction. **SB 41** incorporates **SB 47** (Spruill)

Legal Holidays; Lee-Jackson Day; Election Day **HB 108** (Lindsey) and **SB 601** (Lucas) designate Election Day, the Tuesday after the first Monday in November, as a state holiday and removes Lee-Jackson Day as a state holiday.

Local Governing Body Meetings; Public Comment, during a Regular Meeting at Least Quarterly **SB 977** (Suetterlein) requires a governing body to provide members of the general public with the opportunity for public comment during a regular meeting at least quarterly.

Local Government Meetings; Weather **SB 941** (Locke) authorizes by resolution adopted at a regular meeting, any political subdivision, board of zoning appeals or other local government board, commission or authority may fix the day or days to which a regular meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act finds and declares that weather or other conditions are such that it is hazardous for member to attend the regular meeting. Such findings shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting, and no further advertising is required.

Local Human Rights Ordinances; Sexual Orientation and Gender Identity **HB 696** (Roem) provides that localities may prohibit discrimination in housing, employment, public accommodations, credit, and education on the basis of sexual orientation and gender identity.

Opening of the School Year; Northern Neck Technical Center **SB 515** (McDougle) permits the school board of any school division from which students attend Northern Neck Technical Center to set the school calendar so that the first day that students are required to attend school is earlier than Labor Day, including earlier than 14 days before Labor Day.

Transgender Students, Policies **HB 145** (Simon) and **SB 161** (Boysko) require the Department of Education to develop and make available to each school board, no later than December 31, 2020, model policies concerning the treatment of transgender students in public elementary and secondary schools that address common issues regarding transgender students in accordance with evidence-based best practices and include information, guidance, procedures, and standards relating to compliance with applicable nondiscrimination laws; maintenance of a safe and supportive learning environment free from discrimination and harassment for all students; prevention of and response to bullying and harassment; maintenance of student records; identification of students; protection of student privacy and the confidentiality of sensitive information; enforcement of sex-based dress codes; and student participation in sex-specific school activities and events, excluding athletics, and use of school facilities. *The bills require each school board to adopt, no later than the beginning of the 2021-2022 school year, policies that are consistent with but may be more comprehensive than such model policies developed by the Department of Education.*

School Board Member Compensation; City of Winchester **SB 1040** (Vogel) provides that any elected or appointed school board may pay each of its members an annual salary that is consistent with the salary procedures and no more than the salary limits provided for local governments.

Student Voters; Virginia Voter Registration **HB 1491** (Guy) requires each public high school to provide to any enrolled student who is of voting age or otherwise eligible to register to vote access to Virginia voter registration information and applications, or access to the Virginia online voter registration system on a school-owned computing device, and the opportunity to complete such application during the normal course of the school day.

United States Constitution; Ratifies Equal Rights Amendment **HJ 1** (Carroll Foy) and **SJ 1** (McClellan-Lucas) ratifies the Equal Rights Amendment to the Constitution of the United States that was proposed by Congress in 1972. **SJ 1** incorporates **SJ 5** (Saslaw).

Virginia Freedom of Information Act; Cost Estimates, Response Time **SB 153** (Stuart) provides that if a requester asks for a cost estimate in advance of a Virginia Freedom of Information Act request, the time

to respond is tolled for the amount of time that elapses between notice of the cost estimate and the response from the requester, and that if the public body receives no response from the requester within 30 days of sending the cost estimate, the request shall be deemed to be withdrawn. The bill clarifies that if a cost estimate exceeds \$200 and the public body requires an advance deposit, the public body may require the requester to pay the advance deposit before the public body is required to process the request.

Virginia Freedom of Information Act; Library Records HB 313 (Gooditis) and **SB 259** (Bell) clarify that information contained in library records that can be used to identify any library patron who has borrowed or accessed material or resources from a library as well as the material or resources such patron borrowed or accessed is exempt from disclosure under the Virginia Freedom of Information Act.

Virginia Freedom of Information Act; FOIA Officers, Training and Reporting Requirements SB 138 (Stuart) adds regional public bodies to the types of public bodies that must designate a FOIA officer. The bill also changes the frequency for required FOIA officer training from annually to once during each consecutive period of two calendar years and provides that the name and contact information of a FOIA officer trained by legal counsel of a public body only needs to be submitted by July 1 of the initial year of training and updated if there are changes to that information.

Virginia Freedom of Information Advisory Act; Training Requirements SB 139 (Stuart) adds the option for in-person training sessions in addition to the current requirement of online training sessions for local elected officials provided by the Virginia Freedom of Information Advisory Council or a local government attorney. The bill provides that any FOIA training completed by a local elected official prior to July 1, 2020, but after January 1, 2020, shall satisfy the training requirement set forth in Chapter 531 of the 2019 Acts of Assembly, as it shall become effective. The bill also clarifies that "local elected officials" includes constitutional officers.

SCHOOL BOARD GOVERNANCE – CONTINUED TO 2021

General Assembly; Streaming and Recording of Meetings HB 182 (Levine) would require the Clerk of the House of Delegates and the Clerk of the Senate to ensure that every subcommittee or committee meeting of a standing committee of the General Assembly, regardless of meeting date, and floor session of the House of Delegates or the Senate, including any joint session of the houses, is streamed with closed captioning, recorded and archived. The bill would define "stream" and specify that a qualifying meeting is one the date and time of which have been scheduled on a public website of any agency of the General Assembly for at least one hour prior to the meeting and that takes place in the State Capitol, the Pocahontas Building, or the General Assembly Building in Richmond. The bill would have a delayed effective date of October 1, 2020.

Legal Notices; Online Publications HB 712 (Hope) would provide that, where any ordinance, resolution, notice, or advertisement is required by law to be published in a newspaper, such ordinance, resolution, notice, or advertisement instead may be published in an online publication, subject to certain requirements specified in the bill.

Office of the Attorney General; FOIA Ombudsman; Powers and Duties; Report HB 1392 (Roem) would require the Attorney General to appoint a Virginia Freedom of Information Act Ombudsman to promote compliance by state agencies with the provisions of the Virginia Freedom of Information Act.

Virginia Freedom of Information Act; Scholastic Records; Charges HB 602 (Freitas) would provide that, upon request, scholastic records shall be furnished electronically once per academic quarter and physically once per academic year at no charge to the student who is the subject thereof or the student's parent or legal guardian.

SCHOOL BOARD GOVERNANCE - FAILED

Appointed School Boards; Members, Salaries HB 1557 (Fowler) and **HB 1578** (Wyatt) would have eliminated the annual salary limits for appointed school board members and permits any appointed school board to pay each of its members an annual salary that is consistent with the salary procedures and no more than the salary limits provided for local governments in Article 1.1 (§ 15.2-1414.1 et seq.) of Chapter 14 of Title 15.2 (Counties, Cities and Towns) or as provided by charter.

Demographic Statements for Bills; Preparation by JLARC HB 1320 (Aird) would have permitted, beginning October 1, 2020, the Speaker of the House of Delegates, the Minority Leader of the House of Delegates, the Majority Leader of the Senate, and the Minority Leader of the Senate to request that a demographic statement which would have been defined in the bill as a statement that uses available data to outline the potential effects of a bill on specified demographic disparities within the Commonwealth, including a statement of whether the bill is likely to increase or decrease such disparities, to the extent that such data is available, be prepared by the Joint Legislative Audit and Review Commission.

Discrimination Against Students; Investigation and Resolution of Complaints HB 12 (Samirah) would have required the Department of Education to establish a procedure for the receipt, investigation, and resolution of student complaints alleging discrimination on any basis that is prohibited by state or federal law, including discrimination on the basis of sex as prohibited by Title IX (20 U.S.C. § 1681 et seq.).

Elections; Date of June Primary Election HB 57 (Fowler) would have changed the date of the primary election held in June from the second Tuesday in June to the third Tuesday in June. The bill would have also changed candidate filing deadlines to reflect the change of date. *Note however that an identical bill, SB 316, did pass.*

FOIA; Electronic Meetings, Serious Medical Condition of Immediate Family Member HB 321 (Levine) would have allowed a public body to conduct a meeting through electronic communication means if, on or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that he is unable to attend due to a serious medical condition of an immediate family member that prevents the member's physical attendance. The bill would have also limited such participation in an electronic meeting due to a personal matter to either two meetings per calendar year or 10 percent of the meetings held that calendar year, rounded up to the nearest whole number, whichever is greater.

Immunity of Persons; Statements Regarding Matters of Public Concern or Made at a Public Hearing SB 375 (Edwards) provides that a person claiming immunity from certain claims for making statements at a public hearing or regarding matters of public concern may file a special plea to dismiss the underlying claim. The bill further provides that, upon the filing of such a plea, discovery related to such underlying claim shall be stayed pending the entry of an order adjudicating the plea.

Legal Holidays; Indigenous Peoples Day HB 591 (Guzman) would have removed official state observation of Columbus Day and replace it with observation of Indigenous Peoples Day, honoring the historic, cultural, and contemporary significance of indigenous peoples.

Lobbying; Notification to Local Clerk; Penalty SB 383 (McPike) would have required an individual who is compensated to influence or attempt to influence a local government officer or employee regarding local government action to provide notice of such status to the clerk of the local governing body of the county, city, or town in which the officer or employee serves.

Nomination of Candidates for Elected Offices; Primary Election or Partisan Nomination Process Required; Restrictions on Nomination Method Selected by Political Party; Party Identification on Ballots HB 216 (Helmer) would have required each candidate who has been nominated by a political party or in a primary election to be identified by the name of his political party. The bill would have removed the restrictions on candidates for elected school boards and soil and water conservation districts from being

nominated by a partisan nomination method or at a primary election. The bill would have further provided that a political party committee may not select a nomination method that will have the practical effect of excluding participation in the nominating process by qualified voters who are unable to attend meetings because they are a member of a uniformed service, as defined in § 24.2-452, on active duty; temporarily residing outside of the United States; a student attending a school or institution of higher education; or a person with a disability.

Parental Choice Education Savings Accounts HB 678 (LaRock) would have permitted the parents of certain children to apply to the school division in which the child resides for a one-year, renewable Parental Choice Education Savings Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding for which the student is eligible.

Public Campaign Financing; Counties and Cities May Establish for Certain Offices HB 851 (Simon) would have authorized the governing body of a county or city to establish by ordinance a system of public campaign financing for elected local offices. The bill specifies certain requirements for a system of public campaign financing established by a governing body, including the provision of a public election fund to be administered by the treasurer of the county or city. A system of public campaign financing established by a county or city would have been permitted to more stringently regulate the campaign finance activity of participating candidates and would have been subject to regulation and oversight by the State Board of Elections to ensure its conformity with state law and policy to the extent practicable.

Ranked Choice Voting; elections for local governing bodies; local option pilot program SB 892 Ebbin would have provided that elections for local governing bodies may be conducted by ranked choice voting, which the bill defines as the method of casting and tabulating votes in which (i) voters rank candidates in order of preference, (ii) tabulation proceeds in rounds in each of which either a candidate or candidates are elected or the last-place candidate is defeated, (iii) votes for voters' next-ranked candidates are transferred from elected or defeated candidates, and (iv) tabulation ends when the number of candidates elected equals the number of offices to be filled. The bill allows any local governing body to decide to conduct such election by ranked choice voting and requires any such decision to be made in consultation with the local electoral board and general registrar and by a majority vote of the governing body.

Registered Lobbyists; Sexual Harassment Training HB 630 (Hurst) would have required lobbyists registered with the Secretary of the Commonwealth to complete the sexual harassment training course provided by the Office of the Clerk of the House of Delegates or the Office of the Clerk of the Senate once every two calendar years. The bill would have required lobbyists to provide a certificate of completion of the training that is not more than two years old to the Virginia Conflict of Interest and Ethics Advisory Council in order to complete their registrations. The bill would have had a delayed effective date of May 1, 2021, to coincide with the start of the 2021-2022 lobbying year.

School Holidays; Certain Election Days SB 176 (Chase) would have prohibited local school boards from requiring students to attend school on the second Tuesday in June or the Tuesday after the first Monday in November. The bill would have also prohibited parent-teacher conferences and meetings from being held on those dates.

Yellow Charter Schools HB 1124 (Davis) would have permitted any school board to enter into an operating contract with a not-for-profit entity (operating entity) to designate a public elementary or secondary school in the local school division in which at least 50 percent of enrolled students are eligible for free or reduced price lunch as a yellow school and would have required each such contract to require the school board to transfer its constitutional authority to supervise the yellow school to the operating entity, including its authority relating to personnel and curriculum, for an initial period of at least two years,

provided, however, that the yellow school would have been subject to all federal and state accountability requirements prescribed by law or regulation.

SPECIAL SERVICES - PASSED

Access to Minor's Child-Care Records by Parent SB 430 (Surovell) provides that, absent a court order, a minor's records from a child day center or family day home shall not be withheld from a parent of such minor, regardless of whether the parent has custody of such child.

Applied Behavior Analysis Services; Department of Education to Develop Guidance and Resources HB 1722 (Roem) requires the Department of Education to develop and publish guidance and resources relating to the provision of applied behavior analysis services in public schools for students who are in need of such services. *Such guidance shall be published no later than November 16, 2020.*

Art Therapists and Art Therapy Associates; Definitions, Licensure SB 713 (McClellan) requires the Board of Counseling to adopt regulations establishing a regulatory structure to license art therapists and art therapist associates, as those terms are defined in the bill, in the Commonwealth and establishes an advisory board to assist the Board in this process. Under the bill, no person shall engage in the practice of art therapy or hold himself out or otherwise represent himself as an art therapist or art therapist associate unless he is licensed by the Board.

Autism Advisory Council; Extends Sunset Provision SB 177 (Hanger) extends the sunset provision of the Autism Advisory Council from July 1, 2020, to July 1, 2022.

Commission on Wellness and Opportunity Established HB 1056 (Adams, D.M.) creates the 23-member Commission on Wellness and Opportunity in the legislative branch to study and make recommendations relating to establishing the mission and vision of what health and wellness means for Virginia by examining various dimensions of health and wellness, including but not limited to physical, intellectual, emotional, spiritual, environmental, and social wellness, and utilizing the comprehensive theoretical framework of "the social determinants of health"; identifying and defining measurable opportunities and outcomes that build community competence around well-being; and making policy recommendations for improving the quality of life for the people of the Commonwealth. The Commission shall meet at least quarterly. *The bill provides that the Commission will sunset on July 1, 2025.*

Early Childhood Mental Health Consultation, Feasibility of Developing HJ 51 (Sickles) directs the Departments of Behavioral Health and Developmental Services, Education, and Social Services to jointly study the feasibility of developing an early childhood mental health consultation program available to all early care and education programs serving children from birth to five years of age. *The Departments shall complete their meetings by November 30, 2020, and shall submit to the Governor and the General Assembly an executive summary and a report of their findings and recommendations for publication as a House or Senate document by the first day of the 2021 Regular Session of the General Assembly.*

Epinephrine; Accessibility HB 999 (Bell) requires each school board's policies on the possession and administration of epinephrine in every school in the local school division to require that at least one school nurse, employee of the school board, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine has the means to access at all times during regular school hours any such epinephrine that is stored in a locked or otherwise generally inaccessible container or area.

Excused Absences, Mental and Behavioral Health HB 308 (Hope) requires the Department of Education to establish and distribute to each school board guidelines for the granting of excused absences to students who are absent from school due to mental or behavioral health and requires any student who is absent

from school due to his mental or behavioral health to be granted an excused absence, subject to such guidelines. *Such guidelines shall be distributed no later than December 31, 2020.*

Fostering Futures Program; Established HB 400 (Keam) establishes the Fostering Futures program to provide services and support to individuals between the ages of 18 and 21 who were in foster care as a minor and are transitioning to full adulthood and self-sufficiency.

Guardianship; Review of Individualized Education Plan SB 214 (Suetterlein) provides that if the respondent to a guardianship or conservatorship petition is between 17 and a half and 21 years of age and has an Individualized Education Plan, the guardian ad litem appointed to represent the respondent shall review the IEP and include the results of his review in the report required to be submitted to the court.

Guardianship; Supported Decision Making SB 585 (Dunnavant) provides that if the respondent to a guardianship or conservatorship petition is between 17 and a half and 21 years of age and has an Individualized Education Plan (IEP), the guardian ad litem appointed to represent the respondent shall review the IEP and include the results of his review in the report required to be submitted to the court and requires the Superintendent of Public Instruction to make available transitional materials prepared by the Department of Education that include information about powers of attorney and guardianship to be provided to students and parents during the student's annual IEP meeting. The bill also requires the guardian ad litem to consider whether a less restrictive alternative, including the use of an advance directive or durable power of attorney, is available to provide assistance to the respondent. The bill requires the court, upon appointment of a guardian or conservator, to inform such person of his duties and that the respondent should be encouraged to participate in decisions, act on his own behalf, and develop or maintain the capacity to manage his personal affairs if he retains any decision-making rights. The bill sets out specific language to be included in all orders of appointment of a guardian. Finally, the bill requires the Department of Behavioral Health and Developmental Services to convene a group of stakeholders to study the use of supported decision-making agreements.

Individualized Education Program Teams; Department of Education to Develop Guidelines HB 134 (Runion) and **SB 186** (Dunnavant) require the Department of Education to establish guidelines for individualized education program (IEP) teams to utilize when developing IEPs for children with disabilities to ensure that IEP teams consider the need for age-appropriate and developmentally appropriate instruction related to sexual health, self-restraint, self-protection, respect for personal privacy, and personal boundaries of others. The bills require each local school board, in developing IEPs for children with disabilities, in addition to any other requirements established by the Board of Education, to ensure that IEP teams consider such guidelines.

Inhaled Asthma Medication; Professional Use By Practitioners HB 860 (Bell) and **HB 1174** (Lopez) provide that, pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, employee of a local health department, employee of a school for students with disabilities, or employee of an accredited private school who is authorized by a prescriber and trained in the administration of albuterol inhalers or nebulized albuterol may possess or administer an albuterol inhaler or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis. The bills also provide that a school nurse, employee of a school board, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of albuterol inhalers or nebulized albuterol who provides, administers, or assists in the administration of an albuterol inhaler or nebulized albuterol for a student believed in good faith to be in need of such medication, or is the prescriber of such medication, is not liable for civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

In-State Tuition; Refugees; Public institutions of Higher Education HB 1179 (Tran) provides that an individual is eligible for in-state tuition charges regardless of domicile if he is admitted to the United States as a refugee under 8 U.S.C. § 1157 within the previous two calendar years or received a Special Immigrant

Visa that has been granted a status under P.L. 110-181 § 1244, P.L. 109-163 § 1059, or P.L. 111-8 § 602 within the previous two calendar years, and upon entering the United States, the individual resided in the Commonwealth and continues to reside in the Commonwealth as a refugee or pursuant to such Special Immigrant Visa.

Juvenile and Domestic Relations District Court; Intake HB 1324 (Carroll Foy) makes various changes to the intake procedures for the domestic relations district court, including providing that, if a juvenile is alleged to be a truant, the intake officer may defer filing a petition in order to develop and allow the juvenile to complete a truancy plan or program; changing the notice requirement for circumstances under which informal action has been taken on a complaint alleging that a juvenile is in need of services, in need of supervision, or delinquent so that the intake officer advises the juvenile and his parents that any subsequent complaint may result in the filing of a petition with the court; and adding possession of alcohol to the existing offense of possession of marijuana for which, if charged by summons, a juvenile is entitled to have the charge referred to intake for consideration of informal proceedings.

Music Therapy; Licensure HB 1562 (Head) and **SB 633** (Vogel) require the Board of Social Work to adopt regulations establishing a regulatory structure to license music therapists in the Commonwealth and establishes an advisory board to assist the Board in this process. Under the bills, no person shall engage in the practice of music therapy or hold himself out or otherwise represent himself as a music therapist unless he is licensed by the Board.

Office of the Children's Ombudsman Established HB 1301 (Hurst) establishes the Office of the Children's Ombudsman as a means of effecting changes in policy, procedure, and legislation; educating the public; investigating and reviewing actions of the State Department of Social Services, local departments of social services, child-placing agencies, or child-caring institutions; and monitoring and ensuring compliance with relevant statutes, rules, and policies pertaining to children's protective services and the placement, supervision, treatment, and improvement of delivery of care to children in foster care and adoptive homes. The Office of the Children's Ombudsman is headed by the Children's Ombudsman, who is appointed for a term of four years by the Governor and subject to confirmation by the General Assembly.

Parental Educational Information; Tobacco and Nicotine HB 1073 (Kory) requires each school board to annually provide parents of pupils in grades kindergarten through 12 information regarding the health dangers of tobacco and nicotine vapor products. The bill requires that the information provided be consistent with guidelines set forth by the Department of Education.

Public Institutions of Higher Education; Students; Determination of Domicile HB 1315 (Kory) prohibits any student at a public institution of higher education from being deemed ineligible to establish domicile and receive in-state tuition charges solely on the basis of the immigration status of his parent.

Required Immunizations HB 1090 (Hope) amends the minimum vaccination requirements for attendance at a public or private elementary, middle or secondary school, child care center, nursery school, family day care home or developmental center. The bill also requires the State Board of Health to amend the State Board of Health Regulations for the Immunization of School Children as necessary from time to time to maintain conformity with evidence-based routinely recommended vaccinations for children. The bill provides that the adoption of such regulations shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act (§ 2.2-4006 et seq. of the Code of Virginia) and requires the Department to (i) provide a Notice of Intended Regulatory Action and (ii) provide for a 60-day public comment period prior to the Board's adoption of the regulations. **HB 1090** incorporated **HB 1489** (Hudson).

School Attendance Officers; Petitions for Violation of a School Attendance Order HB 1081 (Guzman) and **SB 237** (Barker) provide that an attendance officer, or a division superintendent or his designee when acting as an attendance officer, to complete, sign, and file with the intake officer of the juvenile and domestic relations district court, on forms approved by the Supreme Court of Virginia, a petition for a violation of a

school attendance order entered by the juvenile and domestic relations district court in response to the filing of a petition alleging the pupil is a child in need of supervision. The bills provide that such actions do not constitute the unauthorized practice of law.

School Enrollment; Students Formerly in Foster Care HB 368 (Carroll Foy) and **SB 275** (Barker) specify that several provisions of law relating to the public school enrollment of children placed in foster care apply to any pupil who was in foster care when he reached age 18 but who has not yet reached age 22.

Process for Approval of Residential Psychiatric Placement and Services; Report HB 728 (Hope) and **SB 734** (Deeds) direct the Secretaries of Education and Health and Human Resources to establish a work group to study the current process for approval of residential psychiatric services for children and adolescents and requires the work group *to report its findings and recommendations to the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance and Appropriations, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2020.*

SPECIAL SERVICES – CONTINUED TO 2021

Children's Services Act; Community Policy and Management Teams; Use of Funds SB 190 (Peake) would provide that the state pool of funds for community policy and management teams may be used for residential or nonresidential services in a public school setting and to provide services to children placed in public residential facilities or public special education day schools in addition to such private facilities and private special education day schools as provided in current law.

Children's Services Act; Special Education Programs HB 762 (Cole, J.G.) and **SB 135** (Stuart) would expand eligibility for services under the Children's Services Act to students who transfer from an approved private school special education program to a public school special education program established and funded jointly by a local governing body and school division located within Planning District 16 for the purpose of providing special education and related services when the public school special education program is able to provide services comparable to those of an approved private school special education program and the student would require placement in an approved private school special education program but for the availability of the public school special education program.

Guardianship; Supported Decision Making HB 1321 (Kory) would create the Supported Decision-Making Act, which allows an adult with an intellectual or developmental disability to enter into an agreement with another person, called a "supporter," for the purposes of having the supporter assist the adult in making decisions to manage his affairs, giving adults who need assistance a less restrictive means of receiving such assistance than being appointed a guardian or conservator by a court.

Placement Transition of Certain Students; Pilot HB 49 (McNamara) and **SB 128** (Suetterlein) would require the Department of Education and relevant local school boards to develop and implement a pilot program for up to four years in two to eight local school divisions in the Commonwealth. In developing the pilot, the Department would be required to partner with the appropriate school board employees in each such local school division to identify the resources, services, and supports required by each student who resides in each such local school division and who is educated in a private school setting pursuant to his Individualized Education Program; study the feasibility of transitioning each such student from his private school setting to an appropriate public school setting in the local school division and providing the identified resources, services, and supports in such public school setting; and recommend a process for redirecting federal, state, and local funds, including funds provided pursuant to the Children's Services Act, provided for the education of each such student to the local school division for the purpose of providing the identified resources, services, and supports in the appropriate public school setting.

Seizure Management and Action Plans; Training SB 420 (DeSteph) would provide for the submission and utilization of seizure management and action plans for students with a seizure disorder. The bill would require that school nurses and certain school division employees biennially complete a Board of Education-approved online course of instruction regarding treating students with seizure disorders. The bill would also provide immunity from civil liability for acts or omissions related to providing for the care of a student under a seizure management and action plan.

Special Education; Due Process Hearings; Nonattorney Representatives HB 1381 (Leftwich) would permit a school division and the parents of a child with a disability in the school division to be accompanied and advised by any nonattorney with special knowledge or training with respect to the needs of children with disabilities in any due process hearing before a hearing officer. The bill would declare that it constitutes the practice of law without being authorized or licensed to do so as prohibited by law when any such nonattorney drafts or submits pleadings, motions, or briefs; presents evidence; makes any argument, including any argument relating to any law or regulation; or questions witnesses on behalf of any parent or student. The bill would require the Board of Education to adopt regulations to establish licensure requirements, including minimum training and qualification requirements, a code of professional conduct, and a mechanism for the review and resolution of complaints for such nonattorneys.

SPECIAL SERVICES - FAILED

Adverse Childhood Experiences; Board of Medicine to Adopt Regulations for Screening HB 41 (Samirah) would have directed the Board of Medicine to adopt regulations requiring every health care practitioner licensed by the Board who provides primary health care services to, at the time of a patient's first appointment, provide to the patient information regarding the impact of adverse childhood experiences on physical and mental health and the risks and benefits of screening patients for adverse childhood experiences and screen patients for adverse childhood experiences that may impact a patient's physical or mental health or the provision of health care services to such patient.

Baccalaureate Public Institutions of Higher Education; Websites; Certain Information; Degree Completion HB 1178 (Poindexter) would have required each baccalaureate public institution of higher education to include, on the informational tab or link on the home page of its website that the institution is required to maintain and annually update, the number of degrees completed during the most recent academic year by degree program and by primary location and manner of completion, including completion on the main campus, at a center or other institution established pursuant to Chapter 31 (Educational Authorities, Centers, Committees, Funds, Institutes, and Partnerships) of Title 23.1, and online.

Behavioral Assessments and Interventions; Department of Education to Review Certain Guidelines SB 1034 (Chafin) would have directed the Department of Education to review and revise the Guidelines for Conducting Functional Behavioral Assessment and Developing Positive Behavior Intervention Supports and Strategies to align with research-based behavior science and best practices for functional behavior analysis. The bill also would have required the Department to review and revise the content of the in-depth training provided to local school divisions on conducting functional behavioral analysis and developing quality behavior intervention plans.

Child Abuse and Neglect; Gender Identity or Sexual Orientation HB 580 (Guzman) would have expanded the definition of "abused or neglected child" to include any child whose parents, or other person responsible for his care, create or inflict, threaten to create or inflict, or allow to be created or inflicted upon such child a physical or mental injury on the basis of the child's gender identity or sexual orientation.

Children with Disabilities; Alternative Placements, State Funds HB 231 (Freitas) would have required the parent of any child with a disability who is placed in a public school pursuant to his individualized education program who subsequently places his child in a nonpublic school setting to receive from the

school board, upon request, the applicable Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the school division, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding for which the child is eligible, to pay for tuition and fees associated with such nonpublic school setting, subject to such rules, regulations, or procedures as the Department of Education may establish. The bill would have required each such parent to submit annually to the division superintendent an evaluation or assessment that indicates that the child is achieving an adequate level of educational growth and progress.

Immunization Rates SB 339 (Stuart) would have required each school board to publish on the official school division website for each school in the school division the number of students admitted to the school with documentary proof of immunization, the number of students who have been admitted with a medical or religious exemption, and the number of students who have been conditionally admitted.

In-State Tuition; Domicile, Individuals Granted Deferred Action for Childhood Arrivals SB 220 (Marsden) would have declared that, absent congressional intent to the contrary, any individual currently granted Deferred Action for Childhood Arrivals by U.S. Citizenship and Immigration Services has the capacity to intend to remain in the Commonwealth indefinitely and is therefore eligible to establish domicile and receive in-state tuition charges at any public institution of higher education in the Commonwealth.

Mental Health Crisis Intervention Hotline SB 930 (Stuart) would have directed the Secretary of Health and Human Resources to establish a work group to evaluate the feasibility of establishing and maintaining a 24-hours-a-day, seven-days-a-week, toll-free Mental Health Crisis Intervention Hotline (the Hotline) to receive anonymous tips regarding individuals suspected to be in need of mental health treatment to facilitate mental health treatment, crisis intervention, and prevention of tragedies and developing and implementing policies and procedures for referring tips received through the Hotline to state or local law enforcement, as may be appropriate, in a timely manner for follow-up and investigation.

School Safety Mobile Application HB 352 (Davis) would have required the Virginia Fusion Intelligence Center to develop or obtain a school safety mobile application to facilitate the provision of free, confidential, real-time, 24-hours-a-day, seven-days-a-week crisis intervention services by licensed clinicians, including support or crisis counseling, suicide prevention, and referral services to students and youth in the Commonwealth through calls, texts, and online chats, and provide to students and youth in the Commonwealth a platform that is capable of receiving text, audio, images, and video to submit confidential tips concerning bullying, threats of school violence, and other school-related safety concerns.

Special Education Staffing Ratios HJ 79 (Guzman) would have directed the Joint Legislative Audit and Review Commission to include in its current review of the effectiveness of Virginia's special education programs an examination of the prescribed and actual ratios of students to special education instructional and support personnel in public elementary and secondary schools in the Commonwealth to determine whether any adjustment to such ratios is necessary.

Vaccinations and Immunizations; Certain Minors Given Authority to Consent SB 104 (Favola) would have provided that a minor shall be deemed an adult for the purpose of consenting to medical or health services related to receiving vaccinations and immunizations recommended by the Centers for Disease Control and Prevention if the individual is at least 14 years of age and demonstrates to the satisfaction of a health care practitioner the ability to understand at the same comprehension level as an adult the risks and benefits associated with vaccinations and immunizations.

Virginia Hearing Loss Identification & Monitoring System; Language Development for Certain Children SB 564 (Edwards) would have expanded the responsibilities of the advisory committee of the Virginia Hearing Loss Identification and Monitoring System to include selecting language development milestones for educators and early intervention specialists for use in assessing the language and literacy development of children from birth to age five who are deaf or hard or hearing. The bill would have required the addition of at least two language experts to the advisory committee.

STANDARDS OF QUALITY/STANDARDS OF ACCREDITATION - PASSED

Career and Technical Education; Academic and Career Plans; Contents HB 1276 (O'Quinn) requires each school board to include, as part of each student's academic and career plan in the career and technical education curricula, a list of the top 100 professions in the Commonwealth by median pay and the education, training, and skills required for each such profession and the top 10 degree programs at institutions of higher education in the Commonwealth by median pay of program graduates. The bill requires the Department of Education to annually compile such lists and provide them to each local school board.

Credit Accommodations; Advanced Diploma; Standard Units of Credit; Certain Substitutions for SB 323 (Barker) requires the Board of Education, in establishing high school graduation requirements, to permit a student who is pursuing an advanced diploma and whose individualized education program specifies a credit accommodation for world language to substitute two standard units of credit in computer science for two standard units of credit in a world language. The bill provides that for any student electing to substitute a credit in computer science for credit in world language, his or her school counselor shall provide notice to the student and parent or guardian of possible impacts related to college entrance requirements.

Dual Enrollment and Work-based Learning Options High School Graduation; Standard Diploma Requirements HB 516 (Bulova) and **SB 112** (Suetterlein) requires the Board of Education to include in its graduation requirements the options for students to complete a dual enrollment course or high-quality work-based learning experience. *HB 516 incorporates HB 112 (McNamara).*

English Language Learners; Teacher Ratios; State Funding; HB 975 (Guzman) and **SB 910** (Hashmi) require, effective with the 2020-2021 school year, state funding to be provided pursuant to the general appropriation act to support 18.5 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency and, effective with the 2021-2022 school year, 20 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency. *HB 975 incorporates HB 1323 (Kory).*

Licensed Behavior Analysts, Support Services Positions HB 1143 (Tran) includes licensed behavior analysts and licensed assistant behavior analysts as support services positions in a local school division for the purposes of Title 22.1 (Education).

Public School Accreditation; Triennial Review HB 1388 (Adams, D.M.) eliminates the ability of a school that only maintains a passing rate on Virginia assessment program tests or additional tests approved by the Board of Education of 95 percent or above in each of the four core academic areas for two consecutive years to apply for and receive a waiver of accreditation from the Department of Education, which waiver confers full accreditation for a three-year period.

School Counselors; Minimum Staffing Ratio HB 1508 (McQuinn) and **SB 880** (Locke) require local school boards to employ school counselors in accordance with the following ratios, effective with the 2020-2021 school year: in elementary schools, one hour per day per 75 students, one full-time equivalent at 375 students, one hour per day additional time per 75 students or major fraction thereof; in middle schools, one period per 65 students, one full-time equivalent at 325 students, one additional period per 65 students or major fraction thereof; and in high schools, one period per 60 students, one full-time equivalent at 300 students, one additional period per 60 students or major fraction thereof. The bills also require local school boards to employ one full-time equivalent school counselor position per 325 students in grades kindergarten through 12, effective with the 2021-2022 school year. *HB 1508 incorporates HB 398 (Keam).*

School Counselor Positions; Data Collection HB 1653 (Wilt) requires the Department of Education to collect data from school boards regarding their ability to fill school counselor positions, including the number of school counselors employed in elementary, middle, and high schools in the local school division; the number and duration of school counselor vacancies; the number, role, and license type of other licensed

counseling professionals employed by the school board; and information about their preferences for meeting updated school counselor to student ratios with other licensed counseling professionals.

"Students With Limited or Interrupted Formal Education" Common Statewide Definition; SB 933 (Favola) requires the Department of Education to develop and adopt a common statewide definition for the term "students with limited or interrupted formal education" and to require local school divisions to report on the number of students who fall under such definition as part of the required data collection and reporting on average daily membership for the purposes of documenting any changes in such numbers over time. The bill requires that the Board of Education evaluate the supports and programs available to "students with limited or interrupted formal education" in local school divisions to determine whether the calculations for the school quality indicators within the Board's Regulations Establishing the Standards for Accrediting Public Schools in Virginia are appropriate or whether changes in methodology could be made to more comprehensively measure the academic and nonacademic achievement of such student population.

STANDARDS OF QUALITY – CONTINUED TO 2021

Federal Accountability Indicators; PSAT/NMSQT, PreACT SB 1078 (Suetterlein) would direct the Department of Education to amend its state plan pursuant to the Every Student Succeeds Act to include the Preliminary SAT/National Merit Scholarship Qualifying Test and the PreACT in the next federal accountability indicators application. The bill would direct the Department and the Board of Education to grant verified credit to students who have earned approved scores on these two tests and permit schools to count those students as a "pass."

Graduation Requirements; Certain Substitutions HB 1123 (Davis) would require the Board of Education, in establishing high school graduation requirements, to provide for the substitution of computer coding course credit for any foreign language course credit required to graduate with a standard or advanced diploma for children with disabilities.

Graduation Requirements; English as a Second Language Courses HB 1400 (Willet) would require the Board of Education, in establishing high school graduation requirements, to permit English as a second language (ESL) courses to satisfy credit requirements for graduation.

Librarian Staffing Ratios HB 1599 (Roem) would require school boards to employ librarians in accordance with the following ratios: in elementary schools, one part-time to 299 students, one full-time at 300 students, and two full-time at 700 students; in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at 800 students, and three full-time at 1,700 students; and in high schools, one half-time to 299 students, one full-time at 300 students, two full-time at 900 students, and three full-time at 1,800 students.

STANDARDS OF QUALITY - FAILED

English Language Learner Students; Removal From Calculations HB 1294 (Kory) and **SB 934** (Favola) would have required the Board of Education to permit any English language learner student who enters high school with an English language proficiency level of 1 or 2, has been enrolled in public schools in the Commonwealth for fewer than four semesters, and has a final four-year cohort status of dropout or unconfirmed to be removed from the calculation of the dropout rate and graduation and completion index non-academic school performance indicators for English language learner students under the Standards of Accreditation.

High School Graduation Requirements; Standard Diploma; Workforce Skills Training SB 551 (Ruff) would have required the Board of Education, in establishing high school graduation requirements, to permit any student who has successfully completed during high school at least two years of workforce skills training as evidenced by written certification from the training provider to graduate with a standard diploma without completing the remaining credit requirements for such diploma.

School Counselors Staffing Ratios HB 1515 (McQuinn) would have required school boards to employ school counselors in accordance with the following ratios: effective with the 2020 - 2021 school year, in elementary schools, one hour per day per 60 students, one full-time at 300 students, one hour per day additional time per 60 students or major fraction thereof; in middle and high schools, one period per 55 students, one full-time at 275 students, one additional period per 55 students or major fraction thereof and effective with the 2021 - 2022 school year, in elementary, middle, and high schools, one hour per day per 50 students, one full-time at 250 students, one additional hour per day per 50 students or major fraction thereof. *Note that this bill's content was nearly identical to HB 1508 (McQuinn) which did pass.*

School Library Clerical Personnel; Ratios of Positions to Students HB 1415 (Roem) would have established, as part of each local school board's provision of those support services that are necessary for the efficient and cost-effective operation and maintenance of its public schools, the following ratios for school library clerical personnel positions: in elementary schools, one full-time at 300 students and two full-time at 700 students; in middle schools, one full-time at 300 students, two full-time at 800 students, and three full-time at 1,700 students; and in high schools, one full-time, two full-time at 900 students, and three full-time at 1,800 students.

School Nurse Staffing Ratios SB 151 (Stuart) would have excluded school nurse positions from requirements for student support positions and instead require each local school board to employ at least one full-time equivalent school nurse position in each elementary school, middle school, and high school in the local school division or at least one full-time equivalent school nurse position per 550 students in grades kindergarten through 12.

Standards of Quality; Work-Based Learning; Teacher Leaders and Mentors; Principal Mentors HB 1316 (Aird) and **SB 728** (McClellan) would have made several changes to the Standards of Quality, including requiring the establishment of units in the Department of Education to oversee work-based learning and principal mentorship statewide in Standard 1 and requiring the Board of Education to establish and oversee the local implementation of teacher leader and teacher mentor programs in Standard 5. The bill would have also made several changes relating to school personnel in Standard 2, including establishing schoolwide ratios of students to teachers in certain schools with high concentrations of poverty and granting flexibility to provide compensation adjustments to teachers in such schools; requiring each school board to assign licensed personnel in a manner that provides an equitable distribution of experienced, effective teachers and other personnel among all schools in the local school division; requiring each school board to employ teacher leaders and teacher mentors at specified student-to-position ratios; (iv) requiring state funding in addition to basic aid to support at-risk students and granting flexibility in the use of such funds by school boards; lowering the ratio of English language learner students to teachers; requiring each school board to employ reading specialists and establishing a student-to-position ratio for such specialists; requiring school boards to employ one full-time principal in each elementary school; lowering the ratio of students to assistant principals and school counselors in elementary, middle, and high schools; and requiring each school board to provide at least four specialized student support positions, including school social workers, school psychologists, school nurses, and other licensed health and behavioral positions, per 1,000 students.

State Accountability and Reporting, Student Subgroup Size HB 399 (Keam) would have required, for the purposes of ensuring state accountability pursuant to relevant federal law and publicly reporting the assessment scores of student subgroups, the minimum student subgroup size to be 10.

'Students With Limited or Interrupted Formal Education;' DOE to Develop Statewide Definition HB 522 (Kory) would have required the Department of Education to develop and adopt a common statewide

definition for the term "students with limited or interrupted formal education" and to require school boards to report on the number of students who fall under such definition as part of the required data collection and reporting on average daily membership for the purposes of documenting any changes in such numbers over time and allowing for comparisons of such numbers across local school divisions. The bill would have provided that in developing and adopting such common statewide definition, the Department of Education shall consider and may adopt existing definitions of "students with limited or interrupted formal education." Note that this bill's content was identical to **SB 933** (Favola) which did pass.

Student Activities and Athletic Programs - PASSED

Advisory Board on Athletic Training; Membership HB 1260 (Hodges) provides that one member of the Advisory Board on Athletic Training shall be an athletic trainer who is currently licensed by the Board on Athletic Training who has practiced in the Commonwealth for not less than three years and is employed in the public or private sector.

Athletic Trainers; Naloxone or Other Opioid Antagonist HB 1261 (Hodges) authorizes licensed athletic trainers to possess and administer naloxone or other opioid antagonist for overdose reversal pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice.

Student Journalists; Freedom of Speech and the Press HB 36 (Hurst) declares that, except in certain limited circumstances, a student journalist at a public institution of higher education has the right to exercise freedom of speech and the press in school-sponsored media, including determining the news, opinion, feature, and advertising content of school-sponsored media, regardless of whether the media is supported financially by the governing board of the institution, supported through the use of campus facilities, or produced in conjunction with a course in which the student is enrolled. The bill defines "school-sponsored media" as any material that is prepared, substantially written, published, or broadcast by a student journalist at a public institution of higher education under the direction of a student media adviser and distributed or generally made available to members of the student body.

Sudden Cardiac Arrest Prevention in Student-Athletes SB 463 (Reeves) directs the Board of Education to develop, biennially update, and distribute to each local school division guidelines on policies to inform and educate coaches, student-athletes, and student-athletes' parents or guardians about the nature and risk of sudden cardiac arrest, procedures for removal from and return to play, and the risks of not reporting symptoms. The bill also requires local school divisions to develop and biennially update policies and procedures regarding the identification and handling of symptoms that may lead to sudden cardiac arrest in student-athletes.

Student Activities and Athletic Programs – CONTINUED TO 2021

Student Journalists; Freedom of Speech and the Press SB 80 (Marsden) would declare that, except in certain limited circumstances, a student journalist at a public middle school or high school or public institution of higher education has the right to exercise freedom of speech and the press in school-sponsored media, including determining the news, opinion, feature, and advertising content of school-sponsored media, regardless of whether the media is supported financially by the school board or governing board, supported through the use of school or campus facilities, or produced in conjunction with a class or course in which the student is enrolled. The bill would define "school-sponsored media" as any material that is prepared, substantially written, published, or broadcast by a student journalist at a public middle

school or high school or public institution of higher education under the direction of a student media adviser and distributed or generally made available to members of the student body.

STUDENT ACTIVITIES AND ATHLETIC PROGRAMS - FAILED

Sports Officials; Person Who Commits Battery Against Official, Penalty HB 1665 (Hayes) would have provided that if any person commits a battery against another knowing or having reason to know that such other person is a sports official engaged in the performance of his duties as such, he is guilty of a Class 1 misdemeanor. A "sports official" would have been defined in the bill as a coach, umpire, referee, line judge, or other person employed or volunteering in a similar capacity during an amateur or professional sporting event.

Students Who Receive Home Instruction; Participation in Interscholastic Programs ("Tebow Bill") HB 226 (Freitas) would have prohibited public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who receives home instruction; has demonstrated evidence of progress for two consecutive academic years; is in compliance with immunization requirements; is entitled to free tuition in a public school; has not reached the age of 19 by August 1 of the current academic year; is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; complies with all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physical examinations, and transfers applicable to all high school athletes. The bill would have provided that no local school board is required to establish a policy to permit students who receive home instruction to participate in interscholastic programs. The bill would have permitted reasonable fees to be charged to students who receive home instruction to cover the costs of participation in such interscholastic programs, including the costs of additional insurance, uniforms, and equipment. The bill would have had an expiration date of July 1, 2025.

STUDENT TESTING – PASSED

NONE

STUDENT TESTING – CONTINUED TO 2021

School Divisions of Innovation; Performance-Based Assessments HB 634 (LaRock) and **SB 249** (Favola) would allow a local school board, when applying for its school division to be designated as a School Division of Innovation, to apply to the Board of Education to replace the Virginia Studies and Civics and Economics Standards of Learning assessments with local assessments that include performance-based assessments. The bills would require any such application to demonstrate that the proposed local assessment requires that students demonstrate the knowledge and skills required by the relevant Standards of Learning and that students demonstrate one or more of the skills and qualities of critical thinking, creativity, collaboration, communication, or citizenship and provide evidence of the local school board's capacity to administer and score performance-based assessments.

Standards of Learning Assessments; Reduction HB 1277 (O'Quinn) and **SB 390** (McPike) would reduce the total number and type of required Standards of Learning assessments to the minimum requirements established by the federal Elementary and Secondary Education Act of 1965, as amended. **HB 1277** incorporates **HB 931** (Coyner).

STUDENT TESTING - FAILED

Standards of Learning Assessments, Reduction SB 847 (Pillion) would have reduced the total number and type of required Standards of Learning assessments to the minimum requirements established by the federal Elementary and Secondary Education Act of 1965, as amended.

Student Assessments; Language Translation HB 527 (Kory) would have required each school board to establish a process for the translation of certain statutorily required student assessments and any accompanying assessment instructions into the native language of each student who will participate in such assessments.

TAXATION - PASSED

Virginia Lottery Board; Regulation of Electronic Gaming Devices HB 881 (Bulova) and **SB 971** (Howell) include the playing or offering for play of any skill game in the definition of "illegal gambling." The bills also include skill games within the definition of "gambling devices." The bills defines a "skill game" as an electronic, computerized, or mechanical contrivance, terminal, machine, or other device that requires the insertion of a coin, currency, ticket, token, or similar object to operate, activate, or play a game, the outcome of which is determined by any element of skill of the player and that may deliver or entitle the person playing or operating the device to receive cash; cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash; merchandise; or anything of value whether the payoff is made automatically from the device or manually. The bills exempt family entertainment centers from the prohibition against the playing or offering of any skill game, provided the prize won or distributed to a player by the skill games offered by such centers is a noncash, merchandise prize or a voucher, billet, ticket, token, or electronic credit redeemable only for a noncash, merchandise prize that also meets certain other requirements. **SB 971** incorporates **SB 908** (Norment) and **SB 909** (Norment).

Locally Adopted Sales and Use Tax, School Construction the following series of bills authorize various localities to impose an additional local sales and use tax at a rate not to exceed one percent, as determined by the governing body to be used solely for capital projects for new construction or major renovation of schools: **HB 200** (Wright) and **SB 943** (Ruff) Mecklenburg County; **HB 486** (Marshall) Henry County, Northampton County, Patrick County, Pittsylvania Counties and the City of Danville; **HB 1631** (Edmunds) Charlotte County; **SB 224** (Norment) Gloucester; and **SB 1028** (Lewis) Northampton County.

Local Taxing Authority HB 785 (Watts) and **SB 588** (Hanger) modify or eliminate several restrictions that apply to taxes imposed by counties, and establishes a new restriction on cigarette taxes imposed by any locality. The bill authorizes most counties to impose an admissions tax, not to exceed a ten percent rate. Under current law, only certain counties may impose an admissions tax. The bills eliminate the limit on the rate of transient occupancy tax that a county may impose. The bills require that any revenue attributable to a rate over two percent but not exceeding five percent must be dedicated to tourism marketing. Under current law, all counties may impose a transient occupancy tax of up to two percent, and certain counties may impose it up to a higher maximum rate. The bills authorize any county to impose a cigarette tax up to a maximum rate of 40 cents per pack and provide that any locality that imposes such tax at a rate higher than 40 cents per pack may not increase such rate. Under current law, only certain counties may impose a cigarette tax, and cities and towns may impose such tax with no limit on the rate. The bills authorize any county to impose a food and beverage tax of up to six percent and eliminates the requirement that a county hold a referendum before imposing such tax. However, in jurisdictions that held a referendum pursuant to § 58.1-3833 of the Code of Virginia prior to July 1, 2020, that was defeated may only impose a food and beverage tax six years after the date of such referendum. Under current law, all counties may impose the tax after a referendum but the rate may not exceed four percent. *The provisions related to the cigarette tax*

have a delayed effective date of July 1, 2021. **HB 785** incorporates **HB 977** (Krizek) and **SB 588** incorporates **SB 484** (Favola), **SB 921** (Locke), **SB 682** (Mason) and **SB 799** (Lewis).

TAXATION – CONTINUED TO 2021

Constitutional Amendment; Real Property Tax Exemption for Affordable Housing (first reference) HJ 2 (Bourne) would provide that the General Assembly may authorize a locality to fully or partially exempt affordable housing, as such term may be defined by statute, from real property taxation.

Education Improvement Scholarships Tax Repealing Tax Credit HB 521 (Bulova) would repeal the Education Improvement Scholarships Tax Credits. Any qualifying donations made prior to July 1, 2020, would be eligible for the credit, including the ability to carry over the credit, as it was in effect on June 30, 2020.

Electronic Gaming Machines; Municipal Taxation HB 1708 (Tyler) would authorize any city or town that has general taxing authority under the Uniform Charter Powers Act to impose a tax at a rate not to exceed 10 percent of the amount paid to play an electronic gaming machine, as defined in the bill.

Firearms and Ammunition; Imposes Additional Sales and Use Tax, Use of Proceeds HB 960 (Levine) would impose an additional sales and use tax on the retail sale of firearms and ammunition. The amount of the tax would be 10 percent minus the amount of tax imposed by all other sales and use taxes levied by the Commonwealth. Revenues from the tax would be deposited in the Student Mental Health and Safety Fund (the Fund), which is established by the bill. In addition to the Fund, the bill creates the Student Mental Health and Safety Program (the Program). The Program and Fund would be provided grants on a competitive basis to public school divisions for the purpose of funding full-time school counselor positions at a ratio of 250:1 or better, school social worker positions at a ratio of 400:1 or better, and school psychologists at a ratio of 500:1 or better.

Taxes on Tobacco Products; Penalties HB 1120 (Hope) would provide that tobacco products, defined in the bill, would be subject to tax at rates of \$1.80 per pack of cigarettes or 39 percent of the wholesale price for all other tobacco products. Current law imposes taxes of \$0.30 per pack of cigarettes, 10 percent of the wholesale price of certain tobacco products, and various weight-based rates that apply to moist snuff and loose-leaf tobacco. The bill would broaden the definition of "tobacco product" to include electronic smoking devices, which are not taxed under current law.

The bill would authorize all localities to tax all tobacco products with no restriction on the tax rate.

The bill would dedicate portions of revenue accruing as a result of the tax increases and new taxes established by the bill to the Department of Health for its costs related to Quit Now Virginia for the purpose of providing free information and coaching to residents who want to quit smoking or using tobacco; to the Virginia Foundation for Healthy Youth to fund initiatives to prevent or reduce youth tobacco use; the Department of Behavioral Health and Developmental Services to fund initiatives to educate merchants on the laws governing the sale of tobacco products; and to the general fund.

TAXATION – FAILED

Income Tax, State; Deduction for Primary and Secondary School Tuition or Home Instruction Expenses HB 158 (Cole, M.L.) would have provided an income tax deduction beginning in taxable year 2020 for education expenses incurred by the parent or guardian of a child under the age of 18. Qualifying education expenses for the deduction were defined in the bill as tuition for a primary or secondary school in the Commonwealth, or expenses directly related to the home instruction of children.

Income Tax Subtraction; Public School Teacher Salaries HB 1091 (Miyares) would have established for taxable years beginning on and after January 1, 2020, an income tax subtraction for any income from full-time employment as an elementary or secondary school teacher at a public school in the Commonwealth.

Tax credit for teaching material expenses SB 500 (Reeves) would have established an individual nonrefundable income tax credit of up to \$250 for licensed teachers in taxable years beginning on or after January 1, 2020, but before January 1, 2025, for the purchase price of materials used in teaching public primary or secondary school students that were purchased during the taxable year, provided that such purchases were neither reimbursed nor claimed as a deduction on the teacher's federal income tax return.

Taxes on Tobacco Products SB 852 (Ebbin) would have provided that tobacco products, defined in the bill, would be subject to tax at rates of \$1.80 per pack of cigarettes or 39 percent of the wholesale price for all other tobacco products. Current law imposes taxes of \$0.30 per pack of cigarettes, 10 percent of the wholesale price of certain tobacco products, and various weight-based rates that apply to moist snuff and loose leaf tobacco. The bill would have broadened the definition of "tobacco product" to include electronic smoking devices, which are not taxed under current law. The bill would have authorized all localities to tax all tobacco products with no restriction on the tax rate. Under current law, cities may tax only cigarettes, and the Counties of Arlington and Fairfax may tax cigarettes at a rate no higher than the state rate. The bill would have dedicated portions of revenue accruing as a result of the tax increases and new taxes established by the bill to the Department of Health for its costs related to Quit Now Virginia for the purpose of providing free information and coaching to residents who want to quit smoking or using tobacco; to the Virginia Foundation for Healthy Youth to fund initiatives to prevent or reduce youth tobacco use; the Department of Behavioral Health and Developmental Services to fund initiatives to educate merchants on the laws governing the sale of tobacco products; and to the general fund.

Virginia Lottery Board; Regulation of the Manufacturing, Distributing, Operating Video Games; Penalties HB 903 (Sickles) and **SB 348** (Lucas) would have authorized the manufacture, distribution, operation, hosting, and playing of dominant skill video games in the Commonwealth, to be regulated by the Virginia Lottery Board. The bill would have specified the licensing requirements for the manufacture, distribution, operation, and hosting of dominant skill video games and imposes criminal and civil penalties for violations of the law and regulations related to dominant skill video games. The bill would have imposed a 10 percent tax on all gross profits generated from the play of dominant skill video games and the sale of fills by distributor licensees to operator licensees and provides for how the tax proceeds are disbursed. The bill would have also established the Problem Gambling Treatment and Support Fund, administered by the Commissioner of Behavioral Health and Developmental Services to provide counseling and other support services for compulsive and problem gamblers, develop problem gambling treatment and prevention programs, and provide grants to support organizations that provide assistance to compulsive gamblers. **HB 903** incorporated **HB 1589** (Bagby).