

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

**PASSED LEGISLATION REPORT**

This report describes all Passed education-related legislation as considered during the 2020 General Assembly Session.

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

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.

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**UPDATED APRIL 24, 2020**

**BUILDINGS, BUSES, AND SAFETY - PASSED**

**Casino 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. *An adopted amendment to the legislation redirects revenue from the proposed state tax on casino gaming revenue from the general fund to programs established to address public school construction, renovations, or upgrades.* **[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).

**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 provisions of the bills do not apply to the activities of a Senior Reserve Officers' Training Corps program operated at a public or private institution of higher education or (ii) any intercollegiate athletics program operated by a public or private institution of higher education and governed by the National Collegiate Athletic Association or any club sports team recognized by a public or private institution of higher education where the sport engaged in by such program or team involves the use of a firearm. 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 and preschools only apply during the regular operating hours of such child day center or preschool and shall not apply to any person (i) whose residence is on the property of a child day center or a private or religious preschool and (ii) who possesses a firearm or other prohibited weapon while in his residence. 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 a delayed 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. *The bills have a delayed effective date of May 1, 2021.* [HB 833](#) incorporates [HB 114](#) (Kory).

**Project Labor Agreements; Public Procurement** [HB 358](#) (Lopez) and **SB 182** (Saslaw) authorize 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. *The bills have a delayed effective date of May 1, 2021.* [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 taken into custody by or remanded to a law-enforcement officer pursuant to a circuit or district court order; and (iii) children in custodial arrest when there is reasonable cause to believe on the part of a law-enforcement officer or jail officer authorizing the search that the child is concealing a weapon.

**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.

## **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.

## FINANCE - PASSED

**Budget Bill [HB 29](#)** (Torian) amends Chapter 854 of the 2019 Acts of Assembly and includes a few policy provisions of importance to K-12 education related to the COVID-19 pandemic, including:

- Authority for the Superintendent of Public Instruction to grant temporary flexibility and issue waivers from both Code of Virginia and regulatory requirements in areas such as accreditation, testing, and other reporting requirements for the duration of the state of emergency related to COVID-19.
- Authority allowing public bodies to hold meetings by electronic means under certain circumstances during a state of emergency, when it is impracticable or unsafe to assemble a quorum in a single location, provided certain notice and record-keeping provisions are met.

*The bill became effective April 24, 2020 upon the Governor's signature.*

**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. In addition to allocations of funding, the biennial budget includes a few policy provisions of importance to K-12 education. Some key funding and policy provisions include:

- Continued authority for the Superintendent of Public Instruction to grant temporary flexibility and issue waivers from both Code of Virginia and regulatory requirements in areas such as accreditation, testing, and other reporting requirements for the duration of the state of emergency related to COVID-19.
- Continued authority allowing public bodies to hold meetings by electronic means under certain circumstances during a state of emergency, when it is impracticable or unsafe to assemble a quorum in a single location, provided certain notice and record-keeping provisions are met.
- Full funding for the biennial re-benchmarking of costs for all Standards of Quality (SOQ) and other Direct Aid programs
- Funding to increase English Language Learner student-teacher ratios from 17 positions per 1,000 students to 18.5 positions per 1,000 students in fiscal year 2021, and to 20 positions per 1,000 students in fiscal year 2022 and thereafter
- A requirement that Academic Year Governor's Schools set diversity goals for its student body and faculty.
- Funding for pre-kindergarten pilots for mixed-delivery programs serving at-risk three- and four-year olds (including a provision increasing the per pupil amounts for divisions in Planning District 8) as well as for a pilot competitive grant program serving at-risk three-year olds unserved by Head Start.
- Creation of a waiver to allow localities to apply to increase the percentage of a school division's VPI slots that may be filled based on locally established eligibility criteria
- Amendments related to the use of performance assessments to confer verified credits in history and social studies, and a requirement that the Department of Education to provide progress reports on the implementation of this practice
- Suspends ("unallots") previously allocated funding for FY21 and FY22 for the following items related to K12 education funding:
  - Cost of Competing Adjustment increase for support personnel
  - Compensation supplement (proposed 2% increases in FY21 and FY22)
  - School meals expansion funding
  - Virginia Preschool Initiative (VPI) – per pupil allocations rolled back to FY 20 levels
  - Returns counselors staffing ratios and funding to FY 2020 (school year 2019-2020) levels.

**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.

**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 May 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.*

## 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.*

## **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.*

## **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. *The bills have a delayed effective date of May 1, 2021. [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](#) (Willett) 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.

## **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; Provisions Regarding Compensation** [SB 548](#) (Edwards) amends various provisions regarding unemployment compensation and the Virginia Employment Commission. The bill provides that (i) the Commission shall base its determination on whether an individual is an employee on the standard used by the Internal Revenue Service for such determinations; (ii) for the purposes of unemployment compensation, "wages" does not include any payment made to, or on behalf of, an employee or his beneficiary under a cafeteria plan, as defined in § 125 of the Internal Revenue Code, if such payment would not be treated as wages under the Internal Revenue Code; and (iii) in an unemployment compensation claims adjudication matter, each day a person fails to obey a subpoena issued by a court, a court order, or a subpoena issued by the Commission shall be deemed to be a separate offense. Additionally, the bill requires (a) any employing unit to establish an account with the Commission by the end of the calendar quarter in which it becomes subject to the requirements for unemployment compensation, (b) an employer that has become subject to liability under the unemployment compensation provisions to submit the required reports by the due date of the calendar quarter in which the employer has initially become subject to such liability, and (c) all employers to file their quarterly payroll and tax reports on an electronic medium using a format prescribed by the Commission. Under current law, only employers with 100 or more employees are required to file electronically.

**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).

## **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. *To become effective, the bill must be re-enacted during the 2021 General Assembly Session.*

**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.

## **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. *The bill has a delayed effective date of July 1, 2021. [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.*

## 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](#) (Kearm).

**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.

## **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 TESTING – PASSED

NONE

## TAXATION - PASSED

**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. *The bills were amended by the Governor to delay the prohibition on games of skill by one year and in the interim impose a tax on such games with proceeds dedicated solely for the purposes of responding to the Commonwealth's needs related to the Coronavirus Disease of 2019 (COVID-19) pandemic.* [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 transient occupancy tax have a delayed effective date of May 1, 2021 and the cigarette tax provisions 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).

**Sports Betting HB 896** (Sickles) and **SB 384** (McPike) direct the Virginia Lottery (the Lottery) to regulate sports betting. The bill prohibits the Lottery from issuing any permits to conduct sports betting until it has developed and published a consumer protection bill of rights. Before administering a sports betting operation, an entity is required to apply for a three-year permit and pay a nonrefundable application fee of \$250,000. Permit holders must apply for renewal of a permit every three years, which includes a nonrefundable renewal fee of \$200,000. The bill imposes a 15 percent tax on a permit holder's adjusted gross revenue, defined in the bill. **HB 896** incorporates **HB 911** (Simon)