

**2019 General Assembly Summary  
Education Related Legislation  
Fairfax County Public Schools, Office of Government Relations**

**COMPREHENSIVE FINAL REPORT**

This report describes all education-related legislation as considered during the 2019 General Assembly Session. Legislation is reported as Passed or Failed.

Adopted legislation goes into effect as of July 1, 2019, unless otherwise noted in the legislation itself.

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: May 16, 2019**

**BUSES, BUILDINGS & SAFETY – PASSED**

**Active Shooter Training** Item 392 #1c of the Appropriations Act provides \$280,000 from the general fund the second year and one position for the 17 Department of Criminal Justice Services to provide annual active shooter trainings to schools and communities.

**Conditional Rezoning Proffers HB 2342** (Thomas) and **SB 1373** (Favola) make extensive changes to conditional zoning provisions first enacted in 2016. Specific amendments include the addition of provisions stating that no local governing body will require any unreasonable proffer, as described in current law. Other changes allow an applicant to submit any onsite or offsite proffer that the applicant deems reasonable and appropriate, as conclusively evidenced by the signed proffers, and state that nothing in the bill will be deemed or interpreted to prohibit communications between an applicant or owner and the locality or to prohibit presentation, analysis, or discussion of the potential impacts of new residential development or other new residential use on the locality's public facilities. The provisions of these bills will be effective for any application for a rezoning filed on or after July 1, 2019, or for a proffer condition amendment amending a rezoning that was filed on or after July 1, 2019, or to certain other pending applications. These bills also provide that an applicant with a pending rezoning application for a rezoning or proffer condition amendment filed before July 1, 2016, will continue to proceed under the law as it existed before that date, and an applicant with a pending rezoning application filed on or after July 1, 2016, but before July 1, 2019, or proffer condition amendment application amending a rezoning for which the application was filed on or after July 1, 2016, but before July 1, 2019, will continue to proceed under the law as it existed during that period. Note that prior to its passage, **SB 1373** incorporated **SB 1524** (Black).

**Electronic Room Partitions HB 1753** (Sickles) prohibits school employees from opening or closing an electronic room partition in any school building unless (i) no student is present in such building, (ii) (a) no student is present in the room or area in which such partition is located and (b) such room or area is locked or otherwise inaccessible to students, or (iii) such partition

includes a safety sensor that automatically stops the partition when a body passes between the leading edge and a wall, an opposing partition, or the stacking area.. The bill requires any annual safety review or exercise for school employees in a local school division to include information and demonstrations, as appropriate, regarding the operation of such partitions. The bill also requires the Board of Education to make available to each school board model safety guidance regarding the operation of such partitions.

**Exposure to Bodily Fluids; Infection With Human Immunodeficiency Virus or Hepatitis B or C viruses; Expedited Testing HB 1998** (Price) requires a general district court to hold a hearing within 48 hours of a petition being filed seeking to compel collection of a blood specimen for testing for human immunodeficiency virus or the hepatitis B or C viruses when exposure to bodily fluids occurs between a person and any health care provider, person employed by or under the direction and control of a health care provider, law-enforcement officer, firefighter, emergency medical services personnel, person employed by a public safety agency, or school board employee and the person whose blood specimen is sought refuses to consent to providing such specimen.

**Handheld Personal Communications Devices; Highway Work Zones; Penalty SB 1768** (Mason) prohibits any person from holding a handheld personal communications device in his hand while driving a motor vehicle in a highway work zone, with certain exceptions. The bill provides that a violation is punishable by a mandatory fine of \$250. Current law prohibits only the reading of an email or text message on the device and manually entering letters or text in the device as a means of communicating, with the same exceptions.

**Information Sharing Guidelines, Virginia Center for School and Campus Safety SB 1591** (Dunnavant) directs the Virginia Center for School and Campus Safety (the Center) to convene a work group to develop guidelines and best practices for the sharing of information between a local school board or public institution of higher education and law enforcement regarding a student whose behavior may pose a threat to the safety of a school or institution or the community. Such guidelines and best practices will seek to balance the interests of safety and student privacy and will be consistent with the provisions of the federal Family Educational Rights and Privacy Act and Health Insurance Portability and Accountability Act, as applicable. The bill requires the Center to develop such guidelines and best practices, report to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health, and make such guidelines available to local school boards, public institutions of higher education, law enforcement, and the public by October 1, 2019.

**Memorandums of Understanding, School Boards; Local Law Enforcement Agencies HB 1733** (Gilbert) and **SB 1214** (Newman) requires the Virginia Center for School and Campus Safety to develop a model memorandum of understanding setting forth the powers and duties of school resource officers. Local school boards in each school division in which the local law-enforcement agency employs school resource officers are required to enter into a memorandum of understanding with such local law-enforcement agency based on that model. The bills also requires each such school board and local law-enforcement agency to review and amend or affirm the memorandum at least once every five years or at any time upon the request of either party. Note that prior to its passage, **SB 1214** incorporated **SB 1563** (Lewis).

**Protective Orders Notification for School Students [HB 1997](#)** (Price) requires any school principal who receives notice that a circuit court, general district court, juvenile and domestic relations court, or magistrate has issued a protective order for the protection of a child who is

enrolled at a public elementary or secondary school where such principal is employed, or any other order prohibiting contact with such a child, including an order issued as a condition of pretrial or post trial supervision, to subsequently notify certain school personnel that such order has been issued. The bill also requires the Board of Education to establish guidelines and develop model policies to aid school boards in the implementation of such notification.

**Public School Security Equipment Grant Act of 2013 HB 2720** (Gooditis) specifies that, for the purpose of eligibility for grants for security equipment through the Public School Security Equipment Grant Act of 2013, the term “security equipment” includes building modifications and fixtures, such as security vestibules.

**School Buildings; Plans to be Reviewed by an Individual or Entity Experienced in Crime Prevention Through Environmental Design HB 1738** (Rush) requires the plans and specifications for new or remodeled public school building construction be reviewed by an individual or entity with professional expertise in crime prevention through environmental design. All comments by such reviewer are required to be submitted to the Superintendent of Public Instruction along with the final plans and specifications.

**School Bus Operators; Training SB 1713** (Vogel) requires the Board of Education to include in its training program for school bus operators safety protocols for responding to adverse weather conditions, unsafe conditions during loading and unloading of students, students on the wrong bus, and other circumstances, as determined by the Board, where student safety is at risk.

**School Bus Video-Monitoring Systems; Release of Information by the Department of Motor Vehicles HB 2344** (Bell) and **SB 1520** (Carrico) require the Department of Motor Vehicles to release certain vehicle owner data, upon request, to a private vendor operating a video-monitoring system on or in a school bus. These bills also limit how such data can be used and stored and provided that any person who unlawfully discloses such data will be subject to a civil penalty of \$1,000 for each disclosure. Finally, the bill provides that drivers required to stop for a stopped school bus shall remain stopped until the school bus is put in motion. Note that prior to its passage, **SB 1520** incorporated **SB 1476** (Deeds).

**School Crisis, Emergency Management, and Medical Response Plans HB 1737** (Wright) and **SB 1220** (Newman) require each school board to include the chief law-enforcement officer, the fire chief, the chief of the emergency medical services agency, the executive director of the relevant regional emergency medical services council, and the emergency management official of the locality, or their designees, in the development and review of school crisis, emergency management, and medical emergency response plans.

**School Modernization [HB 2192](#)** (Rush) and **SB 1331** (Stanley) provide that it is the legislative intent that public school buildings and facilities be designed, constructed, maintained, and operated to generate more electricity than consumed, and would allow local school boards to enter into leases with private developers to achieve that goal if the school board owns or operates a school building or facility that has been properly modernized, generates energy derived from sunlight, and if the solar generating facility is properly interconnected. These bills will also provide that private developers that contract with local school boards to modernize public school buildings and facilities may receive financing from the Virginia Small Business Financing Authority.

**School Modernization; Literary Fund SB 1093** (Ruff) requires the Board of Education to

create a program in which monies from the Literary Fund will be used to subsidize interest payments by local governing bodies and school boards on certain loans from the Virginia Public School Authority and other approved sources for school construction and modernization. Only school divisions with a composite index of local-ability-to-pay less than 0.4000 will be eligible to participate in the interest payment program.

**School Resource Officers; Training and Certification; Memoranda of Understanding HB 2609** (Jones, J.) and **SB 1130** (Locke) require the Department of Criminal Justice Services (DCJS) to develop, and every full-time or part-time law-enforcement officer employed as a school resource officer after July 1, 2020, to comply with compulsory minimum training standards for law-enforcement officers serving as school resource officers. The bill requires the training provided by DCJS to be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and to be available throughout the Commonwealth. The bills also require each school board to ensure that every public school it supervised employs at least one school administrator who has completed, either in-person or online, school safety training for public school personnel conducted by the Virginia Center for School and Campus Safety, unless such training is not available online. Note that prior to its passage, **SB 1130** incorporated **SB 1530** (Deeds), **SB 1551** (Surovell) and **SB 1299** (Barker).

**School Safety Procedures; Emergency Situations; Annual Training HB 1732** (O'Quinn) and **SB 1215** (Newman) require each school board to develop training on safety procedures in the event of an emergency situation on school property. Such training will be required to be delivered to each student and employee in each school at least once each school year.

**School Security Officers; Employment by Private or Religious Schools; Carrying a Firearm in Performance of Duties HB 1656** (Cole) allows private or religious schools to employ a school security officer and will authorize a school security officer to carry a firearm in the performance of his duties, subject to the same criteria for carrying a firearm in the performance of his duties imposed on a school security officer employed by the local school board. The bill also updates the definition of school security officer in the assault and battery statute.

**School Security Officers; Employment, Law-Enforcement Officers Previously Employed by the U.S. [HB 2721](#)** (Freitas) allows a school security officer to carry a firearm in the performance of his duties if, within 10 years immediately prior to being hired by the local school board, he is employed by a law-enforcement agency of the United States or any state or political subdivision thereof and his duties were substantially similar to those of a law-enforcement officer in the Commonwealth. The bill also provides that the Department of Criminal Justice Services' duty to establish minimum training and other requirements for school security officers include establishing minimum training and requirements for school security officers previously employed by a law-enforcement agency of the United States or any state or political subdivision thereof.

**Sex Trafficking Response Coordinator; duties; report HB 2576** (Krizek) and **SB 1669** (Vogel) create, within the Department of Criminal Justice Services, a Sex Trafficking Response Coordinator (the Coordinator) who will be required to create a statewide plan for local and state agencies to identify and respond to victims of sex trafficking; coordinate the development of standards and guidelines for treatment programs for victims of sex trafficking; maintain a list of programs that provide treatment or specialized services to victims of sex trafficking and make such list available to law-enforcement agencies, attorneys for the Commonwealth, crime victim and witness assistance programs, the Department of Juvenile Justice, the Department of Social

Services, the Department of Education, and school divisions; oversee the development of a curriculum to be completed by persons convicted of solicitation of prostitution; and promote strategies for the awareness of sex trafficking, for education and training related to sex trafficking, and for the reduction of demand for commercial sex.

**Student Offenses Reportable by Intake Officers to School Division Superintendents HB 1787** (Ransone) and **SB 1381** (McDougle) add threats of death or bodily injury to another person communicated in writing to such person or member of such person's family and threats to commit serious bodily harm to persons on school property to the list of offenses that a juvenile intake officer is required to report to the school division superintendent when a petition is filed alleging that a juvenile student committed such an offense.

**Threat Assessment; Case Management Tool; Virginia Center for School and Campus Security HB 1734** (Marshall) and **SB 1213** (Newman) require the Virginia Center for School and Campus Safety to develop a case management tool for use by public elementary and secondary school threat assessment teams and require such threat assessment teams to use such tool to collect and report to the Center quantitative data on its activities.

**Tobacco Products and Nicotine Vapor Products [HB 2384](#)** (Hope) and **SB 1295** (Spruill) require each school board to develop and implement a policy to prohibit the use and distribution of tobacco products and nicotine vapor products on a school bus, on school property, or at an on-site or off-site school-sponsored activity and include in its code of student conduct a prohibition against possessing tobacco products or nicotine vapor products on a school bus, on school property, or at an on-site or off-site school-sponsored activity. These bills also require such policy to include adequate provisions for enforcement among students, employees, and visitors, including the enumeration of possible sanctions or disciplinary action consistent with state or federal law, and referrals to resources to help staff and students overcome tobacco addiction. Note that prior to its passage, SB 1295 incorporated **SB 1056** (Marsden).

**Uniform Statewide Building Code; Statewide Fire Prevention Code; Public School Building Security Enhancements HB 1725** (Knight) requires each school board, in consultation with the local building official and the state or local fire marshall, to develop a procurement plan to ensure that all security enhancements to public school buildings are in compliance with the Uniform Statewide Building Code and Statewide Fire Prevention Code.

**Uniform Statewide Building Code; Statewide Fire Prevention Code; Safety and Security Measures for Schools; Active Shooter or Hostile Threats SB 1755** (Hanger) directs the Department of Housing and Community Development to convene stakeholders representing entities that enforce the Uniform Statewide Building Code and the Statewide Fire Prevention Code and other law-enforcement organizations to develop proposals for changes to each such code for submission to the Board of Housing and Community Development. Such proposals have the goal of assisting in the provision of safety and security measures for the Commonwealth's public or private elementary and secondary schools and public or private institutions of higher education for active shooter or hostile threats. The review conducted by the stakeholders will include the examination of locking devices, barricade devices, and other safety measures that may be utilized in an active shooter or hostile threat situation that occurs in any classroom or other area where students are located for a finite period of time.

**Virginia Public Procurement Act; Exempt Counties, Cities, School Boards, and Towns With Populations Greater Than 3,500; Competitive Negotiation for Professional Services**

[HB 2198](#) (Gilbert) requires all counties, cities, and school divisions, and all towns having a population greater than 3,500, in the Commonwealth that are exempt from the provisions of the Virginia Public Procurement Act (the Act) because they have adopted alternative policies and procedures as permitted by law to procure professional services through competitive negotiation as set forth in the Act when the cost of the professional service is expected to exceed \$80,000 in the aggregate or for the sum of all phases of a contract or project.

**Virginia Public Procurement Act; High-Risk Contracts; Report HB 1668** (Carr) requires the Department of General Services (DGS), the Virginia Information Technologies Agency (VITA), and the Office of the Attorney General, as appropriate, to review contract solicitations and contracts for any public contract with a state public body for goods, services, insurance, or construction that meets the definition of high-risk contract provided in the bill. The bill directs DGS and VITA to develop guidelines for state agencies to use when assigning staff to administer high-risk contracts and require that such guidelines provide that any staff designated as a contract administrator must have prior contract administration experience and (ii) direct an agency's chief procurement officer to communicate to such contract administrator, when he first assumes his role, his responsibilities for effectively administering the contract. Some provisions of the bill have a delayed effective date for implementation for certain high-risk contract review processes.

**Virginia Public Procurement Act; Job Order Contracting; Limitations** [HB 2071](#) (Bell J.J.) and **SB 1153** (Black) change the maximum allowable sum of all jobs performed in a one-year contract term for job order contracts by increasing such maximum from the current amount of \$5 million to \$6 million on July 1, 2019. The bill also provides an exception to allow job order contracting in the case of safety improvements or traffic calming measures for individual job orders up to \$250,000, subject to the maximum annual threshold amount as established in the bill.

**Virginia Public Procurement Act; Request for Proposals; Publication HB 1629** (Fowler) removes the requirement for newspaper publication of Requests for Proposals for professional services. The bill also requires a local public body to post a Request for Proposal on the Department of General Services' central electronic procurement website when it elects not to publish such Request for Proposal in a newspaper of general circulation in the area in which the contract is to be performed.

## **BUSES, BUILDINGS & SAFETY - FAILED**

**Action Against Parents for Minor Knowingly Possessing a Firearm on School Property; Civil Liability HB 2027** (Murphy) would have created a civil cause of action against the parent, guardian, legal custodian, or other person standing in loco parentis of a minor for injury to the person or property of another or for wrongful death resulting from the minor knowingly possessing a firearm on school property if it can be shown by clear and convincing evidence that the minor came into possession of such firearm because of the failure of the civil defendant to reasonably secure the firearm.

**Background Investigations for Prospective School Security Officers SB 1647** (Boysko) would have required local school boards to perform background investigations into each prospective school security officer that would have included, at a minimum, a review of the candidate's general employment history and history of employment in other school divisions.

**Commercial Advertising Material on School Buses HB 2222** (O'Quinn) would have permitted local school boards to display commercial advertising material on the sides of school buses between the rear wheels and the rear of the bus, provided that no such material obstructs the name of the school division or the number of the school bus, is sexually explicit, or pertains to alcohol; food or beverages that do not meet the nutrition standards developed by the U.S. Department of Agriculture pursuant to the federal Healthy, Hunger-Free Kids Act of 2010 or any additional state or local nutrition standards for food or beverages sold to students in school; gambling; politics; or tobacco and school-related advertising material, including advertising material relating to school events and school board employment opportunities, on the sides of school buses between the rear wheels and the rear of the bus, provided that no such material obstructs the name of the school division or the number of the school buses.

**Commission on Student Behavioral Health HB 1735** (Robinson) would have established the Commission on Student Behavioral Health as a legislative branch commission. The purpose of the Commission would have been to assess the efficacy of developing and implementing a statewide behavioral health and suicide prevention hotline that students may use to report threats of violence or receive real-time counseling services; review the current school counselor-to-student ratio, and whether the realignment of counseling responsibilities proposed by the House Select Committee on School Safety is improving schools' ability to provide counseling services to students; review the current roles and responsibilities of school nurses, psychologists, and social workers in schools and determine whether a realignment of responsibilities could improve or streamline behavioral health services offered to students; evaluate the efficacy and costs of providing enhanced behavioral health services in schools delivered through partnerships established between school divisions and local departments of social services and community services boards; assess the effectiveness of de-escalation and other alternative disciplinary policies when interacting with students suffering from behavioral health challenges; examine the value of additional teacher training requirements on student behavioral health, such as mental health first aid; and examine other topics related to student behavioral health identified by the Commission.

**Commission on School Innovation, Modernization, and Competitiveness HB 2168** (Yancey) would have established the legislative Commission on School Innovation, Modernization, and Competitiveness (the Commission), consisting of 22 members, including 12 legislative members, eight nonlegislative citizen members, and two ex officio members, to develop and oversee the implementation of a goal and strategic plan for promoting and increasing public high school student participation in dual enrollment courses, industry certifications, and state licensure examinations, modernizing public elementary and secondary school buildings throughout the Commonwealth, achieving the Commonwealth's teacher compensation goal and ensuring high quality at the student and school division levels.

**Conditional Rezoning Proffers HB 2276** (Murphy) would have made changes to conditional zoning provisions first enacted in 2016 by including a provision that may allow certain localities to opt out of the provisions in their entirety by, in part, establishing a stakeholder advisory committee. **HB 1801** (Ware) and **SB 1143** (Peake) would have made extensive changes to conditional zoning provisions first enacted in 2016. Specific amendments would have included provisions stating that no locality shall "require" any unreasonable proffer. Other changes would have included an expansion of the definitions of "public safety facility improvement" and "public school facility improvement." Note that while these bills failed, bills with similar provisions (**HB 2342** and **SB 1373**) did pass.

**Control of Firearms; Chambers of Local Governing Bodies SB 1303** (Edwards) would have

allowed a locality to adopt an ordinance that prohibits firearms, ammunition, or components or a combination thereof at any regular or special meeting of its local governing body, provided that notice of such prohibition is publicly posted and the meeting room is owned or operated by the locality.

**Department of General Services; Guidance to State Public Bodies Regarding Purchases of Materials Made in the United States [SB 1099](#)** (DeSteph) would have directed the Department of General Services to develop and maintain a guidance document assisting state public bodies to purchase iron and steel that are made in the United States and (manufactured goods with at least 50 percent of the constituent parts and materials originating in the United States.

**Digital Citizenship, Internet Safety, and Media Literacy Advisory Council; Establishment of HB 1978** (Sullivan) would have required the Superintendent of Public Instruction to establish and appoint no more than 12 members to the Digital Citizenship, Internet Safety, and Media Literacy Advisory Council (Council), including at least one teacher, librarian, representative of a parent-teacher organization, school administrator, and individual with expertise in digital citizenship, Internet safety, and media literacy. The bill would have required the Council to develop and recommend to the Board of Education for adoption a model policy for local school boards that would enable such school boards to better support the digital citizenship, Internet safety, and media literacy of all students in the local school division; develop and recommend to the Board for adoption model instructional practices for the safe, ethical, and responsible use of media and technology by students in public elementary and secondary schools; design and post on the Department of Education's website a page with links to successful instructional practices, curricula, and other teacher resources used in school divisions within and outside of the Commonwealth for the safe, ethical, and responsible use of media and technology by students; and submit a report of its findings to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than October 31, 2020.

**Electric Utilities; Renewable Energy and Energy Efficiency Programs HB 1809** (Gooditis) would have required the State Corporation Commission to conduct annual proceedings to determine if Dominion Energy Virginia and Appalachian Power are making satisfactory efforts to meet objectives established in the 2018 Grid Transformation and Security Act with respect to solar-powered and wind-powered electric generation facilities and to energy efficiency programs. The measure would have included levels of new construction of such generation facilities and of electricity consumption reductions that, if attained, could have established that satisfactory efforts are being made by the utility.

**Exposure to Bodily Fluids; Infection With Human Immunodeficiency Virus or Hepatitis B or C Viruses; Expedited Testing HB 2606** (Ward) would have required a general district court to hold a hearing within 48 hours of a petition being filed seeking to compel collection of a blood specimen for testing for human immunodeficiency virus or the hepatitis B or C viruses when exposure to bodily fluids occurs between a person and any health care provider, person employed by or under the direction and control of a health care provider, law-enforcement officer, firefighter, emergency medical services personnel, person employed by a public safety agency, or school board employee and the person whose blood specimen is sought refuses to consent to providing such specimen.

**Handheld Personal Communications Devices While Driving [HB 1811](#)** (Collins) and **SB 1341** (Stuart) would have prohibited any person from holding a handheld personal communications device while driving a motor vehicle while also expanding the exemptions to include handheld



personal communications devices that are being held and used as an amateur radio or a citizens band radio; or for official Department of Transportation or traffic incident management services.

**Impact Fees for Residential Development [SB 208](#)** (Stuart) would have repealed provisions that limit existing impact fee authority to localities that have established an urban transportation service district and areas outside of such service districts that are zoned for agricultural use and that are being subdivided for by-right residential development. **SB 944** (Stuart) would have removed various provisions granting localities authority to accept cash proffers as part of the conditional rezoning process. The bill would have repealed provisions that limit existing impact fee authority to (i) localities that have established an urban transportation service district and (ii) areas outside of such service districts that are zoned for agricultural use and that are being subdivided for by-right residential development. The effect of the repeal would have been to make the existing impact fee provisions available for use by any locality that includes within its comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses.

**Lead Testing; Potable Water; Child Day Programs SB 1622** (McPike) would have required 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.

**Lead Testing; Potable Water; Local School Boards SB 1629** (McPike) would have required each local school board to submit its plan to test and remediate certain potable water sources and report the results of any such test to the Department of Health.

**Local Cigarette Tax; Authority of Certain Counties; Use of Proceeds for School Construction HB 1946** (Campbell) would have authorized any county to impose a local cigarette tax, provided it uses the revenues to fund the construction or improvement of local elementary or secondary schools.

**Lock Down Drills HB 1793** (VanValkenburg) would have required every public school to provide the parents of enrolled students with at least 24 hours' notice before the school conducts any lock-down drill. Memorandums of Understanding, School Boards; Local Law Enforcement Agencies **HB 2291** (VanValkenburg), **HB 2734** (Bourne) would have required the school board in each school division in which the local law-enforcement agency employs school resource officers to enter into a memorandum of understanding with such local law-enforcement agency that sets forth the respective roles and responsibilities of the school board and the law-enforcement agency and the roles and responsibilities of such school resource officers. Note that while these bills failed, bills with similar provisions (**HB 1733** and **SB 1214**) did pass.

**Menstrual Supplies, School Buildings SB 1646** (Boysko) would have recognized access to menstrual supplies as a health care necessity and required each local school board to make menstrual supplies available at all times and at no cost to students in the bathrooms of each school building.

**Net Energy Metering; Schools HB 1869** (Hurst), **SB 1483** (Deeds) and **SB 1714** (Edwards) would have directed Appalachian Power Company to conduct a pilot program, not exceeding 10 megawatts in the aggregate, under which any public school in the Commonwealth that generates more electricity from a wind-powered or solar-powered generation facility than it

consumes in a billing period may either credit the excess electricity to the metered accounts of one or more other schools in the school division or be paid for the excess electricity at the contractually negotiated rate.

**Passing a Stopped School Bus; Civil Penalty HB 1695** (Farris) would have increased from \$250 to \$500 the civil penalty for passing a stopped school bus. **HB 2273** (Webert) would have imposed a mandatory fine of \$250 for using a handheld personal communications device for reading emails or texting while operating a motor vehicle and passing a stopped school bus. **HB 2275** (Webert) would have provided that a local ordinance prohibiting passing a stopped school bus adopted by a county applies to infractions that occur in a town located within the county for which the county provides the public school system.

**Prevailing Wage; Public Works Contracts; Penalty SB 1673** (Favola) would have required contractors and subcontractors under any public contract with a state agency 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.

**Provision of Emergency Preparedness Information to Individuals With Limited English Proficiency, Disabilities, or Other Special Needs HB 1999** (Price) would have directed the Department of Emergency Management (the Department) to ensure that training programs and programs of public information and education regarding emergency services and disaster preparedness activities established and operated by state agencies be designed to include and reach individuals with limited English proficiency, disabilities, or other special needs.

**Public School Assistance Fund and Program Created SB 1702** (Stanley) would have created the Public School Assistance Fund and Program, to be administered by the Department of Education, for the purpose of providing grants to school boards to be used solely for the purpose of repairing or replacing the roofs of public elementary and secondary school buildings in the local school division.

**Public School Security Equipment Grant Act of 2013; Eligible Security Equipment [HB 1739](#)** (Rush) would have specified that, for the purpose of eligibility for grants for security equipment through the Public School Security Equipment Grant Act of 2013, security equipment includes software and mobile applications. Note that while this legislation failed, a bill with similar provisions (**HB 2720**) did pass.

**Regulation of Firearms in Government Buildings [HB 1992](#)** (Price) would have allowed localities and authorized agents of such localities to regulate the possession of firearms, ammunition, or components or combination thereof in, or the carrying of such items into, any building owned or used by such locality for governmental purposes. The bill would have also removed the prohibition against a locality regulating the purchase, transfer, ownership, carrying, storage, or transporting of such items.

**Renewable Energy HB 2329** (Keam) and **SB 1456** (McClellan) would have promoted the establishment of distributed renewable solar and other renewable energy. The measures would have removed the one percent cap on the total amount of renewable energy that can be net metered in a utility's service territory, authorized third-party power purchase agreements for all customer classes throughout the Commonwealth, allowed 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, allowed all net metering

customers to attribute output from a single solar array to multiple meters, allowed 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, removed the restriction on customers installing a net-metered generation facility larger than that required to meet their previous 12 months' demand, raised the cap for net-metered nonresidential generation facilities from one megawatt to two megawatts, and removed the ability of utilities to assess standby charges. The measures would have also amended the Commonwealth Energy Policy to include provisions supporting distributed generation of renewable energy.

**Renewable Energy Power Purchase Agreements; Pilot Programs [HB 1928](#)** (Bulova) would have increased the aggregated capacity of all solar-powered or wind-powered generation facilities that are subject to third party power purchase agreements from 50 megawatts to 150 megawatts in Dominion Energy's pilot program and from seven to 21 megawatts in Appalachian Power's pilot program. The measure would have allowed any public or private elementary or secondary school or any public or private institution of higher education to participate in Appalachian Power's pilot program; The measure would have increased the maximum generation capacity of an eligible solar-powered or wind-powered generation facility from one megawatt to three megawatts. The measure would have also required the State Corporation Commission to update its guidelines for the pilot program and repeals the sunset clause applicable to the pilot program in effect for Dominion Energy.

**Retired Law Enforcement Officers Employed as School Security Officers; Virginia Retirement System [HB 1631](#)** (Leftwich), **[HB 1765](#)** (Yancey), **[HB 2024](#)** (Murphy) and **[HB 2785](#)** (Gilbert) and **[SB 1023](#)** (Cosgrove) would have allowed 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. Note that prior to its failure, **[SB 1023](#)** incorporated **[SB 1203](#)** (Stuart) and **[SB 1582](#)** (Suetterlein).

**School-Based Health Centers Joint Task Force; Report [HB 2006](#)** (Price) would have directed the Secretary of Health and Human Resources and the Secretary of Education to establish a school-based health centers joint task force that is tasked with assessing the current landscape of school-based services and mental health screening, evaluation, and treatment in school settings.

**School Modernization; Voter Referendum; [SB 1330](#)** (Stanley) would have provided for a statewide referendum on the question of whether the General Assembly shall issue state general obligation bonds in the amount of \$3 billion for the purpose of K-12 school building construction, repair, or other capital projects related to the modernization of school facilities.

**School Protection Officers [SB 1207](#)** (Stuart) would have defined a school protection officer as a retired law-enforcement officer hired on a part-time basis by the local law-enforcement agency to provide limited law-enforcement and security services to Virginia public elementary and secondary schools. The bill would have also provided that the Department of Criminal Justice Services shall establish compulsory minimum training standards for all persons employed as school protection officers and that such training may be provided by the employing law-enforcement agency and shall be graduated and based on the type of duties to be performed. Note that a bill with similar provisions, **[HB 2142](#)** (Thomas), did pass, but was vetoed by the Governor and the General Assembly sustained that veto.

**School Resource Officers and School Security Officers; Data [HB 1873](#)** (VanValkenburg)

would have required each local school board to annually collect and report to the Virginia Center for School and Campus Safety (the Center) and the Department of Education (the Department) data on the use of force against students, arrests of students, student referrals to court, and other disciplinary actions by school resource officers and school security officers and the Center, in conjunction with the Department, to collect, analyze, and disseminate such data.

**School Safety Mobile Application, Virginia Fusion Intelligence Center [SB 1608](#)**

(Dunnavant) would have required the Virginia Fusion Intelligence Center (the Center) to develop or obtain a school safety mobile application to facilitate the provision of real-time, 24 hours a day, seven days a week crisis intervention services by licensed clinicians, including support or crisis counseling, suicide prevention, and referral services to students and youth in the Commonwealth through calls, texts, and online chats and provide to students and youth in the Commonwealth a platform that is capable of receiving text, audio, images, or video to furnish information concerning a suspected, anticipated, or completed criminal violation. Note that while the legislation itself failed, a budget amendment (Item 381 #2c) includes funding and directs the Secretary of Public Safety to develop a plan for implementation of a statewide school safety mobile application.

**Seat Belts on Public School Buses [HB 1710](#)** (Krizek) would have required the Board of Education to make regulations to require each new public school bus purchased for the transportation of students to be equipped with a seat belt consisting of a lap belt and shoulder strap or harness in every seat. The bill would have required each school board to ensure that no later than July 1, 2037, each school bus that it uses for the transportation of students is equipped with a seat belt in every seat.

**Small Business Procurement Enhancement Program [HB 1892](#)** (James) would have established a small business procurement enhancement program (the Program) with a statewide goal of 42 percent of small business utilization in all discretionary spending by state agencies in procurement orders, prime contracts, and subcontracts. In addition, the bill would have provided for a small business set-aside for competition among all small businesses for state agency purchases up to \$100,000 for goods and nonprofessional services and up to \$50,000 for professional services and established qualification criteria for participation in the Program by business operations on the basis of the total number of employees or annual gross receipts, averaged over the previous three years.

**Solar Demonstration Projects Grant Program [HB 1902](#)** (Rasoul) would have established the Solar Demonstration Projects Grant Program (the Program). The Program, to be administered by the Virginia Solar Energy Center, would have made \$1 billion in grants available over three years to religious institutions (to the extent permitted under Article IV, Section 16 of the Constitution of Virginia), public schools, institutions of higher education, and localities in order to finance the installation and operation of solar photovoltaic energy generation systems. Grants could have been used by the eligible entity to make payments to an EPC firm that will install or operate the solar facility, which will be owned by the eligible entity, or to a third party that will own and operate the solar facility pursuant to a third-party power purchase agreement.

**Threats to Bomb or Damage; False Information as to Danger; Private or Public Elementary or Secondary School; Penalty [HB 1947](#)** (Campbell) would have provided that for any person who makes and communicates to another by any means any threat to bomb, burn, destroy, or in any manner damage a private or public elementary or secondary school or communicates to another, by any means, information, knowing the same to be false, as to the existence of any peril of bombing, burning, destruction, or damage to a private or public

elementary or secondary school the punishment would have included a term of confinement of at least six months, five days of which is a mandatory minimum.

**Threats of Death or Bodily Harm on School Property HB 2619** (Miyares) would have included orally communicated threats of death or bodily harm on school property as conduct subject to the enhanced penalty of a Class 6 felony. Under current law, only such threats communicated in writing are subject to the enhanced penalty, and such threats made orally to an employee of an elementary, middle, or secondary school are punishable as a Class 1 misdemeanor.

**Unexpended Local Funds; Capital Projects HB 1921** (Bourne) would have permitted any school board to finance capital projects with any funds appropriated to it by the local governing body that are unexpended by the school board in any year.

**Virginia Public Procurement Act; Competitive Negotiation; Price for Professional Services HB 1796** (Cole) would have allowed public bodies to request price information in a Request for Proposal for professional services. **HB 2072** (Bell, J.J.) and **SB 1345** (Favola) would have provided that for competitive negotiation for professional services, a public body may conduct negotiations simultaneously with the top two ranked offerors if the public body does not request or discuss nonbinding estimates of total project costs at the discussion stage and as long as such process is set forth in the Request for Proposal.

**Virginia Public Procurement Act; Debarment for Nonpayment of Unemployment Taxes HB 1821** (Delaney) would have prohibited state agencies from contracting for goods and services from a source that is required to collect unemployment taxes but fails or refuses to do so. The measure would have prohibited such contracts with any affiliates of such source. The measure would have required the Virginia Employment Commission to make a determination of whether a source is a prohibited source. The measure would have also provided that any source that fails to remit unemployment taxes for more than 10 covered employees shall be a prohibited source for a period of two years.

**Virginia Public Procurement Act; Local Labor Use Requirement for Certain Construction Contracts HB 2435** (Torian) and **SB 1028** (Marsden) would have required under the Virginia Public Procurement Act (§ 2.2-4300 et seq.) that every public body, when engaged in procuring contracts for construction with a projected cost in excess of \$500,000 paid for in whole by state or local funds, include in its specifications a requirement that at least 60 percent of the employees employed by contractors and subcontractors for the construction project be from the local labor market.

**Virginia Public Procurement Act; Multiple Award Indefinite Delivery/Indefinite Quantity Contracting HB 1632** (Cole) would have added multiple award indefinite delivery/indefinite quantity contracting as an allowable method of procurement for public bodies under the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

**Virginia Public Procurement Act; Proscribed Subcontracting by Certain Small Businesses HB 2328** (McNamara) prohibits a small business from subcontracting with any other business with which it has an affiliated business entity relationship if such small business has been awarded a contract by a public body as part of an enhancement or remedial measure authorized by the Governor and the award of such contract is conditioned upon the small business's qualification as part of a subcategory of small businesses established as part of the enhancement program. While this bill passed the General Assembly, it was ultimately vetoed

by the Governor. In his veto explanation, the Governor requested that the Department of General Services and the Department of Small Business and Supplier Diversity study and develop recommendations to address the issue to ensure that small businesses are able to fairly compete for government contracts.

**Virginia Public Procurement Act; Public Works Contracts; Prevailing Wage; Penalty HB 2122** (Carroll Foy) would have required contractors and subcontractors under any public contract with a state agency for public works to pay wages, salaries, benefits, and other remuneration at the prevailing wage rate to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works.

**Virginia Public Procurement Act; Statute of Limitations on Actions on Construction Contracts; Statute of Limitations on Actions on Performance Bonds HB 1667** (Kilgore) and **SB 1369** (Norment) would have provided that no action may be brought by a public body on any construction contract, including construction management and design-build contracts, unless such action is brought within five years after substantial completion of the work on the project and that no action may be brought by a public body on a warranty or guarantee in such construction contract more than one year from the breach of that warranty, but in no event more than one year after the expiration of such warranty or guarantee. The bill would have also limited the time frame during which a public body, other than the Department of Transportation, may bring an action against a surety on a performance bond to within one year after substantial completion of the work on the project. Note however that while these bills failed, Item 80 #1c in the Appropriations Act would direct the Department of General Services (DGS) to conduct a review of current Virginia law and best practices as it relates to the statute of limitations on state contracts for construction services and its fiscal implications, consistent with recommendations made by the Joint Legislative Audit and Review Commission (JLARC) in its June 2016 "Development and Management of State Contracts" report. DGS would conduct this review in consultation with state and local government public bodies, the Office of the Attorney General, and representatives from the private sector construction community, to include contractors, insurers, and legal representatives. DGS would report its findings and recommendations to the Chairmen of the House Appropriations and Senate Finance Committees, and the Governor by December 31, 2019.

**Virginia Public Procurement Act; Use of Best Value Procurement; Construction [HB 2688](#)** (Campbell) would have authorized any public body to procure construction on a best value procurement basis. Under the bill, if proceeding on a best value procurement basis, the Request for Proposal would have had to contain a notice to potential offerors that the procurement decision would have been made on a best value procurement basis and describe the criteria that would have been considered in evaluating the proposals and the rating or weighting system that would have been used in evaluating the proposals, including a disclosure that price would have been weighted at least 51 percent as a factor.

**Virginia Public Procurement Act; Use of Competitive Negotiation for Construction; Exemption From Certain Requirements Related Contracting for Public Works HB 2475** (Torian) would have required that competitive negotiation be used for construction projects where the project cost is expected to be more than \$500,000. The bill would have also exempted contracts for the construction of public works where the project cost is expected to be more than \$500,000 from certain provisions relating to state agency agreements with labor organizations.

## CONDUCT AND DISCIPLINE - PASSED

**Alternative Education Programs HB 1985** (Bell, R.P.) and **SB 1298** (Barker) require the Department of Education to annually collect from each school board and publish on its website various enrollment and achievement data on alternative education programs for students who have been suspended, expelled, or otherwise precluded from attendance at school. These bills require that such data be published in a manner that protects the identities of individual students and disaggregated by local school division and by student race, ethnicity, gender, and disability.

**Cannabidiol Oil and THC-A Oil; Possession and Use at School HB 1720** (Hurst) and **SB 1632** (Sturtevant) protect school nurses or other school public health related personnel from prosecution for the possession or distribution of cannabidiol oil or THC-A oil or for storing, dispensing, or administering cannabidiol oil or THC-A oil, in accordance with a policy adopted by the local school board, to a student who has been issued a valid written certification for the use of cannabidiol oil or THC-A oil. The bill also provides that the Department of Health Professions, in coordination with the Department of Education, shall develop and make available to school boards a standardized form that is to be completed by the practitioner who issues a written certification and a pharmaceutical processor that dispenses the cannabidiol oil or THC-A oil to a student. In addition, no school board will be required to suspend or expel any student holding a valid written certification for the use of such oils in accordance with a student's individualized health plan and in compliance with policies adopted by local school boards.

**Controlled Substances HB 1803** (Garrett) adds certain chemicals to Schedule I and Schedule II of the Controlled Substances Act. **HB 2557** (Pillion) classifies gabapentin as a Schedule V controlled substance. The bill also removes the list of drugs of concern from the Code of Virginia and provides that any wholesale drug distributor licensed and regulated by the Board of Pharmacy and registered with and regulated by the U.S. Drug Enforcement Administration will have until July 1, 2020, or within 6 months of final approval of compliance from the Board of Pharmacy and the U.S. Drug Enforcement Administration, whichever is earlier, to comply with storage requirements for Schedule V controlled substances containing gabapentin.

**Student Offenses Reportable by Intake Officers to School Division Superintendents HB 1787** (Ransone) and **SB 1381** (McDougle) add threats of death or bodily injury to another person communicated in writing to such person or member of such person's family and threats to commit serious bodily harm to persons on school property to the list of offenses that a juvenile intake officer is required to report to the school division superintendent when a petition is filed alleging that a juvenile student committed such an offense.

**Tobacco Products and Nicotine Vapor Products HB 2384** (Hope) and **SB 1295** (Spruill) would require each school board to develop and implement a policy to prohibit the use and distribution of tobacco products and nicotine vapor products on a school bus, on school property, or at an on-site or off-site school-sponsored activity and include in its code of student conduct a prohibition against possessing tobacco products or nicotine vapor products on a school bus, on school property, or at an on-site or off-site school-sponsored activity. These bills require such policy to include adequate provisions for enforcement among students, employees, and visitors, including the enumeration of possible sanctions or disciplinary action consistent with state or federal law, and referrals to resources to help staff and students overcome tobacco addiction. Note that prior to its passage, **SB 1295** incorporated **SB 1056** (Marsden).

## CONDUCT AND DISCIPLINE - FAILED

**Action Against Parents for Minor Knowingly Possessing a Firearm on School Property; Civil Liability HB 2027** (Murphy) would have created a civil cause of action against the parent, guardian, legal custodian, or other person standing in loco parentis of a minor for injury to the person or property of another or for wrongful death resulting from the minor knowingly possessing a firearm on school property if it can be shown by clear and convincing evidence that the minor came into possession of such firearm because of the failure of the civil defendant to reasonably secure the firearm.

**Alternative Accountability Process SB 1545** (Sturtevant) would have allowed a school board to adopt an alternative accountability 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 would have provided 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 accountability process.

**Alternative Education Programs HB 2387** (Bulova) would have required local school boards to provide alternative education programs for suspended students and assign licensed instructional personnel for such programs in a manner that produces division-wide ratios of students in average daily membership to full-time equivalent teaching positions that are not greater than 10 to one. The bill would have also required the Board of Education to establish quality standards for such alternative education programs. The bill would have provided that the above mentioned provisions shall become effective after the re-benchmarking of the direct aid to public education budget for the 2020-2022 biennium.

**Disorderly Conduct by Enrolled Students HB 1685** (Bourne) would have provided that no enrolled public school student who disrupts the operation of the school at which he is enrolled or any activity conducted or sponsored by the school at which he is enrolled on school grounds during normal school hours is guilty of disorderly conduct. **HB 1688** (Mullin) would have provided that a student at any elementary or secondary school shall not be guilty of disorderly conduct in public places if the disorderly conduct occurred on school property or a school bus. **SB 1107** (McClellan) would have eliminated the Class 1 misdemeanor for disrupting willfully or while intoxicated, whether willfully or not, the operation of any school or any school activity conducted or sponsored by any school, if the disruption prevents or interferes with the orderly conduct of the operation or activity or has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed.

**Dress or Grooming Codes in Public Elementary and Secondary Schools HB 2104** (Carroll Foy) would have required any dress or grooming code, 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, to permit any student to wear any religiously, ethnically, or culturally specific or significant head covering or hairstyle, including hijabs, yarmulkes, headwraps, braids, dreadlocks, and cornrows; maintain gender neutrality by subjecting any student to the same set of rules and standards regardless of gender; be clear, specific, and objective and avoid any subjective term or standard such as "distracting,"



"provocative," or "inappropriate"; 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. The bill would have required the Board of Education to include in its guidelines and model policies for codes of student conduct standards for dress or grooming codes.

**School Attendance Officer; Motion for a Rule to Show Cause; Child in Need of Supervision HB 2119** (Caroll Foy), **SB 1279** (Barker), and **SB 1285** (Barker) would have authorized a school attendance officer or division superintendent or his designee acting as an attendance officer to complete, sign, and file with the clerk of court a motion for a rule to show cause regarding the violation or enforcement of a school attendance order entered by a juvenile and domestic relations district court in response to the filing of a petition alleging the juvenile is a child in need of supervision. These bills would have also provided that such a filing is not considered the unauthorized practice of law.

**School Resource Officers and School Security Officers; Data HB 1873** (VanValkenburg) would have required each local school board to annually collect and report to the Virginia Center for School and Campus Safety (the Center) and the Department of Education (the Department) data on the use of force against students, arrests of students, student referrals to court, and other disciplinary actions by school resource officers and school security officers and Center, in conjunction with the Department, to collect, analyze, and disseminate such data.

**Student Suspension; Sufficient Cause HB 2041** (Kory) would have provided that in no cases shall sufficient cause for student suspensions include only instances of cell phone use or only instances of dress code violations.

**Threats to Bomb or Damage; False Information as to Danger; Private or Public Elementary or Secondary School; Penalty HB 1947** (Campbell) would have provided that for any person who makes and communicates to another by any means any threat to bomb, burn, destroy, or in any manner damage a private or public elementary or secondary school or communicates to another, by any means, information, knowing the same to be false, as to the existence of any peril of bombing, burning, destruction, or damage to a private or public elementary or secondary school the punishment includes a term of confinement of at least six months, five days of which is a mandatory minimum.

**Threats of Death or Bodily Harm on School Property; Penalty HB 2619** (Miyares) would have included orally communicated threats of death or bodily harm on school property as conduct subject to the enhanced penalty of a Class 6 felony.

## **FINANCE/PURCHASING/FOOD SERVICES (FNS) - Passed**

**Budget Bill HB 1700** (Jones) amends Chapter 2, 2018 Special Session I Acts of Assembly (the Appropriations Act covering the 2018-2020 biennium budget).

**Conditional Rezoning Proffers HB 2342** (Thomas) and **SB 1373** (Favola) make extensive changes to conditional zoning provisions first enacted in 2016. Specific amendments include the addition of provisions stating that no local governing body will require any unreasonable proffer, as described in current law. Other changes allow an applicant to submit any onsite or offsite proffer that the applicant deems reasonable and appropriate, as conclusively evidenced by the

signed proffers, and state that nothing in the bill will be deemed or interpreted to prohibit communications between an applicant or owner and the locality or to prohibit presentation, analysis, or discussion of the potential impacts of new residential development or other new residential use on the locality's public facilities. The provisions of these bills will be effective as to any application for a rezoning filed on or after July 1, 2019, or for a proffer condition amendment amending a rezoning that is filed on or after July 1, 2019, or to certain other pending applications. These bills also provide that an applicant with a pending rezoning application for a rezoning or proffer condition amendment that was filed prior to July 1, 2016, may continue to proceed under the law as it existed prior to that date, and an applicant with a pending rezoning application filed on or after July 1, 2016, but before July 1, 2019, or proffer condition amendment application amending a rezoning for which the application was filed on or after July 1, 2016, but before July 1, 2019, may continue to proceed under the law as it existed during that period. Note that prior to its passage, **SB 1373** incorporated **SB 1524** (Black).

**Local Audit HB 1866** (Peace) requires that localities submit their annual local audit to the Auditor of Public Accounts. If the audit is not completed as required, the locality will be required to post a statement on its website declaring that the required audit is pending, the reasons for the delay, and the estimated date of completion. Such statement will also be posted and made available to the public at the next scheduled meeting of the local governing body and be sent to the Auditor of Public Accounts. The statement will continue to be posted and updated until the audit is complete. Any town with a population of less than 3,500 that voluntarily has an audit prepared will also submit the results of such audit to the Auditor of Public Accounts.

**Major Information Technology Project Procurement; Terms and Conditions; Limitation of Liability Provisions HB 2324** (Peace) and **SB 1329** (Ruff) require, in any contract for a major information technology project, terms and conditions relating to the indemnification obligations and liability of a supplier to be reasonable and to not exceed in aggregate twice the value of the contract. The bill also provides that there is be no limitation on the liability of a supplier for any intentional or willful misconduct, fraud, or recklessness of a supplier or any employee of a supplier or claims for bodily injury, including death, and damage to real property or tangible personal property resulting from the negligence of a supplier or any employee of a supplier. The bill provides an exception to such conditions where the Secretary of Administration approves a reasonable maximum alternative limitation of liability amount recommended by the CIO based on a risk assessment showing exceptional risk to the Commonwealth.

**Public School Security Equipment Grant Act of 2013; Eligible Security Equipment HB 2720** (Gooditis) specifies that, for the purpose of eligibility for grants for security equipment through the Public School Security Equipment Grant Act of 2013, the term "security equipment" includes building modifications and fixtures, such as security vestibules.

**School Breakfast Program/National School Lunch Program; Meal Policies HB 2400** (Roem) requires each local school board that collects information to determine eligibility for participation in the School Breakfast Program or the National School Lunch Program administered by the U.S. Department of Agriculture to establish and post prominently on its website a web-based application for student participation in such program and to continue to provide a paper-based application. The bill permits any school board in establishing such an application to adopt the U.S. Department of Agriculture's Web-Based Prototype Application for Free and Reduced Price School Meals or to digitize its existing paper-based application.

**School Modernization; Literary Fund SB 1093** (Ruff) requires the Board of Education to create a program in which monies from the Literary Fund be used to subsidize interest payments by local governing bodies and school boards on certain loans from the Virginia Public School Authority and other approved sources for school construction and modernization. Only school divisions with a composite index of local-ability-to-pay less than 0.4000 will be eligible to participate in the interest payment program.

**State Share for Basic Aid; Duration of Certain Agreements HB 1807** (Bell, R.P.) and **SB 1771** (Hanger) provide that certain cost-savings agreements between school divisions will remain in effect until terminated by the school divisions. Under current law, such agreements are valid for a period of 15 years.

**Virginia Public Procurement Act; Exempt Counties, Cities, School Boards, and Towns With Populations Greater Than 3,500; Competitive Negotiation for Professional Services HB 2198** (Gilbert) requires all counties, cities, and school divisions, and all towns having a population greater than 3,500, in the Commonwealth that are exempt from the provisions of the Virginia Public Procurement Act (the Act) because they have adopted alternative policies and procedures as permitted by law to procure professional services through competitive negotiation as set forth in the Act when the cost of the professional service is expected to exceed \$80,000 in the aggregate or for the sum of all phases of a contract or project.

**Virginia Public Procurement Act; High-Risk Contracts; Report HB 1668** (Carr) requires the Department of General Services (DGS), the Virginia Information Technologies Agency (VITA), and the Office of the Attorney General, as appropriate, to review contract solicitations and contracts for any public contract with a state public body for goods, services, insurance, or construction that meets the definition of high-risk contract provided in the bill. The bill directs DGS and VITA to develop guidelines for state agencies to use when assigning staff to administer high-risk contracts and requires that such guidelines provide that any staff designated as a contract administrator must have prior contract administration experience and (ii) direct an agency's chief procurement officer to communicate to such contract administrator, when he first assumes his role, his responsibilities for effectively administering the contract. Some provisions of the bill have a delayed effective date for implementation for certain high-risk contract review processes.

**Virginia Public Procurement Act; Job Order Contracting; Limitations HB 2071** (Bell J.J.) and **SB 1153** (Black) change the maximum allowable sum of all jobs performed in a one-year contract term for job order contracts by increasing such maximum from the current amount of \$5 million to \$6 million on July 1, 2019. The bill also provides an exception to allow job order contracting in the case of safety improvements or traffic calming measures for individual job orders up to \$250,000, subject to the maximum annual threshold amount as established in the bill.

**Virginia Public Procurement Act; Request for Proposals; Publication HB 1629** (Fowler) removes the requirement for newspaper publication of Requests for Proposals for professional services. The bill also requires a local public body to post a Request for Proposal on the Department of General Services' central electronic procurement website when it elects not to publish such Request for Proposal in a newspaper of general circulation in the area in which the contract is to be performed.

**Virginia Regional Industrial Facilities Act; revenue sharing; composite index HB 1838** (Marshall) requires the Department of Taxation's calculation of true values as applied to the Commonwealth's composite index of local ability-to-pay to take into account an arrangement by localities entered into pursuant to the Virginia Regional Industrial Facilities Act whereby a portion of tax revenue is initially paid to one locality and redistributed to another locality. The bill requires such calculation to properly apportion the percentage of tax revenue ultimately received by each locality. The bill has a delayed effective date of July 1, 2021.

**Wage Payment Statements HB 2664** (Aird) and **SB 1696** (Wagner) require each employer to provide on each regular pay date a written statement, by a paystub or online accounting, that shows the name and address of the employer, the number of hours worked during the pay period, and the rate of pay. Currently an employer is required to provide, when requested, a written statement of the employee's gross wages and any deductions. The measure does not apply to agricultural employment except that an agricultural employer, upon request of its employee, will furnish the employee a written statement of the gross wages earned by the employee during any pay period and the amount and purpose of any deductions therefrom. The measure has a delayed effective date of January 1, 2020.

#### **FINANCE/PURCHASING/FOOD SERVICES (FNS) - FAILED**

**Alternative Education Programs [HB 2387](#)** (Bulova) would have required local school boards to provide alternative education programs for suspended students and assign licensed instructional personnel for such programs in a manner that produces division wide ratios of students in average daily membership to full-time equivalent teaching positions that are not greater than 10 to one. The bill would have also required the Board of Education to establish quality standards for such alternative education programs.

**Annual Local Audit HB 2077** (Aird) would have required localities to submit their annual local audit to the Auditor of Public Accounts. If the audit would have not been completed as required, the locality shall promptly post a statement on its website declaring that the required audit is pending, the reasons for the delay, and the estimated date of completion. Such statement would also have to be posted and made available to the public at the next scheduled meeting of the local governing body. Note that while this legislation failed, a bill with similar intent, HB 1866 did pass.

**Average Daily Membership; Early Graduation [SB 1587](#)** (Suetterlein) would have provided that a student who graduates from a public high school in less than four school years will be counted in the average daily membership in the relevant school division until the graduation of his class cohort or he is no longer of school-age, whichever is earlier. The provisions of the bill would not have applied to any student who completes a high school equivalency examination.

**Class Size Limits HB 2646** (Hugo) would have reduced from 29 to 28 the maximum class size in kindergarten; from 30 to 28 the maximum class size in grades one, two, and three; and from 35 to 29 the maximum class size in grades four, five, and six.

**Commission on School Innovation, Modernization, and Competitiveness [HB 2168](#)** (Yancey) would have established the Legislative Commission on School Innovation, Modernization, and Competitiveness (the Commission), consisting of 22 members, including 12 legislative members, eight nonlegislative citizen members, and two ex officio members, to develop and oversee the implementation of a goal and strategic plan for promoting and

increasing public high school student participation in dual enrollment courses, industry certifications, and state licensure examinations, modernizing public elementary and secondary school buildings throughout the Commonwealth, achieving the Commonwealth's teacher compensation goal and (iv) ensuring high quality at the student and school division levels. The Commission sunsets on July 1, 2022.

**Community Policy and Management Teams; Use of Funds [SB 1104](#)** (Peake) would have provided that the state pool of funds for community policy and management teams may be used for wrap-around services, as defined in the Policy Manual of the Children's Services Act and subject to specific appropriation, that are provided in a public school setting.

**Conditional Rezoning Proffers [HB 2276](#)** (Murphy) would have made changes to conditional zoning provisions first enacted in 2016 by including a provision that may allow certain localities to opt out of the provisions in their entirety by, in part, establishing a stakeholder advisory committee. **[HB 1801](#)** (Ware) and **[SB 1143](#)** (Peake) would have made extensive changes to conditional zoning provisions first enacted in 2016. Specific amendments would have included provisions stating that no locality shall "require" any unreasonable proffer. Other changes would have included an expansion of the definitions of "public safety facility improvement" and "public school facility improvement." Note that while these bills failed, bills with similar provisions (**[HB 2342](#)** and **[SB 1373](#)**) did pass.

**Department of General Services; Guidance to State Public Bodies Regarding Purchases of Materials Made in the United States [SB 1099](#)** (DeSteph) would have directed the Department of General Services to develop and maintain a guidance document assisting state public bodies to purchase iron and steel that are made in the United States and manufactured goods with at least 50 percent of the constituent parts and materials originating in the United States.

**Department of Small Business and Supplier Diversity; Small Business Procurement Enhancement Program [HB 1892](#)** (James) would have established a small business procurement enhancement program (the Program) with a statewide goal of 42 percent of small business utilization in all discretionary spending by state agencies in procurement orders, prime contracts, and subcontracts. In addition, the bill would have provided for a small business set-aside for competition among all small businesses for state agency purchases up to \$100,000 for goods and nonprofessional services and up to \$50,000 for professional services and established qualification criteria for participation in the Program by business operations on the basis of the total number of employees or annual gross receipts, averaged over the previous three years.

**Dual Enrollment; Tuition or Fees [HB 1837](#)** (Marshall) would have provided that no student who is eligible to receive free or reduced price lunch and who enrolls in a dual enrollment course shall be charged tuition or any other fee for such enrollment.

**JLARC Study; Costs of Education; Report [SJ 307](#)** (Lewis) would have directed the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality.

**Local Composite Index – Local Use Value Assessment [HJ 643](#)** (Webert) would have requested the Department of Education to determine, for each of the 95 localities that

have adopted ordinances to provide for the use value assessment and taxation of certain real estate, the use value of all applicable real estate devoted to agricultural use, horticultural use, forest use, and open-space use, as those terms are defined in the Code of Virginia, and recalculate the composite index of local ability to pay for each such locality after taking into consideration such use values. SB 1471 (Hanger) would have required the General Assembly to modify the current standards of quality funding formula and the calculation of composite index of local ability to pay to incorporate within the real estate indicator of local wealth the land-use assessment value for those properties located within a land-use plan.

**Lottery Board; Regulation of Casino Gaming; Penalties HB 1890** (James), **HB 2536** (O'Quinn), **SB 1503** (Carrico), and **SB 1706** (Lewis), would have authorized casino gaming in the Commonwealth to be regulated by the Virginia Lottery Board (the Board).

**Minimum Wage HB 1850** (Simon) would have increased the minimum wage from its current federally mandated level of \$7.25 per hour to \$9 per hour effective July 1, 2019, to \$10 per hour effective January 1, 2020, to \$11 per hour effective January 1, 2021, to \$13 per hour effective January 1, 2022, and to \$15 per hour effective January 1, 2023, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). For 2024 and thereafter, the annual minimum wage shall be adjusted to reflect increases in the consumer price index. The measure would have also provided that the Virginia minimum wage applies to persons whose employment is covered by the FLSA. **HB 2157** (Plum) would have increased the minimum wage from its current federally mandated level of \$7.25 per hour to \$10.10 per hour effective January 1, 2020, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). **HB 2631** (Levine) would have established a procedure by which a local alternative minimum wage may be imposed in any locality. **SB 1017** (Marsden) would have increased the minimum wage from its current federally mandated level of \$7.25 per hour to \$8.00 per hour effective July 1, 2019; \$9.00 per hour effective July 1, 2020; \$10.10 per hour effective July 1, 2021; and \$11.25 per hour effective July 1, 2022, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). The measure would have also provided that the cash wage paid to a tipped employee shall not be less than 50 percent of the minimum wage and that the tip credit shall equal the difference between the cash wage required to be paid to a tipped employee and the minimum wage. **SB 1200** (Dance) would have increased the minimum wage from its current federally mandated level of \$7.25 per hour to \$10 per hour effective July 1, 2019, to \$13 per hour effective July 1, 2020, and to \$15 per hour effective July 1, 2021, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). The measure also would have provided that the Virginia minimum wage would have applied to persons whose employment is covered by the FLSA and to persons employed by the Commonwealth, its agencies or political subdivisions, or a public body.

**Permitted Student Fees and Charges in Schools [HB 2319](#)** (Bell, Richard P.) would have prohibited school boards from levying fees and charges on students, with the exception of charging tuition under certain circumstances

**Posting of Register of Funds Expended [HB 1907](#)** (VanValkenburg) and **SB 1262** (Sturtevant) would have required every locality with a population greater than 25,000 and each school division with greater than 5,000 students to post quarterly on the public government website of such locality or school division a register of all funds expended, showing vendor name, date of payment, amount, and a description of the type of expense, including credit card purchases with the same information. These bills would have allowed any locality or school division to exclude from such posting any information that is exempt from mandatory disclosure under the Virginia

Freedom of Information Act, any personal identifying information related to a court-ordered payment, any information related to undercover law-enforcement officers and any information related to a settlement or contract that contains a confidentiality clause.

**Prevailing Wage; Public works contracts; Penalty [SB 1673](#)** (Favola) would have required contractors and subcontractors under any public contract with a state agency 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 Commissioner of Labor and Industry would have been required to determine the prevailing wage rate for such public contracts on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the federal Davis-Bacon Act

**School Meal Policies [HB 2376](#)** (Roem) would have required 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 a meal after it has been served to him. **[HB 2462](#)** (Roem) would have required each local school board to require the appropriate school board employee to inform the parent of any student who incurs a school meal debt of the amount of such debt no later than 20 days after it accrues and the consequences of such debt and the school board policy and procedure relating to such debt, including any requirement that such student be served an alternative meal or be required to dispose of meals served to him while such debt remains unpaid.

**Regulation of Sports Betting, Lottery Ticket Internet Sales [HB 1638](#)** (Sickles) and **[HB 2210](#)** (Simon) would have directed the Virginia Lottery (the Lottery) to regulate sports betting and repealed the law prohibiting Lottery from selling lottery tickets through the Internet. **[SB 1238](#)** (Petersen) would have established the Virginia Sports Betting Department (the Department) and authorizes it to regulate sports betting. Fifty percent of tax revenue would have accrued to the locality in which it was generated, and 45% would accrue to the Virginia Foundation for Community College Education Fund, which would have been used to provide monetary assistance to Virginia residents who are enrolled in a Virginia community college.

**Unexpended Local Funds [HB 1969](#)** (Delaney) would have required all sums derived from local funds unexpended by a school board in any year to remain a part of the funds of the school board for use the next year. **[HB 1921](#)** (Bourne) would have permitted any school board to finance capital projects with any funds appropriated to it by the local governing body that are unexpended by the school board in any year.

**Virginia Preschool Initiative; Enrollment; Funding [HB 1646](#)** (Bourne) would have permitted any local school board to offer any slots in its Virginia Preschool Initiative program that remain unfilled by at-risk students after initial enrollment to students who reside in the school division and meet the age requirements but do not qualify as at-risk and to charge a fee for such enrollment. The bill would have permitted any school board that charges a fee for such enrollment to use such fees for the purpose of meeting the required local match for its Virginia Preschool Initiative program.

**Virginia Public Procurement Act; Competitive Negotiation; Price for Professional Services [HB 1796](#)** (Cole) would have allowed public bodies to request price information in a Request for Proposal for professional services. **[HB 2072](#)** (Bell, J.J.) and **[SB 1345](#)** (Favola) would have provided that for competitive negotiation for professional services, a public body

may conduct negotiations simultaneously with the top two ranked offerors if the public body does not request or discuss nonbinding estimates of total project costs at the discussion stage and as long as such process is set forth in the Request for Proposal.

**Virginia Public Procurement Act; Debarment for Nonpayment of Unemployment Taxes HB 1821** (Delaney) would have prohibited state agencies from contracting for goods and services from a source that is required to collect unemployment taxes but fails or refuses to do so. The measure would have prohibited such contracts with any affiliates of such source. The measure would have required the Virginia Employment Commission to make a determination of whether a source is a prohibited source. The measure would have also provided that any source that fails to remit unemployment taxes for more than 10 covered employees shall be a prohibited source for a period of two years.

**Virginia Public Procurement Act; Local Labor Use Requirement for Certain Construction Contracts HB 2435** (Torian) and **SB 1028** (Marsden) would have required under the Virginia Public Procurement Act (§ 2.2-4300 et seq.) that every public body, when engaged in procuring contracts for construction with a projected cost in excess of \$500,000 paid for in whole by state or local funds, include in its specifications a requirement that at least 60 percent of the employees employed by contractors and subcontractors for the construction project be from the local labor market. The bill would have defined "local labor market" to mean every locality in Virginia and any county outside of Virginia if any portion of that county is within 75 miles of the Virginia border. The bill would have also provided that any contractor or subcontractor that cannot meet this requirement and has taken certain necessary steps could obtain a waiver of the requirement from the Virginia Employment Commission.

**Virginia Public Procurement Act; Multiple Award Indefinite Delivery/Indefinite Quantity Contracting [HB 1632](#)** (Cole) would have added multiple award indefinite delivery/indefinite quantity contracting as an allowable method of procurement for public bodies under the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

**Virginia Public Procurement Act; Proscribed Subcontracting by Certain Small Businesses HB 2328** (McNamara) prohibits a small business from subcontracting with any other business with which it has an affiliated business entity relationship if such small business has been awarded a contract by a public body as part of an enhancement or remedial measure authorized by the Governor and the award of such contract is conditioned upon the small business's qualification as part of a subcategory of small businesses established as part of the enhancement program. While this bill passed the General Assembly, it was ultimately vetoed by the Governor. In his veto explanation, the Governor requested that the Department of General Services and the Department of Small Business and Supplier Diversity study and develop recommendations to address the issue to ensure that small businesses are able to fairly compete for government contracts.

**Virginia Public Procurement Act; Public Works Contracts; Prevailing Wage; Penalty HB 2122** (Carrroll Foy) would have required contractors and subcontractors under any public contract with a state agency for public works to pay wages, salaries, benefits, and other remuneration at the prevailing wage rate to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works.



**Virginia Public Procurement Act; Statute of Limitations on Actions on Construction Contracts; Statute of Limitations on Actions on Performance Bonds [HB 1667](#)** (Kilgore) and **SB 1369** (Norment) would have provided that no action may be brought by a public body on any construction contract, including construction management and design-build contracts, unless such action is brought within five years after substantial completion of the work on the project and that no action may be brought by a public body on a warranty or guarantee in such construction contract more than one year from the breach of that warranty, but in no event more than one year after the expiration of such warranty or guarantee. The bill would have also limited the time frame during which a public body, other than the Department of Transportation, may bring an action against a surety on a performance bond to within one year after substantial completion of the work on the project. Note however that while these bills failed, Item 80 #1c in the Appropriations Act directs the Department of General Services (DGS) to conduct a review of current Virginia law and best practices as it relates to the statute of limitations on state contracts for construction services and its fiscal implications, consistent with recommendations made by the Joint Legislative Audit and Review Commission (JLARC) in its June 2016 "Development and Management of State Contracts" report. DGS would conduct this review in consultation with state and local government public bodies, the Office of the Attorney General, and representatives from the private sector construction community, to include contractors, insurers, and legal representatives. DGS would report its findings and recommendations to the Chairmen of the House Appropriations and Senate Finance Committees, and the Governor by December 31, 2019.

**Virginia Public Procurement Act; Use of Best Value Procurement; Construction HB 2688** (Campbell) would have authorized any public body to procure construction on a best value procurement basis. Under the bill, if proceeding on a best value procurement basis, the Request for Proposal would have had to contain a notice to potential offerors that the procurement decision will be made on a best value procurement basis and describe the criteria that will be considered in evaluating the proposals and the rating or weighting system that will be used in evaluating the proposals, including a disclosure that price will be weighted at least 51 percent as a factor.

**Virginia Public Procurement Act; Use of Competitive Negotiation for Construction; Exemption From Certain Requirements Related Contracting for Public Works HB 2475** (Torian) would have required that competitive negotiation be used for construction projects where the project cost is expected to be more than \$500,000. The bill would have also exempted contracts for the construction of public works where the project cost is expected to be more than \$500,000 from certain provisions relating to state agency agreements with labor organizations.

## **INSTRUCTION AND STANDARDS OF LEARNING (INS) – PASSED**

**Capstone Project, Work Experience; High School Graduation Requirements HB 2662** (Landes) directs the Board of Education to develop and submit to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than November 1, 2019, guidelines for local school boards to develop and implement a senior capstone project, portfolio, performance-based assessment, or structured experiment in consultation with stakeholders representing a variety of local school divisions, industries, and education organizations, considering (i) the diversity of school divisions across the Commonwealth, (ii) the need for local flexibility, and (iii) the needs of communities and

industries across the Commonwealth. The bill also directs the Board of Education, in establishing high school graduation requirements, to require students to complete a senior capstone project, portfolio, performance-based assessment, or structured experiment that relates to a work-based learning, service-learning, or community engagement activity and aligns with and further develops the knowledge and skills attained through such work-based learning, service-learning, or community engagement activity, provided, however, that such provisions would not become effective unless reenacted by the 2020 Session of the General Assembly.

**Career and Technical Education Work-Based Learning Guide HB 2018** (Peace) and **SB 1434** (McClellan) require the Board of Education to review and revise, in consultation with certain stakeholders and no later than December 1, 2019, 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 experiences such as job shadowing, mentorships, internships, and externships. Note **SB 1434** incorporated **SB 1147** (Petersen).

**Child Day Programs; Fingerprint Background Checks SB 1407** (Mason) allows local law-enforcement agencies to process and submit requests for national fingerprint background checks for employees and volunteers of child day programs operated by a local government. The bill has a delayed effective date of July 1, 2020.

**Child Day Programs; Staff Training Requirements; Exemption for Cooperative Preschools HB 2258** (Pogge) exempts parents and other persons who participate in a cooperative preschool center on behalf of a child attending such cooperative preschool center, including such parents and persons who are counted for the purpose of determining staff-to-child ratios, from orientation and training requirements applicable to staff of child day programs. The bill provides that such exempt parents may be required to complete up to four hours of training per year.

**College and Career Access Pathways Partnerships HB 2123** (Carroll Foy) permits each local school board to enter into College and Career Access Pathways Partnerships (Partnerships), currently referred to as agreements, with comprehensive community colleges or other public institutions of higher education or educational institutions that offer a career and technical education curriculum. The bill requires any such Partnership to specify the options for students to take courses as part of the career and technical education curriculum that leads to course credit or an industry-recognized credential, certification, or license concurrent with a high school diploma; specify the credit, credentials, certifications, or licenses available for such courses; and specifies available options for students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community colleges concurrent with the pursuit of a high school diploma and receive college credit and high school credit for successful completion of any such program. The bill additionally provides that participation by a student in any course pursuant to such Partnerships does not deem such student eligible for a grant pursuant to the New Economy Workforce Credential Grant Program.

**Commission on Civic Education; Sunset SB 1097** (Marsden) extends the sunset of the Commission on Civic Education from July 1, 2019, to July 1, 2020.

**Community Schools - Best Practices Report** Item 135 #5c of the Appropriations Act requires the Department of Education, in consultation with Communities In Schools of Virginia and other relevant stakeholders, to develop, distribute to each local school division, and report to the Governor and General Assembly, no later than November 1, 2019, guidance on best practices

for local school divisions to transition existing schools to community schools. Such guidance would be required to include best practices for removing nonacademic barriers to learning as a means to enhance student academic success in public elementary and secondary schools throughout the Commonwealth.

**Computer Science Training** Item 135 #9c of the Appropriations Act allocates \$550,000 each year from the general fund to CodeVA for the professional development and courses provided to teachers related to computer science learning in the classroom. The amendment also requires CodeVA to report, no later than October 1, each year to the Chairmen of the House Education and Senate Education & Health Committees, Secretary of Education and the Superintendent of Public Instruction on its activities in the previous year to support computer science teacher training and curriculum development, including on collaboration with other stakeholders to avoid duplication of efforts.

**Counselors; Changes Name to School Counselors, Staff Time HB 1729** (Landes) changes the name of guidance counselors to school counselors and requires each school counselor employed by a school board in a public elementary or secondary school to spend at least 80 percent of his staff time during normal school hours in the direct counseling of individual students or groups of students.

**Energy Career Cluster HB 2008** (Garrett) and **SB 1348** (Newman) require the Department of Education, in consultation with representatives from pertinent industries such as renewable energy, natural gas, nuclear energy, coal, and oil, to establish an energy career cluster. These bills require the Department of Education to base the knowledge and skill sets contained in such energy career cluster on the energy industry competency and credential models developed by the Center for Energy Workforce Development in partnership with the U.S. Department of Labor. These bills further require the Department of Education to report to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2019, on its progress toward establishing such energy career cluster.

**Family Life Education; Female Genital Mutilation SB 1159** (Black) requires any family life education curriculum offered in any elementary school, middle school, or high school to incorporate age-appropriate elements of effective and evidence-based programs on the harmful physical and emotional effects of female genital mutilation, associated criminal penalties, and the rights of the victim including any civil action.

**Family Life Education, Human Trafficking SB 1141** (Favola) requires the Board of Education, in its curriculum guidelines for family life education, to include instruction on the prevention of human trafficking. Additionally, the bill requires any high school family life education program offered in a local school division to incorporate age-appropriate elements of effective and evidence-based programs on the prevention of human trafficking.

**Family Life Education; Meaning of Consent HB 2205** (Filler-Corn) requires any high school family life education curriculum offered by a local school division to incorporate age-appropriate elements of effective and evidence-based programs on the law and meaning of consent.

**Local Workforce Development Boards; Career Pathways for Opportunity Youth; Report HB 2726** (James) requires each local workforce development board to develop focused strategies for engaging opportunity youth and placing them on pathways to education, training, and careers. The bill also provides for local workforce development boards to develop

performance measures for evaluating the results of the implementation of such strategies and submit the measures annually to the Governor's Chief Workforce Development Advisor by November 30. "Opportunity youth" is defined in the bill as individuals between the ages of 16 and 24 who are homeless, in foster care, or involved in the justice system or neither gainfully employed nor enrolled in an educational institution.

**National Math and Science Initiative SB 1746** (Wagner) directs the Department of Education to encourage school boards of school divisions that have a significant number of enrolled military-connected students to partner with the National Math and Science Initiative to provide such students with the tools and resources necessary to advance science, technology, engineering, and mathematics learning opportunities and career readiness. The bill requires the Department to provide technical assistance to any school board seeking to enter into such a partnership, upon request.

**Nicotine Vapor Products, Instruction on the Hazards of Using Such Products HB 1881** (Keam) requires the Virginia Foundation for Healthy Youth to develop and the Department of Education to distribute to each local school division educational materials concerning the health and safety risks of using tobacco products, nicotine vapor products, and alternative nicotine products. The bill requires instruction concerning the health and safety risks of using such products be provided in each public elementary and secondary school in the Commonwealth, consistent with such educational materials.

**Parental Review of Certain Anti-Bullying and Suicide Prevention Materials HB 2107** (Ransome) requires local school boards to develop and implement policies that ensure parents the right to review any audio-visual materials that contain graphic sexual or violent content used in any anti-bullying or suicide prevention program. Such policies require that prior to using any such material, the parent of the child participating in such a program will be provided written notice of his right to review the material and his right to excuse his child from participating in the part of such program utilizing such material.

**School Counselor Staffing Ratio SB 1406** (Dance) changes the name of guidance counselors to school counselors and requires school boards to employ school counselors in accordance with the following ratios: in elementary schools, one hour per day per 75 students, one full-time 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 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 at 300 students, one additional period per 60 students or major fraction thereof. Such ratios will be effective with the 2019-2020 school year. However, note that these ratios conflict with those contained in the Appropriations Act (in elementary schools, one hour per day per 91 students, one full-time at 455 students, one hour per day additional time per 91 students or major fraction thereof; in middle schools, one period per 74 students, one full-time at 370 students, one additional period per 74 students or major fraction thereof; and in high schools, one period per 65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof). So, while this bill codifies staffing ratios in the Standards of Quality, the ratios contained in the Appropriations Act would prevail.

**Student Survey, Civics Education** Item 134 #1c of the Appropriations Act provides funding for a brief questionnaire survey to be administered to approximately 500 high school students regarding civics education.

## **INSTRUCTION AND STANDARDS OF LEARNING (INS) – FAILED**

**Adult Education Programs; Year-Round Operation HB 1877** (Convirs-Fowler) would have required year-round operation of adult education programs by local school divisions.

**Advancement Via Individual Determination Programs; Study, Report HJ 688** (Kory) would have requested that the Department of Education study the feasibility of substituting elective credit received for participation in Advancement Via Individual Determination (AVID) Programs for other course credit required for high school graduation.

**Child Day Programs; Exemptions From Licensure HB 2280** (Head) would have added to the list of programs that are not considered child day programs and are not subject to licensure programs of recreational activities offered by a local government, staffed by local government employees, and attended by school-age children and programs offered by a local school division, operated for no more than four hours per day, staffed by local school division employees, and attended by children who are at least four years of age and are enrolled in public school or a preschool program within such school division. Under the provisions of the bill, however, such child day programs would have remained subject to safety and supervisory standards established by the local government or school division offering the program.

**Commission on School Innovation, Modernization, and Competitiveness HB 2168** (Yancey) would have established the legislative Commission on School Innovation, Modernization, and Competitiveness (the Commission), consisting of 22 members, including 12 legislative members, eight nonlegislative citizen members, and two ex officio members, to develop and oversee the implementation of a goal and strategic plan for promoting and increasing public high school student participation in dual enrollment courses, industry certifications, and state licensure examinations, modernizing public elementary and secondary school buildings throughout the Commonwealth, achieving the Commonwealth's teacher compensation goal and ensuring high quality at the student and school division levels.

**Community Schools; Guidance HB 2775** (Rasoul) would have required the Department of Education, in consultation with Communities in Schools of Virginia and other relevant stakeholders, to develop, distribute to each local school division, and report to the Governor and General Assembly, no later than November 1, 2019, guidance on best practices for local school divisions to transition existing schools to community schools. Such guidance would have had to include best practices for removing nonacademic barriers to learning as a means to enhance student academic success in public elementary and secondary schools throughout the Commonwealth.

**Counselors; Changes Name to School Counselors, Staff Time HB 1791** (VanValkenburg) would have changed the name of guidance counselors to school counselors. Note that while this legislation failed, various other bills accomplishing the same goal did pass (**HB 1729**, **HB 2053** and **SB 1406**)

**Counseling Services, Parental Rights HB 2623** (Ransone) would have required the Board of Education to develop a model policy for the provision of counseling services in public schools that includes provisions for parental consent, written parental notification, parental involvement, as appropriate, confidentiality, procedures by which a parent may limit or prohibit his child's participation, appropriate exceptions such as imminent need, health, or safety or maintaining order in the school, and other necessary provisions as determined by the Board. The bill would

have required the Board of Education, in developing such model policy, to seek to balance the needs of students with the rights of parents.

**Driver Education Programs; Home Instruction SB 1021** (Black) would have required any school board that offers a program of driver education in the safe operation of motor vehicles to make the program available to any student who receives home instruction and resides in the local school division. The bill would have prohibited the school board from charging a fee or assessing a surcharge for such students that exceeds the fee or surcharge required of public school students.

**Dual Enrollment Faculty Credential Grant Fund and Program Established HB 1919** (Stolle) would have established the Dual Enrollment Faculty Credential Grant Fund and Program for the purpose of awarding grants on a competitive basis to school boards to assist high school teachers employed in the local school division to obtain the credentials necessary to be considered faculty who are qualified to teach dual enrollment courses in high schools in the local school division. The bill would have required the Department of Education to administer the Dual Enrollment Faculty Credential Grant Program (the Program) and establish such guidelines and procedures as it deems necessary for the administration of the Program, including guidelines and procedures for grant applications, awards, and renewals. Note that while the legislation failed, the Appropriation Act does include funding for a Dual Enrollment Faculty Credential Tuition Grant Program (Item 135 #6c) which would provide \$250,000 for tuition scholarships to be specifically allocated solely for licensed public high school teachers pursuing additional credentialing requirements necessary to be considered faculty who are qualified to teach dual enrollment courses in high schools in their local school division.

**Dual Enrollment and Graduation Requirements; Postsecondary Credential, Certification, or License Attainment SB 1522** (Ruff) would have required local school boards and comprehensive community colleges to enter into dual enrollment agreements for postsecondary credential, certification, or license attainment concurrent with a high school diploma. The bill would have also required the Board of Education to include in its graduation requirements provisions for the award of standard units of credit for successfully completing such a program at a comprehensive community college through a dual enrollment agreement.

**Dual Enrollment Tuition or Fees for Students Who are Eligible for Free or Reduced Price Lunch HB 1837** (Marshall) would have provided that no student who is eligible to receive free or reduced price lunch and who enrolls in a dual enrollment course shall be charged tuition or any other fee for such enrollment.

**Early Childhood Care and Education; Licensing SB 1095** (Howell) would have required the Superintendent of Public Instruction and the Commissioner of Social Services to convene a stakeholder group to consider the development of a statewide unified public-private system for early childhood care and education in the Commonwealth and collaborate to develop a uniform quality rating and improvement system with required participation by publicly funded early childhood care and education programs and voluntary participation by privately funded providers. Note that prior to its failure, **SB 1095** incorporated **SB 1313** (Dunnavant). **HB 2458** (Landes) would have required 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 bill would have transferred 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 the Department of Education. The bill would have maintained current licensure, background check, and other requirements of such programs. The bill would have established the Early Childhood Innovation Fund for the purpose of facilitating regional public-private collaboration and to field test innovative strategies and evidence-based practices that support a robust system of comprehensive early childhood care and education services to deliver measurable school readiness outcomes and meet regional workforce support needs. Such provisions of the bill would have had a delayed effective date of July 1, 2021. The bill would have required 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 bill would have provided that, beginning July 1, 2021, the Department of Education will be the lead agency for the administration of the Child Care and Development Block Grant and the Head Start Collaboration Office. Finally, the bill would have required the Board of Education and the Board of Social Services to promulgate regulations to implement the provisions of the bill to become effective on July 1, 2021.

**Education and Workforce Development; Virginia Works Portal Created; Report [SB 1589](#)** (Dunnivant) would have created the Virginia Works Portal, administered by the Virginia Economic Development Partnership Authority, to provide one-stop access to information regarding education pathways, career opportunities, and workforce development information available from agencies, institutions, and entities around the Commonwealth.

**Electives on the Hebrew Scriptures/Old Testament and the New Testament [SB 1502](#)** (Carrico) would have required the Board of Education to authorize local school boards to offer as an elective in grades nine through 12 with appropriate credits toward graduation a course on the Hebrew Scriptures/Old Testament of the Bible or the New Testament of the Bible or a combined course on both. The bill would have required the Board of Education to develop Standards of Learning and curriculum guidelines for such courses. The bill would have provided that the purpose of such courses is to introduce students to biblical content, characters, poetry, and narratives that are prerequisites to understanding contemporary society and culture, including literature, art, music, mores, oratory, and public policy. The bill would prohibit students from being required to use a specific translation of a religious text when taking the courses and provides that such courses shall maintain religious neutrality and shall not endorse, favor, promote, disfavor, or show hostility toward any particular religion or nonreligious perspective.

**Experiential Learning and Workforce Development Opportunities in High-Demand Fields; Report HJ 675** (Filler-Corn) would have requested the Department of Education to study experiential learning and workforce development opportunities for high school students in high-demand fields.

**Family Life Education Curricula; Students with Intellectual or Developmental Disabilities HB 1693** (Rodman) would have required any high school family life education curriculum offered by a local school division to include, at least four times during grades 11 and 12, instruction for students with intellectual or developmental disabilities on a variety of topics, including social skills, self-esteem, sexuality, and rights and responsibilities. **SB 1595** (Dunnivant) would have required 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 bill would have required each local school board, in developing IEPs

for children with disabilities, in addition to any other requirements established by the Board, to ensure that IEP teams consider such guidelines.

**Family Life Education Programs; Student Participation (“Opt-In”) HB 2570** (LaRock) would have prohibited any public elementary or secondary school student from participating in any family life education program without the prior written consent of his parent.

**Health Instruction; Mental Health HB 2593** (Rodman) and **SB 1440** (McClellan) would have directed the Board of Education to review and update the health Standards of Learning for students in all grades to include mental health. Legislation passed in 2018 required such review and update for students in grades nine and 10.

**High School STEM Internship Tax Credit; Report HB 2216** (Bourne) and **SB 1532** (Sturtevant) would have created a tax credit for a business that hosts a junior or senior in a Richmond City Schools high school as an intern in a STEM or high-demand field for a semester during the 2019-2020 or 2020-2021 academic year. The business would have received a \$2,500 credit per student per semester. Participation in the program is limited to 25 students. The bill would have required the Superintendent of Richmond Public Schools to submit an annual report regarding various metrics of the program.

**Junior Reserve Officer Training Programs for Students Receiving Home Instruction SB 1275** (Black) would have required any school board that offers a Junior Reserve Officers Training Corps program to make the program available to any student who receives home instruction and resides in the local school division. The bill would have prohibited any such school board from requiring any such student to enroll on a full or part-time basis or to meet other eligibility requirements for such a program beyond those required of public school students. The bill would have provided that such a student may demonstrate compliance with any academic achievement requirements for participation in such a program in any manner acceptable as evidence of progress under the home instruction provisions of the Code.

**Kindergarten Instructional Time SB 1278** (Barker) would have increased from 540 hours to 990 hours the minimum instructional hours in a school year for students in kindergarten. The bill would have directed the Board of Education to promulgate regulations by July 1, 2021, 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.

**School Counselor Staffing Ratio HB 2053** (McQuinn) would have changed the name of guidance counselors to school counselors and require school boards to employ school counselors in accordance with the following ratios: in elementary schools, one hour per day per 91 students, one full-time at 455 students, one hour per day additional time per 91 students or major fraction thereof; in middle schools, one period per 74 students, one full-time at 370 students, one additional period per 74 students or major fraction thereof; and in high schools, one period per 65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof. Additionally, the bill would have provided that notwithstanding any act of the 2019 Regular Session of the General Assembly the ratio of school counselors to students will be as provided for in the appropriation act. Note however that because it conflicted with ratios contained in a similar bill which was signed by the Governor (**SB 1406** (Dance)), the Governor ultimately vetoed this version.



**School Divisions of Innovation; Performance-Based Assessments SB 1138** (Favola) would have allowed a local school board, when applying for its school division to be designated as a School Division of Innovation, to apply to the Board of Education (the Board) to replace certain Standards of Learning assessments with performance-based assessments. The standards of learning assessments eligible for replacement would have been Virginia Studies, Civics and Economics, elementary school science, and middle school science. The bill further requires the Board to promulgate any necessary regulations and to submit to the U.S. Department of Education any necessary amendments to its consolidated state plan. **HB 2574** (LaRock) contained the same provisions as SB 1138 except the only standards of learning assessments eligible for replacement would have been Virginia Studies and Civics and Economics.

**Sixth Grade Science Curriculum HB 1908** (VanValkenburg) and **SB 1561** (Lewis) would have directed the Department of Education to coordinate with the Department of Environmental Quality to update the "Window into a Green Virginia" curriculum developed by the Departments for sixth grade science to include a unit on the benefits, including the energy benefits, of recycling and reuse.

**Standards of Achievement Career and Technical Education Committee; Established SB 1392** (Wagner) would have directed the Board of Education to establish the Standards of Achievement Career and Technical Education Committee (Committee) to make recommendations to the General Assembly and the Board of Education to facilitate the development of career and technical education Standards of Achievement, including accreditation standards, assessment testing, and course content and curriculum for participating schools, with a focus on rigorous standards and course content and curriculum that align workforce skills with industry-recognized standards; robust business and industry engagement and responsiveness to labor market needs; strategies to remove the stigma from career and technical education, including early exposure to career options and life skills; work-based learning and apprenticeships; innovative high school models; and leveraging existing resources and programs in the Commonwealth.

**Standards of Learning Assessments Standards of Learning Assessments HB 2338** (Landes) as amended, would have required the Board of Education, in establishing graduation requirements, to require students to earn one verified credit in Virginia and U.S. history. The bill would have specified that such verified credit shall be earned only by (i) successful completion of a Board-developed end-of-course Standards of Learning assessment; (ii) achievement of a passing score on a Board-approved standardized test administered on a statewide, multistate, or international basis that measures content that incorporates or exceeds the Standards of Learning content in the course for which the verified credit is given; or (iii) achievement of criteria for the receipt of a locally awarded verified credit from the local school board in accordance with criteria established in Board guidelines when the student has not passed a corresponding Standards of Learning assessment. The bill would have prohibited such end-of-course Standards of Learning assessment from being a performance-based assessment. **SB 1218** (Newman) would have required the Standards of Learning assessments administered to students in grades nine through twelve to include reading, writing, mathematics, biology, and Virginia and U.S. history. The bill would have required each such Standards of Learning assessment to consist of a Board-developed end-of-course assessment and prohibits such from being performance-based. The bill would have required each school board to annually certify that it has provided instruction and administered an alternative assessment, consistent with Board guidelines, to students enrolled in a high school course in mathematics, science, or history and social science for which an end-of-course Standards of Learning assessment was

administered prior to July 1, 2019 and was subsequently eliminated by the Board. The bill would have required the Department of Education to perform reviews on such locally administered alternative assessments for high school courses and to report to such review based on the 2019-2020 school year outcomes to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health by December 1, 2020. The bill would have required the Board, in its graduation requirements, to require students to earn a verified unit of credit in reading, writing, mathematics, science, and Virginia and U.S. History. The bill would have required each such verified credit to be earned only by the successful completion of a Board-developed end-of-course Standards of Learning assessment; achievement of a passing score on a Board-approved standardized test administered on a statewide, multistate, or international basis that measures content that incorporates or exceeds the Standards of Learning content in the course for which the verified credit is given; or achievement of criteria for the receipt of a locally awarded verified credit from the local school board in accordance with criteria established in Board guidelines when the student has not passed the corresponding Standards of Learning assessment. The bill would have authorized the Board to permit transfer students to graduate with a reduced number of credits. The provisions of the bill requiring certain verified credit would have become effective beginning with first-time ninth grade students in the 2019-2020 school year. Note that prior to its failure, **SB 1218** incorporated **SB 1525** (Sturtevant) and **SB 1585** (Suetterlein).

**STEAM Programs; Establishes STEAM Education Fund HB 2780** (Ayala) would have established the Science, Technology, Engineering, Arts, and Mathematics (STEAM) Education Fund and grants program for the purpose of awarding grants in amounts not to exceed \$50,000 per school year to any public elementary or secondary school in the Commonwealth at which at least 25 percent of students qualify for free or reduced lunch and that provides an academic class, curriculum, or activity focused on a STEAM discipline.

**Student Voters; Virginia Voter Registration HB 1795** (VanValkenburg) would have required each public high school and public institution of higher education 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.

**Virginia Preschool Initiative; Enrollment; Funding HB 1646** (Bourne) would have permitted any local school board to offer any slots in its Virginia Preschool Initiative program that remain unfilled by at-risk students after initial enrollment to students who reside in the school division and meet the age requirements but do not qualify as at-risk and to charge a fee for such enrollment. The bill would have permitted any school board that charges a fee for such enrollment to use such fees for the purpose of meeting the required local match for its Virginia Preschool Initiative program.

**Virtual Virginia SB 1590** (Dunnavant) would have required that the Virtual Virginia program, be made available to all public schools. Currently, the program is available only to high schools. The bill would have required the Department to utilize a learning management system for the purposes of implementing Virtual Virginia. The bill would have also authorized the Department to charge a per-student fee to school divisions for each student enrolled in a Virtual Virginia course beyond an initial allotment of 15 such students per school division and prohibits the Department from limiting the total number of such students by school division. Note that while the legislation did not pass, a budget amendment (Item 136 #2c) was included to expand the current Virtual Virginia initiative. The additional general fund allocation for Virtual Virginia will be used within the existing high school model to expand the availability of digital curriculum

resources via Virtual Virginia and to provide professional development to divisions which includes best practices facilitating the use of such digital resources. The additional digital resources and professional development will be offered to all school divisions statewide. The new language further directs the Department of Education to develop a plan that establishes a possible per-student, per-course fee schedule for local school divisions to participate in Virtual Virginia (VVA) coursework. The plan must include data reporting on the existing VVA initiative.

**Workforce Development in the Commonwealth; Report HJ 621** (O'Quinn) would have directed the Joint Legislative Audit and Review Commission (JLARC) to update its 2014 review of workforce training in the Commonwealth with a new study of workforce development. In conducting its study, JLARC would have been required to examine which entities in the Commonwealth are conducting workforce development activities, how much money is being spent on such activities, the sources of such money, which metrics can be used to determine the effects of spending on workforce development activities, and, based on those metrics, which entities in the Commonwealth are producing the best results.

**Workgroup on Social and Emotional Learning HB 1854** (Rasoul) would have required the Department of Education to convene a workgroup to make recommendations for the effective implementation of social and emotional learning in public elementary and secondary schools in the Commonwealth.

## **INSTRUCTIONAL TECHNOLOGY (IT) - PASSED**

**Consolidation of Surveys SB 1586** (Suetterlein) requires the Superintendent of Public Instruction to identify any survey, questionnaire, inquiry, or other communication that requires a response from a school board or division superintendent and to, in collaboration with any identified requesting entity, work to consolidate, as much as practicable, all such surveys, questionnaires, inquiries, and other communications in order to reduce the administrative burden of such response.

**Government Data Collection and Dissemination Practices Act; Dissemination of Information Concerning Religious Preferences and Affiliations HB 2494** (Tran) prohibits any state agency maintaining an information system that includes personal information from disseminating to federal government authorities information concerning the religious preferences and affiliations of data subjects for the purpose of compiling a list, registry, or database of individuals based on religious affiliation, national origin, or ethnicity, unless specifically required by state or federal law. This prohibition applies even if consent is given to disseminate such information to public institutions of higher education, state facilities under Title 37.2 (Behavioral Health and Developmental Services), and juvenile correctional facilities established pursuant to Title 66 (Juvenile Justice) or Chapter 11 (§ 16.1-226 et seq.) of Title 16.1 (Juvenile and Domestic Relations District Courts).

**Major Information Technology Project Procurement; Terms and Conditions; Limitation of Liability Provisions HB 2324** (Peace) and **SB 1329** (Ruff) require, in any contract for a major information technology project, terms and conditions relating to the indemnification obligations and liability of a supplier to be reasonable and to not exceed in aggregate twice the value of the contract. The bill also provides that there be no limitation on the liability of a supplier for any intentional or willful misconduct, fraud, or recklessness of a supplier or any employee of a supplier or claims for bodily injury, including death, and damage to real property or tangible

personal property resulting from the negligence of a supplier or any employee of a supplier. The bill provides an exception to such conditions where the Secretary of Administration approves a reasonable maximum alternative limitation of liability amount recommended by the CIO based on a risk assessment showing exceptional risk to the Commonwealth.

**Prohibition on the Use of Certain Products and Services SB 1233** (Ebbin) prohibits public bodies from using hardware, software, or services that have been prohibited by the U.S. Department of Homeland Security for use on federal systems (Kaspersky Lab). The bill also requires the Chief Information Officer of the Commonwealth to promptly notify all public bodies of such prohibited hardware, software, and services.

**Provision of Broadband Services HB 2691** (O'Quinn) requires the State Corporation Commission to establish pilot programs under which Dominion Energy and Appalachian Power may submit a proposal to provide or make available broadband capacity to non-governmental internet service providers in areas of the Commonwealth that are unserved by broadband. The costs of Dominion Power's proposal will be capped at \$60 million annually. The provision of such broadband capacity will be declared to be in the public interest. The measure authorizes the utilities to recover the net costs of the pilot program from customers through a rate adjustment clause. The measure also authorizes such utility to become licensed to own or lease broadband capacity equipment. The measure requires the Commission to conduct proceedings to determine whether an area is unserved by broadband.

**Scholastic Records; Disclosure of Directory Information HB 2449** (Wilt) provides that a school or institution of higher education may disclose certain directory information of a student to certain internal persons for educational purposes or internal business if the student has not opted out of such disclosure. The bill also provides an exception for state and federal law requirements from the prohibition of such disclosures.

**Virginia Public Records Act; implementation in Local School Divisions; Recommendations HB 1788** (Ransone) requires the Public School Records Consortium and the Records Oversight Committee to confer with school boards and division superintendents and submit to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than November 1, 2019, recommendations on ways in which school boards and school board employees can better promote efficiency and cost-effectiveness in the implementation of the Virginia Public Records Act.

## **INSTRUCTIONAL TECHNOLOGY (IT) – FAILED**

**Cybersecurity Task Force Created; Virginia Information Technologies Agency; HB 2519** (Ayala) would have established a cybersecurity task force to assist the Chief Information Officer (CIO) of the Virginia Information Technologies Agency in developing policies, standards, and guidelines applicable to the Commonwealth's executive, legislative, and judicial branches and independent agencies for assessing security risks, determining the appropriate security measures and performing security audits of government electronic information. The bill would have also directed the task force to discuss and investigate any breaches in information technology security that have been experienced by any executive branch or independent agency, the legislative branch, or the judicial branch and make recommendations for strengthening the Commonwealth's cybersecurity measures.

**Digital Citizenship, Internet Safety, and Media Literacy Advisory Council; Establishment of HB 1978** (Sullivan) would have required the Superintendent of Public Instruction to establish and appoint no more than 12 members to the Digital Citizenship, Internet Safety, and Media Literacy Advisory Council (Council), including at least one teacher, librarian, representative of a parent-teacher organization, school administrator, and individual with expertise in digital citizenship, Internet safety, and media literacy. The bill would have required the Council to develop and recommend to the Board of Education for adoption a model policy for local school boards that would enable such school boards to better support the digital citizenship, Internet safety, and media literacy of all students in the local school division; develop and recommend to the Board for adoption model instructional practices for the safe, ethical, and responsible use of media and technology by students in public elementary and secondary schools; design and post on the Department of Education's website a page with links to successful instructional practices, curricula, and other teacher resources used in school divisions within and outside of the Commonwealth for the safe, ethical, and responsible use of media and technology by students; and submit a report of its findings to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than October 31, 2020.

**Digital Services; Protection for Minors HB 2535** (Ayala) would have required the operator of a digital service, which is defined as a website, online service, online application, or mobile application, to permit minors to remove, or to request and obtain removal of, content or information posted on a digital service. The measure would have prohibited an operator of a digital service directed to minors from marketing or advertising to minors specified products or services that minors are prohibited from buying. The measure would have also prohibited marketing or advertising certain products on the basis of personal information specific to a minor or knowingly using, disclosing, compiling, or allowing a third party to do so.

**Information Security Training Program for State Employees HB 2534** (Ayala) would have required the Chief Information Officer of the Virginia Information Technologies Agency (the CIO) to develop 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 by November 1, 2019. The bill would have required every state agency, beginning January 1, 2020, to provide annual information security training for each of its employees using the curriculum and materials developed by the CIO.

**Phishing Attacks; Study; Virginia Freedom of Information Advisory Council; Report HJ 628** (Heretick) would have directed the Virginia Freedom of Information Advisory Council (FOIA Council) to study the threat of phishing attacks on citizens and public employees whose contact and private information is legally obtained as a result of a Freedom of Information Act (FOIA) request. The study would have further directed the FOIA Council to examine the current FOIA provisions and make recommendations on ways to address the threat of phishing attacks on citizens and public employees of the Commonwealth.

**Public School Security Equipment Grant Act of 2013; Eligible Security Equipment [HB 1739](#)** (Rush) would have specified that, for the purpose of eligibility for grants for security equipment through the Public School Security Equipment Grant Act of 2013, security equipment includes software and mobile applications.

**Race and Ethnicity Data SB 1753** (DeSteph) would have prohibited a local school board from using a student's race or ethnicity information for any purpose other than compliance with federal law, when the local school board requires a student or his parent to disclose such

information and because of such federal law does not give an option for the student or his parent to designate "other" for the student's race or ethnicity. The bill would have also required that for the purposes of a student's permanent record each local school board shall obtain information related to such student's race or ethnicity in a manner that provides such option to designate "other."

**School Safety Mobile Application, Virginia Fusion Intelligence Center [SB 1608](#)**

(Dunnavant) would have required the Virginia Fusion Intelligence Center (the Center) to develop or obtain a school safety mobile application to facilitate the provision of real-time, 24 hours a day, seven days a week crisis intervention services by licensed clinicians, including support or crisis counseling, suicide prevention, and referral services to students and youth in the Commonwealth through calls, texts, and online chats and provide to students and youth in the Commonwealth a platform that is capable of receiving text, audio, images, or video to furnish information concerning a suspected, anticipated, or completed criminal violation. Note that while the legislation itself failed, a budget amendment (Item 381 #2c) includes funding and directs the Secretary of Public Safety to develop a plan for implementation of a statewide school safety mobile application.

**Virtual Virginia SB 1590** (Dunnavant) would have required that the Virtual Virginia program, be made available to all public schools. Currently, the program is available only to high schools. The bill would have required the Department to utilize a learning management system for the purposes of implementing Virtual Virginia. The bill would have also authorized the Department to charge a per-student fee to school divisions for each student enrolled in a Virtual Virginia course beyond an initial allotment of 15 such students per school division and prohibits the Department from limiting the total number of such students by school division. Note that while the legislation did not pass, a budget amendment (Item 136 #2c) was included to expand the current Virtual Virginia initiative. The additional general fund allocation for Virtual Virginia will be used within the existing high school model to expand the availability of digital curriculum resources via Virtual Virginia and to provide professional development to divisions which includes best practices facilitating the use of such digital resources. The additional digital resources and professional development will be offered to all school divisions statewide. The new language further directs the Department of Education to develop a plan that establishes a possible per-student, per-course fee schedule for local school divisions to participate in Virtual Virginia (VVA) coursework. The plan must include data reporting on the existing VVA initiative.

**PERSONNEL (PER) - PASSED**

**Appeals From Founded Complaints of Child Abuse or Neglect; Concurrent Criminal Investigations HB 1953** (Campbell) and **SB 1416** (Mason) provide that whenever an appeal of a finding by a local department of social services is made and a criminal investigation is also commenced against the appellant for the same conduct involving the same victim as investigated by the local department, the appeal process will automatically be stayed until the criminal investigation is closed or, in the case of a criminal investigation that is not completed within 180 days of the appellant's request for an appeal, for 180 days.

**Child Day Programs; Fingerprint Background Checks SB 1407** (Mason) allows local law-enforcement agencies to process and submit requests for national fingerprint background checks for employees and volunteers of child day programs operated by a local government. The bill has a delayed effective date of July 1, 2020.

**Computer Science Training** Item 135 #9c of the Appropriations Act allocates \$550,000 each year from the general fund to CodeVA for the professional development and courses provided to teachers related to computer science learning in the classroom. The amendment also requires CodeVA to report, no later than October 1, each year to the Chairmen of the House Education and Senate Education & Health Committees, Secretary of Education and the Superintendent of Public Instruction on its activities in the previous year to support computer science teacher training and curriculum development, including on collaboration with other stakeholders to avoid duplication of efforts.

**Diversifying Teacher Workforce Act; Teacher Licensure, Criteria, etc. HB 2037** (Carroll Foy) and **SB 1397** (Peake) require the Board of Education to issue a license to an individual seeking initial licensure who has not completed the professional assessments prescribed by the Board, if such individual holds a provisional license that will expire within three months; is employed by a school board; is recommended for licensure by the division superintendent; has attempted, unsuccessfully, to obtain a qualifying score on the professional assessments prescribed by the Board; has received an evaluation rating of proficient or above on the performance standards for each year of the provisional license, and such evaluation was conducted in a manner consistent with the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents; and meets all other requirements for initial licensure. These bills remove the requirement that the Board of Education prescribe an assessment of basic skills for individuals seeking entry into an approved education preparation program and establish a minimum passing score for such assessment.

**Dual Enrollment; Teacher Licensure SB 1575** (Ebbin) grants to the Chancellor of the Virginia Community College System voting privileges as a member of the Advisory Board on Teacher Education and Licensure (the Advisory Board). The bill requires the Advisory Board to report to the Board of Education and the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2019, recommendations relating to licensure qualifications for individuals employed by an institution of higher education (i) to teach career and technical education courses in a high school setting and (ii) to teach dual enrollment courses in a high school setting. The bill also requires the Board of Education to provide for the issuance of a three-year license to solely teach career and technical education courses or dual enrollment courses at public high schools in the Commonwealth to any individual who is employed as an instructor by an institution of higher education that is accredited by a nationally recognized regional accreditation body, is teaching in the specific career and technical education or dual enrollment subject area at such institution in which the individual seeks to teach at a public school, and complies with certain additional requirements.

**Employees; Break to Express Breast Milk HB 1916** (Yancey) requires the Department of Human Resource Management to develop state personnel policies that provide break time for nursing mothers to express breast milk. Such policies require an agency to provide a reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time such employee has need to express the breast milk and a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public and that may be used by an employee to express breast milk.

**Employment Records; Written Request from Employee; Subpoena Duces Tecum; Penalty for Failure to Provide SB 1724** (Norment) provides that an employer shall furnish a copy of certain employment records or papers within 30 days of receipt of a written request of a current or former employee or employee's attorney. The bill provides that the employer may charge a

reasonable fee to comply with such a request. The bill further provides that a subpoena duces tecum may be issued upon the failure of an employer to comply with such a written request and that if the court finds that an employer willfully refused to comply with such a written request, as outlined in the bill, the court may award damages for all expenses incurred by the employee. The bill provides that copies of an employee's records or papers may be withheld from such employee if the employee's treating physician or clinical psychologist states that providing such records to such employee would be reasonably likely to endanger the life or physical safety of the employee or another person. Note that prior to its passage, this bill incorporated **SB 1682** (Mason).

**Employment of Retirees in School Critical Shortage Areas, Extend Sunset [SB 1227](#)** (Chase) extends from July 1, 2020, to July 1, 2025, the sunset date for provisions requiring school boards, division superintendents, if so requested, and the Superintendent of Public Instruction to annually identify and report critical shortages of teachers and administrative personnel and permitting any person receiving a service retirement allowance who is hired as a local school board instructional or administrative employee required to be licensed by the Board of Education to elect to continue to receive the retirement allowance during such employment under certain conditions.

**Exposure to Bodily Fluids; Infection With Human Immunodeficiency Virus or Hepatitis B or C viruses; Expedited Testing [HB 1998](#)** (Price) requires a general district court to hold a hearing within 48 hours of a petition being filed seeking to compel collection of a blood specimen for testing for human immunodeficiency virus or the hepatitis B or C viruses when exposure to bodily fluids occurs between a person and any health care provider, person employed by or under the direction and control of a health care provider, law-enforcement officer, firefighter, emergency medical services personnel, person employed by a public safety agency, or school board employee and the person whose blood specimen is sought refuses to consent to providing such specimen.

**Microcredential Program [HB 2217](#)** (Bourne) and **SB 1419** (Sturtevant) permit the Department of Education to establish a microcredential program for the purpose of permitting any public elementary or secondary school teacher who holds a renewable or provisional license or any individual who participates in any alternate route to licensure program to complete additional in-person or blended coursework and earn microcredentials in science, technology, engineering, and mathematics (STEM) endorsement areas, including computer science, for which there is a high need for additional qualified teachers. The bill requires the Department of Education to direct the Advisory Board on Teacher Education and Licensure to convene a workgroup including pertinent education stakeholders to determine how any microcredential awarded pursuant to any such program will be used to award add-on endorsements and certifications for teachers in such STEM endorsement areas. The bill provides certain conditions in which in-person coursework in a microcredential program not contributing to an endorsement is eligible for professional development points towards the renewal of a teaching license.

**School Counselors; Nomenclature; Staff Time [HB 1729](#)** (Landes) changes the name of guidance counselors to school counselors and requires each school counselor employed by a school board in a public elementary or secondary school to spend at least 80 percent of his staff time during normal school hours in the direct counseling of individual students or groups of students.



**School Counselor Staffing Ratio SB 1406** (Dance) changes the name of guidance counselors to school counselors and requires school boards to employ school counselors in accordance with the following ratios: in elementary schools, one hour per day per 75 students, one full-time 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 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 at 300 students, one additional period per 60 students or major fraction thereof. Such ratios will be effective with the 2019-2020 school year. However, note that these ratios conflict with those contained in the Appropriations Act (in elementary schools, one hour per day per 91 students, one full-time at 455 students, one hour per day additional time per 91 students or major fraction thereof; in middle schools, one period per 74 students, one full-time at 370 students, one additional period per 74 students or major fraction thereof; and in high schools, one period per 65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof). So, while this bill codifies staffing ratios in the Standards of Quality, the ratios contained in the Appropriations Act would prevail.

**School Board Employees; Discipline; Written Reprimand HB 2325** (Thomas) requires the Board of Education to include, in its regulations that prescribe the requirements for the licensure of teachers and other school personnel required to hold a license, procedures for the written reprimand of such license holders. The bill permits the Board of Education to issue written reprimand to any such license holder who knowingly and willfully commits a certain enumerated act relating to secure mandatory tests administered to students. The bill also permits a school board or division superintendent to issue written reprimand to a teacher who breaches his employment contract after the school board or division superintendent declines to grant such teacher's request for release from such contract on the grounds of insufficient or unjustifiable cause.

**Sex Trafficking Response Coordinator; Duties; Report [HB 2576](#)** (Krizek) and **SB 1669** (Vogel) create within the Department of Criminal Justice Services, a Sex Trafficking Response Coordinator (the Coordinator) who (i) creates a statewide plan for local and state agencies to identify and respond to victims of sex trafficking; (ii) coordinate the development of standards and guidelines for treatment programs for victims of sex trafficking; (iii) maintain a list of programs that provide treatment or specialized services to victims of sex trafficking and make such list available to law-enforcement agencies, attorneys for the Commonwealth, crime victim and witness assistance programs, the Department of Juvenile Justice, the Department of Social Services, the Department of Education, and school divisions; (iv) oversee the development of a curriculum to be completed by persons convicted of solicitation of prostitution; and (v) promote strategies for the awareness of sex trafficking, for education and training related to sex trafficking, and for the reduction of demand for commercial sex. The bill requires the Coordinator to report annually to the Governor and the General Assembly and include a summary of activities for the year and any recommendations to address sex trafficking within the Commonwealth.

**Teacher Employment Data [SB 1433](#)** (McClellan) requires the Department of Education, upon the implementation of an automated teacher licensure and intake system, to aggregate and report to each education preparation program certain teacher employment data, as available, regarding such program's graduates.

**Teacher Licensure Application Process Modernization Item 133 #2c** captures savings associated with the planned automation of the teacher licensure application and intake process

as provided for in the Governor's Introduced budget.

**Teacher Licensure; Reciprocity; Alternate Routes HB 2486** (Robinson) requires the Board of Education, in its regulations providing for licensure by reciprocity, to grant special consideration to individuals who have successfully completed a program offered by a provider that is accredited by the Council for the Accreditation of Educator Preparation. The bill also requires the Board of Education to develop guidelines that establish a process to permit a school board or any organization sponsored by a school board to petition the Board for approval of an alternate route to licensure that may be used to meet the requirements for a provisional or renewable license or any endorsement. Note that prior to passage, **HB 2486** incorporated **HB 1643** (Hope).

## **PERSONNEL (PER) – FAILED**

**Background Investigations for Prospective School Security Officers SB 1647** (Boysko) would have required local school boards to perform background investigations into each prospective school security officer that would have included, at a minimum, a review of the candidate's general employment history and history of employment in other school divisions.

**Behavior Analysts, etc., in Local School Division HB 2508** (Pogge), **HB 2668** (Tran), and **SB 1258** (Dunnavant) would have included 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) of the Code of Virginia. Note that prior to its failure, **SB 1258** incorporated **SB 1134** (Favola).

**Child Abuse and Neglect; Mandatory Reporters HB 2517** (Gooditis) would have added to the list of persons who are required to report suspected child abuse and neglect any person 18 years of age or older who volunteers with any public or private organization responsible for the care, custody, control, or education of children; is associated with or employed by any public or private organization responsible for the education of children; is a coach, director, employee, or volunteer with a private organization or team that provides extracurricular activities to children; is a volunteer of a public or private day camp, youth center, youth recreation program, or youth educational program; is an administrator or employee of a youth educational program; or administers, maintains, or services computing or storage systems or components, including physical hardware, network systems, or cloud-based systems for a fee.

**Class Size Limits HB 2646** (Hugo) would have reduced from 29 to 28 the maximum class size in kindergarten; from 30 to 28 the maximum class size in grades one, two, and three; and from 35 to 29 the maximum class size in grades four, five, and six.

**Code of Ethics and Professional Responsibility for Educators in Public Elementary and Secondary Schools in the Commonwealth; Report HJ 684** (LaRock) would have requested the Board of Education to establish a code of ethics and professional responsibility for educators in public elementary and secondary schools in the Commonwealth that contains certain prohibitions relating to instructional content.

**Corporal Punishment of a Child With an Object; Penalty SB 1399** (Petersen) would have provided that any parent, guardian, or other person responsible for the care of a child under 18 years of age who uses an object to subject a child to corporal punishment, as defined in the bill,

is guilty of a Class 4 misdemeanor. The bill would have also provided that a defendant not previously convicted of corporal punishment of a child with an object may have his charge deferred to enter a treatment program. The charge could have been dismissed upon successful completion of the treatment program.

**Dual Enrollment Faculty Credential Grant Fund and Program Established HB 1919** (Stolle) would have established the Dual Enrollment Faculty Credential Grant Fund and Program for the purpose of awarding grants on a competitive basis to school boards to assist high school teachers employed in the local school division to obtain the credentials necessary to be considered faculty who are qualified to teach dual enrollment courses in high schools in the local school division. The bill would have required the Department of Education to administer the Dual Enrollment Faculty Credential Grant Program (the Program) and establish such guidelines and procedures as it deems necessary for the administration of the Program, including guidelines and procedures for grant applications, awards, and renewals. Note that while the legislation failed, the Appropriation Act does include funding for a Dual Enrollment Faculty Credential Tuition Grant Program (Item 135 #6c) which would provide \$250,000 for tuition scholarships to be specifically allocated solely for licensed public high school teachers pursuing additional credentialing requirements necessary to be considered faculty who are qualified to teach dual enrollment courses in high schools in their local school division.

**Dual Enrollment; Teacher Licensure HB 2589** (Tran) would have granted to the Chancellor of the Virginia Community College System voting privileges as a member of the Advisory Board on Teacher Education and Licensure (the Advisory Board). The bill would have required the Advisory Board to report to the Board of Education and the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2019, recommendations relating to licensure qualifications for individuals employed by an institution of higher education (i) to teach career and technical education courses in a high school setting and (ii) to teach dual enrollment courses in a high school setting. The bill would also have required the Board of Education to provide for the issuance of a three-year license to solely teach career and technical education courses or dual enrollment courses at public high schools in the Commonwealth to any individual who is employed as an instructor by an institution of higher education that is accredited by a nationally recognized regional accreditation body, is teaching in the specific career and technical education or dual enrollment subject area at such institution in which the individual seeks to teach at a public school, and complies with certain additional requirements. Note that while this legislation failed, a bill with similar intent, **SB 1575**, did pass.

**Duty-Free Lunch Grant Fund and Program Established HB 2144** (Turpin) would have established the Duty-Free Lunch Grant Fund and Program for the purpose of awarding grants on a basis to school boards to provide teachers in the local school division with an uninterrupted lunch period during which they have no instructional, administrative, or other duties to perform. The bill would have required the Department of Education to administer the Program and to establish such guidelines and procedures as it deems necessary for the administration of the Program, including guidelines and procedures for grant applications, awards, and renewals.

**Education Employee Associations and Professional Educator Liability Insurance Providers; Equal Access SB 1236** (DeSteph) would have required school boards to adopt and implement policies to ensure that employees have equal access to education employee associations. The bill would have required the Department of Education to identify each education employee association operating in the Commonwealth and provide a list of such

education employee associations to school boards and school boards to provide to each employee such list of available employee education associations and post such list on the school division website.

**Employment; Break and Location to Express Breast Milk [HB 1862](#)** (McQuinn) would have required employers, including the Commonwealth and its political subdivisions, to provide reasonable unpaid break time each day to an employee who needs to express breast milk for her nursing child for one year after the child's birth. The bill would have required an employer to make reasonable efforts to provide a room or other location, other than a bathroom, where the employee can express breast milk in privacy. An employer would not have been held to have violated these requirements if it has made reasonable efforts to comply with them. The measure would have been applied to employees who are exempt under § 7 of the federal Fair Labor Standards Act (FLSA).

**Employment; Prohibited Retaliatory Action [HB 1713](#)** (Delaney) would have prohibited 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 reports a violation or suspected violation of any federal or state law or regulation to a supervisor or to any governmental body or law-enforcement official; is requested by a governmental body or law-enforcement official to participate in an investigation, hearing, or inquiry; refuses to engage in a criminal act that would subject the employee to criminal liability; refuses an employer's order to perform an action that the employee believes, which belief has an objective basis in fact, violates any federal or state law or regulation and the employee informs the employer that the order is being refused for that reason; or 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 could have brought a civil action seeking injunctive relief, reinstatement, and compensation for lost wages, benefits, and other remuneration.

**Equal Rights Amendment [HJ 577](#)** (Rasoul), **[HJ 579](#)** (Caroll Foy), **[HJ 583](#)** (Ward), and **[SJ 284](#)** (Sturtevant) would have ratified the Equal Rights Amendment to the Constitution of the United States that was proposed by Congress in 1972. Note that prior to its defeat **[SJ 284](#)** incorporated **[SJ 270](#)** (Saslaw). **[HJ 692](#)** (Cole) would have memorialized the Congress of the United States to submit a new Equal Rights Amendment, with language that addresses the concerns over religious and privacy rights, to the states for ratification.

**Exposure to Bodily Fluids; Infection With Human Immunodeficiency Virus or Hepatitis B or C Viruses; Expedited Testing [HB 2606](#)** (Ward) would have required a general district court to hold a hearing within 48 hours of a petition being filed seeking to compel collection of a blood specimen for testing for human immunodeficiency virus or the hepatitis B or C viruses when exposure to bodily fluids occurs between a person and any health care provider, person employed by or under the direction and control of a health care provider, law-enforcement officer, firefighter, emergency medical services personnel, person employed by a public safety agency, or school board employee and the person whose blood specimen is sought refuses to consent to providing such specimen.

**Grow Your Own Teacher Pilot Programs Fund [HB 1724](#)** (Krizek) would have established the Grow Your Own Teacher Pilot Programs Fund and permitted the Department of Education to award grants from such fund to local school boards to establish Grow Your Own Teacher Pilot

Programs whereby the local school board provides scholarships not to exceed \$7,500 per academic year for attendance at a baccalaureate institution of higher education in the Commonwealth to any individual who graduated from a public high school in the local school division, was eligible for free or reduced price lunch throughout the individual's attendance at a public high school in the local school division, and commits to teach, within three years of graduating from the baccalaureate institution of higher education in the Commonwealth and for a period of at least four years, at a public high school at which at least 50 percent of students qualify for free or reduced price lunch in the school division in which such individual graduated from high school.

**Hate Crimes; Gender, Disability, Gender Identity, or Sexual Orientation; Penalty HB 2472** (Plum) and **SB 1375** (Favola) would have added gender, disability, gender identity, and sexual orientation to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense. The bill would have also added gender, disability, gender identity, and sexual orientation to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police and provides that a person who is subjected to acts of intimidation or harassment, violence directed against his person, or vandalism to his real or personal property, where such acts are motivated by gender, disability, gender identity, and sexual orientation, may bring a civil action to recover his damages. The bill would have also provided that no provider or user of an interactive computer service on the Internet shall be liable for any action voluntarily taken by it in good faith to restrict access to material that the provider or user considers to be intended to incite hatred on the basis of gender, disability, gender identity, or sexual orientation.

**Immunity of Employers and Potential Employers; Reports of Violent Behavior SB 1309** (Edwards) would have provided civil immunity to an employer who makes a report to a potential employer or law-enforcement agency of violent or threatened violent behavior, as defined in the bill, by an employee or former employee, provided that such a report was made in good faith and with reasonable cause to make such report. The bill would have further provided immunity to a potential employer who receives such a report and takes reasonable action in good faith to respond to the violent or threatened violent behavior noted in such report. The bill would have further provided that the court shall award reasonable attorney fees and costs to any employer or potential employer who has a suit dismissed against him pursuant to the immunity provided to him.

**Mental Health First Aid Training SB 1472** (Deeds) would have required 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 First Aid training or similar program. The bill would have required each school board to provide such training and provides that a school board may 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 to provide such training.

**Minimum Wage HB 1850** (Simon) would have increased the minimum wage from its current federally mandated level of \$7.25 per hour to \$9 per hour effective July 1, 2019, to \$10 per hour effective January 1, 2020, to \$11 per hour effective January 1, 2021, to \$13 per hour effective January 1, 2022, and to \$15 per hour effective January 1, 2023, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). For 2024 and thereafter, the annual minimum wage shall be adjusted to reflect increases in the consumer price index. The measure

would have also provided that the Virginia minimum wage applies to persons whose employment is covered by the FLSA. **HB 2157** (Plum) would have increased the minimum wage from its current federally mandated level of \$7.25 per hour to \$10.10 per hour effective January 1, 2020, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). **HB 2631** (Levine) would have established a procedure by which a local alternative minimum wage may be imposed in any locality. **SB 1017** (Marsden) would have increased the minimum wage from its current federally mandated level of \$7.25 per hour to \$8.00 per hour effective July 1, 2019; \$9.00 per hour effective July 1, 2020; \$10.10 per hour effective July 1, 2021; and \$11.25 per hour effective July 1, 2022, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). The measure would have also provided that the cash wage paid to a tipped employee shall not be less than 50 percent of the minimum wage and that the tip credit shall equal the difference between the cash wage required to be paid to a tipped employee and the minimum wage. **SB 1200** (Dance) would have increased the minimum wage from its current federally mandated level of \$7.25 per hour to \$10 per hour effective July 1, 2019, to \$13 per hour effective July 1, 2020, and to \$15 per hour effective July 1, 2021, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). The measure also would have provided that the Virginia minimum wage would have applied to persons whose employment is covered by the FLSA and to persons employed by the Commonwealth, its agencies or political subdivisions, or a public body.

**Model Exit Questionnaire for Teachers; Statewide Implementation HB 2145** (Turpin) and **HB 2259** (Pogge) would have required each local school board to administer the model exit questionnaire for teachers developed by the Superintendent of Public Instruction to each teacher who ceases to be employed in the school division for any reason and collect, maintain, and report on the results of each such questionnaire in a manner that ensures the confidentiality of each teacher's name and other personally identifying information.

**Nondiscrimination in Public Employment HB 2067** (Bell, J.J.) and **SB 998** (Ebbin) would have prohibited discrimination in public employment on the basis of sexual orientation or gender identity, as defined in the bill. The bill would have also codified 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.

**Planning Time for Public School Teachers HB 2612** (VanValkenburg) would have required each school board to ensure that each elementary school, middle school, and high school teacher in its employment is provided at least one 45-minute period per school day as planning time that is unencumbered and otherwise uninterrupted, except in the case of the emergency need for classroom support or another emergency situation.

**Prohibited Discrimination; Sexual Orientation and Gender Identity HB 2421**

(Levine) would have prohibited discrimination in employment, public accommodation, public contracting, apprenticeship programs, housing, banking, and insurance on the basis of sexual orientation or gender identity. The bill would have codified existing prohibited discrimination in public employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran and adds discrimination based on sexual orientation or gender identity to the list of unlawful discriminatory housing practices.

**Public Employment; Inquiries by State Agencies and Localities Regarding Criminal Convictions, Charges, and Arrests** **HB 2402** (Aird) and **SB 1199** (Dance) would have prohibited state agencies from including on any employment application a question inquiring whether the applicant has ever been arrested or charged with any crime. The bill would have prohibited state agencies from asking an applicant if he has ever been convicted of any crime unless the inquiry takes place after the applicant has received a conditional offer of employment, which offer may be withdrawn if the applicant has a conviction record that directly relates to the duties and responsibilities of the position. The prohibition would not have applied to applications for employment with law-enforcement agencies, certain positions designated as sensitive, or in instances where a state agency is expressly permitted to inquire into an individual's criminal history for employment purposes pursuant to any provision of federal or state law. The bill would have also authorized localities to adopt ordinances prohibiting such inquiries, with similar limitations.

**Revisions to the Board of Education's "Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers"; Report** [HJ 592](#) (Rodman) would have requested the Department of Education to study the need for revisions to the Board of Education's "Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers" in light of recent changes to relevant federal law and input solicited from various stakeholders.

**Right to Work; Union Shops and Agency Shops** **HB 1806** (Carter) would have repealed the provisions of the Code of Virginia that, among other things, prohibit any agreement or combination between an employer and a labor union or labor organization whereby nonmembers of the union or organization are denied the right to work for the employer, membership to the union or organization is made a condition of employment or continuation of employment by such employer, or the union or organization acquires an employment monopoly in any such enterprise. The measure would have also authorized a collective bargaining agreement to provide for an agency shop or a union shop.

**School Counselor Staffing Ratio** **HB 2053** (McQuinn) would have changed the name of guidance counselors to school counselors and require school boards to employ school counselors in accordance with the following ratios: in elementary schools, one hour per day per 91 students, one full-time at 455 students, one hour per day additional time per 91 students or major fraction thereof; in middle schools, one period per 74 students, one full-time at 370 students, one additional period per 74 students or major fraction thereof; and in high schools, one period per 65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof. Additionally, the bill would have provided that notwithstanding any act of the 2019 Regular Session of the General Assembly the ratio of school counselors to students will be as provided for in the appropriation act. Note however that because it conflicted with ratios contained in a similar bill which was signed by the Governor (**SB 1406** (Dance)), the Governor ultimately vetoed this version.

**Special License Plates; VIRGINIA LOVES TEACHERS** **HB 1805** (McGuire) would have authorized the issuance of special license plates for supporters of teachers in the Commonwealth bearing the legend VIRGINIA LOVES TEACHERS.

**Strikes by Government Employees** [HB 1764](#) (Carter) would have repealed the provisions of the Code of Virginia that, among other things, provide that any employee of the Commonwealth, a locality, or other political subdivision who strikes or willfully refuses to perform the duties of his

employment is deemed to have terminated his employment and is thereafter ineligible for employment.

**Teacher Advisory Committee [HB 2638](#)** (VanValkenburg) would have required the Department of Education (the Department) to establish and appoint members to a Teacher Advisory Committee (the committee). The bill would have required each member of the committee to be a public elementary or secondary school teacher or administrator in the Commonwealth. The bill would have required the committee to meet at least once a year in either July or August and at such times as the Department directs to make recommendations to the Department for the improvement of regulations, guidance, and implementation procedures that impact the classroom.

**Teacher Licensing Process [HJ 654](#)** (Bagby) would have requested 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.

**Teacher Shortages; Data; Task Force [HB 1844](#)** (Rodman) would have required each school board to report to the Department of Education annually no later than December 31 the number of full-time teacher vacancies in the school division as of November 1, by endorsement area, and each education preparation program to report to the Department of Education annually no later than December 31 the number of individuals who graduated from the program during the current calendar year, by endorsement area. The bill requires the Department of Education to aggregate and report such data to each school board and education preparation program and convene a task force comprised of such stakeholders as it deems appropriate to analyze such data and recommend policies for addressing any shortage of teachers in the Commonwealth.

**Wage or Salary History Inquiries Prohibited; Civil Penalty [SB 1059](#)** (Favola) would have prohibited a prospective employer from requiring as a condition of employment that a prospective employee provide or disclose the prospective employee's wage or salary history or attempting to obtain the wage or salary history of a prospective employee from the prospective employee's current or former employers. Violations would have been subject to a civil penalty not to exceed \$100 per violation.

## **RETIREMENT AND INSURANCE (RTI) - PASSED**

**Employment of Retirees in School Critical Shortage Areas, Extend Sunset [SB 1227](#)** (Chase) extends from July 1, 2020, to July 1, 2025, the sunset date for provisions requiring school boards, division superintendents, if so requested, and the Superintendent of Public Instruction to annually identify and report critical shortages of teachers and administrative personnel and permitting any person receiving a service retirement allowance who is hired as a local school board instructional or administrative employee required to be licensed by the Board of Education to elect to continue to receive the retirement allowance during such employment under certain conditions.

**Health Care Shared Savings; Incentive Programs [HB 2639](#) (Byron) and [SB 1611](#)** (Dunnivant) require health carriers to establish a comparable health care service incentive program under which savings are shared with a covered person who elects to receive a covered health care service from a lower-cost provider. Incentive payments are not required for savings of \$25 or less. Programs are required to be approved by the Commissioner of Insurance.



**Health Carriers; Nurse Practitioners HB 1640** (Ransone) and **SB 1178** (Sturtevant) require health insurers and health services plan providers whose policies or contracts cover services that may be legally performed by licensed nurse practitioners to provide equal coverage for such services when rendered by a licensed nurse practitioner. These bills contain an enactment that exempts the measure from the requirement that the Health Insurance Reform Commission review any legislative measure containing a mandated health insurance benefit or provider. These bills have a delayed effective date of October 1, 2019.

**Health Insurance; Coverage for Autism Spectrum Disorder HB 2577** (Thomas) and **SB 1693** (Vogel) require health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals of any age. These provisions apply with respect to insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2020.

**Health Insurance; Payments Made on Behalf of Enrollee HB 2515** (Hugo) and **SB 1596** (Dunnivant) require any carrier issuing a health plan in the Commonwealth to count any payments made by another person on the enrollee's behalf, as well as payments made by the enrollee, when calculating the enrollee's overall contribution to any out-of-pocket maximum or any cost-sharing requirement under the carrier's health plan.

**Health Insurance Rates; Minimum Loss Ratios HB 2345** (Toscano) codifies certain provisions that currently are set out in regulations adopted by the State Corporation Commission pertaining to the establishment of minimum loss ratios to assure that the benefits provided by accident and sickness insurance policies are or are likely to be reasonable in relation to the premiums charged. The measure authorizes the Commission, upon finding that a premium rate filed will not meet the originally filed and approved loss ratio, to require appropriate rate adjustments, premium refunds, or premium credits as necessary for the coverage to conform with established minimum loss ratio standards.

**Health Insurance; Step Therapy Protocols HB 2126** (Davis) requires carriers issuing health benefit plans that develop step therapy protocols for a health benefit plan to ensure that those step therapy protocols are developed and endorsed by a multidisciplinary panel of experts that manages conflicts of interest among the members; based on peer-reviewed research and medical practice; and continually updated based on a review of new evidence, research, and newly developed treatments. The measure requires that when coverage of a prescription drug for the treatment of a medical condition is restricted for use by a carrier or utilization review organization through the use of a step therapy protocol, the patient and prescribing provider have access to a clear, readily accessible, and convenient process to request a step therapy exception. The measure establishes conditions under which a request for a step therapy exception will be granted. The provisions of the measure apply to any health benefit plan delivered, issued for delivery, or renewed on or after January 1, 2020.

**Parental Leave HB 2234** (Robinson) and **SB 1581** (Suetterlein) codify the policy described in Executive Order Number 12 (2018) providing parental leave to state employees, consisting of eight weeks (320 hours) of paid leave in addition to leave provided under other state and federal programs. These bills require that parental leave be available following the birth, adoption, or foster placement of a child under age 18 and be available to both parents of such child if both are state employees. These bills require that parental leave be taken within six months of a

birth, adoption, or foster placement and limits parental leave to once in any 12-month period and only once per child.

**Pharmacies, Freedom of Choice SB 1197** (Dance) requires carriers that provide exclusive provider policies and contracts to allow consumers freedom of choice for pharmacy benefits.

**Primary Health Care Facility for Employees of Locality SB 1358** (Wagner) provides that any locality may establish and operate a primary care health care facility for the locality's employees, the services of which may include vision and dental care.

**Telemedicine Services; Coverage HB 1970** (Kilgore) and **SB 1221** (Chafin) require insurers, corporations, or health maintenance organizations to cover medically necessary remote patient monitoring services as part of their coverage of telemedicine services to the full extent that these services are available. These bills define remote patient monitoring services as the delivery of home health services using telecommunications technology to enhance the delivery of home health care, including monitoring of clinical patient data such as weight, blood pressure, pulse, pulse oximetry, blood glucose, and other condition-specific data; medication adherence monitoring; and interactive video conferencing with or without digital image upload. These bills require the Board of Medical Assistance Services to include in the state plan for medical assistance services a provision for the payment of medical assistance for medically necessary health care services provided through telemedicine services.

**Workers' Compensation; Filing of Claim HB 2022** (Murphy) provide that if an employer has received notice of an accident resulting in compensable injury to an employee and the employer has paid compensation or wages to such employee during incapacity for work resulting from such injury or the employer has failed to file the report of said accident with the Virginia Workers' Compensation Commission or otherwise has under a workers' compensation plan or insurance policy furnished or caused to be furnished medical service to such employee, the statute of limitations applicable to the filing of a claim shall be tolled until the last day for which such payment of compensation or wages or furnishment of medical services is provided and that occurs more than six months after the date of accident. The measure provides that no such payment of wages or workers' compensation benefits or furnishment of medical service occurring after the expiration of the statute of limitations applied to this provision. The measure also provides that if the employer has failed to file a first report, the statute of limitations will be tolled during the duration thereof until the employer filed the first report of accident and if more than one of the above tolling provisions applied, whichever of those causes the longer period of tolling shall apply.

**Workers' Compensation; Payment of Claims SB 1729** (Norment) prohibits a health care provider from submitting a claim to the Workers' Compensation Commission seeking additional payment for medical services rendered to a claimant before July 1, 2014, if the health care provider has previously accepted payment for the same medical services pursuant to the federal Longshore and Harbor Workers' Compensation Act. The measure prohibits the Commission from adjudicating any such claim.

## **RETIREMENT AND INSURANCE (RTI) - FAILED**

**Health Benefit Plan Premium Rate Review Process Administered by the SCC's Bureau of Insurance; Study, Report SJ 312** (Deeds) would have required JLARC to study the health

benefit plan premium rate review process administered by the State Corporation Commission's Bureau of Insurance.

**Health Benefit Plans; Sale by Authorized Foreign Health Insurers SB 1006** (Chase) would have established a procedure by which the State Corporation Commission may authorize health insurers licensed to sell health benefit plans in any other state to sell health benefit plans in Virginia without obtaining a license to engage in the business of insurance in Virginia or complying with other requirements applicable to Virginia-licensed insurers.

**Health Insurance, Catastrophic Health Plans HB 2260** (Robinson) and **SB 1027** (Sturtevant) would have authorized health carriers to offer catastrophic plans on the individual market and to offer such plans to all individuals. These measures provided that a catastrophic plan is deemed to provide an essential health benefits package and to meet certain requirements of federal law. The measures would have required the Commissioner of Insurance to apply to the federal government for a state innovation waiver allowing the implementation of the provision. The provision would have become effective 30 days after the Commissioner notifies certain persons that the request has been approved. Note that while these bills passed the General Assembly, they were vetoed by the Governor and the General Assembly sustained the veto.

**Health Insurance; Coverage for Contraceptives HB 2207** (Filler-Corn) and **SB 1185** (Favola) would have required health insurance carriers to provide coverage, under any health insurance policy, contract, or plan that includes coverage for prescription drugs on an outpatient basis, for any prescribed contraceptive drug, contraceptive device, or contraceptive procedure. The measures would have prohibited a health insurance carrier from imposing any copayment, coinsurance payment, or fee upon any person receiving contraceptive benefits pursuant to the provisions of the measure.

**Health Insurance; Coverage for Donated Human Breast Milk HB 2049** (Carroll Foy) and **SB 1650** (Howell) would have required health insurers, corporations providing health care coverage subscription contracts, and health maintenance organizations to provide coverage for expenses incurred in the provision of pasteurized donated human breast milk. The requirement would have applied if the covered person is an infant under the age of six months, the milk is obtained from a human milk bank that meets quality guidelines established by the Department of Health, and a licensed medical practitioner has issued an order for an infant who satisfies certain criteria.

**Health Insurance; Coverage for Hearing Aids for Minors HB 2601** (Plum) would have required health insurers, corporations providing health care coverage subscription contracts, and health maintenance organizations to provide coverage for the billed charges of one hearing aid per hearing impaired ear not to exceed \$3,000 per hearing aid for minors.

**Health Insurance; Coverage for Lyme Disease Therapy SB 1010** (Black) would have required health insurers, corporations providing health care coverage subscription contracts, and health maintenance organizations, whose policy, contract, or plan includes coverage for prescription drugs, to provide coverage for long-term antibiotic therapy for a patient with Lyme disease when determined to be medically necessary and ordered by a licensed physician after making a thorough evaluation of the patient's symptoms, diagnostic test results, or response to treatment. The measure would have applied to policies, contracts, and plans delivered, issued for delivery, or renewed on or after January 1, 2020.

**Health Insurance; Coverage for Prosthetic Devices HB 2669** (Roem) would have required health insurers, corporations providing health care coverage subscription contracts, and health maintenance organizations to provide coverage for prosthetic devices, including myoelectric, biomechanical, or microprocessor-controlled prosthetic devices that have a Medicare code.

**Health Insurance Credits for Retired Employees HB 2152** (Ingram) would have increased annually the amount of the health insurance credit for retirees who rendered at least 30 years of creditable service in the Virginia Retirement System. The bill would have increased the credit by the same percentage as any annual post-retirement supplement that is calculated for employees hired on or after July 1, 2010. HB 1857 (McQuinn) would have required school divisions to provide a health insurance credit of \$4 per year of service to all retired members of local school divisions with at least 15 years of total creditable service. An enactment clause would have provided that this measure would not have applied to any local school division employee who retired on disability prior to July 1, 2019, if this measure would have reduced the monthly credit currently payable to such former member. Eligible employees who retired prior to July 1, 2019, but who did not receive a health insurance credit prior to that date would have only received the \$4 per year of service health insurance credit prospectively. SB 1122 (Ruff) would have increased annually the amount of the health insurance credit for retirees who rendered at least 30 years of creditable service in the Virginia Retirement System. The bill would have increased the credit by the same percentage as any annual post-retirement supplement that is calculated for employees hired on or after July 1, 2010. SB 1332 (Ruff) would have increased annually the amount of the health insurance credit for retirees who rendered at least 30 years of creditable service in the Virginia Retirement System and employees and retirees who are receiving state disability benefits. The bill would have increased the credit by the same percentage as any annual post-retirement supplement that is calculated for employees hired on or after July 1, 2010.

**Health Insurance; Essential Health Benefits; Preventive Services SB 1344** (Favola) would have required a health carrier offering or providing a health benefit plan, including short-term and catastrophic health insurance policies, and policies that pay on a cost-incurred basis; association health plans; plans provided by a multiple-employer welfare arrangement; plans provided pursuant to a benefits consortium, the members of which are banks and employers that provide products and services to banks; and plans provided pursuant to a not-for-profit benefits consortium consisting of five or more private educational institutions, to provide, as an essential health benefit, coverage that includes preventive care.

**Health Insurance; Formula and Enteral Nutrition Products HB 2177** (Murphy) would have required 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 on the same terms and subject to the same conditions imposed on other medicines covered under the policy, contract, or plan.

**Health Insurance; Nondiscrimination; Gender Identity or Transgender Status HB 1864** (Rodman) and **SB 1287** (Barker) would have prohibited 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.

**Health Insurance; Payment to Out-of-Network Providers [SB 1763](#)** (Sturtevant) would have directed health carriers that provide individual or group health insurance that provide any benefits with respect to services rendered in an emergency department of a hospital to pay directly to an out-of-network health care provider an amount, less applicable cost-sharing requirements, that is equal to the greatest of (i) the amount negotiated with in-network providers for the emergency service or, if more than one amount is negotiated, the median of these amounts; (ii) the regional average for commercial payments for emergency services as of the date of treatment; (iii) the amount that would be paid under Medicare for an emergency service; and (iv) if out-of-network services are provided (a) by a health care professional, the regional average for commercial payments for such service, or (b) by a facility, the fair market value for such services. Note that prior to its failure, **SB 1763** incorporated **SB 1228** (Chase)

**Health Insurance Rate Reviews; Minimum Anticipated Loss Ratios; Pharmacy Benefit price spread [HB 2516](#)** (Hodges) would have required the State Corporation Commission (Commission) to treat the price spread on any contract between the issuer of a health benefit plan and its pharmacy benefits manager as an administrative cost of the issuer.

**Paid Family and Medical Leave Program [HB 2120](#)** (Carroll Foy) would have required the Virginia Employment Commission to establish and administer a paid family and medical leave program with benefits beginning January 1, 2022. The amount of a benefit would have been 70 percent of the employee's average weekly wage, not to exceed \$850 per week, which amount is required to be adjusted annually to reflect changes in the statewide average weekly wage. The measure would have capped the duration of paid leave at 12 weeks in any application year.

**Paid Medical and Family Leave for Employees; Civil Penalties [HB 2261](#)** (Guzman) would have required employers with 15 or more employees to provide to each employee paid medical and family leave at a rate of 0.46 hours per 40 hours worked, up to 24 hours in any 12-month period. The measure caps the amount of paid family leave that an employee may accrue at any time at 24 hours and provides that any paid medical and family leave awarded to an employee that is not used within one year is forfeited. The measure would have authorized the Commissioner to impose a civil penalty of not more than \$1,000 for a violation.

**Participation in the State Retiree Health Benefits Program [SB 1742](#)** (McDougle) would have created an exception to the law that if a state retiree elects to participate in the state retiree health plan, but later discontinues participation, he is barred from future participation. The bill would have allowed a state retiree to discontinue participation, but later return to the plan, if the discontinuation was due to employment with the federal government and participation in a federal employee health benefit program.

**Retired Law Enforcement Officers Employed as School Security Officers; Virginia Retirement System [HB 1631](#)** (Leftwich), **[HB 1765](#)** (Yancey), **[HB 2024](#)** (Murphy) and **[HB 2785](#)** (Gilbert) and **[SB 1023](#)** (Cosgrove) would have allowed 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. Note that prior to its failure, **SB 1023** incorporated **SB 1203** (Stuart) and **SB 1582** (Suetterlein).

**Unemployment Compensation; Electronic Filing of Employers' Reports [HB 2480](#)** (Gooditis) would have required all employers, commencing January 1, 2020, to submit quarterly unemployment tax and payroll reports electronically to the Virginia Employment Commission.

The measure would have provided that the Commission would accept paper reports only if the requirement creates an unreasonable burden on the employer.

**Virginia Retirement System; Authorize Localities to Opt Out of Group Insurance Program HB 2481** (McNamra) would have authorized a locality that participates in the Virginia Retirement System to opt out of the group insurance program and instead establish, either by self-funding or purchasing insurance, local life insurance coverage or accidental death and dismemberment insurance.

**Virginia Retirement System; Erroneous Benefits Estimate; Adjustment for Certain Members HB 2171** (Brewer) would have provided that certain members of the Virginia Retirement System who retire early, if such members relied on an erroneously high estimate of benefits in their decision to retire, shall receive payments at the estimated amount. The bill would have provide that the benefits adjustment would apply to any member who received an erroneous estimate on or after January 1, 2017; however, the adjustment would have applied only to payments made on and after July 1, 2019.

**Virginia Retirement System; Part-Time Public School Teachers; Study, Report HJ 679** (Ayala) would have requested the Virginia Retirement System to study the impact of permitting part-time public school teachers to participate in a retirement plan administered by the Virginia Retirement System.

**Workers' Compensation; Coverage for Certain Employees HB 1750** (Carter) would have ended the exclusion from coverage under the Virginia Workers' Compensation Act for a person who suffers an injury if there is jurisdiction under either the Longshore and Harbor Workers' Compensation Act or the Merchant Marine Act of 1920.

**Workers' Compensation; Employer to Notify Employee of Intent HB 1748** (Carter) would have required 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. If the employer would have been unable to make such a determination because it lacks sufficient information from the employee, the employer would have been required to state and identify the needed additional information. If the employer intended to deny the claim, it would have been required to provide the reasons.

**Workers' Compensation; Occupation Disease Presumptions; PTSD HB 2281** (Filler-Corn), **HB 2513** (Hugo), and **SB 1465** (McPike) would have established a presumption that if certain firefighters, law-enforcement officers, hazardous materials officers, animal protection police officers, or 9-1-1 emergency call takers, dispatchers, or similarly situated employees receive a diagnosis of post-traumatic stress disorder (PTSD) from a licensed physician, licensed clinical psychologist, licensed professional counselor, or licensed clinical social worker; suffer death or any impairment resulting in total or partial disability from work caused by the PTSD; and receive a statement from such a provider that the PTSD was caused by a single critical event or multiple exposures to critical events that occurred in the course of the employment, then the PTSD is an occupational disease, suffered in the line of duty, that is covered by the Virginia Workers' Compensation Act unless such presumption is overcome by a preponderance of competent evidence to the contrary. **HB 1706** (Kory) would have declared that post-traumatic stress disorder (PTSD) suffered by a first responder is an occupational disease suffered in the line of duty if, among other conditions, the PTSD is demonstrated by clear and convincing

evidence to have resulted from the responder's documented exposure to a qualifying event in the course of his employment. Qualifying events would have included seeing a deceased minor, directly witnessing the death of a minor, and seeing a decedent whose death involved grievous bodily harm of a nature that shocks the conscience. The measure also would have required employers of first responders to provide educational training related to PTSD awareness, prevention, mitigation, and treatment.

**Workers' Compensation; Retaliatory Discharge of Employee HB 1747** (Carter) would have prohibited an employer or other person from discharging an employee if the discharge is motivated to any extent by knowledge or belief that the employee has filed a claim or taken or intends to take certain other actions under the Virginia Workers' Compensation Act.

## **SCHOOL BOARD/GOVERNANCE (SBG) - PASSED**

**Consolidation of Surveys SB 1586** (Suetterlein) requires the Superintendent of Public Instruction to identify any survey, questionnaire, inquiry, or other communication that requires a response from a school board or division superintendent and to, in collaboration with any identified requesting entity, work to consolidate, as much as practicable, all such surveys, questionnaires, inquiries, and other communications in order to reduce the administrative burden of such response.

**Government Data Collection and Dissemination Practices Act; Dissemination of Information Concerning Religious Preferences and Affiliations HB 2494** (Tran) prohibits any state agency maintaining an information system that includes personal information from disseminating to federal government authorities information concerning the religious preferences and affiliations of data subjects for the purpose of compiling a list, registry, or database of individuals based on religious affiliation, national origin, or ethnicity, unless specifically required by state or federal law. This prohibition applies even if consent is given to disseminate such information to public institutions of higher education, state facilities under Title 37.2 (Behavioral Health and Developmental Services), and juvenile correctional facilities established pursuant to Title 66 (Juvenile Justice) or Chapter 11 (§ 16.1-226 et seq.) of Title 16.1 (Juvenile and Domestic Relations District Courts).

**Length of School Term; Waiver for Evacuation HB 2124** (Davis) and **SB 1269** (Cosgrove) require the Board of Education to waive the requirement that school divisions provide additional teaching days or teaching hours to compensate for school closings resulting from an evacuation directed and compelled by the Governor for up to five teaching days. These bills provide that there will be no proportionate reduction in the amount paid by the Commonwealth from the Basic School Aid Fund or the amount paid by a local governing body for such closures.

**Military Families; Relocation to the Commonwealth; Student Registration HB 1623** (Cole) and **SB 1249** (Reeves) permit any student whose service member parent is relocated to the Commonwealth pursuant to orders received to register for courses and other academic programs and participate in the lottery process for charter schools and college partnership laboratory schools in the school division in which such student will reside at the same time and in the same manner as students who reside in the local school division.

**Protective Orders; Notification HB 1997** (Price) requires any school principal who receives notice that a circuit court, general district court, juvenile and domestic relations court, or

magistrate has issued a protective order for the protection of a child who is enrolled at a public elementary or secondary school where such principal is employed, or any other order prohibiting contact with such a child, including an order issued as a condition of pretrial or posttrial supervision, to subsequently notify certain school personnel that such order has been issued. The bill also requires the Board of Education to establish guidelines and develop model policies to aid school boards in the implementation of such notification.

**School Calendar** [HB 1652](#) (Robinson) and **SB 1005** (Chase) allow school divisions to set the first day of school up to 14 days prior to Labor Day as long as they provided a holiday on the Friday preceding Labor Day. School divisions that have held good cause waivers since the 2011-2012 school year, which have been grandfathered by the Appropriations Act since then, will continue to have full control over their calendar. School divisions currently holding a good cause waiver (but not since 2011-2012) are able to continue to set their start date without restriction but are required to provide a pre-Labor Day Friday holiday. The current waiver system will be eliminated, save for schools or school divisions utilizing a year-round calendar. Note that **SB 1005** incorporated **SB 1074** (Howell) and **SB 1113** (Favola). **HB 2140** (Thomas) authorizes the school board of any school division located in Planning District 16 (which includes Caroline, King George, Spotsylvania and Stafford Counties, as well as the City of Fredericksburg) that was not granted a good cause waiver for the 2018-2019 school year but qualifies for such a waiver under the law as it was in effect prior to July 1, 2019, for the 2019-2020 school year to set the school calendar so that the first day students are required to attend is earlier than Labor Day, including earlier than 14 days before Labor Day. Additionally, the bill authorizes the school board of any school division located in Planning District 16 that is entirely surrounded by two school divisions that either were previously granted good cause waivers as they were in effect prior to July 1, 2019, for the 2019-2020 school year to open schools on the same opening date as either such surrounding school division.

**Scholastic Records; Disclosure of Directory Information** **HB 2449** (Wilt) provides that a school or institution of higher education may disclose certain directory information of a student to certain internal persons for educational purposes or internal business if the student has not opted out of such disclosure. Under current law, such disclosures would require written consent. The bill also provides an exception for state and federal law requirements from the prohibition of such disclosures.

**Standards of Learning Innovation Committee; Repeal** **SB 1728** (Newman) repeals the Standards of Learning Innovation Committee.

**State and Local Government Conflict of Interests Act; Duties of Virginia Conflict of Interest and Ethics Advisory Council; Training Requirement; Inquiries from Citizens** **SB 1430** (Obenshain) requires all local elected officials to take training on the provisions of the State and Local Government Conflict of Interests Act at least once every two years. The bill requires such officials in office on July 1, 2019, to complete such training no later than December 31, 2019.

**State and Local Government Conflict of Interests Act; Hiring of Relatives of Superintendent** [SB 1491](#) (Chafin) allows a school district to hire a relative of the division superintendent if the superintendent certifies that he had no involvement with the hiring decision and the assistant superintendent certifies to the members of the governing body in writing that the employment is based upon merit and fitness and the competitive rating of the qualifications of the individual and that the superintendent had no involvement with the hiring decision.



**Virginia Freedom of Information Act (FOIA); Civil Penalties SB 1554** (Surovell) provides that in addition to any penalties imposed under FOIA, (i) if a court finds that any officer, employee, or member of a public body failed to provide public records to a requester in accordance with the provisions of FOIA because such officer, employee, or member of a public body altered or destroyed the requested public records with the intention of avoiding the provisions of FOIA prior to the expiration of the applicable record retention period set pursuant to the Virginia Public Records Act, the court may impose upon such officer, employee, or member in his individual capacity a civil penalty of up to \$100 per record altered or destroyed and (ii) if a court finds that a member of a public body voted to certify a closed meeting and such certification was not in accordance with the requirements of FOIA, the court may impose on the public body a civil penalty of up to \$1,000. In determining whether a civil penalty is appropriate, the court shall consider mitigating factors, including reliance of members of the public body on (i) opinions of the Attorney General, (ii) court cases substantially supporting the rationale of the public body, and (iii) published opinions of the Freedom of Information Advisory Council.

**Virginia Freedom of Information Act; Definition of Trade Secret SB 1180** (Stuart) defines the term "trade secret," for the purposes of the Virginia Freedom of Information Act, as meaning the same as that term is defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.).

**Virginia Freedom of Information Act; Meetings Held Through Electronic Communication Means SB 1182** (Stuart) clarifies that certain requirements of current law regarding participation in public meetings through electronic communication means do not apply to meetings held to address a state of emergency declared by the Governor, specifically the requirements that public bodies adopt a written policy regarding participation by electronic communication, have a quorum of a public body physically assembled at a primary or central location, and make arrangements for the voice of any member participating from a remote location to be heard by all persons at the primary or central location.

**Virginia Freedom of Information Act; Training Requirements; Proceedings for Enforcement SB 1431** (Obenshain) requires the Virginia Freedom of Information Advisory Council to provide, and local elected officials to complete, an online training session on the provisions of the Virginia Freedom of Information Act. The bill requires local elected officials to complete such training at least once every two years while they are in office. The bill also eliminates the three-day notice requirement for an expedited hearing on a petition for mandamus or injunction where violations relating to the open meeting requirements of the Act are alleged. The requirement of the bill for online training for local officials has a delayed effective date of July 1, 2020.

**Virginia Freedom of Information Advisory Council; Advisory Opinions; Evidence in Civil Proceeding [HB 1772](#)** (Mullin) provides that any officer, employee, or member of a public body alleged to have willfully and knowingly violated the Virginia Freedom of Information Act who acted in good faith reliance upon an advisory opinion issued by the Virginia Freedom of Information Advisory Council may introduce such advisory opinion as evidence that the alleged violation was not made willfully and knowingly.

**Virginia Public Records Act; implementation in Local School Divisions; Recommendations HB 1788** (Ransone) requires the Public School Records Consortium and the Records Oversight Committee to confer with school boards and division superintendents and submit to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than November 1, 2019, recommendations on ways in which

school boards and school board employees can better promote efficiency and cost-effectiveness in the implementation of the Virginia Public Records Act.

## **SCHOOL BOARD/GOVERNANCE (SBG) - FAILED**

**Child Safety Savings Accounts HB 2568** (LaRock) would have permitted the parents of certain children who are victims of bullying, certain crimes, and certain other violent acts to apply to the school division in which the child resides for a one-year, renewable Child Safety Savings Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding for which the student is eligible. The bill would have permitted the parent to use the moneys in such account for certain education-related expenses of the student, including tuition, deposits, fees, and required textbooks at a private elementary school or secondary school that is located in the Commonwealth. The bill would have also contained provisions relating to auditing, rescinding, and reviewing expenses made from such accounts.

**Code of Ethics and Professional Responsibility for Educators in Public Elementary and Secondary Schools in the Commonwealth HJ 684** (LaRock) would have requested the Board of Education to establish a code of ethics and professional responsibility for educators in public elementary and secondary schools in the Commonwealth that contains certain prohibitions relating to instructional content.

**Driver Education Programs; Home Instruction SB 1021** (Black) would have required any school board that offers a program of driver education in the safe operation of motor vehicles to make the program available to any student who receives home instruction and resides in the local school division. The bill would have prohibited the school board from charging a fee or assessing a surcharge for such students that exceeds the fee or surcharge required of public school students.

**Election Days; School Holidays HB 1752** (Krizek) would have prohibited local school boards from requiring students to attend school on the Tuesday after the first Monday in November. **HB 1984** (Lindsey) and **SB 1291** (Lucas) would have designated Election Day, the Tuesday after the first Monday in November, as a state holiday and removed Lee-Jackson Day as a state holiday. **SB 1223** (Chase) would have prohibited local school boards from requiring students to attend school on the second Tuesday in June or the Tuesday after the first Monday in November. The bill would have also prohibited parent-teacher conferences and meetings from being held on those dates.

**Elections; Date of June Primary Election HB 1615** (Landes) and **SB 1243** (Reeves) would have changed the date of the primary election held in June from the second Tuesday in June to the third Tuesday in June. The bill would have also changed candidate filing deadlines to reflect the change of date. Note that prior to its defeat, **SB 1243** incorporated **SB 1453** (Vogel).

**Equal Rights Amendment HJ 577** (Rasoul), **HJ 579** (Caroll Foy), **HJ 583** (Ward), and **SJ 284** (Sturtevant) would have ratified the Equal Rights Amendment to the Constitution of the United States that was proposed by Congress in 1972. Note that prior to its defeat **SJ 284** incorporated **SJ 270** (Saslaw). **HJ 692** (Cole) would have memorialized the Congress of the United States to

submit a new Equal Rights Amendment, with language that addresses the concerns over religious and privacy rights, to the states for ratification.

**FOIA Ombudsman; Powers and Duties; Report [HB 2507](#)** (Roem) would have required the Attorney General to appoint a Virginia Freedom of Information Act Ombudsman to promote compliance by state agencies with the provisions of the Virginia Freedom of Information Act (FOIA).

**Hate Crimes; Gender, Gender Identity, or Sexual Orientation; Penalty [HB 2684](#)** (Turpin) would have added gender, gender identity, and sexual orientation to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense. The bill would have also added gender, gender identity, and sexual orientation to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police and provides that a person who is subjected to acts of intimidation or harassment, violence directed against his person, or vandalism to his real or personal property, where such acts are motivated by gender, gender identity, and sexual orientation, may bring a civil action to recover his damages. The bill would have also provided that no provider or user of an interactive computer service on the Internet shall be liable for any action voluntarily taken by it in good faith to restrict access to material that the provider or user considers to be intended to incite hatred on the basis of gender, gender identity, or sexual orientation.

**Permitted Fees and Charges for Public Elementary and Secondary Students [HB 2319](#)** (Bell) would have prohibited school boards from levying fees and charges on students, with the exception of charging tuition under certain circumstances.

**Public Charter Schools [HB 2416](#)** (Davis) would have established yellow public charter schools as a category of public charter schools at which additional student services are provided, including health care, dental care, after-school support, and nutritional support. The bill would have permitted a yellow public charter school applicant, following a local school board decision to deny a petition for the reconsideration of the denial of its application, to appeal such denial to the Board and requires the Board to review and approve or deny such application. The bill would have specified that any yellow public charter school application so approved by the Board shall remain in effect for a period not to exceed 10 years.

**Race and Ethnicity Data [SB 1753](#)** (DeSteph) would have prohibited a local school board from using a student's race or ethnicity information for any purpose other than compliance with federal law, when the local school board requires a student or his parent to disclose such information and because of such federal law does not give an option for the student or his parent to designate "other" for the student's race or ethnicity. The bill would have also required that for the purposes of a student's permanent record each local school board shall obtain information related to such student's race or ethnicity in a manner that provides such option to designate "other."

**Student Journalists; Freedom of Speech and the Press [HB 2382](#)** (Hurst) would have declared that, except in certain limited circumstances, a student journalist at a public elementary or secondary school or public institution of higher education would have had the right to exercise freedom of speech and the press in school-sponsored media, including determining the news, opinion, feature, and advertising content of school-sponsored media, regardless of

whether the media is supported financially by the school board, supported through the use of school facilities in the school division, or produced in conjunction with a course or class in which the student is enrolled. The bill would have defined "school-sponsored media" as any material that is prepared, substantially written, published, or broadcast by a student journalist at a public elementary or secondary school or public institution of higher education under the direction of a student media adviser and distributed or generally made available to members of the student body.

**Virginia Freedom of Information Advisory Council; Threat of Phishing Attacks; Report HJ 628** (Heretick) would have directed the Virginia Freedom of Information Advisory Council (FOIA Council) to study the threat of phishing attacks on citizens and public employees whose contact and private information is legally obtained as a result of a Freedom of Information Act (FOIA) request. The study would have further directed the FOIA Council to examine the current FOIA provisions and make recommendations on ways to address the threat of phishing attacks on citizens and public employees of the Commonwealth.

**Unexpended Local Funds HB 1969** (Delaney) would have required all sums derived from local funds unexpended by a school board in any year to remain a part of the funds of the school board for use the next year.

**United States Constitution; Application for a Convention of the States; Fiscal and Power Restraints on the Federal Government HJ 685** (Peace) would have made an application to the United States Congress to call an amendment convention pursuant to Article V of the United States Constitution for the limited purpose of proposing amendments to the United States Constitution that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

## **SPECIAL SERVICES (SS) - PASSED**

**Alternative Education Programs [HB 1985](#)** (Bell, R.P.) and **SB 1298** (Barker) require the Department of Education to annually collect from each school board and publish on its website various enrollment and achievement data on alternative education programs for students who have been suspended, expelled, or otherwise precluded from attendance at school. These bills require such data be published in a manner that protects the identities of individual students and disaggregated by local school division and by student race, ethnicity, gender, and disability.

**Cannabidiol Oil and THC-A Oil; Use at School [HB 1720](#)** (Hurst) and **SB 1632** (Sturtevant) provide that no school nurse employed by a local school board, person employed by a local health department who is assigned to the public school pursuant to an agreement between the local health department and the school board, or other person employed by or contracted with a local school board to deliver health-related services could be prosecuted for possession or distribution of cannabidiol oil or THC-A oil for storing, dispensing, or administering cannabidiol oil or THC-A oil, in accordance with a policy adopted by the local school board, to a student who has been issued a valid written certification for the use of cannabidiol oil or THC-A oil. The bill also provides that the Department of Health Professions, in coordination with the Department of Education, will develop and make available to school boards a standardized form that is to be completed by the practitioner who issues a written certification and a pharmaceutical processor that dispenses the cannabidiol oil or THC-A oil to a student. The bill also provides that no school board will be required to suspend or expel any student who holds a valid written certification for

the use of cannabidiol oil or THC-A oil issued by a practitioner for the possession or use of such oil in accordance with the student's individualized health plan and in compliance with a policy adopted by the school board.

**Certain Facilities in the Commonwealth; Participation in Educational Programs** [HB 1986](#) (Bell, R.P.) and **SB 1314** (Hanger) require any person of school age who is admitted to the Commonwealth Center for Children and Adolescents to be permitted to participate in any education program offered in the facility that is administered by the Department of Education, regardless of his enrollment status, unless such child has been excused from attendance at school due to a bona fide religious training or belief. These bills permit information required to enroll such person in any such education program be disclosed in accordance with state and federal law.

**College and Career Access Pathways Partnerships** [HB 2123](#) (Carroll Foy) permits each local school board to enter into College and Career Access Pathways Partnerships (Partnerships), currently referred to as agreements, with comprehensive community colleges or other public institutions of higher education or educational institutions that offer a career and technical education curriculum. The bill requires any such Partnership to specify the options for students to take courses as part of the career and technical education curriculum that lead to course credit or an industry-recognized credential, certification, or license concurrent with a high school diploma; specify the credit, credentials, certifications, or licenses available for such courses; and specify available options for students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community colleges concurrent with the pursuit of a high school diploma and receive college credit and high school credit for successful completion of any such program. The bill additionally provides that participation by a student in any course pursuant to such Partnerships does not deem such student eligible for a grant pursuant to the New Economy Workforce Credential Grant Program.

**Community Schools - Best Practices Report** Item 135 #5c of the Appropriations Act requires the Department of Education, in consultation with Communities In Schools of Virginia and other relevant stakeholders, to develop, distribute to each local school division, and report to the Governor and General Assembly, no later than November 1, 2019, guidance on best practices for local school divisions to transition existing schools to community schools. Such guidance will be required to include best practices for removing nonacademic barriers to learning as a means to enhance student academic success in public elementary and secondary schools throughout the Commonwealth.

**Free Public Elementary and Secondary Education; Eligibility Criteria** [HB 2297](#) (Simon) requires every person of school age to be deemed to reside in a school division for the purpose of eligibility for free public elementary and secondary education in such school division when all or any portion of the building in which such person resides with certain other individuals or as an emancipated minor is taxable by the locality in which the school division is located. The bill also provides that each student who resides on property that is located in more than one school division and who registers for enrollment at a public school in one such school division prior to July 1, 2019, and any sibling of any such student is deemed to reside in the enrolled school division and is eligible to attend public school in such school division for free.

**Information Sharing Guidelines, Virginia Center for School and Campus Safety** [SB 1591](#) (Dunnivant) directs the Virginia Center for School and Campus Safety (the Center) to convene a work group to develop guidelines and best practices for the sharing of information between a

local school board or public institution of higher education and law enforcement regarding a student whose behavior may pose a threat to the safety of a school or institution or the community. Such guidelines and best practices seek to balance the interests of safety and student privacy and will be consistent with the provisions of the federal Family Educational Rights and Privacy Act and Health Insurance Portability and Accountability Act, as applicable. The bill requires the Center to develop such guidelines and best practices, report to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health, and make such guidelines available to local school boards, public institutions of higher education, law enforcement, and the public by October 1, 2019.

**Joint Subcommittee to Study Mental Health Services in the Commonwealth in the Twenty-First Century Continued; Report [SJ 301](#)** (Deeds) continues the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the Twenty-First Century for two additional years, through December 1, 2021.

**Local Workforce Development Boards; Career Pathways for Opportunity Youth; Report [HB 2726](#)** (James) requires each local workforce development board to develop focused strategies for engaging opportunity youth and placing them on pathways to education, training, and careers. The bill also provides for local workforce development boards to develop performance measures for evaluating the results of the implementation of such strategies and submit the measures annually to the Governor's Chief Workforce Development Advisor by November 30. "Opportunity youth" is defined in the bill as individuals between the ages of 16 and 24 who are homeless, in foster care, or involved in the justice system or neither gainfully employed nor enrolled in an educational institution.

**Military Families; Relocation to the Commonwealth; Student Registration [HB 1623](#)** (Cole) and **SB 1249** (Reeves) permit any student whose service member parent is relocated to the Commonwealth pursuant to orders received to register for courses and other academic programs and participate in the lottery process for charter schools and college partnership laboratory schools in the school division in which such student will reside at the same time and in the same manner as students who reside in the local school division.

**Music Therapy [SB 1547](#)** (Vogel) directs the Board of Health Professions to evaluate whether music therapists and the practice of music therapy should be regulated and the degree of regulation to be imposed. The bill requires the Board to report the results of its evaluation to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2019.

**Naloxone; Possession and Administration of by School Nurses; Local Health Department Employees [HB 2318](#)** (McGuire) adds school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and school board, and other school board employees or individuals contracted by a school board to provide school health services, to the list of individuals who may possess and administer naloxone or other opioid antagonist, provided that they have completed a training program.

**Parental Review of Certain Anti-Bullying and Suicide Prevention Materials [HB 2107](#)** (Ransone) requires local school boards to develop and implement policies that ensure parents the right to review any audio-visual materials that contain graphic sexual or violent content used in any anti-bullying or suicide prevention program. Such policies require that prior to using any

such material, the parent of the child participating in such a program will be provided written notice of his right to review the material and his right to excuse his child from participating in the part of such program utilizing such material.

**Persons Who Are Deaf or Hard of Hearing, Terminology [HB 2137](#)** (Thomas) replaces the term "hearing impaired" and its variations with "deaf or hard of hearing" and "hearing loss" throughout the Code of Virginia. The bill also renames the Virginia Hearing Impairment Identification and Monitoring System as the Virginia Hearing Loss Identification and Monitoring System.

**Qualified Mental Health Professionals [HB 2693](#)** (Price) and **SB 1694** (Barker) require the Board of Counseling to promulgate regulations for the registration of persons receiving supervised training in order to qualify as a qualified mental health professional. The bill defines the terms "qualified mental health professional-adult," "qualified mental health professional-child," and "qualified mental health professional-trainee."

**Reading Diagnostic Tests [SB 1718](#)** (Black) directs the Department of Education (the Department) to consult with stakeholders and develop a plan to implement a pilot program to incorporate additional diagnostic tools into reading diagnostic tests used for screening students in kindergarten through grade three. The bill directs the Department to submit such plan to the General Assembly by December 1, 2019.

**Required Immunizations; Acellular Pertussis Booster [HB 2215](#)** (Bourne) extends the time by which an acellular pertussis booster will be administered from prior to entry into the sixth grade to prior to entry into the seventh grade.

**School-Based Health Centers; Children's Cabinet to establish joint task force [SB 1195](#)** (Dance) directs the Virginia's Children's Cabinet to establish a school-based health centers joint task force that is tasked with (i) assessing the current landscape of school-based services and mental health screening, evaluation, and treatment in school settings; (ii) in coordination with ongoing behavioral health transformation efforts of the Department of Medical Assistance Services and the Department of Behavioral Health and Developmental Services, developing best practice recommendations for trauma-informed school-based health centers as a vehicle for the provision of both medical and behavioral health delivered in school settings; (iii) evaluating options for billing public and private insurance for school-based health services; and (iv) developing a plan for establishing a Virginia affiliate member organization, recognized by the national School-Based Health Alliance, for the purposes of providing technical assistance and guidance for localities interested in bolstering or implementing current and future school-based health centers. The bill requires that the task force report its findings by December 1, 2019.

**School Counselors; Changes Name, Staff Time [HB 1729](#)** (Landes) changes the name of guidance counselors to school counselors and require each school counselor employed by a school board in a public elementary or secondary school to spend at least 80 percent of his staff time during normal school hours in the direct counseling of individual students or groups of students.

**School Counselor Staffing Ratio [SB 1406](#)** (Dance) changes the name of guidance counselors to school counselors and requires school boards to employ school counselors in accordance with the following ratios: in elementary schools, one hour per day per 75 students, one full-time 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 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 at 300 students, one additional period per 60 students or major fraction thereof. Such ratios will be effective with the 2019-2020 school year. However, note that these ratios conflict with those contained in the Appropriations Act (in elementary schools, one hour per day per 91 students, one full-time at 455 students, one hour per day additional time per 91 students or major fraction thereof; in middle schools, one period per 74 students, one full-time at 370 students, one additional period per 74 students or major fraction thereof; and in high schools, one period per 65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof). So, while this bill codifies staffing ratios in the Standards of Quality, the ratios contained in the Appropriations Act would prevail.

**Seclusion and Restraint in Public Schools** [HB 2599](#) (Bell, J.J.) requires the Board of Education, in its regulations regarding the use of seclusion and restraint in public schools, to specifically identify and prohibit the use of any method of restraint or seclusion that it determines poses a significant danger to the student and establish safety standards for seclusion.

**Special Education Private Day Schools, Outcome Measures** Item 129 #1c directs the Department of Education (DOE) to collect and report data that measures the progress and outcomes of students that are placed in special education private day schools and annually report on these data to legislative committees by the first day of the regular General Assembly Session. Language will require DOE and Office of Children's Services to collaborate with an advisory group to assist in refining the outcome measures and the collection of any additional data, as necessary, and enter into a Memorandum of Understanding to share data on student outcomes in special education private day schools.

**Threat Assessment; Case Management Tool; Virginia Center for School and Campus Security** [HB 1734](#) (Marshall) and **SB 1213** (Newman) require the Virginia Center for School and Campus Safety to develop a case management tool for use by public elementary and secondary school threat assessment teams and requires such threat assessment teams to use such tool to collect and report to the Center quantitative data on its activities.

**Tobacco Products and Nicotine Vapor Products** [HB 2384](#) (Hope) and **SB 1295** (Spruill) require each school board to develop and implement a policy to prohibit the use and distribution of tobacco products and nicotine vapor products on a school bus, on school property, or at an on-site or off-site school-sponsored activity and include in its code of student conduct a prohibition against possessing tobacco products or nicotine vapor products on a school bus, on school property, or at an on-site or off-site school-sponsored activity. These bills require such policy to include adequate provisions for enforcement among students, employees, and visitors, including the enumeration of possible sanctions or disciplinary action consistent with state or federal law, and referrals to resources to help staff and students overcome tobacco addiction. Note that SB 1295 incorporated SB 1056 (Marsden).

## **SPECIAL SERVICES (SS) - FAILED**

**Behavior Analysts, etc., in Local School Division** [HB 2508](#) (Pogge), **HB 2668** (Tran) and **SB 1258** (Dunnivant) would have included 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) of the Code of Virginia. Note that prior to its failure **SB 1258** incorporated **SB 1134** (Favola).

**Certain Students; Eligibility for In-State Tuition** [HB 2712](#) (Tran) would have declared eligible for in-state tuition, regardless of domicile, any non-Virginia student enrolled at a public institution of higher education who pays for at least the equivalent of four semesters or two academic years at the institution with funds received pursuant to the federal Veterans' Access to Care through Choice, Accountability, and Transparency Act of 2014, and thereafter exhausts eligibility for benefits under such act or demonstrates a commitment to pay for at least the equivalent of four semesters or two academic years at the institution with funds received pursuant to such act through an affidavit, provided that any such student maintains continuous enrollment in the same degree program at the same institution after he exhausts eligibility for such benefits and no such student shall remain eligible for in-state tuition charges for more than three years after he exhausts eligibility for such benefits or upon degree completion, whichever occurs first, unless he establishes domicile in the Commonwealth.

**Children with Disabilities; Due Process Hearings; Burden of Proof** [HB 2463](#) (Tran) would have specified that, in any due process hearing before a hearing officer to resolve certain disputes relating to the education of children with disabilities, the local school division has the burden of proof, including the burden of production and the burden of persuasion, provided that in any due process hearing brought by a parent, the parent shall establish a prima facie case before the burden of persuasion falls on the local school division and in any dispute in which a party seeks tuition reimbursement for a unilateral placement, such party seeking tuition reimbursement has the burden of production and the burden of persuasion solely on the issue of the appropriateness of the unilateral placement.

**Children's Services Act; Special Education Programs** [HB 1619](#) (Thomas) would have expanded eligibility for services under the Children's Services Act to students who transfer from an approved private school special education program to a public school special education program established and funded jointly by a local governing body and school division located within Planning District 16 for the purpose of providing special education and related services when the public school special education program is able to provide services comparable to those of an approved private school special education program and the student would require placement in an approved private school special education program but for the availability of the public school special education program. **HB 2408** (Adams) and **SB 1576** (Suetterlein) would have required the Department of Education and relevant local school boards to develop and implement a pilot program for up to four years in two to eight local school divisions in the Commonwealth. In developing the pilot, the Department is required to partner with the appropriate school board employees in each such local school division to identify the resources, services, and supports required by each student who resides in each such local school division and who is educated in a private school setting pursuant to his Individualized Education Program; study the feasibility of transitioning each such student from his private school setting to an appropriate public school setting in the local school division and providing the identified resources, services, and supports in such public school setting; and recommend a process for redirecting federal, state, and local funds, including funds provided pursuant to the Children's Services Act, provided for the education of each such student to the local school division for the purpose of providing the identified resources, services, and supports in the appropriate public school setting. Note that prior to its failure, [SB 1576](#) incorporated **SB 1264** (Vogel).

**Commission on Student Behavioral Health [HB 1735](#)** (Robinson) would have established the Commission on Student Behavioral Health as a legislative branch commission. The purpose of the Commission would have been to assess the efficacy of developing and implementing a statewide behavioral health and suicide prevention hotline that students may use to report threats of violence or receive real-time counseling services; review the current school counselor-to-student ratio, and whether the realignment of counseling responsibilities proposed by the House Select Committee on School Safety is improving schools' ability to provide counseling services to students; review the current roles and responsibilities of school nurses, psychologists, and social workers in schools and determine whether a realignment of responsibilities could improve or streamline behavioral health services offered to students; evaluate the efficacy and costs of providing enhanced behavioral health services in schools delivered through partnerships established between school divisions and local departments of social services and community services boards; assess the effectiveness of de-escalation and other alternative disciplinary policies when interacting with students suffering from behavioral health challenges; examine the value of additional teacher training requirements on student behavioral health, such as mental health first aid; and examine other topics related to student behavioral health identified by the Commission.

**Community Schools; Guidance [HB 2775](#)** (Rasoul) would have required the Department of Education, in consultation with Communities in Schools of Virginia and other relevant stakeholders, to develop, distribute to each local school division, and report to the Governor and General Assembly, no later than November 1, 2019, guidance on best practices for local school divisions to transition existing schools to community schools. Such guidance would have had to include best practices for removing nonacademic barriers to learning as a means to enhance student academic success in public elementary and secondary schools throughout the Commonwealth.

**Community Policy and Management Teams; Use of Funds [SB 1104](#)** (Peake) would have provided that the state pool of funds for community policy and management teams may be used for wrap-around services, as defined in the Policy Manual of the Children's Services Act and subject to specific appropriation, that are provided in a public school setting.

**Counselors; Changes Name to School Counselors, Staff Time [HB 1791](#)** (VanValkenburg) would have changed the name of guidance counselors to school counselors. Note that while this legislation failed, various other bills accomplishing the same goal did pass (**HB 1729**, **HB 2053** and **SB 1406**)

**Dress or Grooming Codes in Public Elementary and Secondary Schools [HB 2104](#)** (Carroll Foy) would have required any dress or grooming code, 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, to permit any student to wear any religiously, ethnically, or culturally specific or significant head covering or hairstyle, including hijabs, yarmulkes, headwraps, braids, dreadlocks, and cornrows; maintain gender neutrality by subjecting any student to the same set of rules and standards regardless of gender; be clear, specific, and objective and avoid any subjective term or standard such as "distracting," "provocative," or "inappropriate"; 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. The

bill would have required the Board of Education to include in its guidelines and model policies for codes of student conduct standards for dress or grooming codes.

**Family Life Education Curricula; Students with Intellectual or Developmental Disabilities** [HB 1693](#) (Rodman) would have required any high school family life education curriculum offered by a local school division to include, at least four times during grades 11 and 12, instruction for students with intellectual or developmental disabilities on a variety of topics, including social skills, self-esteem, sexuality, and rights and responsibilities. **SB 1595** (Dunnivant) would have required 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 bill would have required each local school board, in developing IEPs for children with disabilities, in addition to any other requirements established by the Board, to ensure that IEP teams consider such guidelines.

**Health Instruction; Mental Health** [HB 2593](#) (Rodman) and **SB 1440** (McClellan) would have directed the Board of Education to review and update the health Standards of Learning for students in all grades to include mental health. Legislation passed in 2018 required such review and update for students in grades nine and 10.

**Home Instruction; Documentation** [HB 2654](#) (Head) would have provided that, except as otherwise required by relevant law, no parent who provides home instruction for his child in lieu of school attendance shall be required to provide to the school board in the local school division in which his child resides any additional documentation relating to such home instruction.

**Impediments to Gathering Information about Certain Students With Disabilities; Report** [HJ 693](#) (Guzman) would have requested the Department of Education to study the existing impediments to gathering information about disabilities for which a student would not qualify for an Individualized Education Program or Section 504 Plan.

**In-state Tuition; Domicile; Individuals Granted Deferred Action for Childhood Arrivals** [HB 1882](#) (Keam) would have declared eligible for in-state tuition any individual who graduated from a public or private high school or program of home instruction in the Commonwealth or passed a high school equivalency examination approved by the Board of Education; registers as an entering student or is enrolled in a public institution of higher education; has submitted evidence that he or, in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis has filed, unless exempted by state law, Virginia income tax returns for at least one year prior to the date of registration or enrollment; and provides an affidavit to the public institution of higher education in which he has registered as an entering student or is enrolled stating that he has filed an application to become a permanent resident of the United States and is actively pursuing such permanent residency or will do so as soon as he becomes eligible for such permanent residency. **HB 2388** (Lopez) would have declared eligible for in-state tuition any individual who meets certain eligibility criteria and who has filed an application for permanent residency or asylum or is under the age of 27 and is the child of an individual who has filed an application for asylum. The bill would have provided that any such individual shall remain eligible for in-state tuition for as long as he maintains continuous enrollment in the public institution of higher education and such application has not been denied. The bill would have also prohibited any student who became eligible for in-state tuition as a result of his lawful presence in the United States pursuant to approval under the Deferred Action for Childhood

Arrivals program or any other federal deferred action program from being deemed ineligible for in-state tuition by virtue of the elimination or modification of any such program. **SB 1640** (Boysko) would have made any other any individual eligible for in-state tuition if he graduated from a program of secondary instruction in the Commonwealth or passed a high school equivalency examination approved by the Board of Education; registers as an entering student or is enrolled in a public institution of higher education; has submitted evidence that he or, in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis has filed, unless exempted by state law, Virginia income tax returns for at least one year prior to the date of registration or enrollment; and provides an affidavit to the public institution of higher education in which he has registered as an entering student or is enrolled stating that he has filed an application to become a permanent resident of the United States and is actively pursuing such permanent residency or will do so as soon as he becomes eligible for such permanent residency. Note that prior to its failure, **SB 1640** incorporated **SB 1055** (Marsden) and **SB 1148** (Marsden).

**Language Development for Children Who Are Deaf or Hard of Hearing; Assessment Resources for Parents and Educators; Advisory Committee; Report [SB 1741](#)** (Edwards) would have required the Department of Behavioral Health and Developmental Services, in coordination with the Department of Education and the Department for the Deaf and Hard-of-Hearing, to select, with input from an advisory committee that the bill establishes, language development milestones and include such milestones in a resource for use by parents of a child from birth to age five who is identified as deaf or hard of hearing to monitor and track their child's expressive and receptive language acquisition and developmental stages toward English literacy; disseminate such resource to such parents; select existing tools or assessments for educators for use in assessing the language and literacy development of children from birth to age five who are deaf or hard of hearing; disseminate such tools or assessments to local educational agencies and provide materials and training on their use; and annually produce a report that compares the language and literacy development of children from birth to age five who are deaf or hard of hearing with the language and literacy development of their peers who are not deaf or hard of hearing and make such report available to the public on its website.

**Menstrual Supplies, School Buildings. [SB 1646](#)** (Boysko) would have recognized access to menstrual supplies as a health care necessity and required each local school board to make menstrual supplies available at all times and at no cost to students in the bathrooms of each school building.

**Mental Health First Aid Training [SB 1472](#)** (Deeds) would have 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 First Aid training or similar program. The bill would have required each school board to provide such training and provides that a school board may 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 to provide such training.

**Military Families; Relocation to the Commonwealth; Student Registration [HB 2628](#)** (Freitas) would have permitted any student whose parent has received orders to relocate to a duty station in the Commonwealth to register for courses and other academic programs and participate in the lottery process for charter schools and college partnership laboratory schools in the school division in which such student will reside at the same time and in the same manner

as students who reside in the local school division. Note that while this legislation failed, similar bills **HB 1623** (Cole) and **SB 1249** (Reeves), did pass.

**Naloxone; Storage and Access [HJ 653](#)** (Gooditis) would have requested the Department of Health to study the feasibility of expanding naloxone access through the placement of naloxone in automated external defibrillator (AED) cabinets across the Commonwealth.

**Office of the Children's Ombudsman; Children's Advocacy Fund [HB 2381](#)** (Hurst) would have created the Office of the Children's Ombudsman to provide ombudsman services, including investigation of complaints, advocacy, and information for children, parents, and citizens involved with child-serving agencies, defined in the bill. The bill would have provided for the Office of the Governor to conduct a needs assessment with the Department of General Services to provide for the office space needs of the Office of the Children's Ombudsman. The bill would have also created the Children's Advocacy Fund for the purpose of supporting the operations of the Office of the Children's Ombudsman. The Fund would have been funded in part by fines collected from criminal offenses involving a child.

**Public School Security Equipment Grant Act of 2013; eligible security equipment [HB 1739](#)** (Rush) would have specified that, for the purpose of eligibility for grants for security equipment through the Public School Security Equipment Grant Act of 2013, security equipment includes software and mobile applications.

**School Attendance Officer; Motion for a Rule to Show Cause; Child in Need of Supervision [HB 2119](#)** (Carroll Foy), **SB 1279** (Barker), and **SB 1285** (Barker) would have authorized a school attendance officer or division superintendent or his designee acting as an attendance officer to complete, sign, and file with the clerk of court a motion for a rule to show cause regarding the violation or enforcement of a school attendance order entered by a juvenile and domestic relations district court in response to the filing of a petition alleging the juvenile is a child in need of supervision. These bills would have also provided that such a filing is not considered the unauthorized practice of law.

**School-Based Health Centers Joint Task Force; Report [HB 2006](#)** (Aird) would have directed the Secretary of Health and Human Resources and the Secretary of Education to establish a school-based health centers joint task force that is tasked with assessing the current landscape of school-based services and mental health screening, evaluation, and treatment in school settings; in coordination with ongoing behavioral health transformation efforts of the Department of Medical Assistance Services and the Department of Behavioral Health and Developmental Services, developing best practice recommendations for trauma-informed school-based health centers as a vehicle for the provision of both medical and behavioral health delivered in school settings; and developing a plan for establishing a Virginia affiliate member organization, recognized by the national School-Based Health Alliance, for the purposes of providing technical assistance and guidance for localities interested in bolstering or implementing current and future school-based health centers. Note that while this legislation failed, a bill with similar intent, SB 1195, did pass.

**School Counseling Services; Model Policies [HB 2623](#)** (Ransone) would have required the Board of Education to develop a model policy for the provision of counseling services in public schools that includes provisions for parental consent, written parental notification, parental involvement, as appropriate, confidentiality, procedures by which a parent may limit or prohibit his child's participation, appropriate exceptions such as imminent need, health, or safety or

maintaining order in the school, and other necessary provisions as determined by the Board. The bill would have required the Board of Education, in developing such model policy, to seek to balance the needs of students with the rights of parents.

**School Counselor Staffing Ratio [HB 2053](#)** (McQuinn) would have changed the name of guidance counselors to school counselors and require school boards to employ school counselors in accordance with the following ratios: in elementary schools, one hour per day per 91 students, one full-time at 455 students, one hour per day additional time per 91 students or major fraction thereof; in middle schools, one period per 74 students, one full-time at 370 students, one additional period per 74 students or major fraction thereof; and in high schools, one period per 65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof. Additionally, the bill would have provided that notwithstanding any act of the 2019 Regular Session of the General Assembly the ratio of school counselors to students will be as provided for in the appropriation act. Note however that because it conflicted with ratios contained in a similar bill which was signed by the Governor (**SB 1406** (Dance)), the Governor ultimately vetoed this version.

**School Health Advisory Committee [SB 1142](#)** (Favola) would have required the Board of Education to establish the State School Health Advisory Committee, consisting of no more than 20 nonlegislative citizen members, to advise the Board, the Governor, and the General Assembly on (i) the role of employees in public elementary or secondary schools in providing health care services at such schools and (ii) the need for any training associated with delivery of health care services.

**School Safety Mobile Application, Virginia Fusion Intelligence Center [SB 1608](#)** (Dunnavant) would have required the Virginia Fusion Intelligence Center (the Center) to develop or obtain a school safety mobile application to facilitate the provision of real-time, 24 hours a day, seven days a week crisis intervention services by licensed clinicians, including support or crisis counseling, suicide prevention, and referral services to students and youth in the Commonwealth through calls, texts, and online chats and provide to students and youth in the Commonwealth a platform that is capable of receiving text, audio, images, or video to furnish information concerning a suspected, anticipated, or completed criminal violation. Note that while the legislation itself failed, a budget amendment (Item 381 #2c) includes funding and directs the Secretary of Public Safety to develop a plan for implementation of a statewide school safety mobile application.

**Social and Emotional Learning Workgroup [HB 1854](#)** (Rasoul) would have required the Department of Education to convene a workgroup to make recommendations for the effective implementation of social and emotional learning in public elementary and secondary schools in the Commonwealth.

**Temporary Assistance for Needy Families Scholarship Pilot Program [SB 1000](#)** (Stanley) would have directed the Virginia Community College System (VCCS) to establish and administer a two-year Temporary Assistance for Needy Families (TANF) Scholarship Pilot Program (the Program), beginning in 2019, for the purpose of providing access to postsecondary educational opportunities to students living in poverty. The Program would have provided scholarships to select comprehensive community colleges in the maximum amount of \$4,000 per year to 200 selected students who meet TANF eligibility requirements.

## **STANDARDS OF QUALITY/STANDARDS OF ACCREDITATION (SOQ) - PASSED**

### **Capstone Project, Work Experience; High School Graduation Requirements [HB 2662](#)**

(Landes) directs the Board of Education to develop and submit to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than November 1, 2019, guidelines for local school boards to develop and implement a senior capstone project, portfolio, performance-based assessment, or structured experiment in consultation with stakeholders representing a variety of local school divisions, industries, and education organizations, considering (i) the diversity of school divisions across the Commonwealth, (ii) the need for local flexibility, and (iii) the needs of communities and industries across the Commonwealth. The bill also directs the Board of Education, in establishing high school graduation requirements, to require students to complete a senior capstone project, portfolio, performance-based assessment, or structured experiment that relates to a work-based learning, service-learning, or community engagement activity and aligns with and further develops the knowledge and skills attained through such work-based learning, service-learning, or community engagement activity, provided, however, that such provisions would not become effective unless reenacted by the 2020 Session of the General Assembly.

### **Clock Hours of Instruction; Certain Alternative Programs [HB 2018](#) (Peace) and [SB 1434](#)**

(McClellan) require the Board of Education to review and revise, in consultation with certain stakeholders and no later than December 1, 2019, 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 such as job shadowing, mentorships, internships, and externships. Note that [SB 1434](#) incorporated [SB 1147](#) (Petersen).

**Reading Diagnostic Tests [SB 1718](#)** (Black) directs the Department of Education (the Department) to consult with stakeholders and develop a plan to implement a pilot program to incorporate additional diagnostic tools into reading diagnostic tests used for screening students in kindergarten through grade three. The bill will direct the Department to submit such plan to the General Assembly by December 1, 2019.

**School Counselor Staffing Ratio [SB 1406](#)** (Dance) changes the name of guidance counselors to school counselors and requires school boards to employ school counselors in accordance with the following ratios: in elementary schools, one hour per day per 75 students, one full-time 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 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 at 300 students, one additional period per 60 students or major fraction thereof. Such ratios will be effective with the 2019-2020 school year. However, note that these ratios conflict with those contained in the Appropriations Act (in elementary schools, one hour per day per 91 students, one full-time at 455 students, one hour per day additional time per 91 students or major fraction thereof; in middle schools, one period per 74 students, one full-time at 370 students, one additional period per 74 students or major fraction thereof; and in high schools, one period per 65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof). So, while this bill codifies staffing ratios in the Standards of Quality, the ratios contained in the Appropriations Act would prevail.

**Standards for Accreditation, Review and Corrective Action [HB 2147](#)** (Turpin) aligns the state review process of underperforming schools and school divisions with the new Standards

for Accreditation adopted by the Board of Education (Board). The bill requires the Department of Education to cause an academic or other review be conducted to assist schools not meeting the standards established by the Board. The Board may require a local school board to develop a corrective action plan for any such school within its division. The bill requires a school board of a school division that does not demonstrate progress in implementing such corrective action plan to enter into a memorandum of understanding with the Board. The bill also requires the school board of an underperforming school division to enter into a memorandum of understanding with the Board prior to developing a corrective action plan.

**Virginia Index of Performance Incentive Program; Exemplar School Recognition Program** [HB 1868](#) (Hurst) renames the Virginia Index of Performance (VIP) incentive program as the Exemplar School Recognition Program (the Program) and make several changes to the Program to align it with recent changes made by the Board of Education (the Board) to the Standards of Accreditation, including requiring the Board to design the Program to recognize and reward schools that exceed Board-established requirements or show continuous improvement on academic and school quality indicators and schools, school divisions, and school boards that implement effective, innovative practices that are aligned with the Commonwealth's goals for public education.

#### **STANDARDS OF QUALITY/STANDARDS OF ACCREDITATION (SOQ) - FAILED**

**Alternative Pathway to the Advanced Studies Diploma** [HB 2125](#) (Davis) would have directed the Board of Education to establish a pathway to the advanced studies high school diploma that requires advanced coursework in career and technical education in lieu of world language coursework and any other required course that the Board deems appropriate. The bill would have required such pathway to become effective for the 2020-2021 school year and to be available to any student, regardless of the school year during which the student enters ninth grade.

**Average Daily Membership; Early Graduation** [SB 1587](#) (Suetterlein) would have provided that a student who graduates from a public high school in less than four school years will be counted in the average daily membership in the relevant school division until the graduation of his class cohort or he is no longer of school-age, whichever is earlier. The provisions of the bill would not have applied to any student who completes a high school equivalency examination.

**Behavior Analysts, etc., in Local School Division** [HB 2508](#) (Pogge), **HB 2668** (Tran) and **SB 1258** (Dunnivant) would have included 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) of the Code of Virginia. Note that before it failed, **SB 1258** incorporated **SB 1134** (Favola).

**College and Career Readiness Steering Committee** [HB 2520](#) (Ayala) would have required the Secretary of Education to establish the 21-member College and Career Readiness Steering Committee to develop and oversee implementation of a strategic plan for ensuring that all students in the Commonwealth, and particularly subgroups of students who have been historically underserved, graduate from high school meeting the requirements for an advanced studies diploma, having had the opportunity to participate and succeed in pathways that integrate rigorous academic instruction aligned with the Standards of Learning, including career and technical education, work-based learning, wraparound services, and opportunities to earn credit for postsecondary education while enrolled in high school, and having had a high school



experience that is aligned with expectations for postsecondary education and employer demand and provide certain recommendations, guidance, leadership, goals, and assistance relating to the implementation of such strategic plan.

**Dual Enrollment and Graduation Requirements; Postsecondary Credential, Certification, or License Attainment [SB 1522](#)** (Ruff) would have required local school boards and comprehensive community colleges to enter into dual enrollment agreements for postsecondary credential, certification, or license attainment concurrent with a high school diploma. The bill would have also required the Board of Education to include in its graduation requirements provisions for the award of standard units of credit for successfully completing such a program at a comprehensive community college through a dual enrollment agreement.

**Experiential Learning and Workforce Development Opportunities in High-Demand Fields; Report [HJ 675](#)** (Filler-Corn) would have requested the Department of Education to study experiential learning and workforce development opportunities for high school students in high-demand fields

**JLARC Study of the Costs of Education [SJ 307](#)** (Lewis) would have directed the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality.

**School Counselor Staffing Ratio [HB 2053](#)** (McQuinn) would have changed the name of guidance counselors to school counselors and require school boards to employ school counselors in accordance with the following ratios: in elementary schools, one hour per day per 91 students, one full-time at 455 students, one hour per day additional time per 91 students or major fraction thereof; in middle schools, one period per 74 students, one full-time at 370 students, one additional period per 74 students or major fraction thereof; and in high schools, one period per 65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof. Additionally, the bill would have provided that notwithstanding any act of the 2019 Regular Session of the General Assembly the ratio of school counselors to students will be as provided for in the appropriation act. Note however that because it conflicted with ratios contained in a similar bill which was signed by the Governor (SB 1406 (Dance)), the Governor ultimately vetoed this version.

**School Divisions of Innovation; Performance-Based Assessments [SB 1138](#)** (Favola) would have allowed a local school board, when applying for its school division to be designated as a School Division of Innovation, to apply to the Board of Education (the Board) to replace certain Standards of Learning assessments with performance-based assessments. The standards of learning assessments eligible for replacement would have been Virginia Studies, Civics and Economics, elementary school science, and middle school science. The bill further requires the Board to promulgate any necessary regulations and to submit to the U.S. Department of Education any necessary amendments to its consolidated state plan. **HB 2574** (LaRock) contained the same provisions as SB 1138 except the only standards of learning assessments eligible for replacement would have been Virginia Studies and Civics and Economics.

**Standards of Achievement Career and Technical Education Committee; established [SB 1392](#)** (Wagner) would have directed the Board of Education to establish the Standards of Achievement Career and Technical Education Committee (Committee) to make recommendations to the General Assembly and the Board of Education to facilitate the

development of career and technical education Standards of Achievement, including accreditation standards, assessment testing, and course content and curriculum for participating schools, with a focus on rigorous standards and course content and curriculum that align workforce skills with industry-recognized standards; robust business and industry engagement and responsiveness to labor market needs; strategies to remove the stigma from career and technical education, including early exposure to career options and life skills; work-based learning and apprenticeships; innovative high school models; and leveraging existing resources and programs in the Commonwealth. The Committee would have been required to identify any necessary changes to statutory and regulatory provisions, including existing requirements regarding instructional programs; instructional, administrative, and, support personnel; accreditation; assessments; graduation requirements; teacher licensure; and dual enrollment.

### **Standards of Learning Assessments Standards of Learning Assessments [HB 2338](#)**

(Landes) as amended, would have required the Board of Education, in establishing graduation requirements, to require students to earn one verified credit in Virginia and U.S. history. The bill would have specified that such verified credit shall be earned only by (i) successful completion of a Board-developed end-of-course Standards of Learning assessment; (ii) achievement of a passing score on a Board-approved standardized test administered on a statewide, multistate, or international basis that measures content that incorporates or exceeds the Standards of Learning content in the course for which the verified credit is given; or (iii) achievement of criteria for the receipt of a locally awarded verified credit from the local school board in accordance with criteria established in Board guidelines when the student has not passed a corresponding Standards of Learning assessment. The bill would have prohibited such end-of-course Standards of Learning assessment from being a performance-based assessment. **SB 1218** (Newman) would have required the Standards of Learning assessments administered to students in grades nine through twelve to include reading, writing, mathematics, biology, and Virginia and U.S. history. The bill would have required each such Standards of Learning assessment to consist of a Board-developed end-of-course assessment and prohibits such from being performance-based. The bill would have required each school board to annually certify that it has provided instruction and administered an alternative assessment, consistent with Board guidelines, to students enrolled in a high school course in mathematics, science, or history and social science for which an end-of-course Standards of Learning assessment was administered prior to July 1, 2019 and was subsequently eliminated by the Board. . The bill would have required the Department of Education to perform reviews on such locally administered alternative assessments for high school courses and to report to such review based on the 2019-2020 school year outcomes to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health by December 1, 2020. The bill would have required the Board, in its graduation requirements, to require students to earn a verified unit of credit in reading, writing, mathematics, science, and Virginia and U.S. History. The bill would have required each such verified credit to be earned only by the successful completion of a Board-developed end-of-course Standards of Learning assessment; achievement of a passing score on a Board-approved standardized test administered on a statewide, multistate, or international basis that measures content that incorporates or exceeds the Standards of Learning content in the course for which the verified credit is given; or achievement of criteria for the receipt of a locally awarded verified credit from the local school board in accordance with criteria established in Board guidelines when the student has not passed the corresponding Standards of Learning assessment. The bill would have authorized the Board to permit transfer students to graduate with a reduced number of credits. The provisions of the bill requiring certain verified credit would have become effective beginning with first-time ninth grade students in the 2019-2020 school year. Note that prior to its failure, **SB 1218** incorporated [SB 1525](#) (Sturtevant) and [SB 1585](#) (Suetterlein).

## **STUDENT ACTIVITIES AND ATHLETIC PROGRAMS (SA) - PASSED**

**Concussions in Student-Athletes; Guidelines, Policies and Procedures [HB 1930](#)** (Bell, Richard P.) requires the Board of Education to collaborate with various stakeholders to biennially update its guidelines on policies to inform and educate coaches, student-athletes, and student-athletes' parents or guardians of the nature and risk of concussions, criteria for removal from and return to play, risks of not reporting the injury and continuing to play, and the effects of concussions on student-athletes' academic performance and each local school division to biennially update its policies and procedures regarding the identification and handling of suspected concussions in student-athletes.

## **STUDENT ACTIVITIES AND ATHLETIC PROGRAMS (SA) – FAILED**

**Child Abuse and Neglect; Mandatory Reporters [HB 2517](#)** (Gooditis) would have added to the list of persons who are required to report suspected child abuse and neglect any person 18 years of age or older who volunteers with any public or private organization responsible for the care, custody, control, or education of children; is associated with or employed by any public or private organization responsible for the education of children; is a coach, director, employee, or volunteer with a private organization or team that provides extracurricular activities to children; is a volunteer of a public or private day camp, youth center, youth recreation program, or youth educational program; is an administrator or employee of a youth educational program; or administers, maintains, or services computing or storage systems or components, including physical hardware, network systems, or cloud-based systems for a fee.

**High School Student Participation in Interscholastic Programs (“Tebow Bill”) [HB 2102](#)** (Freitas) would have prohibited public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who receives home instruction; has demonstrated evidence of progress for two consecutive academic years; is in compliance with immunization requirements; is entitled to free tuition in a public school; has not reached the age of 19 by August 1 of the current academic year; is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; complies with all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physical examinations, and transfers applicable to all high school athletes. The bill would have provided that no local school board is required to establish a policy to permit students who receive home instruction to participate in interscholastic programs. The bill would have permitted reasonable fees to be charged to students who receive home instruction to cover the costs of participation in such interscholastic programs, including the costs of additional insurance, uniforms, and equipment. The bill would have had an expiration date of July 1, 2024.

**Junior Reserve Officer Training Programs; Students Receiving Home Instruction [SB 1275](#)** (Black) would have required any school board that offers a Junior Reserve Officers Training Corps program to make the program available to any student who receives home instruction and resides in the local school division. The bill would have prohibited any such school board from requiring any such student to enroll on a full or part-time basis or to meet other eligibility requirements for such a program beyond those required of public school students. The bill would have provided that such a student may demonstrate compliance with any academic

achievement requirements for participation in such a program in any manner acceptable as evidence of progress under the home instruction provisions of the Code.

**Practice of Athletic Training; Definition [HB 1931](#)** (Bell, R.P.) would have amended the definition of "practice of athletic training" to make clear that the practice of athletic training includes the prevention, recognition, evaluation, and treatment of injuries or conditions related to occupational activity that requires physical skill and utilizes strength, power, endurance, speed, flexibility, range of motion or agility immediately upon onset of such injury or condition.

## **STUDENT TESTING (ST) - PASSED**

**Reading Diagnostic Tests [SB 1718](#)** (Black) directs the Department of Education (the Department) to consult with stakeholders and develop a plan to implement a pilot program to incorporate additional diagnostic tools into reading diagnostic tests used for screening students in kindergarten through grade three. The bill directs the Department to submit such plan to the General Assembly by December 1, 2019.

## **STUDENT TESTING (ST) - FAILED**

**Advancement via Individual Determination Programs; Study, Department of Education [HJ 688](#)** (Kory) would have requested that the Department of Education study the feasibility of substituting elective credit received for participation in Advancement Via Individual Determination (AVID) Programs for other course credit required for high school graduation.

**School Divisions of Innovation; Performance-Based Assessments [SB 1138](#)** (Favola) would have allowed a local school board, when applying for its school division to be designated as a School Division of Innovation, to apply to the Board of Education (the Board) to replace certain Standards of Learning assessments with performance-based assessments. The standards of learning assessments eligible for replacement would have been Virginia Studies, Civics and Economics, elementary school science, and middle school science. The bill further requires the Board to promulgate any necessary regulations and to submit to the U.S. Department of Education any necessary amendments to its consolidated state plan. **HB 2574** (LaRock) contained the same provisions as **SB 1138** except the only standards of learning assessments eligible for replacement would have been Virginia Studies and Civics and Economics.

**Standards of Learning Assessments Standards of Learning Assessments [HB 2338](#)** (Landes) as amended, would have required the Board of Education, in establishing graduation requirements, to require students to earn one verified credit in Virginia and U.S. history. The bill would have specified that such verified credit shall be earned only by (i) successful completion of a Board-developed end-of-course Standards of Learning assessment; (ii) achievement of a passing score on a Board-approved standardized test administered on a statewide, multistate, or international basis that measures content that incorporates or exceeds the Standards of Learning content in the course for which the verified credit is given; or (iii) achievement of criteria for the receipt of a locally awarded verified credit from the local school board in accordance with criteria established in Board guidelines when the student has not passed a corresponding Standards of Learning assessment. The bill would have prohibited such end-of-course Standards of Learning assessment from being a performance-based assessment. **SB 1218** (Newman) would have required the Standards of Learning assessments administered to

students in grades nine through twelve to include reading, writing, mathematics, biology, and Virginia and U.S. history. The bill would have required each such Standards of Learning assessment to consist of a Board-developed end-of-course assessment and prohibits such from being performance-based. The bill would have required each school board to annually certify that it has provided instruction and administered an alternative assessment, consistent with Board guidelines, to students enrolled in a high school course in mathematics, science, or history and social science for which an end-of-course Standards of Learning assessment was administered prior to July 1, 2019 and was subsequently eliminated by the Board. . The bill would have required the Department of Education to perform reviews on such locally administered alternative assessments for high school courses and to report to such review based on the 2019-2020 school year outcomes to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health by December 1, 2020. The bill would have required the Board, in its graduation requirements, to require students to earn a verified unit of credit in reading, writing, mathematics, science, and Virginia and U.S. History. The bill would have required each such verified credit to be earned only by the successful completion of a Board-developed end-of-course Standards of Learning assessment; achievement of a passing score on a Board-approved standardized test administered on a statewide, multistate, or international basis that measures content that incorporates or exceeds the Standards of Learning content in the course for which the verified credit is given; or achievement of criteria for the receipt of a locally awarded verified credit from the local school board in accordance with criteria established in Board guidelines when the student has not passed the corresponding Standards of Learning assessment. The bill would have authorized the Board to permit transfer students to graduate with a reduced number of credits. The provisions of the bill requiring certain verified credit would have become effective beginning with first-time ninth grade students in the 2019-2020 school year. Note that prior to its failure, **SB 1218** incorporated **SB 1525** (Sturtevant) and **SB 1585** (Suetterlein).

## **TAXATION (TAX) – PASSED**

**Additional Sales and Use Tax in Halifax County; Appropriations to Incorporated Towns for Educational Purposes** [HB 1634](#) (Edmunds) authorizes Halifax County to impose an additional local sales and use tax at a rate, not to exceed two percent, as determined by the governing body, if initiated by a resolution of the local governing body and approved by the voters at a referendum. The bill requires the governing body to specify in the enacting ordinance the time period, not to exceed 20 years, for which the tax would be imposed. Revenue from the tax will be used solely for capital projects for new construction or major renovation of schools in Halifax County. The bill also removes the limit on the amount that Halifax County may appropriate to an incorporated town that has not complied with the provisions of its charter relating to the elections of local officials.

**Education Improvement Scholarships Tax Credits; Pre-Kindergarten Eligibility** [SB 1015](#) (Stanley) expands the Education Improvement Scholarships tax credits program by including, as eligible scholarship recipients, children enrolled in or attending nonpublic pre-kindergarten programs whose parents or guardians were unable to obtain services for the children through the Virginia Preschool Initiative. The maximum annual scholarship that a child admitted to, enrolled in, or attending a nonpublic pre-kindergarten program will receive will be the lesser of the child's actual educational expenses or the state's share of the grant per child under the Virginia Preschool Initiative for the locality in which the child resides. Eligible scholarship recipients will be students in grades K-12 with a finalized individualized education program (IEP)

in place or whose annual household income is not in excess of 300 percent of the federal poverty guidelines. The bill defines an eligible pre-kindergarten child and a nonpublic pre-kindergarten program and includes several other curriculum and administrative requirements that must be met by a nonpublic pre-kindergarten program in order for children attending the program to be eligible to receive scholarships under the tax credit program. The bill also reduces the penalty for failure to fully disburse all donations received from 200 percent of the difference between 90 percent of the value of the donations it received, and the amount disbursed to 100 percent of the difference. Note that a similar House bill, **HB 2459** (Landes), failed.

**Education Improvement Scholarships Tax Credits; Benefits and Eligibility Requirements; Eligible Students With a Disability** [SB 1365](#) (DeSteph) increases the scholarship amount available for an eligible student with a disability from 100 percent to 300 percent of the per pupil amount distributed to the local school division as the state's share of the standards of quality costs, or the actual qualified educational expenses of the student, whichever is less. The bill broadens the definition of "eligible student with a disability" to include any child who is a resident of Virginia for whom an Individualized Education Plan (IEP) has been written and finalized in accordance with the federal Individuals with Disabilities Education Act (IDEA). In addition, the family household income of the eligible student with a disability who is receiving the scholarship will not be able to exceed 400 percent of the federal poverty level. The bill also provides that an eligible student with a disability may only receive the increased amount of scholarship funds if they attend a school for students with disabilities that is licensed by the Department of Education to serve students with disabilities, complies with the nonpublic school accreditation requirements of the Virginia Association of Independent Schools, is exempt from taxation under § 501(c)(3) of the Internal Revenue Code, and does not receive public funds to supplement the cost of the education of the eligible student with a disability who is receiving the scholarship. Note that a similar House bill, **HB 2351** (Miyares), failed.

## **TAXATION (TAX) - FAILED**

**Cigarette Tax; Counties Authorized to Hold Referendum** [SB 1512](#) (Carrico) would have authorized the board of supervisors of any county to levy a tax on the sale or use of cigarettes if approved in a referendum. If approved, the tax would not have been able to exceed five cents (\$0.05) or the amount levied under state law, whichever is greater.

**High School STEM Grant Program; Report** [HB 2216](#) (Bourne) and **SB 1532** (Sturtevant) would have created a pilot grant program a business that hosts a junior or senior in a Richmond City Schools high school as an intern in a STEM or high-demand field for a semester during the 2019-2020 or 2020-2021 academic year. The business would have received a \$2,500 grant per student per semester. Participation in the program is limited to 25 students.

**Income Tax Credits Related to Education** [SB 1160](#) (Ruff) would have made changes to the Neighborhood Assistance Act tax credit program, as it relates to educational services, and the Education Improvement Scholarships tax credit program. The bill would have provided that in making an allocation of credits to neighborhood organizations under the neighborhood assistance program, the Superintendent of Public Instruction would have had to consider the portion of the organization's total revenues used to support low-income persons and qualified students with disabilities, not just the amount of credits that an organization received for the prior year. The bill would have also allowed certain neighborhood organizations that provide

scholastic assistance services, defined as scholastic assistance organizations, to be eligible to receive an allocation of education improvement scholarship tax credits and establishes guidelines for receiving such an allocation.

**Local Cigarette Tax; Authority of Certain Counties; Use of Proceeds for School Construction** [HB 1946](#) (Campbell) would have authorized any county to impose a local cigarette tax, provided it uses the revenues to fund the construction or improvement of local elementary or secondary schools.

**Local Government Taxing Authority** [HB 2189](#) (Kilgore) would have equalized municipal taxing authority and county taxing authority by granting a county the same authority available to a municipality through the uniform charter powers. The bill would have had a delayed effective date of July 1, 2020, prior to which the Joint Subcommittee on Local Government Fiscal Stress shall review the bill and develop recommended legislation to make any other amendments necessary to the Code of Virginia to effectuate its provisions. **SB 1127** (Favola) contained the same provisions as **HB 2189** except for the Division of Legislative Services would have been directed to convene a working group to develop recommendations as to what additional legislative changes are needed to effectuate the provisions of the bill.

**Neighborhood Assistance Act Tax Credits** [SB 1754](#) (Hanger) would have allowed a neighborhood organization to qualify to receive an allocation of tax credits from the Department of Education if at least 50 percent of the persons served by the neighborhood organization, either directly by the neighborhood organization or through the provision of revenues to other organizations or groups serving such persons, are low-income persons or eligible students with disabilities and at least 50 percent of the neighborhood organization's revenues are used to provide services to low-income persons or eligible students with disabilities, either directly by the organization or through the provision of revenues to other organizations or groups providing such services. The bill would have also provided that an individual shall be eligible for a tax credit equal to 65 percent of the value of a monetary donation or a donation of marketable securities made to an approved neighborhood organization for education purposes. The credit would not have been issued for any donation made in the taxable year with a value of less than \$500 and shall be issued only for the first \$125,000 in value of donations made by the individual during the taxable year. Note that prior to its failure, **SB 1754** had incorporated **SB 1730** (Deeds).

**Vapor Product Tax; School Mental Health Counselors Fund Created; Quit Now Virginia Fund Created; Penalties** [SB 1606](#) (Ebbin) would have created a state tax on electronic cigarettes, electronic cigars, electronic cigarillos, and similar products and devices (vapor products) and authorized cities and towns and certain counties to impose a tax on vapor products. The state tax would have been imposed at a rate of 40 percent of the wholesale price. The bill would have provided that 90 percent of the tax revenue generated by the state tax would be distributed to the School Mental Health Counselors Fund, created by the bill. Such funds would have been required to be used to fund the state's share of Standards of Quality Costs related to increasing the ratio of school counselors to students. The bill would have provided that 10 percent of the tax revenue generated by the state tax would be distributed to the Quit Now Virginia Fund, created by the bill. Such funds would have been required to be used to fund the Virginia Department of Health's costs to provide phone-based and Internet-based services with the purpose of discouraging and eliminating the use of tobacco products and providing counseling and support for smoking cessation efforts. Counties, cities, and towns that are currently authorized to tax cigarettes would have been authorized to also tax vapor

products at rates determined by the local governing bodies. The bill would have authorized Arlington and Fairfax Counties to impose a vapor products tax, but at a rate that does not exceed the state tax on vapor products created under the bill.