

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

PASSED FINAL REPORT

This report describes all Passed education-related legislation as considered during the 2019 General Assembly Session.

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.

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.

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).

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.

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.

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.

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).

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** (Dunnavant) 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** (Dunnavant) 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.

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.

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](#) (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 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).

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.

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 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.

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.