



COMMONWEALTH of VIRGINIA  
Department of Education

June 23, 2016

TO: Division Superintendents

FROM: Steven R. Staples, Superintendent of Public Instruction

**SUBJECT: Final Legislative Report for the 2016 General Assembly**

This memorandum provides information regarding legislation approved by the 2016 Virginia General Assembly and, unless otherwise indicated, signed by Governor McAuliffe that is of interest to school superintendents and division personnel.

The final legislative tracking reports for the 2016 General Assembly session are posted on the Virginia Department of Education's (VDOE) Web site at: <http://www.doe.virginia.gov/boe/legislation/>. These reports reflect the final actions on education-related legislation. The history of any bill or resolution, all amendments, and the text of the final version are available by clicking on the bill or resolution number in this memo or in the Legislative Tracking Reports. While bill summaries are provided below, I encourage you to review the actual text of the legislation.

**Required Actions**

All legislation becomes effective on July 1, 2016, unless otherwise indicated. For some legislation, a separate Superintendent's Memorandum will be distributed in order to provide more detailed information as needed.

**Accreditation and school improvement**

**SB 368 Public schools; standards for accreditation, corrective action plan.**

*Chief patron:* McDougle

*Summary:* Authorizes the Board of Education (the Board) to review once every two years or once every three years the accreditation status of any school that is not on a triennial review cycle, provided that any school that receives a multiyear accreditation status other than full accreditation is to be covered by a Board-approved multiyear corrective action plan for the duration of the period of accreditation. The bill requires the Board to review the accreditation status of a school once every three years if the school has been fully accredited for three consecutive years. The bill also provides that when the Board of Education determines that a corrective action plan submitted by a local school board is not sufficient to enable all schools within the division to achieve full accreditation, the Board may return the plan to the local school board with directions to submit an amended plan pursuant to Board guidance. Finally, the bill requires the Superintendent of Public Instruction to report to the Board on the accreditation status of all school divisions and schools. Currently the Superintendent is required to identify to the Board schools or divisions that do not meet certain criteria.

## **Item 139 C.9.e.4 of the 2016 Appropriation Act (Language).**

If the Board of Education has required a local school board to submit a corrective action plan pursuant to § [22.1-253.13:3](#), *Code of Virginia*, either for the school division pursuant to a division level review, or for any schools within its division that have been designated as not meeting the standards as approved by the Board of Education, the Superintendent of Public Instruction shall determine and report to the Board of Education whether each such local school board has met its obligation to develop and submit such corrective action plan(s) and is making adequate and timely progress in implementing the plan(s). Additionally, if an academic review process undertaken pursuant to § [22.1-253.13:3](#), *Code of Virginia*, has identified actions for a local school board to implement, the Superintendent of Public Instruction shall determine and report to the Board of Education whether the local school board has implemented required actions. If the Superintendent certifies that a local school board has failed or refused to meet any of those obligations, the Board of Education shall withhold payment of some or all At-Risk Add-On funds otherwise allocated to the affected division pursuant to this allocation for the pending fiscal year. In determining the amount of At-Risk Add-On funds to be withheld, the Board of Education shall take into consideration the extent to which such funds have already been expended or contractually obligated. The local school board shall be given an opportunity to correct its failure and, if successful in a timely manner, may have some or all of its At-Risk Add-On funds restored at the Board of Education's discretion.

### **Board of Education**

## **HB 196 Public elementary and secondary schools and local school divisions; information and forms.**

*Chief patron:* Lingamfelter

*Summary:* Requires the Board of Education to adopt policies to ensure that the Department of Education (the Department) does not require public elementary or secondary schools or local school divisions to provide certain duplicate information or certain information that is not necessary or required pursuant to state or federal law. The bill requires the Department to study the transition to electronic submission of all information and forms to the Department by public elementary and secondary schools and local school divisions and to submit a report of its findings to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than November 1, 2016. In addition, the bill requires the Department to annually evaluate and determine the continued need for the information that it collects from public elementary and secondary schools and local school divisions and requires the Board to annually report to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health the results of such annual evaluation and determination and other matters related to collected information and forms.

## **HB 521 Education, Board of; annual report includes reporting requirements of local school divisions.**

*Chief patron:* LeMunyon

*Summary:* Requires the annual Board of Education report to the Governor and the General Assembly to include a complete listing of each report: (i) that school divisions are required to submit to the Board or any other state agency, including name, frequency, and an indication of whether the report contains information that the local school division is also required to submit to the federal government; and (ii) that pertains to public education that local school divisions are required to submit to the federal government, including name and frequency.

### **Charter Schools**

## **SB 734 Public charter schools.**

*Chief patron:* Obenshain

*Summary:* Makes several changes to the provisions for the establishment and operation of public charter schools, including making changes and providing greater specificity regarding: (i) the applicability of various laws, regulations, policies, and procedures to public charter schools; (ii) the contents of charter applications; and (iii) the procedure for executing charter contracts and the contents of such contracts.

## Civics

### **HB 36 Government courses at public high schools; civics portion of the U.S. Naturalization Test.**

*Chief patron:* Bell, Richard P.

*Summary:* Requires each local school board to implement a program of instruction in each Virginia and U.S. Government course in the school division on all information and concepts contained in the civics portion of the U.S. Naturalization Test.

### **HB 205 Election day program; permitted activities of participants.**

*Chief patron:* Webert

*Summary:* Allows election pages participating in the election day program for high school students to assist in the arrangement of voting equipment, furniture, and any other materials for the conduct of the election. The bill also allows election pages to assist in the counting of unmarked ballots prior to the opening of the polls, at the direction and under the direct supervision of the chief officer of election, but prohibits election pages from handling or touching ballots in any other circumstance. Currently, participants in the election day program are prohibited from handling or touching ballots, voting machines, and other official election materials. The bill requires the election pages to receive, from a person designated by the electoral board, training on the duties, responsibilities, and prohibited conduct of election pages. This bill is identical to [SB 381](#) (Vogel).

## **CTE, dual enrollment, workforce development and STEM**

### **HB 66 New Economy Workforce Credential Grant Fund & Program; established.**

*Chief patron:* Byron

*Summary:* Establishes the New Economy Workforce Credential Grant Fund and Program, to be administered by the State Council of Higher Education for Virginia, for the purpose of disbursing funds to certain public institutions of higher education and other educational institutions in the Commonwealth to provide grants to Virginia students who complete certain noncredit workforce training programs at the institution and subsequently attain a relevant noncredit workforce credential. The bill also includes provisions relating to the amount and terms of such grants, academic credit for the attainment of noncredit workforce credentials, and reporting on completion of noncredit workforce training programs and attainment of noncredit workforce credentials. This bill is identical to [SB 576](#) (Ruff).

### **HB 834 Virginia Growth and Opportunity Board and Fund; established, report.**

*Chief patron:* Cox

*Summary as passed:* The bill provides that regional councils will be established across the Commonwealth, consisting of representatives of government and the business and education communities, and councils may submit applications for collaborative projects in their regions that enhance private-sector growth, competitiveness, and workforce development. An enactment clause adopted by the General Assembly during

the Reconvened Session provides that no funds shall be awarded as grants to qualifying regions based on each region's share of population or as grants to regional councils on a competitive basis unless authorized by a subsequent enactment of the General Assembly on or after July 1, 2016. This bill is identical to [SB 449](#) (Norment and Howell).

### **[SB 245](#) Comprehensive community colleges; dual enrollment of students into Career Pathways program.**

*Chief patron:* Stanley

*Summary:* Requires each comprehensive community college to enter into agreements with the local school divisions it serves to facilitate dual enrollment of eligible students into a Career Pathways program preparing students to pass a high school equivalency examination offered by the local school division and a postsecondary credential, certification, or license attainment program offered by the comprehensive community college.

### **[SB 246](#) STEM Competition Team Grant Program and Fund; established, created.**

*Chief patron:* Stanley

*Summary:* Establishes a grant program administered by the Board of Education beginning in 2017 to establish STEM competition teams at qualified schools. The bill defines qualified schools as those public secondary schools at which at least 40 percent of the students qualify for free or reduced lunch. Grants are capped at \$10,000 per school per year. The bill has an expiration date of July 1, 2018.

## **Driver education**

### **[HB 748](#) Driver education; certification of online courses.**

*Chief patron:* Greason

*Summary:* Allows driver training schools to provide computer-based driver education courses for the classroom portion of driver education. The Commissioner of the Department of Motor Vehicles is authorized to license such driver training schools as computer-based driver education providers.

### **[HB 1287](#) Behind-the-wheel and knowledge examinations; retake of examinations.**

*Chief patron:* Carr

*Summary:* Allows a person less than 19 years of age who has failed the behind-the-wheel examination for a driver's license three times to take a course of instruction based on the Virginia Driver's Manual before taking the examination a fourth time if such person has previously completed the classroom component of driver instruction at a driver training school.

## **Early childhood**

### **[HB 46](#) School Readiness Committee; Secretary of Education, et al., shall establish, increases membership.**

*Chief patron:* Greason

*Summary:* Directs the Secretary of Education to establish a School Readiness Committee with the first goal of addressing the development and alignment of an effective professional development and credentialing system for the early childhood education workforce in the Commonwealth, including: (i) the development of a

competency-based professional development pathway for practitioners who teach children birth to age five in both public and private early childhood education programs; (ii) consideration of articulation agreements between associate and baccalaureate degree programs; (iii) refinement of teacher licensure and education programs to address competencies specific to early childhood development; (iv) alignment of existing professional development funding streams; and (v) development of innovative approaches to increasing accessibility, availability, affordability, and accountability of the Commonwealth's workforce development system for early childhood education teachers and providers.

### **HB 47 Mixed-Delivery Preschool Fund and Grant Program; established, report, sunset provision.**

*Chief patron:* Greason

*Summary:* Establishes the Mixed-Delivery Preschool Fund and Grant Program for the purpose of awarding grants on a competitive basis to urban, suburban, and rural community applicants to field-test innovative strategies and evidence-based practices that support a robust system of mixed-delivery preschool services in the Commonwealth. The bill requires the Virginia Early Childhood Foundation (the Foundation) to administer a request for proposal process to invite community applicants to respond with localized innovations and approaches to a mixed-delivery preschool services system. Grants are awarded by the Foundation and priority is given to applicants who: (i) commit to pursuing models of local governance that promote the successful mixed delivery of preschool services; (ii) compare classroom and child outcomes among teachers with different credentials and qualifications; (iii) use incentives to encourage participation; and (iv) use strategic assessment to discern outcomes. In addition, a Governor's recommendation, which was agreed to by the General Assembly during the Reconvened Session, requires the Board of Education to waive teacher licensure requirements upon the request of any grant recipient so long as the teachers for whom such licensure requirements have been waived meet certain basic conditions for licensure prescribed by the Board. Such basic conditions for licensure shall include education and experience qualifications that do not exceed the education and experience qualifications for program leaders of licensed child day centers as set forth in 22VAC40-185-210. The bill requires the award of six two-year grants during each year of the 2016-2018 biennium. Finally, the bill has an expiration date of July 1, 2019.

### **SB 467 Child day programs; exemptions from licensure.**

*Chief patron:* Wagner

*Summary:* Clarifies that instructional programs offered by public schools that serve preschool-age children are exempt from licensure by the Department of Social Services. The bill further provides that education and care programs provided by public schools that are not exempt shall be regulated by the Department of Social Services instead of the State Board of Education.

## **English language learners**

### **HB 241 Students who are English language learners; BOE to consider certain assessment.**

*Chief patron:* Lingamfelter

*Summary:* Requires the Board of Education to consider assessments aligned to the Standards of Learning that are structured and formatted in a way that measures the content knowledge of students who are English language learners and that may be administered to such students as Board of Education-approved alternatives to Standards of Learning end-of-course English reading assessments. This bill is identical to [SB 538](#) (Surovell).

## **Enrollment**

## **SB 776 Public schools; residency of children in kinship care.**

*Chief patron:* Barker

*Summary:* Allows a child receiving kinship care from an adult relative to enroll in the school division where the kinship care provider resides. The bill also allows local school divisions to require one legal parent and the kinship care provider to sign affidavits detailing the kinship care arrangement, as well as a power of attorney authorizing the adult relative to make educational decisions regarding the child.

### **General laws: FOIA, whistle blower protection, procurement and attorney fees**

## **HB 817 Virginia Freedom of Information Act; record exclusions, rule of redaction, etc.**

*Chief patron:* LeMunyon

*Summary:* Reverses the holding of the Virginia Supreme Court in the case of *Department of Corrections v. Surovell*, by setting out the general rule of redaction, which provides that no provision of FOIA is intended, nor shall it be construed or applied, to authorize a public body to withhold a public record in its entirety on the grounds that some portion of the public record is excluded from disclosure by FOIA or by any other provision of law. Further, the bill states that a public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure under FOIA or other provision of law applies to the entire content of the public record. Otherwise, only those portions of the public record containing information subject to an exclusion under FOIA or other provision of law may be withheld, and all portions of the public record that are not so excluded shall be disclosed. The bill defines the term "information" and provides that it is declaratory of the law as it existed prior to the September 17, 2015, decision of the Supreme Court of Virginia in the case of the *Department of Corrections v. Surovell*. The bill also reverses that part of the holding of the Virginia Supreme Court in the case of *Department of Corrections v. Surovell* by providing that in a FOIA enforcement action, no court shall be required to accord any weight to the determination of a public body as to whether an exclusion applies. The bill contains technical amendments. This bill is identical to [SB 494](#) (Surovell).

## **HB 818 Virginia Freedom of Information Act; designation of officer, posting of rights and responsibilities.**

*Chief patron:* LeMunyon

*Summary:* Requires certain local public bodies, including school divisions and school boards, to post a FOIA rights and responsibilities document on their respective public government Web site. The bill also requires all state public bodies, including state authorities, and all local public bodies that are subject to FOIA, to designate and publicly identify one or more FOIA officers whose responsibility is to serve as a point of contact for members of the public in requesting public records and to coordinate the public body's compliance with the provisions of FOIA. The bill sets out where contact information for the designated FOIA officer is to be posted. The bill requires that any such FOIA officer shall possess specific knowledge of the provisions of FOIA and be trained at least annually by legal counsel for the public body or the Virginia Freedom of Information Advisory Council.

## **HB 821 Fraud and Abuse Whistle Blower Protection Act; applicability to local governmental entities.**

*Chief patron:* LeMunyon

*Summary:* Includes local government and public school divisions under the Fraud and Abuse Whistle Blower Protection Act. Currently this Act is limited to state government and citizen whistle blowers. The bill reduces from \$10,000 to \$5,000 the threshold where the disclosure results in a savings for which a whistle blower

disclosing information of wrongdoing or abuse may file a claim for reward. The bill contains technical amendments.

### **HB 1013 Threat assessment teams; dissemination of certain records and information.**

*Chief patron:* Massie

*Summary:* Excludes from the Virginia Freedom of Information Act any records received by the Department of Criminal Justice Services pursuant to the operation of or for the purposes of evaluating threat assessment teams and oversight committees, school safety audits, and school crisis, emergency management, and medical emergency response plans of public schools and threat assessment teams of public institutions of higher education, to the extent that such records reveal security plans, walk-through checklists, or vulnerability and threat assessment components. The bill allows criminal record, juvenile record, and health record information to be disseminated to members of a threat assessment team established by a local school board. Current law allows only threat assessment teams established by an institution of higher education to access such information. The bill provides that no member of a threat assessment team shall redisclose any such information or use the information beyond the purpose for which the disclosure was made.

### **HB 1117 Immunity of persons at public hearing; awarding of reasonable attorney fees and costs.**

*Chief patron:* Loupassi

*Summary:* Allows the award of reasonable attorney fees and costs to any person who has a suit against him dismissed pursuant to immunity provided to him when appearing at a public hearing before the governing body of a locality or other local governmental entity.

### **SB 418 Virginia Public Procurement Act; installation of artificial turf or other athletic surfaces.**

*Chief patron:* Vogel

*Summary:* Excludes the purchase of installation of artificial turf and track surfaces and all associated and necessary construction from the prohibition on using cooperative procurement to purchase construction.

### **SB 493 FOIA; closed meeting not authorized for discussion of pay increases.**

*Chief patron:* Surovell

*Summary:* Clarifies that nothing in the personnel exemption in the open meetings law of FOIA shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

### **SB 564 Virginia Freedom of Information Act; exclusions for school personnel licensure applications.**

*Chief patron:* Norment

*Summary:* Excludes records of an application for licensure or renewal of a license for teachers and other school personnel, including transcripts or other documents submitted in support of an application, from the provisions of the Freedom of Information Act.

## **Graduation requirements**

## **[HB 895](#) High school graduation; graduation requirements.**

*Chief patron:* Greason

*Summary:* Removes existing provisions related to standard and advanced studies diplomas and standard and verified units of credit and requires the Board of Education, in establishing high school graduation requirements, to: (i) develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship; (ii) emphasize the development of core skill sets in the early years of high school; and (iii) establish multiple paths toward college and career readiness for students to follow in the later years of high school that include internships, externships, and credentialing. The bill also sets forth the procedure for the establishment of such graduation requirements. The bill specifies that such graduation requirements shall apply to each student who enrolls in high school as (a) a freshman after July 1, 2018; (b) a sophomore after July 1, 2019; (c) a junior after July 1, 2020; or (d) a senior after July 1, 2021. This bill is similar to [SB 336](#)(Miller). The third, fourth and fifth enactment clauses regarding the Board's process differ. SB 336 was signed by the Governor on April 6, 2016. The Governor's recommendation to replace the third, fourth and fifth enactment clauses in HB 895 was agreed to during the Reconvened Session on April 20, 2016.

### **Home instruction**

## **[SB 780](#) Home instruction or religious exemption; information disclosure.**

*Chief patron:* Black

*Summary:* Provides that a division superintendent or local school board may disclose, to the extent provided by the written consent of a student's parent, certain information that is provided by a parent or student regarding the parent's election to provide home instruction in lieu of school attendance or the parent's claim of a religious exemption.

### **Local school boards**

## **[HB 557](#) School efficiency reviews; scope and costs.**

*Chief patron:* Orrock

*Summary:* Eliminates the 25 percent match required of local school divisions that request an efficiency review from the Department of Planning and Budget. This provision was in conflict with the current appropriation act, which requires the school division to pay the entire cost of the review. The bill also revises the operational areas examined by the efficiency review and provides that an efficiency review does not constitute an academic review that may be required by the Standards of Quality. This bill is identical to [SB 502](#) (Locke).

## **[HB 942](#) School boards; reasonable access by certain youth groups.**

*Chief patron:* Wilt

*Summary:* Requires school boards to provide reasonable and appropriate access to school property to youth-oriented community organizations, such as the Boy Scouts of America and the Girl Scouts of the United States of America, and their volunteers and staff, to distribute and provide materials to encourage participation in such organizations. The bill prohibits such access from interfering with instructional time and provides that such access may also include after-school sponsored activities.



## **HB 1377 School boards; assignment of teachers.**

*Chief patron:* LeMunyon

*Summary:* Provides that, after September 30 of any school year, any time the number of students in a class exceeds the statutorily prescribed class size limit, the local school division shall notify the parent of each student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limits. The bill requires such notification to state the reason that the class size exceeds the class size limit and describe the measures that the local school division will take to reduce the class size to comply with the limit.

## **SB 664 Ballots; order of names of candidates for school boards.**

*Chief patron:* Surovell

*Summary:* Provides that the names of candidates for school boards shall be listed on the ballot in an order determined by the order of the priority of time of filing for that office. In the event that two or more candidates file simultaneously, the order of filing is determined by lot by the electoral board. Currently, all candidates not nominated by a political party or a recognized political party are listed on the ballot in alphabetical order. The bill contains technical amendments.

### **SOL Innovation Committee**

## **HB 525 Standards of Learning Innovation Committee; review of standardized testing in public high schools.**

*Chief patron:* LeMunyon

*Summary:* Requires the Standards of Learning Innovation Committee to review and, no later than November 1, 2016, make recommendations to the Board of Education and the General Assembly on the number, subjects, and question composition of standardized tests administered to public high school students in the Commonwealth.

## **HB 894 Standards of Learning Innovation Committee; change in membership.**

*Chief patron:* Greason

*Summary:* Requires that the membership of the Standards of Learning Innovation Committee include at least one representative of a four-year public institution of higher education and at least one representative of a two-year public institution of higher education and specifies that the business representative or representatives on the Committee shall represent the business community in the Commonwealth. Instead of periodically making recommendations to both the Board of Education and the General Assembly, the bill requires the Committee to make recommendations to the Board only. The bill requires an affirmative vote of a majority of the legislative members in attendance and a majority of the nonlegislative citizen members in attendance to adopt any recommendations. The bill also staggers the terms of legislative members and nonlegislative citizen members.  
*Note:* This bill contains an emergency clause, and it became effective on April 1, 2016 when it was signed by the Governor.

### **SOL instruction**

## **HB 831 Standards of Learning; curriculum shall include computer science and computational thinking.**

*Chief patron:* Greason

*Summary:* Requires the Standards of Learning established by the Board of Education and the program of instruction for grades kindergarten through 12 developed and implemented by each local school board to include computer science and computational thinking, including computer coding.

### **SOL tests**

#### **HB 241 Students who are English language learners; BOE to consider certain assessment.**

*Chief patron:* Lingamfelter

*Summary:* Requires the Board of Education to consider assessments aligned to the Standards of Learning that are structured and formatted in a way that measures the content knowledge of students who are English language learners and that may be administered to such students as Board of Education-approved alternatives to Standards of Learning end-of-course English reading assessments. This bill is identical to [SB 538](#) (Surovell).

#### **HB 436 Standards of Learning assessments in English reading and mathematics; retake, recovery credit.**

*Chief patron:* Austin

*Summary:* Requires the Department of Education to award recovery credit to any student in grades three through eight who fails a Standards of Learning assessment in English reading or mathematics, receives remediation, and subsequently retakes and passes such an assessment, including any such student who subsequently retakes such an assessment on an expedited basis.

#### **SB 427 Standards of Learning assessments; Board of Education's calculation of passage rate.**

*Chief patron:* Miller

*Summary:* Prohibits the Board of Education from including in its calculation of the passage rate of a Standards of Learning assessment for the purposes of state accountability any student whose parent has decided to not have his child take such Standards of Learning assessment, unless such exclusion would result in the school's not meeting any required state or federal participation rate.

### **Special education**

#### **HB 381 Standards of Learning; alternative means for children with disabilities to demonstrate achievement.**

*Chief patron:* Greason

*Summary:* Requires the Board of Education to prescribe alternative methods of assessment administration for children with disabilities who meet criteria established by the Board to demonstrate achievement of the Standards of Learning. The bill provides that an eligible student's Individual Education Program team shall make the final determination as to whether an alternative method of administration is appropriate for the student.

#### **HB 252 Assistant speech-language pathologists; duties, report.**

*Chief patron:* Kory

*Summary:* Allows a person who has met the qualifications prescribed by the Board of Audiology and Speech-

Language Pathology (the Board) to practice as an assistant speech-language pathologist in accordance with regulations of the Board and to perform limited duties that are otherwise restricted to the practice of a speech-language pathologist under the supervision and direction of a licensed speech-language pathologist. The bill also requires the Board to review the need for and impact of licensure or certification of assistant speech-language pathologists and report its findings to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2016.

**[SB 225](#) Autism Advisory Council; extends sunset provision.**

*Chief patron:* Hanger

*Summary:* Extends from July 1, 2016, to July 1, 2018, the expiration of the Autism Advisory Council.

**Student discipline**

**[HB 487](#) School resource officers; those employed pursuant to School Resource Officer Grants Program.**

*Chief patron:* McClellan

*Summary:* Relieves school resource officers employed pursuant to the School Resource Officer Grants Program from the obligation to enforce school board rules and codes of student conduct as a condition of their employment.

**[HB 1213](#) Minors; certain education records as evidence.**

*Chief patron:* Albo

*Summary:* Provides that in any proceeding where a juvenile is alleged to have committed a delinquent act that would be a misdemeanor if committed by an adult on school property, property solely being used for a school-related or school-sponsored activity, or a school bus, the juvenile may introduce into evidence as relevant to whether he acted intentionally or willfully any document created prior to the commission of the delinquent act that relates to certain educational plans or behavioral assessments. The bill provides that such documents shall be admitted as evidence of the facts stated therein, provided that the minor gives notice of his intent to introduce such evidence and copies of such evidence to the attorney for the Commonwealth at least ten days before trial. The bill allows such reports or documents to be placed under seal by the court.

**Student health and nutrition**

**[HB 357](#) Public schools; physical activity requirement for students in grades kindergarten through five.**

*Chief patron:* Loupassi

*Summary:* Requires at least 20 minutes of physical activity per day or an average of 100 minutes per week during the regular school year for students in grades kindergarten through five. This requirement becomes effective beginning with the 2018-2019 school year. The current requirement for a program of physical activity available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year is not changed. This bill is identical to [SB 211](#) (Miller).

**[HB 475](#) Students who have been treated for pediatric cancer; return to learn protocol.**

*Chief patron:* Filler-Corn

*Summary:* Requires the Department of Education to review relevant federal regulations and suggest revisions to Department guidance documents on such federal regulations relating to a return to learn protocol for students who have been treated for pediatric cancer.

### **HB 954 Concussions; local school division policy to include Return to Learn Protocol for student-athletes.**

*Chief patron:* Keam

*Summary:* Requires each local school division's policies and procedures regarding the identification and handling of suspected concussions in student-athletes to include a "Return to Learn Protocol" that requires school personnel to be alert to cognitive and academic issues that may be experienced by a student who has suffered a concussion or other head injury, including: (i) difficulty with concentration, organization, and long-term and short-term memory; (ii) sensitivity to bright lights and sounds; and (iii) short-term problems with speech and language, reasoning, planning, and problem solving. The school division's policies must accommodate the gradual return to full participation in academic activities of a student who has suffered a concussion or other head injury as appropriate, based on the recommendation of the student's licensed health care provider as to the appropriate amount of time that such student needs to be away from the classroom. The bill also broadens the scope of the "Return to Learn Protocol" in the Board of Education's guidelines for school division policies and procedures on concussions in student-athletes to require school personnel to: (a) be alert to cognitive and academic issues that may be experienced by a student who has suffered a concussion or other head injury; and (b) accommodate the gradual return to full participation in academic activities of a student who has suffered a concussion or other head injury. Under current law, the "Return to Learn Protocol" only imposes such requirements on school personnel with respect to student-athletes.

### **HB 1135 Virginia-grown food products; purchase by state agencies & institutions & local school divisions.**

*Chief patron:* Kory

*Summary:* Requires that the Department of General Services to include a link to the Virginia Department of Agriculture and Consumer Services Virginia Grown Web site on the Department of General Services' central electronic procurement system to facilitate purchases of Virginia-grown food products. The bill also exempts purchase of Virginia-grown food products for use by a public body where the annual cost of the product is not expected to exceed \$100,000.

### **SB 665 Middle school student-athletes, public; pre-participation physical examination.**

*Chief patron:* Marsden

*Summary:* Prohibits a public middle school student from participating on or trying out for any school athletic team or squad with a predetermined roster, regular practices, and scheduled competitions with other middle schools unless such student has submitted to the school principal a signed report from a licensed physician, a licensed nurse practitioner practicing in accordance with his practice agreement, or a licensed physician assistant acting under the supervision of a licensed physician attesting that such student has been examined within the preceding 12 months and found to be physically fit for athletic competition. The bill is a recommendation of the Commission on Youth.

## **Student safety**

**HB 659 High school family life education curriculum; programs on prevention of dating violence, etc.**

*Chief patron:* Filler-Corn

*Summary:* 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 prevention of dating violence, domestic abuse, sexual harassment, and sexual violence.

**HB 1279 Public schools; fire drills and lock-down drills.**

*Chief patron:* Anderson

*Summary:* Requires every public school to hold a fire drill at least twice during the first 20 school days of each school session and at least two additional fire drills during the remainder of the school session. Under current law, every public school is required to hold a fire drill at least once every week during the first 20 school days of each school session and at least once every month during the remainder of the school session. The bill also requires every public school to hold a lock-down drill at least twice during the first 20 school days of each school session and at least two additional lock-down drills during the remainder of the school session. Under current law, every public school is required to hold at least two lock-down drills every school year.

**SB 479 Law-enforcement officers, retired; authority to carry concealed handguns.**

*Chief patron:* Carrico

*Summary:* Clarifies provisions relating to the authority of retired law-enforcement officers, special agents of the State Corporation Commission and Virginia Alcoholic Beverage Control Board, members of the enforcement division of the Department of Motor Vehicles, and investigators of the security division of the Virginia Lottery to carry concealed handguns. Such officers, agents, members, and investigators who resigned after 20 years of service to accept a position covered by a retirement system authorized under Title 51.1 of the *Code of Virginia* fall under the same provisions as retired law-enforcement officers, agents, members, and investigators. Such retired officers, agents, members, and investigators who annually meet the training and qualification standards for active law-enforcement officers are authorized to carry concealed handguns in airports and schools and are deemed to have been issued a concealed handgun permit.

**Student privacy**

**HB 519 School-affiliated entities; definition, providing protection for student personal information.**

*Chief patron:* LeMunyon

*Summary:* Extends various protections for student information that is collected and maintained, used, or shared on certain Web sites, mobile applications, or online services used by school-affiliated entities. The bill defines "school-affiliated entity" as any private entity that provides support to a local school division or a public elementary or secondary school in the Commonwealth, including alumni associations, booster clubs, parent-teacher associations, parent-teacher-student associations, parent-teacher organizations, public education foundations, public education funds, and scholarship organizations.

**HB 749 School service providers; protection of student personal information.**

*Chief patron:* Greason

*Summary:* Makes several changes to the provisions relating to the protection of student personal information by

school service providers, including (i) defining "targeted advertising" as advertising that is presented to a student and selected on the basis of information obtained or inferred over time from such student's online behavior, use of applications, or sharing of student personal information, which does not include advertising that is presented to a student at an online location on the basis of such student's online behavior, use of applications, or sharing of student personal information during his current visit to that online location or in response to that student's request for information or feedback and for which a student's online activities or requests are not retained over time for the purpose of subsequent advertising, and (ii) clarifying that other provisions of law do not prohibit school service providers from performing certain acts, including disclosing student personal information to ensure legal or regulatory compliance, protect against liability, or protect the security or integrity of its school service.

### **[HB 750](#) Student personal information; definition of school services, college & career readiness assessment.**

*Chief patron:* Greason

*Summary:* Excludes any Web site, mobile application, or online service that is used for the purposes of college and career readiness assessment from the definition of "school service," thus relieving providers of such Web sites, mobile applications, and online services from the obligation to provide various protections for student personal information collected through such websites, mobile applications, and online services.

### **Teacher preparation, licensure and evaluation**

### **[HB 261](#) Armed Forces of U.S. or Va. National Guard, former members; provisional teaching licenses.**

*Chief patron:* Yancey

*Summary:* Requires the Board of Education to provide for the issuance of a provisional license, valid for a period not to exceed three years, to any former member of the Armed Forces of the United States or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training but does not meet the requirements for a renewable teacher license.

### **[HB 279](#) Career and technical education; three-year licenses.**

*Chief patron:* Byron

*Summary:* Directs the Board of Education to provide for the issuance of three-year licenses to qualified individuals to teach high school career and technical education courses in specific subject areas for no more than 50 percent of the instructional day or year, on average. This bill is identical to [SB 573](#)(Ruff).

### **[HB 524](#) Data on teacher performance and quality; confidentiality.**

*Chief patron:* LeMunyon

*Summary:* Requires data collected by or for the Department of Education or the local school board or made available to and able to be used by the local school board to judge the performance or quality of a teacher, maintained in a teacher's personnel file or otherwise, to be confidential in most instances. Current law requires such data to be confidential only if it is used by a local school board to make such a judgment. The bill provides that if such data is disclosed pursuant to court order, for the purposes of a grievance proceeding involving the teacher, or as otherwise required by state or federal law, such disclosure shall be made in a form that does not personally identify any student or other teacher.

**[HB 682](#) Teacher licensure; waiver of requirements, trade and industrial education programs.**

*Chief patron:* Peace

*Summary:* Permits any division superintendent to apply to the Department of Education for an annual waiver of the teacher licensure requirements for any individual whom the local school board hires or seeks to hire to teach in a trade and industrial education program who has obtained or is working toward an industry credential relating to the program area and who has at least 4,000 hours of recent and relevant employment experience, as defined by the Board pursuant to regulation. The bill requires the Department to establish a procedure for submitting, receiving, and acting upon such annual waiver applications.

**[HB 842](#) Teachers; preparation and licensure, professional development in indicators of dyslexia.**

*Chief patron:* Cline

*Summary:* Requires Board of Education regulations governing teacher licensure to require every person seeking initial licensure or renewal of a license to complete awareness training, provided by the Department of Education, on the indicators of dyslexia and the evidence-based interventions and accommodations for dyslexia. The bill requires the Department of Education to collaborate with the State Council of Higher Education for Virginia to ensure that all teacher preparation programs offered at public institutions of higher education in the Commonwealth or otherwise available convey information on the identification of students at risk for learning disabilities, including dyslexia, other language-based learning disabilities, and attention deficit disorder. The bill has a delayed effective date of July 1, 2017.

**[SB 360](#) Teachers; Superintendent of Public Instruction to provide a model exit questionnaire.**

*Chief patron:* Howell

*Summary:* Requires the Superintendent of Public Instruction to develop and provide to local school divisions a model exit questionnaire for teachers.

**Transportation**

**[HB 168](#) Passing stopped school buses; rebutting presumption, mailing of summons.**

*Chief patron:* LaRock

*Summary:* Provides that a locality that has authorized by ordinance the installation and operation of a video-monitoring system on school buses for recording violations of unlawfully passing a stopped school bus may execute a summons for such violation by mailing a copy of the summons to the owner of a vehicle that unlawfully passed a stopped school bus. The bill also provides a means by which the existing presumption that the registered owner of the vehicle was the vehicle operator at the time of the violation can be rebutted and requires that this information be included with the mailing of the summons. The bill gives the summoned person 30 business days from the mailing of the summons to inspect information collected by a video-monitoring system in connection with the violation. This bill is identical to [SB 120](#) (Carrico).

**[HB 353](#) School boards, local; transportation agreements with nonpublic schools.**

*Chief patron:* Greason

*Summary:* Authorizes local school boards to enter into agreements with nonpublic schools to provide student transportation to and from school field trips. Current law authorizes such agreements for transportation to and from school. This bill is identical to [SB 250](#) (Black).

### **Standards of Quality (SOQ)**

Numerous bills have been approved by the 2016 General Assembly (and are listed in the chart below with hyperlinks) that amend the *SOQ*. Additional information regarding amendments to the *SOQ* will be provided in a separate Superintendent's memorandum.

<b>§ 22.1-253.13:1 (Standard One)</b>	<b>§ 22.1-253.13:2 (Standard Two)</b>	<b>§ 22.1-253.13:3 (Standard Three)</b>	<b>§ 22.1-253.13:4 (Standard Four)</b>	<b>§ 22.1- 253.13:10</b>
<ul style="list-style-type: none"><li>• <a href="#">HB 36</a></li><li>• <a href="#">HB 357</a></li><li>• <a href="#">HB 831</a></li><li>• <a href="#">SB 211</a></li></ul>	<ul style="list-style-type: none"><li>• <a href="#">HB 8</a></li><li>• <a href="#">HB 1377</a></li></ul>	<ul style="list-style-type: none"><li>• <a href="#">HB 241</a></li><li>• <a href="#">HB 381</a></li><li>• <a href="#">HB 436</a></li><li>• <a href="#">HB 895</a></li><li>• <a href="#">SB 336</a></li><li>• <a href="#">SB 368</a></li><li>• <a href="#">SB 427</a></li><li>• <a href="#">SB 538</a></li></ul>	<ul style="list-style-type: none"><li>• <a href="#">HB 831</a></li><li>• <a href="#">HB 895</a></li><li>• <a href="#">SB 336</a></li></ul>	<ul style="list-style-type: none"><li>• <a href="#">HB 894</a></li></ul>

### **Selected Studies**

#### **Resolutions**

#### **HJ 112 Public elementary & secondary education; report.**

*Chief patron:* Landes

*Summary:* Establishes a two-year joint committee consisting of seven members of the House Committee on Education and six members of the Senate to study the future of public elementary and secondary education in the Commonwealth. This resolution is identical to [SJ 85](#) (Deeds).

#### **SJ 63 Child day programs; Department of Social Services to study programs exempt from licensure.**

*Chief patron:* Hanger

*Summary:* Requests the Department of Social Services to (i) review all categories of child day programs exempt from licensure under § 63.2-1715, (ii) formulate recommendations regarding whether such programs should remain exempt from licensure or whether any modifications are necessary to protect the health and well-being of the children receiving care in such programs, and (iii) consult with all relevant stakeholders.

#### **SJ 88 Early childhood development programs; JLARC to study specific programs.**



*Chief patron:* Norment

*Summary:* Directs the Joint Legislative Audit and Review Commission to study specific early childhood development programs, prenatal to age five, in the Commonwealth in order for the General Assembly to determine the best strategy for future early childhood development investments. The Commission shall report to the 2018 Session of the General Assembly.

## **2016 Appropriation Act**

### **Item 132.E**

The Department shall convene an interagency workgroup to assess the barriers to serving students with disabilities in their local public schools. The workgroup shall assess existing policies and funding formulas including school divisions' program requirements, localities' composite indices, local Children's Services Act (CSA) match rate allocations, local CSA rate setting practices, the impact of caps on support positions, policies for transitioning students back to the public school, and funding for local educational programming based on models which are collaborative and create savings for both local and state government while providing youth an educational option within their communities. Membership shall include a balance of local and state representatives, all impacted state agencies, Local Education Agency (LEA) representatives, local CSA representatives, local government officials, local special education administrators, stakeholder organizations, parent representatives, the Arc of Virginia, the Coalition for Students with Disabilities, and members of the Virginia General Assembly. The workgroup shall make recommendations to the Virginia Commission on Youth prior to the 2017 General Assembly Session.

### **Item 137.G**

By November 1 each year, school divisions shall report to the Department of Education the status of broadband connectivity capability of schools in the division on a form to be provided by the Department. Such report shall include school-level information on the method of Internet service delivery, the level of bandwidth capacity and the degree such capacity is sufficient for delivery of school-wide digital resources and instruction, degree of internet connectivity via Wi-Fi, cost information related to Internet connectivity, data security, and such other pertinent information as determined by the Department of Education. The Department shall provide a summary of the division responses in a report to be made available on its agency Web site.

### **Item 137.H**

The Department of Education is directed to holistically review the statewide use of technology in the classroom and all sources of digital content development, and online learning such as virtual courses and innovative blended learning language and literacy technology options. The review shall include, but not be limited to, various types of technology currently used in the classroom such as personal computers, tablets, laptops, or other hand held devices, and how any such technology are used and coordinated with the various types of digital content or on-line options that support student academic improvement. The Department of Education shall report its preliminary findings to the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2017.

## **Letter**

Governor McAuliffe wrote to Dr. Staples (letter dated April 5, 2016) and asked that he establish a working group to look at virtual learning options and to include the advocates for and patron of HB 8 (2016, vetoed). A report to the Governor on plans to further enhance virtual learning in the Commonwealth is due by November 15, 2016.

## **Legislation Vetoed by the Governor**

### **HB 8 Virginia Virtual School; Board established.**

*Chief patron:* Bell, Richard P.

*Summary:* Establishes the Board of the Virginia Virtual School (the Board) as a policy agency in the executive branch of state government for the purpose of governing the full-time virtual school programs offered to students enrolled in the Virginia Virtual School (the School). The Secretary of Education is responsible for such agency. The 14-member Board is given operational control of the School and assigned powers and duties. Beginning with the 2018-2019 school year, the bill requires the School to be open to any school-age person in the Commonwealth and provide an educational program meeting the Standards of Quality for grades kindergarten through 12, with a maximum enrollment of 5,000 students statewide. The bill requires the average state share of Standards of Quality per pupil funding for each enrolled student to be transferred to the School.

**Note: Governor McAuliffe's April 5, 2016 letter to Dr. Staples is described above.**

### **HB 259 SOL; Board of Education prohibited from adopting revisions that implement Common Core State Standards.**

*Chief patron:* LaRock

*Summary as introduced:* Prohibits the Board of Education from replacing the educational objectives known as the Standards of Learning with Common Core State Standards without the prior statutory approval of the General Assembly but permits the Board to continue or create an educational standard or assessment that coincidentally is included in the standards referred to as the Common Core State Standards.

### **HB 389 Virginia Parental Choice Education Savings Accounts; established, report, effective clause.**

*Chief patron:* LaRock

*Summary:* Permits the parents of certain students with disabilities to apply to their resident school division for a Parental Choice Education Savings Account, to consist of the student's Standards of Quality per pupil funds and to be used for certain expenses of the student, including: (i) tuition, fees, or required textbooks at a private elementary or secondary school or preschool that is located in the Commonwealth and does not discriminate on the basis of race, color, or national origin; (ii) educational therapies or services for the student from a practitioner or provider, including paraprofessionals or educational aides; (iii) tutoring services; (iv) curriculum; (v) tuition or fees for a private online learning program; (vi) fees for a nationally standardized norm-referenced achievement test, an Advanced Placement examination, or any examination taken to gain admission to an institution of higher education; or (vii) tuition fees or required textbooks at a public two-year or four-year institution of higher education in the Commonwealth or at an accredited private institution of higher education in the Commonwealth. The bill also contains provisions for the audit and revocation of such accounts. The bill contains a reenactment clause.

### **HB 516 Education, Board of; policy on sexually explicit instructional material.**

*Chief patron:* Landes

*Summary:* Requires the Board of Education to establish a policy to require each public elementary or secondary school to: (i) notify the parent of any student whose teacher reasonably expects to provide instructional material that includes sexually explicit content, as defined by the Board; (ii) permit the parent of any student to review instructional material that includes sexually explicit content upon request; and (iii) provide, as an alternative to instructional material and related academic activities that include sexually explicit content, nonexplicit instructional material and related academic activities to any student whose parent so requests.

### **HB 518 School boards, local; to provide students with option to transfer to another school division.**

*Chief patron:* LeMunyon

*Summary as passed House:* Requires, notwithstanding any agreement, waiver from the federal government, or provision of law to the contrary, the Board of Education, effective starting with the 2017-2018 school year, to select 12 schools identified for comprehensive support and improvement and require such schools to provide all enrolled students with the option to transfer to another public school in the school division in accordance with relevant federal law and subject to certain conditions and limitations established by the relevant local school board. The bill will not become effective unless reenacted by the 2017 Session of the General Assembly, except that the Board of Education is directed to report on the costs of implementation of the bill to the relevant General Assembly committees.

### **HB 1234 School security officers; carrying a firearm.**

*Chief patron:* Lingamfelter

*Summary as passed:* Authorizes a school security officer to carry a firearm in the performance of his duties if he is a retired law-enforcement officer who meets the firearms training standards for active law-enforcement officers, the local school board grants him the authority to carry a firearm in the performance of his duties, and he is not otherwise prohibited by state or federal law from possessing a firearm.

### **SB 612 Students who receive home instruction; participation in interscholastic programs.**

*Chief patron:* Garrett

*Summary as introduced:* Prohibits public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who: (i) receives home instruction; (ii) has demonstrated evidence of progress for two consecutive academic years; (iii) is in compliance with immunization requirements; (iv) is entitled to free tuition in a public school; (v) has not reached the age of 19 by August 1 of the current academic year; (vi) is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; (vii) complies with all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and (viii) complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physical examinations, and transfers applicable to all high school athletes. The bill provides that no local school board is required to establish a policy to permit students who receive home instruction to participate in interscholastic programs. The bill permits reasonable fees to be charged to students who receive home instruction to cover the costs of participation in such interscholastic programs, including the costs of additional insurance, uniforms, and equipment. The bill has an expiration date of July 1, 2021, and is identical to [HB 131](#) (Bell, Robert B.).

I hope this information will assist you and your school boards as you plan for and implement this year's education-related legislation. Technical assistance is available from the VDOE to help with the implementation of these measures. If you have any questions or require assistance, please do not hesitate to contact the Office of Policy and Communications at (804) 225-2092 or by e-mail at [policy@doe.virginia.gov](mailto:policy@doe.virginia.gov).

