



COMMONWEALTH of VIRGINIA
Department of Education

DATE: June 26, 2020
TO: Division Superintendents
FROM: James F. Lane, Ed.D., Superintendent of Public Instruction
SUBJECT: **Final Legislative Report from the 2020 Virginia General Assembly**

This memorandum provides school superintendents and division personnel with information on legislation of interest that was approved by the 2020 Virginia General Assembly and signed by Governor Northam.

The final legislative tracking reports for the 2020 General Assembly session are posted on the Virginia Department of Education's (VDOE) [education legislation webpage](#). These reports detail the final actions on education-related legislation, including Appropriation Act language and resolutions.

By clicking on the bill or resolution number in this memo, you will be directed to the text of the final version of the legislation. You can also navigate from this page to find more detail on the history of the bill or resolution as well as any amendments. While bill summaries are provided below, I encourage you to use the links provided to review the actual text of the legislation.

Required Actions

All legislation will become effective on July 1, 2020, unless otherwise indicated. For some legislation, a separate Superintendent's Memorandum will be distributed in order to provide more detailed information.

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 at (804) 225-2092 or by e-mail at policy@doe.virginia.gov.

Appropriation Act

During the reconvened session on April 22, 2020, the General Assembly approved [HB 30](#), also referred to as the Appropriation Act or the 2020-2022 biennium budget bill, which was subsequently signed by Governor Northam on May 21, 2020. Because of the significant impact of COVID-19 on economic forecasts, several programs that had been incorporated into the reenrolled budget bill in early March were “unallotted” in the reconvened session. Unallotted programs were not removed from Appropriation Act language, but rather, their funding is suspended and implementation is contingent on available revenue. Items with unallotted funding are noted below.

The below is not an exhaustive list of requirements or policy changes included in the Appropriation Act but only highlights major initiatives or changes that accompanied legislative changes.

Early Childhood Care and Education. The Governor’s introduced budget proposed over \$95 million over the biennium of additional state support to maximize pre-kindergarten access for at-risk three- and four-year-old children through the Virginia Preschool Initiative (VPI). The reenrolled budget maintained a significant increase in funding for the VPI, however, the increased funding amounts were unallotted due to the economic impact of COVID-19. The Virginia Preschool Initiative remains funded at an amount comparable to the 2018-2020 biennium budget. ([Item 145.C.14](#) and unallotment language in [Item 146.10](#)). Additional funding for an expanded Classroom Assessment Scoring System observation program for VPI classrooms was also unallotted. ([Item 137.I](#) and unallotment language in [Item 143.10](#))

In addition to increased access to early childhood care and education, the Appropriation Act supplements the requirements set out in the early childhood care and education consolidation bills ([HB 1012](#) and [SB 578](#)), which facilitate the transfer of early childhood care from the Virginia Department of Social Services to VDOE.

English Learners. Over \$82 million and \$95 million was appropriated in the first and second years, respectively, to support the state share of 20 professional instructional positions per 1,000 students for whom English is a second language, in support of scaled up Standards of Quality staffing ratios provided for in [HB 975](#) and [SB 910](#). ([Item 145.C.18](#))

School counselors. Notwithstanding the new minimum staffing ratio for school counselors provided for in [HB 1508](#) and [SB 880](#), the Appropriation Act established the following required counselor positions: 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; in high schools, one period per 65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof. ([Item 145.B.7.g](#))

Accreditation

[HB 1388](#) (Adams) **Public school accreditation; triennial review.** Eliminates the ability of a school that only maintains a passing rate on Virginia assessment program tests or additional tests approved by the Board of Education of 95 percent or above in each of the four core academic areas for two consecutive years to apply for and receive a waiver of accreditation from the Department of Education, which waiver confers full accreditation for a three-year period. Current law provides high-performing schools a separate pathway to obtain three-year accreditation.

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

Data and Reports

[HB 271](#) (VanValkenburg) and [SB 170](#) (Locke) **Public schools; school resource officers; data.** Requires the Department of Criminal Justice Services, in coordination with the Department of Education and the Department of Juvenile Justice, to annually collect, report, and publish data related to incidents involving students and school resource officers. The bill also requires the Virginia Center for School and Campus Safety to analyze and disseminate submitted data.

[HB 376](#) (Willet) **Teachers, other instructional personnel, and support staff; shortages; data; reporting.** Requires (i) each school board to report to the Department of Education annually the number and type of teacher, other instructional personnel, and support staff vacancies in the school division and (ii) each approved education preparation program to report to the Department of Education annually the number of individuals who completed the program by

endorsement area. The bill requires the Department of Education to (a) establish deadlines for and the format of the reporting of such data and (b) aggregate and report such data annually on the Department's website.

[HB1443](#) (VanValkenburg) **Department of Education; biennial teacher compensation review.** Requires the Department of Education to conduct a biennial review of teacher compensation that takes into consideration the Commonwealth's compensation for teachers relative to the national average teacher salary. Current law requires the Director of Human Resource Management to complete such biennial review and to compare compensation for teachers relative to member states in the Southern Regional Education Board.

[HB 1653](#) (Wilt) **Department of Education; data collection; school counselor positions.** Requires the Department of Education to collect data from school boards regarding their ability to fill school counselor positions, including (i) the number of school counselors employed in elementary, middle, and high schools in the local school division; (ii) the number and duration of school counselor vacancies; (iii) the number, role, and license type of other licensed counseling professionals employed by the school board; and (iv) information about their preferences for meeting updated school counselor to student ratios with other licensed counseling professionals. The bill requires the Department to report the results of such data collection to the Governor, the Secretary of Education, the House Committee on Appropriations, and the Senate Committee on Finance and Appropriations no later than June 30, 2021.

Discipline

[HB 256](#) (Mullin) and **[SB 3](#)** (McClellan) **Disorderly conduct; students.** Provides that an elementary or secondary school student is not guilty of disorderly conduct in a public place if the disorderly conduct occurred on the property of an elementary or secondary school, on a school bus, or at any activity conducted or sponsored by any elementary or secondary school.

[HB257](#) (Mullin) and **[SB729](#)** (McClellan) **School principals; incident reports.** Eliminates the requirement that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense.

[HB 415](#) (Delaney) **Discipline; suspension; access to graded work.** Requires school boards to adopt policies and procedures to ensure suspended students are able to access and complete graded work during and after the suspension.

[HB 1081](#) (Guzman) and **[SB 237](#)** (Barker) **School attendance officers; petitions for violation of a school attendance order.** Provides that an attendance officer, or a division superintendent or his designee when acting as an attendance officer, to complete, sign, and file with the intake

officer of the juvenile and domestic relations district court, on forms approved by the Supreme Court of Virginia, a petition for a violation of a school attendance order entered by the juvenile and domestic relations district court in response to the filing of a petition alleging the pupil is a child in need of supervision. The bill provides that such actions do not constitute the unauthorized practice of law.

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

Early Childhood

[HB 1012](#) (Bulova) and **[SB 578](#)** (Howell) **Early childhood care and education; licensing.** Requires the Board of Education to establish a statewide unified public-private system for early childhood care and education in the Commonwealth to be administered by the Board of Education, the Superintendent of Public Instruction, and the Department of Education. The bill transfers the authority to license and regulate child day programs and other early child care agencies from the Board of Social Services and Department of Social Services to the Board of Education and Department of Education. The bill maintains current licensure, background check, and other requirements of such programs. Such provisions of the bill have a delayed effective date of July 1, 2021. The bill requires the Superintendent of Public Instruction to establish a plan for implementing the statewide unified early childhood care and education system and requires the Department of Social Services and the Department of Education to enter into a cooperative agreement to coordinate the transition. The bill also requires the Board of Education to establish, no later than July 1, 2021, a uniform quality rating and improvement system designed to provide parents and families with information about the quality and availability of certain publicly funded early childhood care and education providers and to publish the initial quality ratings under such system in the fall of 2023.

Employment

[HB 74](#) (Kory) and [SB 619](#) (Deeds) **School boards; mental health awareness training. Requires each school board to (i) adopt and implement policies that require each teacher and other relevant personnel, as determined by the school board, employed on a full-time basis, to complete a mental health awareness training or similar program at least once and (ii) provide such training, which may be provided pursuant to a contract with the Department of Behavioral Health and Developmental Services, a community services board, a behavioral health authority, a nonprofit organization, or other certified trainer or via an online module.**

[HB 365](#) (Carroll Foy) and [SB 98](#) (Locke) **Public elementary and secondary school teachers; probationary term of service; performance evaluation. Removes (i) the option for local school boards to extend the three-year probationary term of service for teachers by up to two additional years and (ii) the prohibition against school boards reemploying any teacher whose performance evaluation during the probationary term of service is unsatisfactory.**

[HB 392](#) (Ward) **School boards; applicants for employment; criminal history. Prohibits each school board from employing any individual who has been convicted of a violent felony set forth in the definition of barrier crime in subsection A of § 19.2-392.02 of the Code of Virginia or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child. The bill permits each school board to employ any individual who has been convicted of any felony or crime of moral turpitude that is not set forth in the definition of barrier crime in subsection A of § 19.2-392.02 of the Code of Virginia and does not involve the sexual molestation, physical or sexual abuse, or rape of a child, provided that in the case of a felony conviction, such individual has had his civil rights restored by the Governor. The bill contains parallel provisions for contractors and their employees who have direct contact with students on school property during regular school hours or during school-sponsored activities. Current law provides that any felony conviction is a bar to employment and contract work in public schools.**

[HB 570](#) (Guzman) and [SB 167](#) (Favola) **Dismissal of teachers; grounds; incompetency. Removes the definition of "incompetency" for the purpose of establishing grounds for the dismissal of public school teachers.**

[HB 1049](#) (Levine) **Prohibited discrimination; sexual orientation and gender identity. **Prohibited discrimination; sexual orientation and gender identity.** No public charter school shall discriminate against any individual on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, ancestry, or need for special education services or any other unlawful basis, and each public charter school shall be subject to any court-ordered desegregation plan in effect for the school division.**

No school board or any agent or employee thereof shall discriminate in employment on the basis of sexual orientation or gender identity.

HB 1513 (McQuinn) **Health insurance credits for retired school division employees other than teachers.** Requires school divisions to provide a health insurance credit of \$1.50 per year of service to non-teacher employees of a local school division with at least 15 years of total creditable service. In addition, localities may elect to provide such individuals an additional health insurance credit of up to \$1 per month for each year of creditable service. However, the bill provides that the additional benefits for retired school division employees other than teachers shall not be paid to any such employee prior to July 1, 2021.

This measure does not apply to any local school division employee who retired on disability prior to July 1, 2020, if this measure would reduce the monthly credit currently payable to such former member. Eligible employees who retired prior to July 1, 2020, and did not receive a health insurance credit prior to that date will only receive the \$1.50 per year of service health insurance credit prospectively.

SB 377 (Bell) **Teacher grievance procedures; hearing; three-member fact-finding panel.** Permits a school board to conduct a teacher grievance hearing before a three-member fact-finding panel consisting of one member selected by the teacher, one member selected by the division superintendent, and an impartial hearing officer selected by the other two panel members to serve as the chairman of the panel. Under current law, the school board has the option of appointing a hearing officer or conducting such hearing itself. The bill also removes the requirement that a teacher grievance hearing be set within 15 days of the request for such hearing and extends from five days to 10 days the minimum period of advanced written notice to the teacher of the time and place of such hearing.

SB 832 (Ebbin) **Private schools; sexual misconduct; employment assistance prohibited.** Requires the governing boards or administrators of private elementary and secondary schools accredited on behalf of the Board of Education by the Virginia Council for Private Education to adopt and implement policies prohibiting any individual who is a governing board member, administrator, employee, contractor, or agent of such school to assist a governing board member, administrator, employee, contractor, or agent of such school in obtaining a new job if such individual knows or has probable cause to believe that the individual seeking new employment engaged in sexual misconduct regarding a minor or student in violation of law.

Facilities

[HB 797](#) (Askew) and **[SB392](#)** (McPike) **Local school boards; lead testing; report; parental notification.** Requires each local school board's plan to test and remediate certain potable water sources to be consistent with guidance published by the U.S. Environmental Protection Agency or the Department of Health. The bill requires each local school board to submit such testing plan and report the results of any such test to the Department of Health. The bill also requires local school boards to take all necessary steps to notify parents if testing results indicate lead contamination that exceeds 10 parts per billion.

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

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

Instruction

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

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

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

[HB 1276](#) (O'Quinn) **School boards; career and technical education; academic and career plans; contents.** Requires each school board to include, as part of each student's academic and career plan in the career and technical education curricula, a list of (i) the top 100 professions in the Commonwealth by median pay and the education, training, and skills required for each such profession and (ii) the top 10 degree programs at institutions of higher education in the Commonwealth by median pay of program graduates. The bill requires the Department of Education to annually compile such lists and provide them to each local school board.

[SB 238](#) (Barker) **Public schools; kindergarten instructional time.** Increases from 540 hours to 990 hours the minimum instructional hours in a school year for students in kindergarten, beginning July 1, 2022. The bill directs the Board of Education to adopt regulations by July 1, 2022, establishing standards for accreditation that include a requirement that the standard school

day for students in kindergarten average at least 5.5 instructional hours in order to qualify for full accreditation.

Family Life Education

[HB 1336](#) (Keam) **Family life education; Standards of Learning and curriculum guidelines; contemporary community standards; review.** Requires each school board to conduct a review of its family life education curricula at least once every seven years, to evaluate whether such curricula reflect community standards, and to revise such curricula if necessary.

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

Graduation Requirements

[HB 516](#) (Bulova) and **[SB 112](#)** (Suetterlein) **Public schools; diploma requirements; dual enrollment and work-based learning options.** Requires the Board of Education to include in its graduation requirements the options for students to complete a dual enrollment course or high-quality work-based learning experience.

[SB 323](#) (Barker) **Board of Education; high school graduation requirements; certain substitutions.** Requires the Board of Education, in establishing high school graduation requirements, to permit a student who is pursuing an advanced diploma and whose individualized education program specifies a credit accommodation for world language to substitute two standard units of credit in computer science for two standard units of credit in a world language. The bill provides that for any student electing to substitute a credit in computer science for credit in world language, his school counselor shall provide notice to the student and parent or guardian of possible impacts related to college entrance requirements.

Work-based Learning

[HB 1680](#) (Tyler) **Board of Education; Career and Technical Education Work-Based Learning Guide.** Requires the Board of Education to review and revise, in consultation with certain stakeholders and no later than December 1, 2020, its Career and Technical Education

Work-Based Learning Guide to expand the opportunities available for students to earn credit for graduation through high-quality, work-based learning experiences or, in the case of agricultural education, supervised agricultural experiences, in addition to job shadowing, mentorships, internships, and externships.

Miscellaneous

[HB 973](#) (VanValeknburg) and **[SB 900](#)** (Lucas) **Elementary and secondary schools and institutions of higher education in the Commonwealth; racial segregation; repeal of provisions.** Repeals several Acts of Assembly from 1901 to 1960 that contain provisions relating to the racial segregation of students in elementary and secondary schools and institutions of higher education in the Commonwealth.

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

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

[SB 1040](#) (Vogel) **School board member compensation; City of Winchester.** Authorizes the City of Winchester to compensate its school board members with an annual salary not to exceed \$4,500.

School Nutrition

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

[HB 698](#) (Roem) **School boards; distribution of excess food.** Allows public school boards to distribute excess food to students eligible for the School Breakfast Program or National School Lunch Program administered by the U.S. Department of Agriculture or to students who the school board determines are otherwise eligible to receive excess food. A school board is also allowed to develop a policy for distributing excess food, saving it for later, or donating it.

[HB 703](#) (Roem) **School meal debt; donations.** Permits any school board to solicit and receive any donation or other funds for the purpose of eliminating or offsetting any school meal debt at any time and requires each school board to use any such funds solely for such purpose.

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

School Safety and Security

[HB 270](#) (VanValkenburg) **Public schools; lock-down drills; notice to parents.** Requires every public school to provide the parents of enrolled students with at least 24 hours' notice before the school conducts any lock-down drill. The bill specifies that no such notice is required to include the exact date and time of the lock-down drill.

[HB 292](#) (VanValkenburg) and **[SB 221](#)** (Locke) **School boards and local law-enforcement agencies; memorandums of understanding; frequency of review and public input.** Shortens from every five years to every two years the frequency of the review period for memorandums of understanding between school boards and local law-enforcement agencies. The bill also requires local school boards to conspicuously publish the current division memorandum of understanding on its division website and provide notice and opportunity for public input during each memorandum of understanding review period.

[HB 402](#) (Kearney) **Public schools; lock-down drills; frequency; exemptions.** Requires every public school to hold at least one lock-down drill after the first 60 days of the school session, in addition to the two lock-down drills required to be held during the first 20 days of the school session at each such school. Current law requires each public school to hold at least two lock-down drills after the first 20 days of the school session. The bill requires pre-kindergarten and kindergarten students to be exempt from mandatory participation in lock-down drills during the first 60 days of the school session and requires local school boards to develop policies to implement such exemption.

[HB 501](#) (Krizek) **School boards; written school crisis, emergency management, and medical emergency response plans; annual review; delegation of duty.** Permits each school board to designate another entity or individual to participate on its behalf in the annual review of its written school crisis, emergency management, and medical emergency response plan.

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

[HB 1419](#) (Jones) and **[SB 171](#)** (Locke) **School resource officers and school security officers; training standards.** Requires school resource officers and school security officers to receive training specific to the role and responsibility of a law-enforcement officer working with students in a school environment that includes training on (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques such as physical alternatives to restraint; (v) disaster and emergency response; (vi) awareness of cultural diversity and implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research.

[HB 1495](#) (Torian) and **[SB 54](#)** (Cosgrove) **Virginia Retirement System; retired law-enforcement officers employed as school security officers.** Allows a retired law-enforcement officer to continue to receive his service retirement allowance during a subsequent period of employment by a local school division as a school security officer, so long as he has a break in service of at least 12 calendar months between retirement and reemployment, did not retire under an early retirement program, and did not retire under the Workforce Transition Act of 1995.

[SB 173](#) (Hanger) **Prohibition on possession of stun weapon on school property; exemptions.** Allows the holder of a valid concealed handgun permit to possess a stun weapon on school property while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school. The bill also allows a stun weapon to be stored in a closed container in a motor vehicle while such vehicle is on school property.

[SB 594](#) (Hanger) **Public School Security Equipment Grant Act of 2013; eligible security equipment.** Classifies security-related devices located outside of the school building on school property and security-related devices located on school buses as eligible security equipment

under the Public School Security Equipment Grant Act of 2013.

[SB 595](#) (Hanger) **Public School Security Equipment Grant Act of 2013; eligible security equipment; vaping detectors.** Classifies vaping detectors as eligible security equipment under the Public School Security Equipment Grant Act of 2013.

Special Education

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

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

[SB 585](#) (Dunnivant) **Guardianship for incapacitated persons.** Provides that if the respondent to a guardianship or conservatorship petition is between 17 and a half and 21 years of age and has an Individualized Education Plan (IEP), the guardian ad litem appointed to represent the respondent shall review the IEP and include the results of his review in the report required to be submitted to the court and requires the Superintendent of Public Instruction to make available transitional materials prepared by the Department of Education that include information about powers of attorney and guardianship to be provided to students and parents during the student's annual IEP meeting.

Staffing and Ratios

[HB 1508](#) (McQuinn) and **[SB 880](#)** (Locke) **Minimum staffing ratio for school counselors.** Requires local school boards to employ school counselors in accordance with the following ratios, effective with the 2020-2021 school year: in elementary schools, one hour per

day per 75 students, one full-time equivalent at 375 students, one hour per day additional time per 75 students or major fraction thereof; in middle schools, one period per 65 students, one full-time equivalent at 325 students, one additional period per 65 students or major fraction thereof; and in high schools, one period per 60 students, one full-time equivalent at 300 students, one additional period per 60 students or major fraction thereof. The bill also requires local school boards to employ one full-time equivalent school counselor position per 325 students in grades kindergarten through 12, effective with the 2021-2022 school year. *Note this legislation is impacted by unallotments in the Appropriation Act.

[HB 975](#) (Guzman) and [SB 910](#) (Hashmi) Instructional positions; students identified as having limited English proficiency. Requires, effective with the 2020-2021 school year, state funding to be provided pursuant to the general appropriation act to support 18.5 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency and, effective with the 2021-2022 school year, 20 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency. Current law requires state funding to support 17 such positions for each 1,000 such students.

[HB 1143](#) (Tran) Local school boards; support services positions; licensed behavior analysts and licensed assistant behavior analysts. Includes licensed behavior analysts and licensed assistant behavior analysts as support services positions in a local school division for the purposes of Title 22.1 (Education).

[HB 1722](#) (Roem) Department of Education; guidance and resources; applied behavior analysis services. Requires the Department of Education to develop and publish no later than November 16, 2020, guidance and resources relating to the provision of applied behavior analysis services in public schools for students who are in need of such services.

Student Health

[HB 405](#) (Keam) and [SB 232](#) (Boysko) Menstrual supplies; availability; public elementary, middle, and high schools. Requires each school board to make tampons or pads available, at all times and at no cost to students, (i) in such accessible locations as it deems appropriate in each elementary school in the local school division and (ii) in the bathrooms of each middle school and high school in the local school division.

[HB 817](#) (Hope) Department of Education; Department of Health; guidelines for use of digital devices in public schools. Requires the Department of Education, in collaboration with the Department of Health and medical professional societies, to develop and distribute health and

safety best practice guidelines for the use of digital devices in public schools no later than the 2021-2022 school year.

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

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

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

[SB 44](#) (Spruill) **Public elementary and secondary school students; topical sunscreen.** Permits any public elementary or secondary school student to possess and use topical sunscreen in its original packaging on a school bus, on school property, or at a school-sponsored event without a

note or prescription from a licensed health care professional if the topical sunscreen is approved by the U.S. Food and Drug Administration for nonprescription use for the purpose of limiting damage to skin caused by exposure to ultraviolet light.

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

Student Services

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

[HB 256](#) (Mullin) and **[SB 3](#)** (McClellan) **Disorderly conduct; students.** Provides that an elementary or secondary school student is not guilty of disorderly conduct in a public place if the disorderly conduct occurred on the property of an elementary or secondary school, on a school bus, or at any activity conducted or sponsored by any elementary or secondary school.

[HB 308](#) (Hope) **Public elementary and secondary school students; excused absences; mental and behavioral health.** Requires the Department of Education to establish and distribute to each school board no later than December 31, 2020, guidelines for the granting of excused absences to

students who are absent from school due to mental or behavioral health and requires any student who is absent from school due to his mental or behavioral health to be granted an excused absence, subject to such guidelines.

[HB 368](#) (Carroll Foy) and **[SB 275](#)** (Barker) **Public schools; enrollment; certain children placed in foster care.** Specifies that several provisions of law relating to the public school enrollment of children placed in foster care apply to any pupil who was in foster care when he reached age 18 but who has not yet reached age 22.

[HB 753](#) (Rasoul) **Department of Education; social-emotional learning and development.** Requires the Department of Education to (i) establish a uniform definition of social-emotional learning and develop guidance standards for social-emotional learning for all public students in grades kindergarten through 12 in the Commonwealth; (ii) make such standards available to each local school division no later than July 1, 2021; and (iii) issue a report no later than November 1, 2021, on the resources needed to successfully support local school divisions with the implementation of a statewide social-emotional learning program.

[HB 837](#) (Carroll Foy) **Board of Education; school boards; dress or grooming codes.** Requires the Board of Education to include in its guidelines and model policies for codes of student conduct (i) standards for reducing bias and harassment in the enforcement of any code of student conduct and (ii) standards for dress or grooming codes, which the bill defines as any practice, policy, or portion of a code of student conduct adopted by a school board that governs or restricts the attire of any enrolled student. The bill permits any school board to include in its code of student conduct a dress or grooming code. The bill requires any dress or grooming code included in a school board's code of student conduct or otherwise adopted by a school board to (a) permit any student to wear any religiously and ethnically specific or significant head covering or hairstyle, including hijabs, yarmulkes, headwraps, braids, locs, and cornrows; (b) maintain gender neutrality by subjecting any student to the same set of rules and standards regardless of gender; (c) not have a disparate impact on students of a particular gender; (d) be clear, specific, and objective in defining terms, if used; (e) prohibit any school board employee from enforcing the dress or grooming code by direct physical contact with a student or a student's attire; and (f) prohibit any school board employee from requiring a student to undress in front of any other individual, including the enforcing school board employee, to comply with the dress or grooming code.

[HB 1355](#) (Rasoul) **Community Services Efficiency Act; Department of Education; community schools.** Requires the Department of Education to establish an interagency task

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

Study Commissions

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

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

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

[SJ 15](#) (Locke) Study; Department of Education to study teacher licensing process; report. Requests the Department of Education to study the teacher licensure process and the assessment requirements therein for any inherent biases that may prevent minority teacher candidates from entering the profession.

Teacher Education and Licensure

[HB 836](#) (Carroll Foy) **Department of Education; microcredentials; plan.** Requires the Department of Education to develop a plan to adopt and implement standards for microcredentials used toward add-on endorsements and renewal of licenses earned by Virginia license holders in science, technology, engineering, and mathematics (STEM) fields. The bill requires such plan to include (i) a process for reviewing and administering educator microcredentials; (ii) assurances that educator microcredentials rely upon demonstrable evidence from the submission of artifacts, such as student projects and teacher lesson plans, that are then objectively scored against existing rubrics; and (iii) assurances that educator microcredentials focus on interrelated competencies leading to logical teacher professional development pathways and stacks of educator microcredentials and align with the Board of Education's ongoing work on educator professional development. Such plan shall also include the resources needed for statewide implementation. The bill requires the Department of Education to complete and submit the plan to the Chairmen of the House Committee on Education, the House Committee on Appropriations, the Senate Committee on Education and Health, and the Senate Committee on Finance and Appropriations no later than December 1, 2020.

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

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

[HB 1469](#) (Gooditis) **Teachers employed in certain private schools; provisional licenses;**

extension. Requires the Board of Education to extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher employed in an accredited private elementary or secondary school or a school for students with disabilities that is licensed by the Board upon receiving from the school administrator of such school (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for each year of the original three-year provisional license.

[HB 1568](#) (Rush) and [SB 978](#) (Edwards) State Board of Education; technical professional licenses; military science endorsement. Directs the State Board of Education to amend its regulations to require that persons seeking a technical professional license with an endorsement to teach military science have either the appropriate credentials issued by the United States military or a recommendation from a Virginia employing educational agency.

[HB 1613](#) (Brewer) Public school teachers; technical professional licenses; eligibility criteria. Requires the Board of Education, pursuant to regulation, to permit any individual who seeks a technical professional license to substitute the successful completion of an intensive, job-embedded, three-year program of professional development for the nine semester hours of professional studies required for such license.

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

[SB 680](#) (Mason) Teachers in certain schools for students with disabilities; provisional licenses; extension. Requires the Board of Education to extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher employed in a school for students with disabilities that is licensed by the Board upon receiving from the school administrator of such school (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for each year of the original three-year provisional license. The provisions of the bill mirror current law relating to the extension of provisional licenses for public school teachers.

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

Transportation

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

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