

## 2021 General Assembly Report

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## Assessments

[HB2027](#) (Coyner) and [SB1357](#) (Dunnavant) Standards of Learning assessments; reading and mathematics; grades three through eight; individual student growth. Requires the Board of Education to establish, in lieu of a one-time end-of-year assessment and for the purpose of providing measures of individual student growth over the course of the school year, a through-year growth assessment system, aligned with the Standards of Learning, for the administration of reading and mathematics assessments in grades three through eight. The bill requires such through-year growth assessment system to include at least one beginning-of-year, one mid-year, and one end-of-year assessment in order to provide individual student growth scores over the course of the school year, provided that the total time scheduled for taking all such assessments shall not exceed 150 percent of the time scheduled for taking a single end-of-year proficiency assessment. The bill requires the Department of Education to ensure adequate training for teachers and principals on how to interpret and use student growth data from such assessments to improve reading and mathematics instruction in grades three through eight throughout the school year. The bill provides that with such funds and content as are available for such purpose, such through-year growth assessment system shall provide accurate measurement of a student's performance, through computer adaptive technology, using test items at, below, and above the student's grade level as necessary. The bill requires full implementation of such system no later than the 2022-2023 school year and partial implementation during the 2021-2022 school year consisting of one beginning-of-year assessment and one end-of-year assessment.

## Board of Education

[HB1827](#) (Austin) Board of Education; membership; geographic representation. Requires the nine-member Board of Education to include at least five members, appointed by the Governor, who each reside in different superintendent's regions in the Commonwealth.

## Children Services Act

[HB2117](#) (VanValkenburg) and [SB1313](#) (Mason) Children's Services Act; special education programs. Requires that funds expended for private special education services under the Children's Services Act only be expended on educational programs that are licensed by the Board of Education or an equivalent out-of-state licensing agency. The bill also provides that as of July 1, 2022, such funds may only be expended for programs that the Office of Children's Services certify as having reported their tuition rates.

The bill adds children and youth previously placed in approved private school educational programs for at least six months who will receive transitional services in a public school setting to the target population for eligibility for the state pool of funds. The bill provides that state funds shall be allocated for no longer than 12 months for transitional services.

The bill requires the Secretaries of Education and Health and Human Resources, in conjunction with the Office of Children's Services and the Department of Education, to establish a work group with appropriate stakeholders to develop a detailed plan to direct the transfer of Children's Services Act funds currently reserved for children requiring an educational placement in a private special education day school or residential facility to the Department of Education, as well as several other topics. The bill requires that the work group submit its plan and recommendations to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance and Appropriations by November 1, 2021, as well as a final plan and recommendations by November 1, 2022. These bills build on recommendations from JLARC's *Review of the Children's Services Act and Private Special Ed Day School Costs* report.

## Data Sharing and Technology

[HB1876](#) (Subramanyam) Workforce development; data sharing. Expands the type of workforce development data that state agencies may share with the Virginia Workforce System. The bill removes the requirements that personal information be removed from the data and encrypted before being shared among other state agencies and with the Workforce Development System and instead requires participating agencies to enter into the memorandum of understanding supporting the Virginia Workforce Data Trust.

[SB1225](#) (Boysko) Broadband services; education. Authorizes school boards to appropriate funds for the purposes of promoting, facilitating, and encouraging the expansion and operation of broadband services for educational purposes. The bill authorizes school boards to partner with private broadband service providers to promote, implement, and subsidize broadband for educational purposes to the households of students who would qualify for (i) a child nutrition program or (ii) any other program recognized or adopted by the local school board as a measuring standard to identify at-risk students.

## Early Childhood

[HB2086](#) (McQuire) and [SB1316](#) (McClellan) Child care providers; background checks; portability. Exempts prospective employees and volunteers of certain child welfare agencies from statutory background check requirements where the individual completed a background check within the previous five years, provided that (i) such background check was conducted after July 1, 2017; (ii) the results of such background check indicated that the individual had not been convicted of any barrier crime and was not the subject of a founded complaint of child abuse or neglect; and (iii) the individual is an employee or volunteer of any child welfare agency that is subject to background check requirements or has been separated from such employment or volunteer position for not more than 180 days. The bill requires such child welfare agencies, prior to hiring or allowing to volunteer any individual without the completion of a background check, to obtain written certification from the Department of Education that such individual satisfies all such requirements and is eligible to serve as an employee or volunteer at the child welfare agency. The bill also directs the Department of Education to establish a two-year pilot program for the purpose of stabilizing and improving the quality of child care services in the Commonwealth, which shall include payment of a fixed amount of funds to providers that have agreed to meet certain standards related to quality of care provided, to the extent allowed by federal law, and to report on the pilot program by December 1 of each year.

[HB2105](#) (Bulova) Early childhood education; quality rating and improvement system participation; School Readiness Committee. Delays until the 2022-2023 school year the requirement for all publicly funded early childhood education providers to participate in a quality rating and improvement system to be established by the Board of Education by July 1, 2021. The bill also delays from the fall of 2023 to the fall of 2024 the publication of initial quality ratings for such providers. The bill reinstates the School Readiness Committee and alters the composition and scope of the work of the School Readiness Committee.

[HB2206](#) (Filler-Corn) Child Care Subsidy Program; emergency. Provides that regulations governing the Child Care Subsidy Program (the Program) shall be amended to provide that (i) a family shall be eligible for assistance through the Program if the family's income does not exceed 85 percent of the state median income, the family includes at least one child who is five years of age or younger and has not yet started kindergarten, and the family meets all other income and eligibility requirements of the Program and (ii) job search activities shall be considered eligible activities for the purposes of the Program. The bill provides that a family determined to be eligible for assistance through the Program shall be eligible to receive assistance for a period of 12 months or until the family's household income exceeds 85 percent of the state median income, whichever occurs sooner. The Department of Social Services shall administer the program, as amended by the bill, in cooperation with the Department of Education. The bill contains an emergency clause and provides that the provisions of the bill shall be applicable to applications for assistance through the Program received prior to August 1, 2021.

## Facilities and Transportation

[HB1823](#) (Askew) Public schools, child day programs, and certain other programs; carbon monoxide detectors required. Requires each building that was built before 2015 and that houses any public school classroom for students, licensed child day program, or other program that serves preschool-age children to be equipped with at least one carbon monoxide detector.

[HB2001](#) (Keam) Building standards for certain state and local buildings. Requires that any executive branch agency or institution or locality entering the design phase for the construction of a new building greater than 5,000 gross square feet in size or the renovation of a building where the cost of the renovation exceeds 50 percent of the value of the building ensure that such building has sufficient electric vehicle charging infrastructure, defined in the bill, and has features that permit the agency or institution to track the building's energy efficiency and carbon emissions. The bill authorizes the Director of the Department of General Services to grant exemptions to such standards, in writing and with certain terms. The bill requires agencies to annually report to the Governor the energy efficiency and carbon emissions metrics for each such building built or renovated.

The bill requires localities to design such building projects according to the same or similar standards, or more stringent standards if adopted by ordinance. The bill also requires that localities incorporate appropriate resilience and distributed energy features. The bill requires that any exemption from the standards granted by resolution of the governing body of a locality be made in writing and explain the basis for granting the exemption. The bill contains a delayed enactment of July 1, 2023, with respect to the provisions related to any locality with a population of less than 100,000.

[HB2118](#) (Keam) Electric Vehicle Grant Fund and Program; creation; workgroup report. Establishes the Electric Vehicle Grant Fund and Program for the purpose of (i) awarding grants on a competitive basis to public school divisions for (a) assisting with costs of replacing diesel school buses with electric school buses; (b) the implementation of recharging infrastructure or other infrastructure needed to charge or maintain such electric school buses; and (c) workforce development and training to support the maintenance, charging, and operation of such electric school buses and (ii) projects by public, private, and non-profit Virginia entities to assist with replacing diesel-fueled vehicles and machinery with electric vehicles. No allocation of funds shall be made to the Fund or the Program unless federal or nonstate funds are available to cover the entire cost of such allocation. The bill contains provisions relating to grant applications, priority, awards, and uses. The Department of Environmental Quality shall convene a stakeholder workgroup to develop recommendations for establishing and administering the Fund and Program and shall report the workgroup findings to the General Assembly.

## Instruction

[HB1790](#) (McNamara) and [SB1132](#) (Suetterlein) Public schools; severe weather conditions and other emergency situations; unscheduled remote learning days. Provides that when severe weather conditions or other emergency situations have resulted in the closing of any school in a school division for in-person instruction, the school division may declare an unscheduled remote learning day whereby the school provides instruction and student services, consistent with guidelines established by the Department of Education to ensure the equitable provision of such services, without a reduction in the amount paid by the Commonwealth from the Basic School Aid Fund. The bill prohibits any school division from claiming more than 10 unscheduled remote learning days in a school year unless the Superintendent of Public Instruction grants an extension.

[HB1865](#) (Delaney) Certain students in kindergarten through grade 3; reading intervention services. Requires reading intervention services for students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria established by the Department of Education to be evidence-based, including services that are grounded in the science of reading, and include explicit, systematic, sequential, and cumulative instruction, to include phonemic awareness, systematic phonics, fluency, vocabulary development, and text comprehension as appropriate based on the student's demonstrated reading deficiencies. The bill requires the parent of each student who receives such reading intervention services to be notified before the services begin and the progress of each such student to be monitored throughout the provision of services.

[HB1885](#) (Simonds) Department of Education; comprehensive review of computer science standards, courses, and pathways in public schools; report. Requires the Department of Education to perform a comprehensive review of the ongoing implementation of mandatory computer science standards in elementary schools and middle schools and the alignment of middle school and high school computer science courses and course pathways. The bill requires such review to include recommendations for implementation processes at the local level, profiles of implementation processes that have been successful for school divisions, a description of opportunities for enhanced collaboration with relevant computer science stakeholders to expand computer science education opportunities for all students in the Commonwealth and for relevant professional development for teachers, and examining methods of data collection annually from local school divisions pertaining to computer science implementation. The bill requires the Department of Education to prepare a report on its comprehensive review and provide such report to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health, the Secretary of Education, and the Superintendent of Public Instruction no later than November 1, 2021.

[HB1905](#) (Cole, J.G.) Economic education and financial literacy required in middle and high school grades; employment arrangements. Adds to objectives developed and approved by the Board of Education for economics education and financial literacy at the middle and high school levels the implications of various employment arrangements with regard to benefits, protections, and long-term financial sustainability. Employment arrangements is defined in the bill as full-time employment, part-time employment, independent contract work, gig work, piece work, contingent work, day labor work, freelance work, and 1099 work.

[HB1918](#) (Mugler) and [SB1169](#) (Norment) Student driver safety. Requires (i) driver education programs to include instruction on the dangers of distracted driving and speeding and (ii) a student to submit a standard application form developed by the Department of Education by which the student provides evidence that he possesses a valid driver's license or driver privilege card before being issued a pass to park a vehicle on high school property.

[HB2119](#) (Keam) Student driver education program; parent participation exemption. Exempts students who are (i) at least 18 years old, (ii) emancipated minors, or (iii) unaccompanied minors who are not in the physical custody of their parent or guardian from the requirement that the student's parent participate in the parent/student component of a school's driver education program. This parent/student component is required in Planning District 8, where the component must be in-person training. In the other school divisions that choose to offer this optional parent/student component, the parent/student component may be administered either in person or online.

[SB1190](#) (Kiggans) Board of Education; Health Standards of Learning; advanced directive education. Directs the Board of Education to include advanced directive education in its curriculum framework for the Health Standards of Learning for high school students.

[SB1303](#) (Dunnivant) Local school divisions; in-person learning. Requires school board shall offer in-person instruction to each student enrolled in the local school division in a public elementary and secondary school for at least the minimum number of required instructional hours and to each student enrolled in the local school

division in a public school-based early childhood care and education program for the entirety of the instructional time provided pursuant to such program. In-person instruction is contingent on certain public health parameters and the status of the Governor's declared state of emergency related to COVID-19. The bill includes a sunset clause to expire on August 1, 2022.

## Local School Boards and Divisions

[HB1798](#) (Tyler) and [SB1175](#) (Ruff) Brunswick County school board; appointed school board salaries. Removes the Brunswick County school board from the list of approved member salaries for appointed school boards. The Brunswick County school board is currently an elected school board.

[HB1838](#) (Reid) Loudoun County school board; staggered terms. Enables the Loudoun County school board to stagger the terms of its members at the November election immediately preceding the end of the board's term and upon the board's prior vote for staggered terms.

[HB2091](#) (Austin) and [SB1267](#) (Deeds) Charter; City of Covington; consolidated school division; salaries. Amends the charter for the City of Covington to help facilitate the consolidation of the school divisions of the City of Covington and Alleghany County. The bill sets out the salary of a school board member of such consolidated school district and shall become effective on July 1, 2022, provided that the consolidation of the City of Covington and Alleghany County school divisions is approved by the Board of Education prior to that date.

[HB2176](#) (Torian) School board policies; abusive work environments; definitions. Defines, for the purposes of mandatory school board policies relating to abusive work environments, the terms "abusive conduct," "abusive work environment," "physical harm," and "psychological harm."

## Miscellaneous

[HB1940](#) (Rasoul) and [SB1439](#) (McClellan) Department of Education; guidelines on excused student absences; civic engagement. Provides that, subject to guidelines established by the Department of Education, each school board (i) shall permit one school day-long excused absence per school year for any middle school or high school student in the local school division who is absent from school to engage in a civic event and (ii) may permit additional excused absences for such students who are absent for such purposes. The bill also provides that local school boards may require that the student provide advance notice of the intended absence and require that the student provide documentation of participation in a civic event.

[HB2058](#) (Simonds) Virginia STEM Education Advisory Board; established; report. Creates the Virginia Science, Technology, Engineering, and Mathematics (STEM) Advisory Board to create a unified vision regarding STEM education initiatives, language, and measures of success to promote a culture of collaboration for STEM programming in the Commonwealth. The Board shall develop the infrastructure for creating STEM Regional Hubs and naming STEM Champions in communities across the Commonwealth. Additionally, the Board shall report annually to the Governor and the General Assembly on STEM challenges, goals, and successes across the Commonwealth.

[SB1150](#) (Kiggans) Department of Veterans Services; Military Spouse Liaison; position created. Establishes the position of Military Spouse Liaison (the Liaison) in the Department of Veterans Services to conduct outreach and advocate on behalf of military spouses in the Commonwealth. The bill directs the Liaison to report by December 1 of each year through the Commissioner of the Department of Veterans Services to the Secretary of Veterans and Defense Affairs, the Governor, and the General Assembly on the work of the Liaison and any legislative recommendations. The provisions of the bill are contingent on funding in a general appropriation act.

## School Health and Nutrition

[HB2013](#) (Roem) School board policies; school meal debt; enforcement. Requires each school board to adopt a policy that prohibits the board from filing a lawsuit against a student's parent because the student cannot pay for a meal at school or owes a school meal debt.

[HB2019](#) (McQuinn) Public elementary and secondary schools; possession and administration of undesignated stock albuterol inhalers and valved holding chambers. Requires each local school board to adopt and implement policies for the possession and administration of undesignated stock albuterol inhalers and valved holding chambers in every public school in the local school division, to be administered by any school nurse, employee of the school board, employee of a local governing body, or employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valved holding chambers for any student believed in good faith to be in need of such medication. The bill requires the Department of Health, in conjunction with the Department of Education, to develop and implement policies for the administration of stock albuterol in public schools.

[HB2135](#) (Roem) Certain school boards; student meals; participation in the Afterschool Meal Program. Requires each school board that governs a local school division that has a student population that qualifies for free and reduced-price meals at a minimum percentage of 50 percent in the prior school year and simultaneously offers educational or enrichment activities and is consequently eligible to participate in the Afterschool Meal Program administered by the U.S. Department of Agriculture Food and Nutrition Service (FNS) Child and Adult Care Food Program to apply to the Department of Education to participate in the Afterschool Meal Program for each such school to subsequently and simultaneously serve federally reimbursable meals and offer an afterschool education or enrichment program, pursuant to FNS guidelines and state health and safety standards. The bill requires the Department of Education to administer the Afterschool Meal Program on behalf of the U.S. Department of Agriculture. The bill provides that the Superintendent of Public Instruction shall issue a waiver to this requirement upon determination that participation is not financially viable for a school or group of schools. The bill requires the Department of Education to develop a process and criteria for evaluating such waivers. The bill has a delayed effective date of July 1, 2022.

[SB1307](#) (Dunnavant) Department of Medical Assistance Services; school-based health services; telemedicine. Directs the Board of Medical Assistance Services to amend the state plan for medical assistance services to provide for payment of medical assistance for health care services provided in any public or private primary or secondary school, regardless of whether the student receiving care has an individualized education program or whether the health care service is included in a student's individualized education program. The bill requires that covered services include applied behavior analysis, preventive health care, behavioral health care, diagnostic care including routine screenings, and acute care services and that services may be provided in person or through telemedicine. The bill also requires the Department of Medical Assistance Services to provide technical assistance to the Department of Education and local school divisions to facilitate their understanding of and compliance with federal ordering, referring, and prescribing (ORP) provider screening and enrollment requirements.

[SB1322](#) (DeSteph) Public schools; seizure management and action plans; biennial training. Provides for the submission and utilization of seizure management and action plans for students with a seizure disorder. The bill requires that school nurses and certain school division employees biennially complete Board of Education-approved training in the treatment of students with seizure disorders. The bill provides immunity from civil liability for acts or omissions related to providing for the care of a student under a seizure management and action plan.

## School Safety

[HB1909](#) (Subramanyam) Certain school board property; establishment of gun-free zone permitted. Permits any school board to deem any non-school zone property that it owns or leases as a gun-free zone and prohibit any individual from knowingly possessing any firearm designed or intended to expel a projectile by action of an explosion of a combustible material while such individual is upon such property, except certain individuals such as law-enforcement officers and qualified retired law-enforcement officers.

[HB1998](#) (Murphy) Public schools; lock-down drills; annual requirement. Reduces from three to two the minimum number of mandatory annual lock-down drills in each public elementary and secondary school in the Commonwealth.

## Special Education

[HB1866](#) (Delaney) Court-appointed special advocates; information sharing. Permits court-appointed special advocates to participate in and share information with family partnership meetings and in meetings of family assessment and planning teams, multidisciplinary child sexual abuse response teams, individualized education program teams, and multidisciplinary teams related to child abuse.

[HB2182](#) (Wilt) Board of Education; definition of "traumatic brain injury." Requires the Board of Education to amend its regulatory definition of "traumatic brain injury," for the purpose of the provision of special education for children with disabilities, to include an acquired injury to the brain caused by a medical condition, including stroke, anoxia, infectious disease, aneurysm, brain tumors, and neurological insults resulting from medical or surgical treatments. The current regulatory definition of "traumatic brain injury" includes only an acquired brain injury caused by an external physical force.

[HB2238](#) (Kory) Licensed private schools for students with disabilities; accreditation. Directs the Board of Education to require, pursuant to regulation, any private school for students with disabilities that is licensed by the Board, as a condition for renewal of its initial license to operate, to obtain accreditation from an accrediting agency recognized by the Virginia Council for Private Education within three years of the issuance of its initial triennial license by the Board. The bill provides that, notwithstanding the foregoing requirement, any private school for students with disabilities that is licensed to operate by the Board as of July 1, 2021, shall obtain accreditation from an accrediting agency recognized by the Virginia Council for Private Education no later than July 1, 2024.

[HB2299](#) (Carr) and [SB1288](#) (Dunnavant) Department of Education; duties; special education. Requires the Department of Education to (i) provide training and guidance documents to local school divisions on the development of Individualized Education Programs (IEPs) for children with disabilities, (ii) develop a training module for each individual who participates in an IEP meeting, with the exception of parents, (iii) annually conduct structured reviews of a sample of IEPs from a sufficiently large sample of local school divisions to verify that the IEPs are in compliance with state and federal laws and regulations and are of high quality, (iv) develop and maintain a statewide plan for improving (a) its ongoing oversight of local practices related to transition planning and services for children with disabilities and (b) technical assistance and guidance provided for postsecondary transition planning and services for children with disabilities, (v) develop and maintain a statewide strategic plan for recruiting and retaining special education teachers, and (vi) (a) conduct a one-time targeted review of the transition sections of a random sample of students' IEPs in each school division; (b) communicate its findings to each local school division, school board, and local special education advisory committee; and (c) ensure that local school divisions correct any IEPs that are found to be out of compliance no later than the end of the 2021-22 school year. These bills build on recommendations from JLARC's *K-12 Special Education in Virginia* report.



[HB2314](#) (Mugler) Board of Education; regulations; special education; amendment. Requires the Board of Education to amend a certain regulation relating to special education to remove the word "component" following the word "evaluation," thereby ensuring compliance with the relevant federal regulation and clarifying that the parent of a child with a disability has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the local educational agency.

[HB2316](#) (Mundon King) Department of Education and Board of Education; special education and related services for students with disabilities. Requires the Department of Education to update its special education eligibility worksheets as necessary, including clarifying any ambiguity or vagueness in eligibility criteria, and provide to each local school division the appropriate level of guidance on eligibility determinations for special education and related services. The bill requires the Board of Education to amend its regulations to ensure that each education preparation program graduate in a K-12 general education endorsement area demonstrates proficiency in understanding the role of general education teachers on the individualized education program (IEP) team. This bill builds on recommendations from JLARC's *K-12 Special Education in Virginia* report.

## Standards of Quality

[SB1257](#) (McClellan) Standards of Quality; specialized student support positions. The bill modifies a school personnel requirement in Standard 2 of the Standards of Quality. It requires each school board to provide at least three specialized student support positions, including school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions, per 1,000 students.

## Studies

[SJ308](#) (Lucas) Study; JLARC; impact of COVID-19 on Virginia's public schools, students, and school employees; report. Directs the Joint Legislative Audit and Review Commission to study the impact of COVID-19 on Virginia's public schools, students, and school employees, including (i) examining and determining reasons for barriers to student success in virtual and hybrid models as well as the overall impact of COVID-19 face-to-face learning restrictions on previously existing student achievement gaps, student achievement, and student well-being, including any disproportionate impact on at-risk populations; (ii) determining the impact of the COVID-19 pandemic on staffing levels, including the impact of teacher and school employee retirements and resignations on delivery of instruction and the ability of local school boards to fully staff their needs, employment levels, and local budgets; (iii) determining the short-term and projected long-term changes in student enrollment in response to the COVID-19 pandemic and the impact of such changes on funding levels; (iv) determining the impact of implementing COVID-19 health and safety measures in public schools; (v) evaluating public schools' level of emergency preparedness to face another pandemic or statewide crisis and making recommendations to help guide planning for such events and (vi) examining programs that can address learning loss and identifying barriers to implementing those programs, including resource gaps.

[SJ294](#) (Lewis) Study; JLARC; costs of education; report. Directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality.

## Teacher Education and Licensure

[HB1776](#) (Ward) Board of Education; temporary extension of certain teachers' licenses. Requires the Board of Education to grant a two-year extension of the renewable license of any public school teacher whose license

expires in 2021 in order to provide the teacher with sufficient additional time to complete the requirements for relicensure.

[HB1904](#) (Jenkins) and [SB1196](#) (Locke) Teachers and other licensed school board employees; cultural competency. The bill requires teacher, principal, and division superintendent evaluations to include an evaluation of cultural competency. The bill requires every person seeking initial licensure or renewal of a license from the Board of Education (i) to complete instruction or training in cultural competency and (ii) with an endorsement in history and social sciences to complete instruction in African American history, as prescribed by the Board. The bill also requires each school board to adopt and implement policies that require each teacher and any other school board employee holding a license issued by the Board to complete cultural competency training, in accordance with guidance issued by the Board, at least every two years.