

# Education Legislation

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## Appropriation Act

**Salary increases.** While giving flexibility to local school divisions, the budget makes provisions for state support for a 5% salary increase for SOQ-funded instructional and support positions. The state share of the 3% salary increase would be given to school divisions that certify that they will provide at least 3% percent in either the first or second year of the current (2018 – 2020) biennium or through a combination over both years. This amendment adds an additional 2% percent salary increase for instructional and support personnel. The state share of the 2% salary increase would be given to school divisions that certify that they will provide at least a 2% salary increase by September 1, 2019.

**Supplemental Lottery Per-Pupil Funding.** The state share of per-pupil funding from the Lottery Proceeds Fund increased from \$336.08 to \$364.15 per pupil the first year and from \$341.96 to \$367.44 per pupil the second year in adjusted March 31 average daily membership.

**School Counselors.** Effective with the 2019 – 2020 school year, the school counselor to student ratio will be lowered as follows: *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.*

**School Security.** Based on recommendations from the House Select Committee on School Safety, the House budget increased School Security Equipment Grant fund from \$6 million to \$12 million with competitive grant awards of \$250,000 annually per school division.

**Agency Mandates from the Budget.** Budget language requires the Department of Education to collect and report data that succinctly measures the progress and outcomes of students that are placed in a private provider settings by such student's public school of residence or have been placed in a private provider facilities by other legal means by which the Commonwealth is responsible for providing education. The Department will also collaborate with the Office of Children's Services to establish an advisory group to assist in refining outcome measures. The department shall begin collecting outcome data for private day special education schools in the 2019-2020 school year, if possible, but no later than the 2020-2021 school year.

The Department of Education will also have \$20,000 to conduct a brief questionnaire survey on civics education to approximately 500 high school students.

The Department of Education, in consultation with Communities In Schools of Virginia and other relevant stakeholders, shall develop, distribute to each local school division, and report to the Governor and General Assembly guidance on best practices for local school divisions to transition existing schools to community schools.

### VDOE Central Office.

The budget provides funding for one additional early childhood education staff position.

The budget provides \$348,000 to modernize the teacher licensure application process with an automated online system. This is a reduction from the introduced bill; it will allow the agency to use a subscription-based system rather than building its own.

## Accreditation and School Quality

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

**HB 2147 (Turpin) Standards for Accreditation; review and corrective action.** Aligns the state review process of underperforming schools and school divisions with the new Standards for Accreditation adopted by the Board of Education (Board). The bill requires the Board to establish a review process to assist schools not meeting the standards established by the Board. The Board shall establish a corrective action plan process for any such school within its division, including a requirement that each school board submit a corrective action plan for any school in the local school division that does not meet the established standards. The bill requires a school board of a school division that does not demonstrate progress in developing or implementing such corrective action plan to enter into a memorandum of understanding with the Board. The bill also requires the school board of an underperforming school division to enter into a memorandum of understanding with the Board prior to developing a corrective action plan.

## Discipline

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

**HB 2599 (Bell, John J.) Use of seclusion and restraint in public schools.** Requires the Board of Education, in its regulations regarding the use of seclusion and restraint in public schools, to specifically identify and prohibit the use of any method of restraint or seclusion that it determines poses a significant danger to the student and establish safety standards for seclusion.-

## Facilities

**HB 1738 (Rush) School buildings; plans to be reviewed by an individual or entity experienced in crime prevention through environmental design.** Requires the plans and specifications for new or remodeled public school building construction to be reviewed by an individual or entity with professional expertise in crime prevention through environmental design. All comments by such reviewer shall be submitted to the Superintendent of Public Instruction along with the final plans and specifications.

**HB 1753 (Sickles) School buildings; electronic room partitions.** Prohibits school employees from opening or closing an electronic room partition in any school building except under certain limited circumstances. The bill requires any annual safety review or exercise for school employees in a local school division to include information and demonstrations, as appropriate, regarding the operation of such partitions. The bill also requires the Department of Education to make available to each school board model safety guidance regarding the operation of such partitions.

**HB 2192 and SB 1331 (Del. Rush & Sen. Stanley) Modernization of public school buildings and facilities.** Provides that it is the legislative intent that public school buildings and facilities be designed,

constructed, maintained, and operated to generate more electricity than consumed, and allows local school boards to enter into leases with private entities to achieve that goal if the school board owns or operates a school building or facility that has been properly modernized, generates energy derived from sunlight, and if the solar generating facility is properly interconnected. The bill also provides that private entities that contract with local school boards to modernize public school buildings and facilities may receive financing from the Virginia Small Business Financing Authority.

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

## Finance

**HB 1807 and SB 1771 (Del. Bell, Richard P. & Sen. Hanger) State share for basic aid; duration of certain agreements.** Provides that certain cost-savings agreements between school divisions will remain in effect until terminated by the school divisions. Under current law, such agreements are valid for a period of 15 years.

**HB1838 (Marshall) Virginia Regional Industrial Facilities Act; revenue sharing; composite index.** Requires the Department of Taxation's calculation of true values as applied to the Commonwealth's composite index of local ability-to-pay to take into account an arrangement by localities entered into pursuant to the Virginia Regional Industrial Facilities Act whereby a portion of tax revenue is initially paid to one locality and redistributed to another locality. The bill requires such calculation to properly apportion the percentage of tax revenue ultimately received by each locality. The bill has a delayed effective date of July 1, 2021.

**SB 1093 (Ruff) Literary Fund; school modernization.** Requires the Board of Education to create a program in which monies from the Literary Fund would be used to subsidize interest payments by local governing bodies and school boards on certain loans from the Virginia Public School Authority for school construction and modernization. Only school divisions with a composite index of local ability-to-pay less than 0.4000 would be eligible to participate in the interest payment program. The bill limits the aggregate amount of loans for each fiscal year to an amount to be specified in the general appropriation act.

## Information Management

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

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

**SB 1586 (Suetterlein) Superintendent of Public Instruction; consolidation of surveys.** Requires the Superintendent of Public Instruction to identify any survey, questionnaire, inquiry, or other communication that requires a response from a school board or division superintendent and to, in collaboration with any identified

requesting entity, work to consolidate, as much as practicable, all such surveys, questionnaires, inquiries, and other communications in order to reduce the administrative burden of such response.

## Instruction

### Career and Technical Education

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

### Dual Enrollment

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

### Family Life Education

**HB 2205 (Filler-Corn) Family life education; consent.** Requires any high school family life education curriculum offered by a local school division to incorporate age-appropriate elements of effective and evidence-based programs on the law and meaning of consent. Under current law, such elements are permissive in any high school family life education curriculum.

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

**SB 1159 (Black) Family life education; female genital mutilation.** Requires any family life education curriculum offered by a local school division to incorporate age-appropriate elements of effective and evidence-based programs on the harmful physical and emotional effects of female genital mutilation, associated criminal penalties, and the rights of the victim including any civil action.

## Health

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

## Reading

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

## Work-Based Learning

**HB 2018 and SB 1434 (Del. Peace and Sen. McClellan) 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, 2019, its Career and Technical Education Work-Based Learning Guide to expand the opportunities available for students to earn credit for graduation through high-quality work-based learning experiences such as job shadowing, mentorships, internships, and externships.

**HB 2662 (Landes) High school graduation requirements; capstone project.** Directs the Board of Education to develop and submit to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than November 1, 2019, guidelines for local school boards to develop and implement a senior capstone project, portfolio, performance-based assessment, or structured experiment, in consultation with stakeholders representing a variety of local school divisions, industries, and education organizations, considering (i) the diversity of school divisions across the Commonwealth, (ii) the need for local flexibility, and (iii) the needs of communities and industries across the Commonwealth. The bill also directs the Board of Education, in establishing high school graduation requirements, to require students to complete a senior capstone project, portfolio, performance-based assessment, or structured experiment that relates to a work-based learning, service-learning, or community engagement activity and aligns with and further develops the knowledge and skills attained through such work-based learning, service-learning, or community engagement activity, provided, however, that such provisions shall not become effective unless reenacted by the 2020 Session of the General Assembly.

## Military Students

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

**SB 1746 (Wagner) Department of Education; National Math and Science Initiative.** Directs the Department of Education to encourage school boards of school divisions that have a significant number of



enrolled military-connected students to partner with the National Math and Science Initiative to provide such students with the tools and resources necessary to advance science, technology, engineering, and mathematics learning opportunities and career readiness. The bill requires the Department to provide technical assistance to any school board seeking to enter into such a partnership, upon request.

## Miscellaneous

**HB 2384 and SB 1295 (Del. Hope & Sen. Spruill) Public schools; tobacco products and nicotine vapor products.** Requires each school board to (i) develop and implement a policy to prohibit the use and distribution of tobacco products and nicotine vapor products on a school bus, on school property, or at an on-site or off-site school-sponsored activity and (ii) include in its code of student conduct a prohibition against possessing tobacco products or nicotine vapor products on a school bus, on school property, or at an on-site or off-site school-sponsored activity. Current law only places these requirements on each school board with regard to electronic cigarettes. The bill requires such policy to include adequate provisions for enforcement among students, employees, and visitors, including the enumeration of possible sanctions or disciplinary action consistent with state or federal law, and referrals to resources to help staff and students overcome tobacco addiction.

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

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

## School Calendar

**HB 1652 and SB 1005 (Del. Robinson and Sen. Chase) School calendar; opening day of the school year.** Requires each local school board to set the school calendar so that the first day students are required to attend school is no earlier than 14 days before Labor Day unless the Board of Education waives such requirement for good cause. Under current law, each local school board is required to set the school calendar so that the first day students are required to attend school is after Labor Day unless the Board of Education waives such requirement for good cause. The bill provides that in each school division in which the school board sets the school calendar so that the first day students are required to attend school is before Labor Day, such school board shall close each school in the school division from the Friday immediately preceding Labor Day through Labor Day. The bill exempts from certain requirements certain school boards that were previously granted good cause waivers by the Board of Education.

**HB 2124 and SB 1269 (Del. Davis & Sen. Cosgrove) Length of school term; waiver for evacuation.** Requires the Board of Education to waive the requirement that school divisions provide additional teaching days or teaching hours to compensate for school closings resulting from an evacuation directed and compelled by the Governor for up to five teaching days. The bill provides that there shall be no proportionate

reduction in the amount paid by the Commonwealth from the Basic School Aid Fund or the amount paid by a local governing body.

**HB 2140 (Thomas) School calendar; opening of the school year; good cause waiver.** Authorizes the school board of any school division located in Planning District 16 that was not granted a good cause waiver for the 2018-2019 school year but would qualify for such a waiver under the law as it was in effect prior to July 1, 2019, for the 2019-2020 school year to set the school calendar so that the first day students are required to attend is earlier than Labor Day, including earlier than 14 days before Labor Day. Additionally, the bill authorizes the school board of any school division located in Planning District 16 that is entirely surrounded by two school divisions that either were granted a waiver pursuant to Chapter 3 of the Acts of Assembly of 2012, Special Session I, or would qualify for a good cause waiver pursuant to § 22.1-79.1 as it was in effect prior to July 1, 2019, for the 2019-2020 school year to open schools on the same opening date as either such surrounding school division.

## School Nutrition

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

## School Security

### Procedures

**HB 1732 and SB 1215 (Del. O'Quinn & Sen. Newman) School safety procedures; emergency situations; annual training.** Requires each school board to develop training on safety procedures in the event of an emergency situation on school property. The bill requires such training to be delivered to each student and employee in each school at least once each school year.

**HB 1734 and SB 1213 (Del. Marshall & Sen. Newman) Virginia Center for School and Campus Safety; threat assessment; case management tool.** Requires the Virginia Center for School and Campus Safety to develop a case management tool for use by public elementary and secondary school threat assessment teams and requires such threat assessment teams to use such tool to collect and report to the Center quantitative data on its activities.

**HB 1737 and SB 1220 (Del. Wright and Sen. Newman) Development and review of school crisis, emergency management, and medical emergency response plans; include certain first responders.** Requires each school board to include the chief law-enforcement officer, the fire chief, the chief of the emergency medical services agency, the executive director of the relevant regional emergency medical services council, and the emergency management official of the locality, or their designees, in the development and review of school crisis, emergency management, and medical emergency response plans. Under current law, the school board is required to provide copies of such plans to the chief law-enforcement officer, the fire chief, the chief of the emergency medical services agency, and the emergency management official of the locality but is not required to include such first responders in the development and review of such plans.

**HB 1787 and SB 1381 (Del. Ransone & Del. McDougale) Student offenses reportable by intake officers to school division superintendents.** Adds (i) threats of death or bodily injury to another person communicated



in writing to such person or member of such person's family and (ii) threats to commit serious bodily harm to persons on school property to the list of offenses that a juvenile intake officer is required to report to the school division superintendent when a petition is filed alleging that a juvenile student committed such an offense.

**HB 1997 (Price) Public elementary and secondary school students; protective orders;**

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

**SB 1591 (Dunnavant) Virginia Center for School and Campus Safety; guidelines on information**

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

## Security Equipment and Technology

**HB 2720 (Gooditis) Public School Security Equipment Grant Act of 2013; eligible security equipment.**

Specifies that, for the purpose of eligibility for grants for security equipment through the Public School Security Equipment Grant Act of 2013, security equipment includes building modifications and fixtures, such as security vestibules.

## Security Personnel

**HB 1656 (Cole) School security officers; employment by private or religious schools; carrying a firearm in performance of duties.**

Allows private or religious schools to employ a school security officer and to authorize a school security officer to carry a firearm in the performance of his duties, subject to the same criteria for carrying a firearm in the performance of his duties imposed on a school security officer employed by the local school board. The bill also updates the definition of school security officer in the assault and battery statute.

**HB 1733 and SB 1214 (Del. Gilbert and Sen. Newman) School boards; local law-enforcement agencies; memorandums of understanding.**

Requires (i) the Virginia Center for School and Campus Safety to develop a model memorandum of understanding and (ii) the school board in each school division in which the local law-enforcement agency employs school resource officers to enter into a memorandum of understanding with such local law-enforcement agency that is based on such model and sets forth the powers and duties of the school resource officers. The bill requires each such school board and local law-enforcement agency to review and amend or affirm the memorandum at least once every five years or at any time upon the request of either party.

**HB 2142 (Del. Thomas) School protection officers; minimum training standards; exemption.** Defines a school protection officer as a retired law-enforcement officer hired on a part-time basis by the local law-

enforcement agency to provide limited law-enforcement and security services to Virginia public elementary and secondary schools. The bill also provides that the Department of Criminal Justice Services shall establish compulsory minimum training standards for all persons employed as school protection officers and that such training may be provided by the employing law-enforcement agency and shall be graduated and based on the type of duties to be performed.

**HB 2609 and SB 1130 (Del. Jones, J.C. and Sen. Locke) School resource officers; compulsory minimum training standards.** Requires the Department of Criminal Justice Services (Department) to establish and every full-time or part-time law-enforcement officer employed as a school resource officer after July 1, 2020, to comply with compulsory minimum training standards for law-enforcement officers serving as school resource officers. The bill requires the training provided by the Department pursuant to such standards to be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and to be available throughout the Commonwealth. The bill requires each school board to ensure that every public school it supervises employs at least one school administrator who has completed, either in-person or online, school safety training for public school personnel conducted by the Virginia Center for School and Campus Safety, unless such training is not available online.

**HB 2721 (Freitas) Employment of school security officers; law-enforcement officers previously employed by the United States or any state or political subdivision thereof; carrying a firearm in performance of duties.** Allows a school security officer to carry a firearm in the performance of his duties if, within 10 years immediately prior to being hired by the local school board, he was employed by a law-enforcement agency of the United States or any state or political subdivision thereof and his duties were substantially similar to those of a law-enforcement officer in the Commonwealth. Under current law, only a school security officer who was an active law-enforcement officer in the Commonwealth within 10 years immediately prior to being hired by the local school board may qualify to carry a firearm in the performance of his duties. The bill also provides that the Department of Criminal Justice Services' duty to establish minimum training standards and other requirements for school security officers includes establishing minimum training standards and requirements for school security officers previously employed by a law-enforcement agency of the United States or any state or political subdivision thereof.

## State-Operated Programs

**HB 1986 and SB 1314 (Del. Bell, Richard P. & Sen. Hanger) Certain facilities in the Commonwealth; participation in educational programs.** Requires any person of school age who is admitted to the Commonwealth Center for Children and Adolescents to be permitted to participate in any education program offered in the facility that is administered by the Department of Education, regardless of his enrollment status, unless such person has been excused from attendance at school due to a bona fide religious training or belief. The bill permits information required to enroll such person in any such education program to be disclosed in accordance with state and federal law.

## Student Health

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

the cannabidiol oil or THC-A oil to a student. The bill also provides that no school board shall be required to suspend or expel any student who holds a valid written certification for the use of cannabidiol oil or THC-A oil issued by a practitioner for the possession or use of such oil in accordance with the student's individualized health plan and in compliance with a policy adopted by the school board.

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

**HB 2318 (McGuire) Possession and administration of naloxone; school nurses; local health department employees.** Adds school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and school board, and other school board employees or individuals contracted by a school board to provide school health services to the list of individuals who may possess and administer naloxone or other opioid antagonist, provided that they have completed a training program.

**HB1848 (Adams) Department of Health Professions; disclosure of investigative information.** Allows the Department of Health Professions and health regulatory boards to disclose otherwise confidential information related to disciplinary hearings to the Virginia Department of Education and the State Council of Higher Education for Virginia if such information relates to nursing or nurse aide education programs regulated by the Board of Nursing.

## Student Support

### Access to Student Support

**HB 2107 (Ransone) Public schools; parental review of certain anti-bullying and suicide prevention materials.** Requires local school boards to develop and implement policies that ensure parents the right to review any audio-visual materials that contain graphic sexual or violent content used in any anti-bullying or suicide prevention program. Such policies shall require that prior to using any such material, the parent of the child participating in such a program shall be provided written notice of his right to review the material and his right to excuse his child from participating in the part of such program utilizing such material.

### School Counselors

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

**SB 1406 (Sen. Dance) School boards; staffing ratios; guidance counselors.** Changes the name of guidance counselors to school counselors and requires school boards to employ school counselors in accordance with the outlined ratios, each effective in the 2019 –2020 school year. Stipulates the following for school counselors: in elementary schools, one full-time at 375 students; in middle schools, one full-time at 325 students; and in high schools, one full-time at 300 students.

## Study Commissions

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

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

**SB 1728 (Newman) Standards of Learning Innovation Committee; repeal.** Repeals the Standards of Learning Innovation Committee effective January 1, 2020.

## Tax Credits

**SB 1015 (Stanley) Education Improvement Scholarships tax credits; pre-kindergarten eligibility.** Expands the Education Improvement Scholarships tax credits program by including, as eligible scholarship recipients, children enrolled in or attending nonpublic pre-kindergarten programs whose parents or guardians were unable to obtain services for the children through the Virginia Preschool Initiative. The maximum annual scholarship that a child admitted to, enrolled in, or attending a nonpublic pre-kindergarten program will receive is the lesser of the child's actual educational expenses or the state's share of the grant per child under the Virginia Preschool Initiative for the locality in which the child resides.

Under current law, tax credits are awarded to individuals and businesses making donations to nonprofit scholarship foundations using the donated funds to award scholarships to certain students in grades K-12 attending nonpublic schools. Eligible scholarship recipients are students in grades K-12 with a finalized individualized education program (IEP) in place or whose annual household income is not in excess of 300 percent of the federal poverty guidelines.

The bill defines an eligible pre-kindergarten child and a nonpublic pre-kindergarten program and includes several other curriculum and administrative requirements that must be met by a nonpublic pre-kindergarten program in order for children attending the program to be eligible to receive scholarships under the tax credit program. Under the bill, the Virginia Council for Private Education or the Virginia Early Childhood Foundation will certify nonpublic pre-kindergarten programs meeting such curriculum and administrative requirements.

The bill also reduces the penalty for failure to fully disburse all donations received from 200 percent of the difference between 90 percent of the value of the donations it received and the amount disbursed to 100 percent of the difference.

**SB 1365 (DeSteph) Education Improvement Scholarships tax credits; benefits and eligibility requirements; eligible students with a disability.** Increases the scholarship amount available for an eligible student with a disability from 100 percent to 300 percent of the per pupil amount distributed to the local school division as the state's share of the standards of quality costs, or the actual qualified educational expenses of the student, whichever is less. The bill broadens the definition of "eligible student with a disability" to include any child who is a resident of Virginia for whom an Individualized Education Plan (IEP) has been written and finalized in accordance with the federal Individuals with Disabilities Education Act (IDEA). In addition, the family

household income of the eligible student with a disability who is receiving the scholarship must not exceed 400 percent of the federal poverty level.

The bill also provides that an eligible student with a disability may only receive the increased amount of scholarship funds if they attend a school for students with disabilities that (i) is licensed by the Department of Education to serve students with disabilities, (ii) complies with the nonpublic school accreditation requirements of the Virginia Association of Independent Schools, (iii) is exempt from taxation under § 501(c)(3) of the Internal Revenue Code, and (iv) does not receive public funds to supplement the cost of the education of the eligible student with a disability who is receiving the scholarship. The provisions of this bill shall apply to taxable years beginning on and after January 1, 2019, but before January 1, 2024.

## Teacher Employment, Licensure and Preparation

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

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

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

**HB 2325 (Thomas) School board employees; discipline; written reprimand.** Requires the Board of Education to include, in its regulations that prescribe the requirements for the licensure of teachers and other school personnel required to hold a license, procedures for the a written reprimand of such license holders. The bill permits the Board of Education to issue written reprimand to any such license holder who knowingly and willfully commits a certain enumerated act relating to secure mandatory tests administered to students.



The only express disciplinary actions that are permissible under current law in such a scenario are suspension or revocation of such individual's license. The bill also permits a school board or division superintendent to issue a written reprimand to a teacher who breaches his employment contract after the school board or division superintendent declines to grant such teacher's request for release from such contract on the grounds of insufficient or unjustifiable cause. The only express disciplinary action that is permissible under current law in such a scenario is revocation of such teacher's license.

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

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May 15, 2019

data can be used and stored and provides that any person who unlawfully discloses such data is subject to a civil penalty of \$1,000 for each disclosure. The bill provides that drivers required to stop for a stopped school bus shall remain stopped until the school bus is put in motion.