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HOUSE BILL NO. 1032

Offered January 12, 2022

Prefiled January 12, 2022

A BILL to amend and reenact §§ 22.1-23, 22.1-79, and 22.1-207.2 of the Code of Virginia, relating to Superintendent of Public Instruction and local school boards; standards for certain public school library materials; parental review of library and other educational materials.

Patron—LaRock

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-23, 22.1-79, and 22.1-207.2 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-23. Duties in general.

The Superintendent of Public Instruction shall:

1. Serve as secretary of the Board of Education;
2. Provide such assistance in his office as shall be necessary for the proper and uniform enforcement of the provisions of the school laws in cooperation with the local school authorities;
3. Prepare and furnish such forms for attendance officers, teachers and other school officials as are required by law;

4. (Expires July 1, 2025) At least annually, survey all local school divisions to identify critical shortages of (i) teachers and administrative personnel by geographic area, by school division, or by subject matter and (ii) school bus drivers by geographic area and local school division and report such critical shortages to each local school division and to the Virginia Retirement System;

5. Develop and provide to local school divisions a model exit questionnaire for teachers;

6. Along with the State Health Commissioner, work to combat childhood obesity and other chronic health conditions that affect school-age children;

7. Designate an employee of the Department of Education to serve as its liaison to the State Council of Higher Education for Virginia and the State Board for Community Colleges; ~~and~~

8. *Develop and distribute to each local school board mandatory statewide standards for evaluating, classifying, and removing from any public elementary or secondary school library any explicit material; and*

9. Perform such other duties as the Board of Education may prescribe.

§ 22.1-79. Powers and duties.

A school board shall:

1. See that the school laws are properly explained, enforced and observed;
2. Secure, by visitation or otherwise, as full information as possible about the conduct of the public schools in the school division and take care that they are conducted according to law and with the utmost efficiency;

3. Care for, manage and control the property of the school division and provide for the erecting, furnishing, equipping, and noninstructional operating of necessary school buildings and appurtenances and the maintenance thereof by purchase, lease, or other contracts;

4. Provide for the consolidation of schools or redistricting of school boundaries or adopt pupil assignment plans whenever such procedure will contribute to the efficiency of the school division;

5. Insofar as not inconsistent with state statutes and regulations of the Board of Education, operate and maintain the public schools in the school division and determine the length of the school term, the studies to be pursued, the methods of teaching and the government to be employed in the schools;

6. In instances in which no grievance procedure has been adopted prior to January 1, 1991, establish and administer by July 1, 1992, a grievance procedure for all school board employees, except the division superintendent and those employees covered under the provisions of Article 2 (§ 22.1-293 et seq.) and Article 3 (§ 22.1-306 et seq.) of Chapter 15 of this title, who have completed such probationary period as may be required by the school board, not to exceed 18 months. The grievance procedure shall afford a timely and fair method of the resolution of disputes arising between the school board and such employees regarding dismissal or other disciplinary actions, excluding suspensions, and shall be consistent with the provisions of the Board of Education's procedures for adjusting grievances. Except in the case of dismissal, suspension, or other disciplinary action, the grievance procedure prescribed by the Board of Education pursuant to § 22.1-308 shall apply to all full-time employees of a school board, except supervisory employees;

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59 7. Perform such other duties as shall be prescribed by the Board of Education or as are imposed by
60 law;

61 8. Obtain public comment through a public hearing not less than 10 days after reasonable notice to
62 the public in a newspaper of general circulation in the school division prior to providing (i) for the
63 consolidation of schools; (ii) the transfer from the public school system of the administration of all
64 instructional services for any public school classroom or all noninstructional services in the school
65 division pursuant to a contract with any private entity or organization; or (iii) in school divisions having
66 15,000 pupils or more in average daily membership, for redistricting of school boundaries or adopting
67 any pupil assignment plan affecting the assignment of 15 percent or more of the pupils in average daily
68 membership in the affected school. Such public hearing may be held at the same time and place as the
69 meeting of the school board at which the proposed action is taken if the public hearing is held before
70 the action is taken. If a public hearing has been held prior to the effective date of this provision on a
71 proposed consolidation, redistricting or pupil assignment plan which is to be implemented after the
72 effective date of this provision, an additional public hearing shall not be required;

73 9. (Expires July 1, 2025) At least annually, survey the school division to identify critical shortages of
74 (i) teachers and administrative personnel by subject matter and (ii) school bus drivers and report such
75 critical shortages to the Superintendent of Public Instruction and to the Virginia Retirement System;
76 however, the school board may request the division superintendent to conduct such survey and submit
77 such report to the school board, the Superintendent, and the Virginia Retirement System; ~~and~~

78 10. Ensure that the public schools within the school division are registered with the Department of
79 State Police to receive from the State Police electronic notice of the registration, reregistration, or
80 verification of registration information of any person required to register with the Sex Offender and
81 Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 within that school
82 division pursuant to § 9.1-914; *and*

83 *11. Enforce compliance throughout the local school division with the mandatory statewide standards*
84 *developed by the Superintendent pursuant to subdivision 8 of § 22.1-23. The Office of the Attorney*
85 *General may also intervene and enforce compliance with such mandatory statewide standards in any*
86 *local school division.*

87 **§ 22.1-207.2. Right of parents to review certain materials; summaries distributed.**

88 A. Every parent, ~~guardian or other person in the Commonwealth having control or charge~~ of any
89 child who is required by subsection A of § 22.1-254 to send such child to a public school shall have the
90 right to review the complete family life curricula, including all supplemental materials used in any
91 family life education program. A complete copy of all printed materials not subject to copyright
92 protection and a description of all audio-visual materials shall be made available through any available
93 parental portal and kept in the school library or office and made available for review to any parent ~~or~~
94 ~~guardian~~ during school office hours before and during the school year. The audio-visual materials shall
95 be made available to parents for in-person review, upon request, on the same basis as printed materials
96 are made available.

97 Each school board shall develop and distribute to the parents ~~or guardians~~ of a student participating
98 in the family life education program and post for public viewing on the local school division's official
99 website a summary designed to assist parents in understanding the program implemented in its school
100 division as such program progresses and to encourage parental guidance and involvement in the
101 instruction of the students. Such information shall reflect the curricula of the program as taught in the
102 classroom. The school division shall include the following information on the summary:

103 "Parents and guardians have the right to review the family life education program offered by their
104 school division, including written and audio-visual educational materials used in the program. Parents
105 and guardians also have the right to excuse their child from all or part of family life education
106 instruction."

107 B. *Each parent of a child for whom the parent is required to provide an education as set forth in*
108 *subsection A of § 22.1-1-254 shall have the right to review all educational materials that are made*
109 *available to students in the public school that his child attends or is eligible to attend, including all*
110 *materials in the library of such school. A complete listing of all books, periodicals, electronic book and*
111 *audiobook collections, and supplemental and instructional material that is available to students in the*
112 *school library shall also be made available electronically or in print to parents of children attending*
113 *such school for their review, and any library material shall be made available for review upon request*
114 *of any such parent during school office hours before and during the school year.*

115 C. *Before adding new material to any school library, each public elementary and secondary school*
116 *shall develop and distribute to the parent of each student who attends such school, including through*
117 *any electronic available means such as a parental portal, a complete list of proposed materials,*
118 *including books, periodicals, and any other instructional and supplemental material that may be in*
119 *circulation and available to children. Such list shall include descriptions of the material and shall*
120 *indicate the material for which the sale, rental, or lending to a juvenile is unlawful pursuant to*

121 subsection A of § 18.2-391.

122 D. The parents of all students who attend a public elementary or secondary school shall comprise
123 the Parental Review and Approval Committee (the Committee) for such school. The Committee shall
124 review and vote to approve or disapprove of each item on the list of proposed materials distributed
125 pursuant to subsection C. Each such school shall establish an electronic survey and voting tool by
126 which the Committee review and votes on such items. The survey and voting tool shall be widely
127 publicized to members of the Committee and held open for a minimum of 14 days. A majority of the
128 total members of the Committee voting in favor of each item shall constitute approval for its circulation
129 in the school library. Any material that is not approved by a majority of the total members of the
130 Committee voting shall neither be approved for circulation nor made available to students in the school
131 library, and any material that is not reviewed and approved by the Committee shall be prohibited from
132 being included in the school library.