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SENATE BILL NO. 421

Offered January 12, 2022

Prefiled January 11, 2022

A *BILL to amend and reenact §§ 22.1-7.1, 22.1-17.6, 22.1-20.1, 22.1-23.1, 22.1-47.2, 22.1-50, 22.1-57.3:1, 22.1-57.3:1.1, 22.1-57.3:1.2, 22.1-57.3:2.1, 22.1-57.3:3, 22.1-81, 22.1-98.2, 22.1-129, 22.1-175.4, 22.1-178, 22.1-199.1, 22.1-207.3, 22.1-209.2, 22.1-212.24, 22.1-212.25, 22.1-215.1, 22.1-253.13:3, 22.1-253.13:4, 22.1-254.1, 22.1-271.3, 22.1-274, 22.1-280.2, 22.1-280.2:2, 22.1-296.2, 22.1-296.3, 22.1-303, 22.1-321.1, 22.1-346.2, 42.1-36.1, 42.1-43, 42.1-60, 42.1-61, 42.1-63, 42.1-65, 42.1-70, and 42.1-77 of the Code of Virginia and to repeal §§ 22.1-16.2, 22.1-57.3:2, 22.1-89.3, and 22.1-212 and Articles 4 (§§ 42.1-30, 42.1-31, and 42.1-32) and 5 (§§ 42.1-32.1 through 42.1-32.6) of Chapter 1 of Title 42.1 of the Code of Virginia, relating to libraries and education services; obsolete provisions.*

Patron—Edwards (By Request)

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That 22.1-7.1, 22.1-17.6, 22.1-20.1, 22.1-23.1, 22.1-47.2, 22.1-50, 22.1-57.3:1, 22.1-57.3:1.1, 22.1-57.3:1.2, 22.1-57.3:2.1, 22.1-57.3:3, 22.1-81, 22.1-98.2, 22.1-129, 22.1-175.4, 22.1-178, 22.1-199.1, 22.1-207.3, 22.1-209.2, 22.1-212.24, 22.1-212.25, 22.1-215.1, 22.1-253.13:3, 22.1-253.13:4, 22.1-254.1, 22.1-271.3, 22.1-274, 22.1-280.2, 22.1-280.2:2, 22.1-296.2, 22.1-296.3, 22.1-303, 22.1-321.1, 22.1-346.2, 42.1-36.1, 42.1-43, 42.1-60, 42.1-61, 42.1-63, 42.1-65, 42.1-70, and 42.1-77 of the Code of Virginia are amended and reenacted follows:

§ 22.1-7.1. Open school enrollment policy.

A. Any local school board may establish and implement policies to provide for the open enrollment to any school of any student residing within the school division upon the request of a parent or guardian. In developing such policies, a local school board may include the following conditions and limitations:

1. An application process whereby a parent or guardian indicates a school preference for purposes of his child attending a school in the child's school division but outside of the attendance area in which the child resides;

2. A requirement that the parent or guardian provide transportation for the student attending a school other than his assigned school;

3. A requirement that a student may be disqualified from attending a school other than his assigned school if he has been subject to a specified disciplinary action;

4. A prohibition on the recruitment of a student from one school to another by a school division employee;

5. A limitation on participation in certain athletic activities for a student who chooses to attend a school other than his assigned school;

6. A random, unbiased selection process in the event open enrollment requests exceed the capacity of a school;

7. A provision that a student shall be permitted to remain at the receiving school until the student has completed the highest grade level in the school; and

8. A preference to a student (i) who resides in a location that has been subject to a change in school attendance area during the previous two years, (ii) who has a sibling attending the receiving school, or (iii) whose parent or guardian is an employee of the receiving school.

B. A copy of the school division's policies for open enrollment, if any, shall be posted on the division's website and shall be available to the public upon request.

C. Nothing in this section shall interfere with a local school board's authority to adopt a pupil placement assignment plan pursuant to § 22.1-79.

D. For the purposes of this section, "open enrollment" means a policy adopted and implemented by a local school board to allow any student to enroll in any school within the school division of attendance regardless of the location of the student's residence.

§ 22.1-17.6. Public elementary and secondary schools and local school divisions; information and forms.

A. The Board shall adopt policies to ensure that the Department of Education does not require public elementary or secondary schools or local school divisions to (i) provide information that is already available to or housed within the Department of Education; (ii) provide the same written information

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59 more than once during a school year, absent a change in the underlying information; (iii) complete
60 forms for students with disabilities unless such forms are necessary to ensure compliance with the
61 federal Individuals with Disabilities Education Act (20 U.S.C. § 1431 et seq.); or (iv) provide
62 information that is not necessary to comply with state or federal law unless such information is relevant
63 to student outcomes or the efficient operation of the public schools, provided that the Department of
64 Education may require such schools and local school divisions to provide any such information or
65 complete any such forms if the Department of Education demonstrates a compelling need or
66 demonstrates that it does not have a more expeditious method for obtaining the information or
67 completing the forms.

68 B. The Department of Education shall study the transition to electronic submission of all information
69 and forms to the Department of Education by public elementary and secondary schools and local school
70 divisions and submit a report of its findings to the Chairmen of the House Committee on Education and
71 the Senate Committee on Education and Health no later than November 1, 2016.

72 C. The Department of Education shall annually evaluate and determine the continued need for the
73 information that it collects from public elementary and secondary schools and local school divisions. In
74 making such evaluation and determination, the Department of Education shall consider whether the
75 information that it collects is required by state or federal law.

76 D. C. The Board shall report to the Chairmen of the House Committee on Education and the Senate
77 Committee on Education and Health by November 15 of each year on (i) information that public
78 elementary and secondary schools and local school divisions are required to provide to the Department
79 of Education pursuant to state law, (ii) the results of the annual evaluation and determination made by
80 the Department of Education pursuant to subsection C B, (iii) any reports required of public elementary
81 or secondary schools or local school divisions that the Department of Education has consolidated, (iv)
82 any information that the Department of Education no longer collects from public elementary or
83 secondary schools or local school divisions, and (v) any forms that the Department of Education no
84 longer requires public elementary or secondary schools or local school divisions to complete.

85 **§ 22.1-20.1. Powers and duties of the Board related to public broadcasting stations;**
86 **disbursement of funds.**

87 A. As used in this section, unless the context requires a different meaning:

88 "Public broadcasting station" means any noncommercial, educational television or radio station that
89 (i) is licensed and regulated by the Federal Communications Commission as a noncommercial,
90 educational broadcasting station; (ii) is operated by a public agency or a nonprofit private foundation,
91 corporation, or association; (iii) has offices and studios located in Virginia; and (iv) on or before January
92 1, 1997, was qualified to receive or was the recipient of a Virginia community service grant or other
93 instructional television service funds, or, after January 1, 1997, until July 1, 2012, was qualified by the
94 Virginia Public Broadcasting Board to receive state funds under standards and criteria established by the
95 Virginia Public Broadcasting Board pursuant to law, or, after July 1, 2012, was qualified by the Board
96 of Education in accordance with this section. Public broadcasting station shall not include any institution
97 of higher education that produces or transmits distance education and other credit and noncredit
98 television programs, unless such institution requests qualification as a public broadcasting station and the
99 Board of Education approves its request.

100 B. The Board shall have the power and duty to:

101 1. Receive, allocate, and dispense funds appropriated by the General Assembly and funds received by
102 the Board from other sources, subject to the approval of the Director of the Department of Planning and
103 Budget;

104 2. Develop reasonable and fair formulas for allocating and distributing state funds and other funds of
105 the Board to Virginia's public broadcasting stations consistent with the intent of such appropriations;

106 3. Apply for, accept, and receive grants of federal funds and funds from other public and private
107 sources;

108 4. Adopt, administer, and apply standards and criteria by which the Board may permit television and
109 radio stations to qualify as public broadcasting stations if those stations did not qualify for or receive
110 Virginia community service grants or other instructional television service funds as of January 1, 1997,
111 but otherwise qualify as such under the definition of a public broadcasting station in § 2.2-1122. To
112 avoid unnecessary duplication of public broadcasting services, the Board shall consider: (i) the adequacy
113 of existing programming, coverage, and other public broadcasting services in the geographic area to be
114 served and the extent to which those services would be duplicated by an additional public broadcasting
115 station and (ii) the sufficiency of funds administered by the Board to support existing or proposed public
116 broadcasting stations;

117 5. Coordinate such strategic planning by the public broadcasting stations as the Board deems
118 appropriate and identify and communicate to the Governor and the General Assembly the funding and
119 other requirements of Virginia's public broadcasting stations; and

120 6. Enter into contracts with public broadcasting stations, state agencies and institutions, public

schools, and private entities for goods and services.

C. The Director of the Department of Planning and Budget shall oversee and approve the disbursement of all funds appropriated to the Board for the purposes enumerated in this section. Upon approval, the funds of the Board shall be disbursed for the following general purposes:

1. Annual operating-grant-funding to public broadcasting stations for developing, acquiring, producing, and distributing programs and related services that support local needs of preschool and adult education; disseminating information to the citizenry regarding the government and its affairs; promoting tourism and enhancing the Commonwealth's economic development; and supporting other programs that inform, educate, and entertain the citizenry with noncommercial programming.

2. Annual contract-funding to public broadcasting stations to regionally manage and provide programming and related services that directly support the instructional activities of local schools and home educators.

3. Matching-capital-funding to public broadcasting stations for construction and equipment modernization to keep Virginia stations consistent with industry standards.

4. Funding for specific programs and projects to be provided by a public broadcasting station that may not be included in another funding category.

§ 22.1-23.1. Model exit questionnaire for teachers.

The Department of Education (the Department) shall develop and oversee a pilot program to administer across five geographically and demographically diverse school divisions the model exit questionnaire for teachers developed by the Superintendent of Public Instruction (the Superintendent) pursuant to § 22.1-23, analyze the results of each such questionnaire, and include such results and analysis in the Superintendent's annual report beginning in 2018. The Department shall (i) administer such questionnaire to each teacher who ceases to be employed by the relevant school board for any reason and (ii) collect, maintain, and report on the results of each such questionnaire in a manner that ensures the confidentiality of each teacher's name and other personally identifying information.

§ 22.1-47.2. Petitions for a referendum on direct election of school board members.

Petitions circulated pursuant to § 22.1-57.2 or § 22.1-57.4 may be circulated for a period not to exceed one calendar year. If the period from the date of the earliest signature to the latest signature exceeds one calendar year, all signatures shall be invalid.

At the time the petitions are filed, the petitions shall contain the required number of signatures of voters who are currently registered to vote in the county.

Persons signing petitions for a referendum to be held at the November 1994 general election and on subsequent November general election dates shall date their signatures on the petitions.

Any petition circulated pursuant to § 22.1-57.2 or this article which calls for a November 1993 referendum (i) shall not be subject to the requirements of this section that the signatures be dated and that the petition be circulated no longer than one calendar year and (ii) may be circulated for signatures in both 1992 and 1993.

§ 22.1-50. Appointment and term generally; vacancies.

The school board of a school division composed of the city or town to which the provisions of this article are applicable shall be appointed by the governing body of such city or town and shall consist of three members for each district in such city or town. However, the school board of a school division composed of any city or town having only one district shall consist of five members. Members shall be appointed for three-year terms except that initial appointments shall be for such terms that the term of one member from each district expires each year. However, the additional two members of the school board of a school division composed of any city or town having only one district, who are appointed after July 1, 1992, shall be appointed for such terms that the terms of one or two members expire each year. The governing body may, by duly adopted ordinance, limit the number of consecutive terms served by school board members. Terms shall commence on July 1. A vacancy occurring on the school board at any time other than by expiration of term shall be filled by the governing body for the unexpired term. Within thirty 30 days preceding July 1 of each year, the governing body shall appoint a successor to each member whose term expires on June 30 of that year, provided the office of that member has not been abolished in redistricting the city or town.

§ 22.1-57.3:1. Staggered terms of elected school boards in certain counties.

A. The provisions of this subsection apply only to Loudoun, Pulaski and Rockbridge Counties.

Following a referendum in which the qualified voters approve a change to an elected school board, the school board boards of Bath, Pulaski, and Rockbridge Counties shall be elected as provided in § 22.1-57.3 except that the terms of school board members shall be staggered as provided in this section.

The initial election of the school board shall be held at the first November general election in an odd-numbered year following the referendum, and the entire school board shall be elected at the initial election.

At the initial election, (i) if the school board has an even number of members, half of the successful

182 candidates shall be elected for four-year terms and half of the successful candidates shall be elected for
183 two-year terms and (ii) if the school board has an odd number of members, the smallest number of
184 successful candidates which creates a majority of the board shall be elected for four-year terms and the
185 remaining successful candidates shall be elected for two-year terms. Assignment of the individual terms
186 of members shall be determined by lot by the electoral board of the county at its meeting to ascertain
187 the results of the election and immediately upon certification of the results of the election.

188 Thereafter, all members shall be elected for four-year terms and the school board elections shall be
189 conducted biennially for staggered terms.

190 B. The provisions of this subsection apply only to Bath County.

191 Pursuant to the referendum in which the qualified voters approved a change to an elected school
192 board, the school board shall be elected as provided in §- 22.1-57.3 except that the terms of school
193 board members shall be staggered as provided in this subsection.

194 At the November 2003 general election, three members of the school board shall be elected for
195 four-year terms and two members of the school board shall be elected for two-year terms.

196 Assignment of the individual terms of members shall be determined by lot by the electoral board of
197 the County at its meeting to ascertain the results of the election and immediately upon certification of
198 the results of the election.

199 Thereafter, all members shall be elected for four-year terms and the school board elections shall be
200 conducted *alternate* biennially ~~for between the election of three members and the election of the~~
201 *remaining two members to ensure* staggered terms.

202 **§ 22.1-57.3:1.1. Loudoun County school board; staggered terms.**

203 Notwithstanding §- 22.1-57.3:1 and the second enactment of Chapter 744 of the Acts of Assembly of
204 1994, the *The* school board of Loudoun County shall be elected as provided in § 22.1-57.3, except that
205 upon a majority vote of its members the terms of school board members may be staggered as provided
206 in this section. At the November election immediately preceding the end of the board's term, and upon
207 the board's prior vote for staggered terms, the members from four of the nine districts, inclusive of the
208 at-large district, to be determined by lot by the electoral board of the county prior to its meeting
209 immediately preceding the deadline for candidate filing, shall be elected for four-year terms, and the
210 remaining districts' successful candidates shall be elected for two-year terms.

211 Thereafter, all members shall be elected for four-year terms, and the school board elections shall be
212 conducted biennially for staggered terms.

213 **§ 22.1-57.3:1.2. Pittsylvania County school board; staggered terms.**

214 The school board of Pittsylvania County shall be elected as provided in § 22.1-57.3, except that ~~upon~~
215 a majority vote of its members the terms of school board members may be staggered as provided in this
216 section. At the November 2011 general election, the members from four districts, to be determined by
217 lot by the electoral board of the county as soon as practicable before the election, shall be elected for
218 four-year terms and the remaining districts' successful candidates shall be elected for two-year terms.

219 Thereafter, all members shall be elected for four-year terms and the school board elections shall be
220 conducted *alternate* biennially ~~for between the election of the members from four districts and the~~
221 *election of the members from the remaining three districts to ensure* staggered terms.

222 **§ 22.1-57.3:2.1. Appointment and terms of school board members for City of Williamsburg.**

223 Notwithstanding any provisions of this article to the contrary, the terms of school board members
224 representing the City of Williamsburg ~~appointed in 1995 and 1996 shall expire on December 31 in 1998~~
225 ~~and 1999, respectively, and subsequent appointments for all Williamsburg school board members shall~~
226 ~~be for terms of four years, with terms commencing on January 1.~~

227 **§ 22.1-57.3:3. Election of school board and chairman in certain counties.**

228 A. The provisions of this section shall be applicable in any county (i) ~~which~~ *that* has the county
229 executive form of government and ~~which~~ *that* is contiguous to a county having the urban county
230 executive form of government and (ii) in which the chairman of the board of supervisors is elected at
231 large.

232 B. Following a referendum held in 1994 ~~or thereafter~~ in which the qualified voters of the county
233 approve a change to an elected school board, the school board shall be elected as provided in
234 § 22.1-57.3 except as otherwise provided in this section. One member of the school board shall be
235 elected at large. All other members shall be elected from the same districts from which the members of
236 the board of supervisors other than the chairman are elected. The member of the school board who is
237 elected at large at the initial or any subsequent election shall be the chairman of the school board during
238 his term of office notwithstanding the provisions of § 22.1-76.

239 **§ 22.1-81. Annual report.**

240 Unless for good cause shown an extension of time not to exceed fifteen days is granted by the
241 Superintendent of Public Instruction, each school board, with the assistance of the division
242 superintendent, shall, ~~on or before September 15 of each year,~~ make a report covering the work of the
243 schools for the year ending the preceding June 30 to the Board of Education *according to a timeline*

and on forms supplied by the Superintendent of Public Instruction.

§ 22.1-98.2. Certain agreements; adjustment of state share for basic aid.

A. Any school board of a school division in which fewer than 1,100 students were included in average daily membership for the preceding school year, in a locality that has a local composite index of .6000 or greater, and has 65 percent or more of its local taxes coming from real estate taxes, as calculated by the Auditor of Public Accounts and reported annually to the Department of Education, upon entering into certain cost-savings agreements with a contiguous school division for the consolidation or sharing of educational, administrative, or support services, shall receive the state share for basic aid computed on the basis of the composite index of local ability-to-pay of the contiguous school division, calculated annually.

The Board of Education shall develop eligibility criteria for such cost-savings and service-sharing agreements and for the adjustment of the state share for basic aid, consistent with the appropriation act.

The Governor shall approve the adjustment to the state share prior to the disbursement of funds. The Department of Education shall annually report to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance and Appropriations the cost-savings agreements made and the adjusted state shares so approved.

B. The local school board receiving the adjusted state share shall not use the additional funds received to supplant local funds appropriated for education. The adjusted state share shall be used solely for educational purposes and shall not be used to reduce local operating expenditures for public education from the prior fiscal year. However, no school division shall be required to maintain a per pupil expenditure for operations that exceeds the per pupil expenditure in the prior fiscal year. The superintendent of the school division shall inform the Superintendent of Public Instruction of the public education purpose for which these local funds shall be used.

C. Nothing in this section shall prohibit the Commonwealth from terminating or modifying any program or function under which distribution to a local school board has been made, and if so terminated or modified all obligations hereunder shall cease or be reduced in proportion with such modifications, as the case may be.

D. Except as provided in subsection C, such contractual agreements shall remain in effect until terminated by the relevant school divisions. If any such contractual agreements between the relevant school divisions terminate, the Commonwealth's obligation under this section shall cease.

E. This agreement and adjusted state payment shall be in lieu of any existing funds a locality receives from a Small School Division Assistance grant.

F. Any standard of quality set forth in this act that is not required as of June 30, 2004, and for which additional state funding is required, shall not take effect unless the state's share of funding that standard is included in the general appropriation act for the period July 1, 2004, through June 30, 2006, passed during the 2004 Session of the General Assembly and signed into law by the Governor.

§ 22.1-129. Surplus property; sale, exchange or lease of real and personal property.

A. Whenever a school board determines that it has no use for some of its real property, the school board may sell such property and may retain all or a portion of the proceeds of such sale upon approval of the local governing body and after the school board has held a public hearing on such sale and retention of proceeds, or may convey the title to such real property to the county or city or town comprising the school division or, if the school division is composed of more than one county or city, to the county or city in which the property is located. To convey the title, the school board shall adopt a resolution that such real property is surplus and shall record such resolution along with the deed to the property with the clerk of the circuit court for the county or city where such property is located. Upon the recording of the resolution and the deed, the title shall vest in the appropriate county, city or town.

B. A school board shall have the power to exchange real and personal property, to lease real and personal property either as lessor or lessee, to grant easements on real property, to convey real property in trust to secure loans, to convey real property to adjust the boundaries of the property and to sell personal property in such manner and upon such terms as it deems proper. As lessee of real property, a school board shall have the power to expend funds for capital repairs and improvements on such property, if the lease is for a term equal to or longer than the useful life of such repairs or improvements.

C. Notwithstanding the provisions of subsections A and B, a school board shall have the power to sell career and technical education projects and associated land pursuant to § 22.1-234.

Notwithstanding the provisions of subsections A and B, a school board of the City of Virginia Beach shall have the power to sell property to the Virginia Department of Transportation or the Commissioner of Highways when the Commissioner has determined that (i) such conveyance is necessary and (ii) when eminent domain has been authorized for the construction, reconstruction, alteration, maintenance, and repair of the public highways of the Commonwealth, and for all other purposes incidental thereto, including, but not limited to, the relocation of public utilities as may be required.

D. School boards may donate obsolete educational technology hardware and software that is being replaced pursuant to ~~subdivision~~ *subsection B 4* of § 22.1-199.1. Any such donations shall be offered to other school divisions, to students, as provided in Board of Education guidelines, and to preschool programs in the Commonwealth. In addition, elected school boards may donate such obsolete educational technology hardware and software and other obsolete personal property to a Virginia nonprofit organization which is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

§ 22.1-175.4. Application for grants.

A. All funds appropriated for financial assistance for the purposes of this chapter during fiscal years 1998-1999 and 1999-2000 pursuant to Item 554 of the 1998-2000 Appropriation Act shall be apportioned and distributed among the school divisions of the Commonwealth as follows: (i) there shall be apportioned and distributed equally to every school division grants in the sum of \$200,000 each and (ii) the balance of all available funds shall be apportioned and distributed to each school division on a pro rata basis according to the school division's average daily membership adjusted by the locality's composite index of ability to pay as set forth in the general appropriation act.

Local governing bodies may establish a separate escrow fund for the deposit of such funds as provided in § 22.1-175.5.

B. All funds appropriated for financial assistance for the purposes of this chapter for subsequent fiscal years shall be apportioned and distributed among the school divisions of the Commonwealth in accordance with eligibility and needs criteria to be established by the 2000 Session of the General Assembly. In developing such eligibility and needs criteria, the 2000 Session of the General Assembly shall consider the recommendations of the Commission on State Funding of Public School Construction.

§ 22.1-178. Requirements for persons employed to drive school buses.

A. No school board shall hire, employ, or enter into any agreement with any person for the purposes of operating a school bus transporting pupils unless the person proposed to so operate such school bus shall:

1. Have a physical examination of a scope prescribed by the Board of Education with the advice of the Medical Society of Virginia and furnish a form prescribed by the Board of Education showing the results of such examination.

2. Furnish a statement or copy of records from the Department of Motor Vehicles showing that the records of such Department do not disclose that the person, within the preceding five years, has been convicted upon a charge of driving under the influence of alcohol or drugs, convicted of a felony or assigned to any alcohol safety action program or driver alcohol rehabilitation program pursuant to § 18.2-271.1 or, within the preceding 12 months, has been convicted of two or more moving traffic violations or required to attend a driver improvement clinic by the Commissioner of the Department of Motor Vehicles pursuant to § 46.2-498.

3. Furnish a statement signed by two reputable persons who reside in the school division or in the applicant's community that the person is of good moral character.

4. Exhibit a license showing the person has successfully undertaken the examination prescribed by § 46.2-339.

5. Have reached the age of 18 on by the first day of the school year.

B. Any school board may require proof of current certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator as a condition to employment to operate a school bus transporting pupils.

C. School boards may require persons accepting employment after July 1, 1994, as a driver of a school bus transporting pupils to agree, as a condition of employment, to submit to alcohol and controlled substance testing. Any such tests shall be conducted in compliance with Board of Education regulations.

D. The documents required pursuant to subdivisions A 1 and A 2 shall be furnished annually prior to the anniversary date of the employment agreement as a condition to continuing employment to operate a school bus.

E. The documents required pursuant to this section shall be filed with, and made a part of, the records of the school board employing such person as a school bus operator.

F. The State Department of Education shall furnish to the several division superintendents the necessary forms to be used by applicants in furnishing the information required by this section. Insofar as practicable, such forms shall be designed to limit paperwork, avoid the possibility of mistake, and furnish all parties involved with a complete and accurate record of the information required.

G. The physical examination required by subsection A may be performed and the report of the results signed by a licensed nurse practitioner or physician assistant.

§ 22.1-199.1. Programs designed to promote educational opportunities.

A. The General Assembly finds that Virginia educational research supports the conclusion that poor children are more at risk of educational failure than children from more affluent homes and that reduced pupil/teacher ratios and class sizes result in improved academic performance among young children; to

this end, the General Assembly establishes a long-term goal of reducing pupil/teacher ratios and class sizes for grades K through three in those schools in the Commonwealth with high or moderate concentrations of at-risk students.

With such funds as are provided in the appropriation act for this purpose, there is hereby established the statewide voluntary pupil/teacher ratio and class size reduction program for the purpose of reaching the long-term goal of statewide voluntary pupil/teacher ratio and class size reductions for grades K through three in schools with high or moderate concentrations of at-risk students, consistent with the provisions provided in the appropriation act.

In order to facilitate these primary grade ratio and class size reductions, the Department of Education shall calculate the state funding of these voluntary ratio and class size reductions based on the incremental cost of providing the lower class sizes according to the greater of the division average per-pupil cost of all divisions or the actual division per-pupil cost. Localities shall provide matching funds for these voluntary ratio and class size reductions based on the composite index of local ability to pay. School divisions shall notify the Department of Education of their intention to implement the reduced ratios and class sizes in one or more of their qualifying schools by August 1 of each year. By March 31 of each year, school divisions shall forward data substantiating that each participating school has a complying pupil/teacher ratio.

In developing each proposed biennium budget for public education, the Board of Education shall include funding for these ratios and class sizes. These ratios and class sizes shall be included in the annual budget for public education.

B. The General Assembly finds that educational technology is one of the most important components, along with highly skilled teachers, in ensuring the delivery of quality public school education throughout the Commonwealth. Therefore, the Board of Education shall strive to incorporate technological studies within the teaching of all disciplines. Further, the General Assembly notes that educational technology can only be successful if teachers and administrators are provided adequate training and assistance. To this end, the following program is established.

With such funds as are appropriated for this purpose, the Board of Education shall award to the several school divisions grants for expanded access to educational technology. Funding for educational technology training for instructional personnel shall be provided as set forth in the appropriation act.

Funds for improving the quality and capacity of educational technology shall also be provided as set forth in the appropriation act, including, ~~but not limited to~~, (i) funds for providing a technology resource assistant to serve every elementary school in this Commonwealth beginning on July 1, 1998, and (ii) funds to maintain the currency of career and technical education programs. Any local school board accepting funds to hire technology resource assistants or maintain currency of career and technical education programs shall commit to providing the required matching funds, based on the composite index of local ability to pay.

Each qualifying school board shall establish an individualized technology plan, which shall be approved by the Superintendent of Public Instruction, for integrating technology into the classroom and into schoolwide instructional programs, including career and technical education programs. The grants shall be prioritized as follows:

1. In the 1994 biennium, the first priority for these funds shall be to automate the library media centers and provide network capabilities in Virginia's elementary, middle and high schools, or combination thereof, in order to ensure access to the statewide library and other information networks. If any elementary, middle or high school has already met this priority, the 1994 biennium grant shall be used to provide other educational technologies identified in the relevant division's approved technology plan, such as multimedia and telecomputing packages, integrated learning systems, laptop computer loan programs, career and technical education laboratories or other electronic techniques designed to enhance public education and to facilitate teacher training in and implementation of effective instructional technology. The Board shall also distribute, as provided in the appropriation act, funds to support the purchase of electronic reference materials for use in the statewide automated reference system.

2. In the 1996 biennium and thereafter, the first priority for funding shall be consistent with those components of the Board of Education's Board's revised six-year technology plan which that focus on (i) retrofitting and upgrading existing school buildings to efficiently use educational technology; (ii) providing (a) one network-ready multimedia microcomputer for each classroom, (b) a five-to-one ratio of pupils to network-ready microcomputers, (c) graphing calculators and relevant scientific probes/sensors as required by the Standards of Learning, and (d) training and professional development on available technologies and software to all levels and positions, including professional development for personnel delivering career and technical education at all levels and positions; and (iii) assisting school divisions in developing integrated voice-, video-, and data-connectivity to local, national, and international resources.

This funding may be used to implement a local school division's long-range technology plan, at the discretion of the relevant school board, if the local plan meets or exceeds the goals and standards of the

428 Board's revised six-year technology plan and has been approved by the Superintendent of Public
429 Instruction.

430 3. The ~~Departments~~ Department of Education, Information Technology, and the Department of
431 General Services, and the Virginia Information Technologies Agency shall coordinate master contracts
432 for the purchase by local school boards of the aforementioned educational technologies and reference
433 materials.

434 4. ~~Beginning on July 1, 1998,~~ a A technology replacement program shall be, with such funds as may
435 be appropriated for this purpose, implemented to replace obsolete educational hardware and software. As
436 provided in subsection D of § 22.1-129, school boards may donate obsolete educational technology
437 hardware and software ~~which that~~ are being replaced. Any such donations shall be offered to other
438 school divisions and to preschool programs in the Commonwealth, or to public school students as
439 provided in guidelines to be promulgated by the Board of Education. Such guidelines shall include
440 criteria for determining student eligibility and need; a reporting system for the compilation of
441 information concerning the number and socioeconomic characteristics of recipient students; and
442 notification of parents of the availability of such donations of obsolete educational hardware and
443 software.

444 5. In fiscal year 2000, the Board of Education shall, with such funds as are appropriated for this
445 purpose, contract for the development or purchase of interactive educational software and other
446 instructional materials designed as tutorials to improve achievement on the Standards of Learning
447 assessments. Such interactive educational software and other instructional materials may be used in
448 media centers, computer laboratories, libraries, after-school or before-school programs or remedial
449 programs by teachers and other instructional personnel or provided to parents and students to be used in
450 the home. This interactive educational software and other instructional materials shall only be used as
451 supplemental tools for instruction, remediation, and acceleration of the learning required by the K
452 through 12 Standards of Learning objectives.

453 Consistent with school board policies designed to improve school-community communications and
454 guidelines for providing instructional assistance in the home, each school division shall strive to
455 establish a voice mail communication system after regular school hours for parents, families, and
456 teachers by the year 2000.

457 C. The General Assembly finds that local autonomy in making decisions on local educational needs
458 and priorities results in effective ~~grass-roots~~ grassroots efforts to improve education in the
459 Commonwealth's public schools only when coupled with sufficient state funding; to this end, the
460 following block grant program is hereby established. With such funds as are provided in the
461 appropriation act, the Department of Education shall distribute block grants to localities to enable
462 compliance with the Commonwealth's requirements for school divisions in effect on January 1, 1995.
463 Therefore, for the purpose of such compliance, the block grant herein established shall consist of a sum
464 equal to the amount appropriated in the appropriation act for the covered programs, including the at-risk
465 add-on program; dropout prevention, specifically Project YES; Project Discovery; English as a second
466 language programs, including programs for overage, nonschooled students; Advancement Via Individual
467 Determination (AVID); the Homework Assistance Program; programs initiated under the Virginia
468 Guaranteed Assistance Program, except that such funds shall not be used to pay any expenses of
469 participating students at institutions of higher education; Reading Recovery; and school/community
470 health centers. Each school board may use any funds received through the block grant to implement the
471 covered programs and other programs designed to save the Commonwealth's children from educational
472 failure.

473 D. In order to reduce pupil/teacher ratios and class sizes in elementary schools, from such funds as
474 may be appropriated for this purpose, each school board may employ additional classroom teachers,
475 remedial teachers, and reading specialists for each of its elementary schools over the requirements of the
476 Standards of Quality. State and local funding for such additional classroom teachers, remedial teachers,
477 and reading specialists shall be apportioned as provided in the appropriation act.

478 E. Pursuant to a turnaround specialist program administered by the Department of Education, local
479 school boards may enter into agreements with individuals to be employed as turnaround specialists to
480 address those conditions at the school that may impede educational progress and effectiveness and
481 academic success. Local school boards may offer such turnaround specialists or other administrative
482 personnel incentives such as increased compensation, improved retirement benefits in accordance with
483 Chapter 6.2 (§ 51.1-617 et seq.) of Title 51.1, increased deferred compensation in accordance with
484 § 51.1-603, relocation expenses, bonuses, and other incentives as may be determined by the board.

485 F. The General Assembly finds that certain schools have particular difficulty hiring teachers for
486 certain subject areas and that the need for such teachers in these schools is particularly strong.
487 Accordingly in an effort to attract and retain high quality teachers, local school boards may offer
488 instructional personnel serving in such schools as a member of a middle school teacher corps
489 administered by the Department of Education incentives such as increased compensation, improved

retirement benefits in accordance with Chapter 6.2 (§ 51.1-617 et seq.) of Title 51.1, increased deferred compensation in accordance with § 51.1-603, relocation expenses, bonuses, and other incentives as may be determined by the board.

For purposes of this subsection, "middle school teacher corps" means licensed instructional personnel who are assigned to a local school division to teach in a subject matter in grades six, seven, or eight where there is a critical need, as determined by the Department of Education. The contract between such persons and the relevant local school board shall specify that the contract is for service in the middle school teacher corps.

§ 22.1-207.3. School breakfast programs.

A. ~~By July 1, 1994, upon~~ Upon the appropriation and authorization of federal funds for the reimbursement of school breakfast programs, each school board shall establish a school breakfast program in any public school in which ~~twenty-five~~ 25 percent or more of enrolled school-age children were approved eligible to receive free or reduced price meals in the federally funded lunch program during the previous school year.

B. The Board of Education shall promulgate regulations for the implementation of the program. Such regulations shall include, but not be limited to, criteria for eligibility and exemptions; a reporting system for the compilation and analysis of information concerning the number and socioeconomic characteristics of participating school-age children; standards for food services; program evaluation; the investigation of complaints; an appeals process; notification of parents and guardians of the availability of the school breakfast program; and provision to teachers, children, and their parents or guardians of nutrition information describing the relationship between good nutrition, learning, and health.

C. Each school board subject to the provisions of this section shall develop and implement a plan to ensure compliance with the provisions of subsection A and submit the plan to the Department of Education no later than ~~thirty~~ 30 days prior to the commencement of the program. ~~Beginning by June 30, 1995, and thereafter annually, each~~ Each school board shall *annually* report such information as required in subsection B to the Department of Education on such forms and in the manner to be prescribed by the Board. In the event that federal funding for school breakfast programs is reduced or eliminated, a school board may support the program with such state or local funds as may be appropriated for such purposes.

§ 22.1-209.2. Programs and teachers in regional detention homes, certain local detention homes and state agencies and institutions.

The Board of Education shall prepare and supervise the implementation in the regional detention homes and those local detention homes ~~having teachers whose salaries were being funded by the Commonwealth on January 1, 1984,~~ a program designed to educate and train the children detained in the homes. In addition, the Board shall supervise those programs of evaluation, education, and training provided to school-age children by the Department of Health, the Department of Behavioral Health and Developmental Services, the children's teaching hospital associated with the Eastern Virginia Medical School, the Virginia Commonwealth University Health System Authority, the children's teaching hospital associated with the Virginia Commonwealth University Health System Authority, and the University of Virginia Hospitals pursuant to the Board's standards and regulations as required by § 22.1-7.

The Board shall promulgate such rules and regulations as may be necessary to conform these programs with the applicable federal and state laws and regulations including, ~~but not limited to,~~ teacher/student ratios and special education requirements for children with disabilities. The education programs in the relevant detention homes and state agencies and institutions shall be approved by the Board, and the Board shall prepare a budget for these educational programs ~~which~~ that shall be solely supported by such general funds as are appropriated by the General Assembly for this purpose. Teacher staffing ratios for regional or local detention homes shall be based on a ratio of one teacher for every ~~twelve~~ 12 beds based on the capacity of the facility; however, if the previous year's average daily attendance exceeds this bed capacity, the ratio shall be based on the average daily attendance at the facility as calculated by the Department of Education from the previous school year.

The Board of Education shall enter into contracts with the relevant state agency or institution or detention facility or the local school divisions in which the state agencies or institutions or the regional detention homes and the relevant local detention homes are located for the hiring and supervision of teachers.

In any case in which the Board enters into a contract with the relevant state agency or institution, the Department of Human Resource Management shall establish salary schedules for the teachers ~~which~~ that are competitive with those in effect for the school divisions in which the agency or institution is located.

§ 22.1-212.24. Approval of multidivision online providers; contracts with local school boards.

A. The Superintendent of Public Instruction shall develop, and the Board of Education shall approve, (i) the criteria and application process for approving multidivision online providers; (ii) a process for monitoring approved multidivision online providers; (iii) a process for revocation of the approval of a

previously approved multidivision online provider; and (iv) an appeals process for a multidivision online provider whose approval was revoked or whose application was denied. The process developed under this subsection shall require approvals and revocations to be determined by the Superintendent of Public Instruction, and either the denial of an application or revocation of approval may be appealed to the Board of Education for review. The approval of a multidivision online provider under this section shall be effective until the approval is revoked, for cause, pursuant to the terms of this section. Any notice of revocation of approval of a multidivision online provider or rejection of an application by a multidivision online provider shall state the grounds for such action with reasonable specificity and give reasonable notice to the multidivision online provider to appeal. ~~These criteria and processes shall be adopted by January 31, 2011.~~

B. In developing the criteria for approval pursuant to subsection A, the Superintendent of Public Instruction shall (i) require multidivision online providers to be accredited by a national, regional, or state accreditation program approved by the Board; (ii) require such courses or programs, pupil performance standards, and curriculum to meet or exceed any applicable Standards of Learning and Standards of Accreditation; (iii) require any educational objectives and assessments used to measure pupil progress toward achievement of the school's pupil performance standards to be in accordance with the Board's Standards of Accreditation and all applicable state and federal laws; (iv) require such courses or programs to maintain minimum staffing requirements appropriate for virtual school programs; and (v) publish the criteria for approval of multidivision online providers on its website, including any applicable deadlines, fees, and guidelines.

C. The Department of Education may charge a multidivision online provider applicant or a local school board requesting to offer a course through Virtual Virginia a fee not to exceed the costs required to ensure proper evaluation and approval of such requests. The Department shall establish and publish a fee schedule for purposes of this subsection.

D. Local school boards may enter into contracts, consistent with the criteria approved by the Board pursuant to this section, with approved private or nonprofit organizations to provide multidivision online courses and virtual school programs. Such contracts shall be exempt from the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

§ 22.1-212.25. Information regarding online courses and virtual programs; report.

A. The Department of Education shall develop and maintain a website that provides objective information for students, parents, and educators regarding online courses and virtual programs offered through local school boards by multidivision online providers that have been approved in accordance with § 22.1-212.24 and courses offered through the Virtual Virginia Program. The website shall include information regarding the overall instructional programs, the specific content of individual online courses and online programs, a direct link to each multidivision online provider's website, how to register for online learning programs and courses, teacher qualifications, course completion rates, and other evaluative and comparative information. The website shall also provide information regarding the process and criteria for approving multidivision online providers. Multidivision online providers shall provide the Department of Education the required information for the website as a condition of maintaining Board approval.

B. The Superintendent of Public Instruction shall develop model policies and procedures regarding student access to online courses and online learning programs that may be used by local school divisions.

Nothing in this article shall be deemed to require a local school division to adopt model policies or procedures developed pursuant to this section.

C. ~~Beginning November 1, 2011, and annually thereafter, the~~ The Board of Education shall include in its annual report to the Governor and the General Assembly information regarding multidivision online learning during the previous school year. The information shall include but not be limited to student demographics, course enrollment data, parental satisfaction, aggregated student course completion and passing rates, and activities and outcomes of course and provider approval reviews. ~~The November 1, 2011, report shall be an interim progress report and include information on the criteria and processes adopted by the Board and outcomes of provider applications.~~

D. ~~By July 1, 2011,~~ local school boards shall post on their websites information regarding online courses and programs that are available through the school division and Virtual Virginia. Such information shall include but not be limited to the types of online courses and programs available to students through the school division, when the school division will pay course fees and other costs for nonresident students, and the granting of high school credit.

§ 22.1-215.1. Information regarding procedures and rights relating to special education placement and withdrawal.

Effective July 1, 2001, the Board of Education shall publicize and disseminate to parents of students who are enrolled in special education programs or for whom a special education placement has been recommended information regarding current federal law and regulation addressing procedures and

rights related to the placement and withdrawal of children in special education.

§ 22.1-253.13:3. Standard 3. Accreditation, other standards, assessments, and releases from state regulations.

A. The Board shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), which shall include (i) student outcome and growth measures, (ii) requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, (iii) administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, (iv) student services, (v) auxiliary education programs such as library and media services, (vi) requirements for graduation from high school, (vii) community relations, and (viii) the philosophy, goals, and objectives of public education in the Commonwealth.

The Board shall promulgate regulations establishing standards for accreditation of public virtual schools under the authority of the local school board that enroll students full time.

The Board's regulations establishing standards for accreditation shall ensure that the accreditation process is transparent and based on objective measurements and that any appeal of the accreditation status of a school is heard and decided by the Board.

The Board shall review annually the accreditation status of all schools in the Commonwealth. The Board shall review the accreditation status of a school once every three years if the school has been fully accredited for three consecutive years. Upon such triennial review, the Board shall review the accreditation status of the school for each individual year within that triennial review period. If the Board finds that the school would have been accredited every year of that triennial review period the Board shall accredit the school for another three years. The Board may review the accreditation status of any other school once every two years or once every three years, provided that any school that receives a multiyear accreditation status other than full accreditation shall be covered by a Board-approved multiyear corrective action plan for the duration of the period of accreditation. Such multiyear corrective action plan shall include annual written progress updates to the Board. A multiyear accreditation status shall not relieve any school or division of annual reporting requirements.

Each local school board shall maintain schools that are fully accredited pursuant to the standards for accreditation as prescribed by the Board. Each local school board shall report the accreditation status of all schools in the local school division annually in public session.

The Board shall establish a review process to assist any school that does not meet the standards established by the Board. The relevant school board shall report the results of such review and any annual progress reports in public session and shall implement any actions identified through such review and utilize them for improvement planning.

The Board shall establish a corrective action plan process for any school that does not meet the standards established by the Board. Such process shall require (a) each school board to submit a corrective action plan for any school in the local school division that does not meet the standards established by the Board and (b) any school board that fails to demonstrate progress in developing or implementing any such corrective action plan to enter into a memorandum of understanding with the Board.

When the Board determines through its review process that the failure of schools within a division to meet the standards established by the Board is related to division-level failure to implement the Standards of Quality or other division-level action or inaction, the Board may require a division-level academic review. After the conduct of such review and within the time specified by the Board, each school board shall enter into a memorandum of understanding with the Board and shall subsequently submit to the Board for approval a corrective action plan, consistent with criteria established by the Board setting forth specific actions and a schedule designed to ensure that schools within its school division meet the standards established by the Board. If the Board determines that the proposed corrective action plan is not sufficient to enable all schools within the division to meet the standards established by the Board, the Board may return the plan to the local school board with directions to submit an amended plan pursuant to Board guidance. Such corrective action plans shall be part of the relevant school division's comprehensive plan pursuant to § 22.1-253.13:6.

B. The Superintendent of ~~Public Instruction~~ shall develop, subject to revision by the Board, criteria for determining and recognizing educational performance in the Commonwealth's local school divisions and public schools. The portion of such criteria that measures individual student growth shall become an integral part of the accreditation process for schools in which any grade level in the grade three through eight range is taught. The Superintendent of ~~Public Instruction~~ shall annually report to the Board on the accreditation status of all school divisions and schools. Such report shall include an analysis of the strengths and weaknesses of public education programs in the various school divisions in Virginia and recommendations to the General Assembly for further enhancing student learning uniformly across the Commonwealth. In recognizing educational performance and individual student growth in the school

674 divisions, the Board shall include consideration of special school division accomplishments, such as
675 numbers of dual enrollments and students in Advanced Placement and International Baccalaureate
676 courses, and participation in academic year Governor's Schools.

677 The Superintendent of ~~Public Instruction~~ shall assist local school boards in the implementation of
678 action plans for increasing educational performance and individual student growth in those school
679 divisions and schools that are identified as not meeting the approved criteria. The Superintendent of
680 ~~Public Instruction~~ shall monitor the implementation of and report to the Board on the effectiveness of
681 the corrective actions taken to improve the educational performance in such school divisions and
682 schools.

683 C. With such funds as are available for this purpose, the Board shall prescribe assessment methods to
684 determine the level of achievement of the Standards of Learning objectives by all students. Such
685 assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to
686 the Standards of Learning being assessed. The Board shall, with the assistance of independent testing
687 experts, conduct a regular analysis and validation process for these assessments. In lieu of a one-time
688 end-of-year assessment, the Board shall establish, for the purpose of providing measures of individual
689 student growth over the course of the school year, a through-year growth assessment system, aligned
690 with the Standards of Learning, for the administration of reading and mathematics assessments in grades
691 three through eight. Such through-year growth assessment system shall include at least one
692 beginning-of-year, one mid-year, and one end-of-year assessment in order to provide individual student
693 growth scores over the course of the school year, but the total time scheduled for taking all such
694 assessments shall not exceed 150 percent of the time scheduled for taking a single end-of-year
695 proficiency assessment. The Department shall ensure adequate training for teachers and principals on
696 how to interpret and use student growth data from such assessments to improve reading and mathematics
697 instruction in grades three through eight throughout the school year. With such funds and content as are
698 available for such purpose, such through-year growth assessment system shall provide accurate
699 measurement of a student's performance, through computer adaptive technology, using test items at,
700 below, and above the student's grade level as necessary.

701 The Board shall also provide the option of industry certification and state licensure examinations as a
702 student-selected credit.

703 The Department shall make available to school divisions Standards of Learning assessments typically
704 administered by high schools by December 1 of the school year in which such assessments are to be
705 administered or when newly developed assessments are available, whichever is later.

706 The Board shall make publicly available such assessments in a timely manner and as soon as
707 practicable following the administration of such tests, so long as the release of such assessments does
708 not compromise test security or deplete the bank of assessment questions necessary to construct
709 subsequent tests, or limit the ability to test students on demand and provide immediate results in the
710 web-based assessment system.

711 The Board shall prescribe alternative methods of Standards of Learning assessment administration for
712 children with disabilities, as that term is defined in § 22.1-213, who meet criteria established by the
713 Board to demonstrate achievement of the Standards of Learning. An eligible student's Individual
714 Education Program team shall make the final determination as to whether an alternative method of
715 administration is appropriate for the student.

716 The Board shall include in the student outcome and growth measures that are required by the
717 standards of accreditation the required assessments for various grade levels and classes, including the
718 completion of the alternative assessments implemented by each local school board, in accordance with
719 the Standards of Learning. These assessments shall include end-of-course or end-of-grade tests for
720 English, mathematics, science, and history and social science and may be integrated to include multiple
721 subject areas.

722 The Standards of Learning assessments administered to students in grades three through eight shall
723 not exceed (i) reading and mathematics in grades three and four; (ii) reading, mathematics, and science
724 in grade five; (iii) reading and mathematics in grades six and seven; (iv) reading, writing, and
725 mathematics in grade eight; (v) science after the student receives instruction in the grade six science, life
726 science, and physical science Standards of Learning and before the student completes grade eight; and
727 (vi) Virginia Studies and Civics and Economics once each at the grade levels deemed appropriate by
728 each local school board. The reading and mathematics assessments administered to students in grades
729 three through eight shall be through-year growth assessments.

730 Each school board shall annually certify that it has provided instruction and administered an
731 alternative assessment, consistent with Board guidelines, to students in grades three through eight in
732 each Standards of Learning subject area in which a Standards of Learning assessment was not
733 administered during the school year. Such guidelines shall (a) incorporate options for age-appropriate,
734 authentic performance assessments and portfolios with rubrics and other methodologies designed to
735 ensure that students are making adequate academic progress in the subject area and that the Standards of

Learning content is being taught; (b) permit and encourage integrated assessments that include multiple subject areas; and (c) emphasize collaboration between teachers to administer and substantiate the assessments and the professional development of teachers to enable them to make the best use of alternative assessments.

Local school divisions shall provide targeted mathematics remediation and intervention to students in grades six through eight who show computational deficiencies as demonstrated by their individual performance on any diagnostic test or grade-level Standards of Learning mathematics test that measures non-calculator computational skills.

The Department shall award recovery credit to any student in grades three through eight who performs below grade level on a Standards of Learning assessment in English reading or mathematics, receives remediation, and subsequently retakes and performs at or above grade level on such an assessment, including any such student who subsequently retakes such an assessment on an expedited basis.

In addition, to assess the educational progress of students, the Board shall (1) develop appropriate assessments, which may include criterion-referenced tests and other assessment instruments that may be used by classroom teachers; (2) select appropriate industry certification and state licensure examinations; and (3) prescribe and provide measures, which may include nationally normed tests to be used to identify students who score in the bottom quartile at selected grade levels. ~~An annual justification that includes evidence that the student meets the participation criteria defined by the Department shall be provided for each student considered for the Virginia Grade Level Alternative. Each Individual Education Program team shall review such justification and make the final determination as to whether or not the Virginia Grade Level Alternative is appropriate for the student. The superintendent and the school board chairman shall certify to the Board, as a part of certifying compliance with the Standards of Quality, that there is a justification in the Individual Education Program for every student who takes the Virginia Grade Level Alternative. Compliance with this requirement shall be monitored as a part of the special education monitoring process conducted by the Department. The Board shall report to the Governor and General Assembly in its annual reports pursuant to § 22.1-18 any school division that is not in compliance with this requirement.~~

The Standards of Learning requirements, including all related assessments, shall be waived for any student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to § 30-231.2, who is enrolled in a preparation program for a high school equivalency examination approved by the Board or in an adult basic education program or an adult secondary education program to obtain the high school diploma or a high school equivalency certificate.

The Department shall develop processes for informing school divisions of changes in the Standards of Learning.

The Board may adopt special provisions related to the administration and use of any Standards of Learning test or tests in a content area as applied to accreditation ratings for any period during which the Standards of Learning content or assessments in that area are being revised and phased in. Prior to statewide administration of such tests, the Board shall provide notice to local school boards regarding such special provisions.

The Board shall not include in its calculation of the passage rate for a Standards of Learning assessment or the level of achievement of the Standards of Learning objectives for an individual student growth assessment for the purposes of state accountability any student whose parent has decided to not have his child take such Standards of Learning assessment, unless such exclusions would result in the school's not meeting any required state or federal participation rate.

D. The Board may pursue all available civil remedies pursuant to § 22.1-19.1 or administrative action pursuant to § 22.1-292.1 for breaches in test security and unauthorized alteration of test materials or test results.

The Board may initiate or cause to be initiated a review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests, including the exclusion of students from testing who are required to be assessed, by local school board employees responsible for the distribution or administration of the tests.

Records and other information furnished to or prepared by the Board during the conduct of a review or investigation may be withheld pursuant to subdivision 10 of § 2.2-3705.3. However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board. Any local school board or division superintendent receiving such records or other information shall, upon taking personnel action against a relevant employee, place copies of such records or information relating

797 to the specific employee in such person's personnel file.

798 Notwithstanding any other provision of state law, no test or examination authorized by this section,
799 including the Standards of Learning assessments, shall be released or required to be released as
800 minimum competency tests, if, in the judgment of the Board, such release would breach the security of
801 such test or examination or deplete the bank of questions necessary to construct future secure tests.

802 E. With such funds as may be appropriated, the Board may provide, through an agreement with
803 vendors having the technical capacity and expertise to provide computerized tests and assessments, and
804 test construction, analysis, and security, for (i) web-based computerized tests and assessments, including
805 computer-adaptive Standards of Learning assessments, for the evaluation of student progress during and
806 after remediation and (ii) the development of a remediation item bank directly related to the Standards
807 of Learning.

808 F. To assess the educational progress of students as individuals and as groups, each local school
809 board shall require the use of Standards of Learning assessments, alternative assessments, and other
810 relevant data, such as industry certification and state licensure examinations, to evaluate student progress
811 and to determine educational performance. Each local school shall require the administration of
812 appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests
813 and shall include the Standards of Learning assessments, the local school board's alternative assessments,
814 and the National Assessment of Educational Progress state-by-state assessment. Each school board shall
815 analyze and report annually, in compliance with any criteria that may be established by the Board, the
816 results from the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, if
817 administered, industry certification examinations, and the Standards of Learning Assessments to the
818 public.

819 The Board shall not require administration of the Stanford Achievement Test Series, Ninth Edition
820 (Stanford Nine) assessment, except as may be selected to facilitate compliance with the requirements for
821 home instruction pursuant to § 22.1-254.1.

822 The Board shall include requirements for the reporting of the Standards of Learning assessment data,
823 regardless of accreditation frequency, as part of the Board's requirements relating to the School
824 Performance Report Card. Such scores shall be disaggregated for each school by student subgroups on
825 the Virginia assessment program as appropriate and shall be reported to the public within three months
826 of their receipt. These reports (i) shall be posted on the portion of the Department's website relating to
827 the School Performance Report Card, in a format and in a manner that allows year-to-year comparisons,
828 and (ii) may include the National Assessment of Educational Progress state-by-state assessment.

829 G. Each local school division superintendent shall regularly review the division's submission of data
830 and reports required by state and federal law and regulations to ensure that all information is accurate
831 and submitted in a timely fashion. The Superintendent of Public Instruction shall provide a list of the
832 required reports and data to division superintendents annually. The status of compliance with this
833 requirement shall be included in the Board's annual report to the Governor and the General Assembly as
834 required by § 22.1-18.

835 H. Any school board may request the Board for release from state regulations or, on behalf of one or
836 more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the
837 performance of one or more of its schools as authorized for certain other schools by the Standards for
838 Accreditation pursuant to 8VAC20-131-280 C of the Virginia Administrative Code. Waivers of
839 regulatory requirements may be granted by the Board based on submission of a request from the
840 division superintendent and chairman of the local school board. The Board may grant, for a period up to
841 five years, a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii)
842 designed to promote health or safety. The school board shall provide in its waiver request a description
843 of how the releases from state regulations are designed to increase the quality of instruction and improve
844 the achievement of students in the affected school or schools. The Department shall provide (a) guidance
845 to any local school division that requests releases from state regulations and (b) information about
846 opportunities to form partnerships with other agencies or entities to any local school division in which
847 the school or schools granted releases from state regulations have demonstrated improvement in the
848 quality of instruction and the achievement of students.

849 The Board may also grant local school boards waivers of specific requirements in § 22.1-253.13:2,
850 based on submission of a request from the division superintendent and chairman of the local school
851 board, permitting the local school board to assign instructional personnel to the schools with the greatest
852 needs, so long as the school division employs a sufficient number of personnel divisionwide to meet the
853 total number required by § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth
854 in subsection C of § 22.1-253.13:2 are met. The school board shall provide in its request a description
855 of how the waivers from specific Standards of Quality staffing standards are designed to increase the
856 quality of instruction and improve the achievement of students in the affected school or schools. The
857 waivers may be renewed in up to five-year increments, or revoked, based on student achievement results
858 in the affected school or schools.

§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who meet the requirements prescribed by the Board of Education and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. The standards for accreditation shall include provisions relating to the completion of graduation requirements through Virtual Virginia. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the requirements for graduation pursuant to the standards for accreditation and (ii) the requirements that have yet to be completed by the individual student.

B. Students identified as disabled who complete the requirements of their individualized education programs and meet certain requirements prescribed by the Board pursuant to regulations but do not meet the requirements for any named diploma shall be awarded Applied Studies diplomas by local school boards. The Board shall develop and implement statewide requirements for earning an Applied Studies diploma for implementation at the beginning of the 2022-2023 school year.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the graduation requirements of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

The Department shall develop guidance, in multiple languages, for students and parents conveying (i) the limitations of the applied studies diploma, (ii) key curriculum and testing decisions that reduce the likelihood that a student will be able to obtain a standard diploma, and (iii) a statement that the pursuit of an applied studies diploma may preclude a student's ability to pursue a standard diploma.

Each local school board shall provide guidance from the Department to parents of students with disabilities regarding the Applied Studies diploma and its limitations at a student's annual individualized education program meeting corresponding to grades three through 12 when curriculum or statewide assessment decisions are being made that impact the type of diploma for which the student can qualify.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board of Education ~~approved~~ *approved* diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve graduation requirements as provided in the standards for accreditation. If such student who does not graduate or complete such requirements is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. In establishing graduation requirements, the Board shall:

1. Develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship.

2. Emphasize the development of core skill sets in the early years of high school.

3. Establish multiple paths toward college and career readiness for students to follow in the later years of high school. Each such pathway shall include opportunities for internships, externships, and credentialing.

4. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation requirements, which shall include Standards of Learning testing, as necessary.

5. Require students to complete at least one course in fine or performing arts or career and technical education, one course in United States and Virginia history, and two sequential elective courses chosen from a concentration of courses selected from a variety of options that may be planned to ensure the

920 completion of a focused sequence of elective courses that provides a foundation for further education or
921 training or preparation for employment.

922 6. Require that students (i) complete an Advanced Placement, honors, International Baccalaureate, or
923 dual enrollment course; (ii) complete a high-quality work-based learning experience, as defined by the
924 Board; or (iii) earn a career and technical education credential that has been approved by the Board,
925 except when a career and technical education credential in a particular subject area is not readily
926 available or appropriate or does not adequately measure student competency, in which case the student
927 shall receive satisfactory competency-based instruction in the subject area to earn credit. The career and
928 technical education credential, when required, could include the successful completion of an industry
929 certification, a state licensure examination, a national occupational competency assessment, the Armed
930 Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment. The
931 Department of Education shall develop, maintain, and make available to each local school board a
932 catalogue of the testing accommodations available to English language learners for each such
933 certification, examination, assessment, and battery. Each local school board shall develop and implement
934 policies to require each high school principal or his designee to notify each English language learner of
935 the availability of such testing accommodations prior to the student's participation in any such
936 certification, examination, assessment, or battery.

937 7. ~~Beginning with first-time ninth grade students in the 2016-2017 school year, require~~ *Require*
938 students to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated
939 external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary
940 resuscitation.

941 8. Make provision in its regulations for students with disabilities to earn a diploma.

942 9. Require students to complete one virtual course, which may be a noncredit-bearing course.

943 10. Provide that students who complete elective classes into which the Standards of Learning for any
944 required course have been integrated and achieve a passing score on the relevant Standards of Learning
945 test for the relevant required course receive credit for such elective class.

946 11. Establish a procedure to facilitate the acceleration of students that allows qualified students, with
947 the recommendation of the division superintendent, without completing the 140-hour class, to obtain
948 credit for such class upon demonstrating mastery of the course content and objectives and receiving a
949 passing score on the relevant Standards of Learning assessment. Nothing in this section shall preclude
950 relevant school division personnel from enforcing compulsory attendance in public schools.

951 12. Provide for the award of credit for passing scores on industry certifications, state licensure
952 examinations, and national occupational competency assessments approved by the Board of Education.

953 School boards shall report annually to the Board of Education the number of Board-approved
954 industry certifications obtained, state licensure examinations passed, national occupational competency
955 assessments passed, Armed Services Vocational Aptitude Battery assessments passed, and Virginia
956 workplace readiness skills assessments passed, and the number of career and technical education
957 completers who graduated. These numbers shall be reported as separate categories on the School
958 Performance Report Card.

959 For the purposes of this subdivision, "career and technical education completer" means a student who
960 has met the requirements for a career and technical concentration or specialization and all requirements
961 for high school graduation or an approved alternative education program.

962 In addition, the Board may:

963 a. For the purpose of awarding credit, approve the use of additional or substitute tests for the
964 correlated Standards of Learning assessment, such as academic achievement tests, industry certifications,
965 or state licensure examinations; and

966 b. Permit students completing career and technical education programs designed to enable such
967 students to pass such industry certification examinations or state licensure examinations to be awarded,
968 upon obtaining satisfactory scores on such industry certification or licensure examinations, appropriate
969 credit for one or more career and technical education classes into which relevant Standards of Learning
970 for various classes taught at the same level have been integrated. Such industry certification and state
971 licensure examinations may cover relevant Standards of Learning for various required classes and may,
972 at the discretion of the Board, address some Standards of Learning for several required classes.

973 13. Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at
974 the request of a local school board. Such waivers shall be granted only for good cause and shall be
975 considered on a case-by-case basis.

976 14. Consider all computer science course credits earned by students to be science course credits,
977 mathematics course credits, or career and technical education credits. The Board of Education shall
978 develop guidelines addressing how computer science courses can satisfy graduation requirements.

979 15. Permit local school divisions to waive the requirement for students to receive 140 clock hours of
980 instruction upon providing the Board with satisfactory proof, based on Board guidelines, that the
981 students for whom such requirements are waived have learned the content and skills included in the

relevant Standards of Learning.

16. Provide for the award of verified units of credit for a satisfactory score, as determined by the Board, on the Preliminary ACT (PreACT) or Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) examination.

17. Permit students to exceed a full course load in order to participate in courses offered by an institution of higher education that lead to a degree, certificate, or credential at such institution.

18. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction after the student has completed the course curriculum and relevant Standards of Learning end-of-course assessment, or Board-approved substitute, provided that such student subsequently receives instruction, coursework, or study toward an industry certification approved by the local school board.

19. Permit any English language learner who previously earned a sufficient score on an Advanced Placement or International Baccalaureate foreign language examination or an SAT II Subject Test in a foreign language to substitute computer coding course credit for any foreign language course credit required to graduate, except in cases in which such foreign language course credit is required to earn an advanced diploma offered by a nationally recognized provider of college-level courses.

20. Permit a student who is pursuing an advanced diploma and whose individualized education program specifies a credit accommodation for world language to substitute two standard units of credit in computer science for two standard units of credit in a world language. For any student that elects to substitute a credit in computer science for credit in world language, his or her school counselor must provide notice to the student and parent or guardian of possible impacts related to college entrance requirements.

E. In the exercise of its authority to recognize exemplary performance by providing for diploma seals:

1. The Board shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

2. The Board shall establish criteria for awarding a diploma seal for science, technology, engineering, and mathematics (STEM) for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) relevant coursework; (ii) technical writing, reading, and oral communication skills; (iii) relevant training; and (iv) industry, professional, and trade association national certifications.

3. The Board shall establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

4. The Board shall establish criteria for awarding a diploma seal of biliteracy to any student who demonstrates proficiency in English and at least one other language for the Board of Education-approved diplomas. The Board shall consider criteria including the student's (i) score on a College Board Advanced Placement foreign language examination, (ii) score on an SAT II Subject Test in a foreign language, (iii) proficiency level on an ACTFL Assessment of Performance toward Proficiency in Languages (AAPPL) measure or another nationally or internationally recognized language proficiency test, or (iv) cumulative grade point average in a sequence of foreign language courses approved by the Board.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency examination approved by the Board of Education; (ii) successfully completed an education and training program designated by the Board of Education; (iii) earned a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, report, and make available to the public high school graduation and dropout data using a formula prescribed by the Board.

H. The Board shall also collect, analyze, report, and make available to the public high school graduation and dropout data using a formula that excludes any student who fails to graduate because such student is in the custody of the Department of Corrections, the Department of Juvenile Justice, or

local law enforcement. For the purposes of the Standards of Accreditation, the Board shall use the graduation rate required by this subsection.

I. The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data required by subsections G and H.

§ 22.1-254.1. Declaration of policy; requirements for home instruction of children.

A. When the requirements of this section have been satisfied, instruction of children by their parents is an acceptable alternative form of education under the policy of the Commonwealth of Virginia. Any parent of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday may elect to provide home instruction in lieu of school attendance if he (i) holds a high school diploma; (ii) is a teacher of qualifications prescribed by the Board of Education; (iii) provides the child with a program of study or curriculum, which may be delivered through a correspondence course or distance learning program or in any other manner; or (iv) provides evidence that he is able to provide an adequate education for the child.

B. Any parent who elects to provide home instruction in lieu of school attendance shall annually notify the division superintendent in August of his intention to so instruct the child and provide a description of the curriculum, limited to a list of subjects to be studied during the coming year, and evidence of having met one of the criteria for providing home instruction as required by subsection A. ~~Effective July 1, 2000, parents~~ Parents electing to provide home instruction shall provide such annual notice no later than August 15. Any parent who moves into a school division or begins home instruction after the school year has begun shall notify the division superintendent of his intention to provide home instruction as soon as practicable and shall thereafter comply with the requirements of this section within 30 days of such notice. The division superintendent shall notify the Superintendent of Public Instruction of the number of students in the school division receiving home instruction.

C. The parent who elects to provide home instruction shall provide the division superintendent by August 1 following the school year in which the child has received home instruction with either (i) evidence that the child has attained a composite score in or above the fourth stanine on any nationally normed standardized achievement test, or an equivalent score on the ACT, SAT, or PSAT test or (ii) an evaluation or assessment ~~which that~~ the division superintendent determines to indicate that the child is achieving an adequate level of educational growth and progress, including ~~but not limited to~~ (a) an evaluation letter from a person licensed to teach in any state, or a person with a master's degree or higher in an academic discipline, having knowledge of the child's academic progress, stating that the child is achieving an adequate level of educational growth and progress or (b) a report card or transcript from an institution of higher education, college distance learning program, or home-education correspondence school.

In the event that evidence of progress as required in this subsection is not provided by the parent, the home instruction program for that child may be placed on probation for one year. Parents shall file with the division superintendent evidence of their ability to provide an adequate education for their child in compliance with subsection A and a remediation plan for the probationary year ~~which that~~ indicates their program is designed to address any educational deficiency. Upon acceptance of such evidence and plan by the division superintendent, the home instruction may continue for one probationary year. If the remediation plan and evidence are not accepted or the required evidence of progress is not provided by August 1 following the probationary year, home instruction shall cease and the parent shall make other arrangements for the education of the child ~~which that~~ comply with § 22.1-254. The requirements of ~~this~~ subsection ~~C~~ shall not apply to children who are under the age of six as of September 30 of the school year.

D. Nothing in this section shall prohibit a pupil and his parents from obtaining an excuse from school attendance by reason of bona fide religious training or belief pursuant to subdivision B 1 of § 22.1-254.

E. Any party aggrieved by a decision of the division superintendent may appeal his decision within 30 days to an independent hearing officer. The independent hearing officer shall be chosen from the list maintained by the Executive Secretary of the Supreme Court for hearing appeals of the placements of children with disabilities. The costs of the hearing shall be apportioned among the parties by the hearing officer in a manner consistent with his findings.

F. School boards shall make Advanced Placement (AP), Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), and PreACT examinations available to students receiving home instruction pursuant to this section. School boards shall adopt written policies that specify the date by which such students shall register to participate in such examinations. School boards shall notify such students and their parents of such registration deadline and the availability of financial assistance to low-income and needy students to take such examinations.

G. No division superintendent or local school board shall disclose to the Department of Education or any other person or entity outside of the local school division information that is provided by a parent or student to satisfy the requirements of this section or subdivision B 1 of § 22.1-254. However, a

division superintendent or local school board may disclose, with the written consent of a student's parent, such information to the extent provided by the parent's consent. Nothing in this subsection shall prohibit a division superintendent from notifying the Superintendent of Public Instruction of the number of students in the school division receiving home instruction as required by subsection B.

§ 22.1-271.3. Guidelines for school attendance for children infected with human immunodeficiency virus; school personnel training required; notification of school personnel in certain cases.

A. The Board of Education, in cooperation with the Board of Health, shall develop, and revise as necessary, model guidelines for school attendance for children infected with human immunodeficiency virus. ~~The first such guidelines shall be completed by December 1, 1989.~~ The Board shall distribute copies of these guidelines to each division superintendent and every school board member in the Commonwealth immediately following ~~completion~~ *development or revision*.

B. Each school board shall, ~~by July 1, 1990,~~ adopt guidelines for school attendance for children with human immunodeficiency virus. Such guidelines shall be consistent with the model guidelines for such school attendance developed by the Board of Education.

C. Every school board shall ensure that all school personnel having direct contact with students receive appropriate training in the etiology, prevention, transmission modes, and effects of blood-borne pathogens, specifically, hepatitis B and human immunodeficiency viruses or any other infections that are the subject of regulations promulgated by the Safety and Health Codes Board of the Virginia Occupational Safety and Health Program within the Department of Labor and Industry.

D. Upon notification by a school employee who believes he has been involved in a possible exposure-prone incident ~~which~~ *that* may have exposed the employee to the blood or body fluids of a student, the division superintendent shall contact the local health director who, upon immediate investigation of the incident, shall determine if a potentially harmful exposure has occurred and make recommendations, based upon all information available to him, regarding how the employee can reduce any risks from such exposure. The division superintendent shall share these recommendations with the school employee. Except as permitted by § 32.1-45.1, the division superintendent and the school employee shall not divulge any information provided by the local health director regarding such student. The information provided by the local health director shall be subject to any applicable confidentiality requirements set forth in Chapter 2 (§ 32.1-35 et seq.) of Title 32.1.

§ 22.1-274. School health services.

A. A school board shall provide pupil personnel and support services in compliance with § 22.1-253.13:2. A school board may employ school nurses, physicians, physical therapists, occupational therapists, and speech therapists. No such personnel shall be employed unless they meet such standards as may be determined by the Board of Education. Subject to the approval of the appropriate local governing body, a local health department may provide personnel for health services for the school division.

B. In implementing subsection P of § 22.1-253.13:2, relating to providing support services that are necessary for the efficient and cost-effective operation and maintenance of its public schools, each school board may strive to employ, or contract with local health departments for, nursing services consistent with a ratio of at least one nurse ~~(i) per 2,500 students by July 1, 1996; (ii) per 2,000 students by July 1, 1997; (iii) per 1,500 students by July 1, 1998; and (iv) per 1,000 students by July 1, 1999.~~ In those school divisions in which there are more than 1,000 students in average daily membership in school buildings, this section shall not be construed to encourage the employment of more than one nurse per school building. Further, this section shall not be construed to mandate the aspired-to ratios.

C. The Board of Education shall monitor the progress in achieving the ~~ratios~~ *ratio* set forth in subsection B and any subsequent increase in prevailing statewide costs, and the mechanism for funding health services, pursuant to subsection P of § 22.1-253.13:2 and the appropriation act. The Board shall also determine how school health funds are used and school health services are delivered in each locality and shall provide, by December 1, 1994, a detailed analysis of school health expenditures to the House Committee on Education, the House Committee on Appropriations, the Senate Committee on Education and Health, and the Senate Committee on Finance and Appropriations.

D. With the exception of school administrative personnel and persons employed by school boards who have the specific duty to deliver health-related services, no licensed instructional employee, instructional aide, or clerical employee shall be disciplined, placed on probation, or dismissed on the basis of such employee's refusal to (i) perform nonemergency health-related services for students or (ii) obtain training in the administration of insulin and glucagon. However, instructional aides and clerical employees may not refuse to dispense oral medications.

For the purposes of this subsection, "health-related services" means those activities that, when performed in a health care facility, must be delivered by or under the supervision of a licensed or

1166 certified professional.

1167 E. Each school board shall ensure that in school buildings with an instructional and administrative
1168 staff of 10 or more (i) at least three employees have current certification or training in emergency first
1169 aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator and (ii) if one or
1170 more students diagnosed as having diabetes attend such school, at least two employees have been trained
1171 in the administration of insulin and glucagon. In school buildings with an instructional and
1172 administrative staff of fewer than 10, school boards shall ensure that (a) at least two employees have
1173 current certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of an
1174 automated external defibrillator and (b) if one or more students diagnosed as having diabetes attend such
1175 school, at least one employee has been trained in the administration of insulin and glucagon.
1176 "Employee" For purposes of this subsection, "employee" includes any person employed by a local health
1177 department who is assigned to the public school pursuant to an agreement between the local health
1178 department and the school board. When a registered nurse, nurse practitioner, physician, or physician
1179 assistant is present, no employee who is not a registered nurse, nurse practitioner, physician, or
1180 physician assistant shall assist with the administration of insulin or administer glucagon. Prescriber
1181 authorization and parental consent shall be obtained for any employee who is not a registered nurse,
1182 nurse practitioner, physician, or physician assistant to assist with the administration of insulin and
1183 administer glucagon.

1184 **§ 22.1-280.2. School crime line defined; development of school crime lines authorized; local**
1185 **school boards' authority; Board to promulgate regulations.**

1186 A. As used in this section: "School, "school crime line" means a confidential, anonymous system
1187 providing inducements for students to report any unlawful act occurring in school buildings or on school
1188 grounds or during school-sponsored activities to local law-enforcement authorities ~~which~~ *that* is
1189 established as a cooperative alliance between the local school board, news media, the community, and
1190 law-enforcement officials or through a separate, nonprofit corporation governed by a board of directors
1191 or as part of a local "Crime Stoppers" program.

1192 B. In order to reduce crime and violence within the school divisions in the Commonwealth, any local
1193 school board may develop a school crime line program as a joint, self-sustaining, cooperative alliance
1194 with news media, the community, and law-enforcement authorities to receive, screen, and reward student
1195 reports of unlawful acts committed in school buildings or on school grounds or at school functions,
1196 when such reports lead to arrests or recovery of contraband or stolen property. Police or other
1197 law-enforcement personnel shall staff every school crime line program, receive reported information
1198 from anonymous student callers, screen such information, and direct information for further
1199 investigation, as may be appropriate.

1200 C. Such programs may be established (i) by a local school board as a joint, self-sustaining,
1201 cooperative alliance with news media, the community, and law-enforcement authorities; (ii) through a
1202 separate nonprofit corporation initiated jointly by the local school board, news media, the community,
1203 and law-enforcement authorities and governed by a board of directors; or (iii) as part of a local "Crime
1204 Stoppers" program.

1205 The governing board of any separate nonprofit school crime line corporation shall include
1206 broad-based community representation and shall, through its bylaws, set the policy, coordinate fund
1207 raising, and formulate a system of rewards. Prior to implementation of any school crime line program
1208 and annually thereafter, the local school board shall review and approve, as complying with the ~~Board~~
1209 ~~of Education's~~ *Board's* regulations for implementation of school crime lines, its regulations or the bylaws
1210 of any nonprofit school crime line corporation or the bylaws of any nonprofit "Crime Stoppers"
1211 corporation operating a school crime line. No school crime line program shall be implemented or revised
1212 without first obtaining the local school board's approval. Every local school board developing a school
1213 crime line program shall also notify all students and their parents or other custodian of the procedures
1214 and policies governing the program prior to implementation and annually thereafter.

1215 D. ~~By July 1, 1994, the~~ *The* Board of Education shall promulgate regulations for the implementation
1216 of school crime lines, including, ~~but not limited to,~~ appropriate fund raising, and the appropriateness of
1217 and limitations on rewards. In developing the regulations, the Board shall, in consultation with the
1218 Office of the Attorney General, address issues relating to civil rights, privacy, and any other question of
1219 law, including the civic duty to report crime without compensation.

1220 E. Local school boards may establish, as a separate account, a school crime line fund, consisting of
1221 private contributions, local appropriations specifically designated for such purposes, and such funds as
1222 may be appropriated for this purpose by the Commonwealth pursuant to the appropriation act. No state
1223 or local funds appropriated for educational purposes shall be used to implement a school crime line.

1224 **§ 22.1-280.2: Public School Security Equipment Grant Act of 2013.**

1225 A. This section shall be known and may be cited as the "Public School Security Equipment Grant
1226 Act of 2013."

1227 B. For purposes of this section:

"Authority" means the Virginia Public School Authority.

"Department" means the Department of Education.

"Eligible school division" means a (i) local school division or (ii) regional vocational center, special education center, alternative education center, or academic year Governor's School serving public school students in grades K through 12. ~~The term shall also include~~ "Eligible school division" includes the Virginia School for the Deaf and the Blind.

"Local school division" means a school division with schools subject to state accreditation and whose students are required to be reported in fall membership for grades K through 12.

"Security equipment" includes building modifications and fixtures, including security vestibules, vaping detectors, security-related devices located outside of the school building on school property, and security-related devices located on school buses.

C. The Authority shall issue bonds for the purpose of grant payments to eligible school divisions of the Commonwealth to be used exclusively for purchasing security equipment for schools, including any related installation, ~~which~~ that is designed to improve and help ensure the safety of students attending public schools in ~~Virginia the Commonwealth~~. Such grants shall not be used to pay for security equipment that is not included or described in a grant application approved by the Department pursuant to subsection D. The amount of grants provided to each eligible school division pursuant to this section shall not exceed \$100,000 for each fiscal year of the Commonwealth. Funds for the payment of such grants shall be provided from the issuance of bonds by the Authority, provided that the Authority shall not issue more than an aggregate of \$6 million in bonds, after all costs, for such grants during each fiscal year of the Commonwealth. In addition, the Authority shall ensure that no more than an aggregate principal amount of \$30 million in bonds issued under this section shall be outstanding at any time. Eligible school divisions seeking a grant shall apply to the Department, which shall be responsible for administering the grant program.

The Authority shall work with the Department to determine the schedule for the issuance of the bonds, which shall be based in part upon eligible school divisions having sufficient funds to purchase such security equipment. The payment of debt service on such bonds shall be as provided in the general appropriation act.

Such grants shall be in addition to all other grants made to local governments, school boards, or school divisions according to law. In addition, such grants shall not replace or be in lieu of loans to local school boards or interest rate subsidy payments to local school boards pursuant to Chapter 11.1 (§ 22.1-175.1 et seq.) of ~~Title 22-1~~, and the issuance of such bonds and the payment of such grants shall not, except as herein provided, affect or otherwise amend the provisions of such chapter as they relate to the powers and duties of the Authority, local school boards, local governments, or any other entity.

D. Based on the criteria developed by the Department in collaboration with the Department of Criminal Justice Services, eligible school divisions shall apply for a grant by August 1 of each year. As a condition of receiving a grant, a local match of 25 percent of the grant amount shall be required. The Superintendent of ~~Public Instruction~~ is authorized to reduce the local match for local school divisions with a composite index of local ability-to-pay less than 0.2000, including any such school division participating in a regional vocational center, special education center, alternative education center, or academic year Governor's School. The Virginia School for the Deaf and the Blind shall be exempt from the match requirement.

Grants shall be awarded by the Department on a competitive basis. As part of the application for a grant, each eligible school division shall (i) identify with specificity the security equipment for which grants are being sought, as well as the estimated costs to purchase and install the security equipment, and (ii) certify that it is the intent of the eligible school division to purchase the security equipment within six months of approval of any grant by the Department.

If the Department determines that a grant shall be paid to an eligible school division under this section, it shall provide a written certification to the chairman of the Authority directing him to make a grant payment in a specific amount to the eligible school division. The Department, however, shall not make such written certification until it has established that the Authority has sufficient funds to make such grant payment. The Authority shall only make grant payments to an eligible school division for the grants provided under this section upon receipt of such written certification. The Authority shall make such grant payments, and in the amounts as directed by the Department, within 30 days of receipt of the certification.

E. The Department shall develop guidelines concerning the requirements for applying for a grant and the administration of such grants. Such guidelines shall not be subject to the Administrative Process Act (§ 2.2-4000 et seq.).

F. In the event that two or more local school divisions became one local school division, whether by consolidation of only the local school divisions or by consolidation of the local governments, such resulting local school division shall be eligible for grants on the basis of the same number of local

1289 school divisions as existed prior to September 30, 2012.

1290 G. The Authority shall take all necessary and proper steps as it is authorized to take under law to
1291 carry out the provisions of this section.

1292 H. ~~Beginning in 2014, the~~ The Department shall make an annual report to the General Assembly by
1293 September 1 of each year reporting (i) the total grants paid during the immediately prior fiscal year to
1294 each eligible school division and (ii) a general description of the security equipment purchased by
1295 eligible school divisions.

1296 **§ 22.1-296.2. Fingerprinting required; reciprocity permitted.**

1297 A. As a condition of employment, the school boards of the Commonwealth shall require any
1298 applicant who is offered or accepts employment ~~after July 1, 1989, whether full-time full time or~~
1299 ~~part-time, part time or permanent;~~ or temporary, to submit to fingerprinting and to provide personal
1300 descriptive information to be forwarded along with the applicant's fingerprints through the Central
1301 Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal
1302 history record information regarding such applicant. The school board may (i) pay for all or a portion of
1303 the cost of the fingerprinting or criminal records check or (ii) in its discretion, require the applicant to
1304 pay for all or a portion of the cost of such fingerprinting or criminal records check.

1305 The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no
1306 record exists, shall report to the school board whether or not the applicant has ever been convicted of a
1307 felony or a Class 1 misdemeanor or an equivalent offense in another state.

1308 To conserve the costs of conducting criminal history record checks to applicants and school boards,
1309 upon the written request and permission of the applicant, a school board shall inform another school
1310 board with which reciprocity has been established, and to which the applicant also has applied for
1311 employment, of the results of the criminal history record information conducted within the previous
1312 ~~ninety~~ 90 days that it obtained concerning the applicant. Criminal history record information pertaining
1313 to an applicant for employment by a school board shall be exchanged only between school boards in the
1314 Commonwealth in which a current agreement of reciprocity for the exchange of such information has
1315 been established and is in effect. Reciprocity agreements between school boards shall provide for the
1316 apportionment of the costs of the fingerprinting or criminal records check between the applicant and the
1317 school board, as prescribed in this section. However, school boards that enter into reciprocity agreements
1318 shall not each levy the costs of the fingerprinting or criminal records check on the applicant.

1319 B. The division superintendent shall inform the relevant school board of any notification of arrest of
1320 a school board employee received pursuant to § 19.2-83.1. The school board shall require such
1321 employee, whether ~~full-time full time or part-time, part time or permanent;~~ or temporary, to submit to
1322 fingerprinting and to provide personal descriptive information to be forwarded along with the employee's
1323 fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for
1324 the purpose of obtaining criminal history record information regarding such employee. The school board
1325 may (i) pay for all or a portion of the cost of the fingerprinting or criminal records check or (ii) in its
1326 discretion, require the applicant to pay for all or a portion of the cost of such fingerprinting or criminal
1327 records check.

1328 The Central Criminal Records Exchange, upon receipt of an employee's record or notification that no
1329 record exists, shall report to the school board whether or not the employee has been convicted of any of
1330 the offenses listed in subsection A ~~of this section~~. The contents of the employee's record shall be used
1331 by the school board solely to implement the provisions of §§ 22.1-307 and 22.1-315.

1332 C. The Central Criminal Records Exchange shall not disclose information to the school board
1333 regarding charges or convictions of any crimes not specified in this section. If an applicant is denied
1334 employment or a current employee is suspended or dismissed because of information appearing on his
1335 criminal history record, the school board shall provide a copy of the information obtained from the
1336 Central Criminal Records Exchange to the applicant or employee. The information provided to the
1337 school board shall not be disseminated except as provided in this section.

1338 **§ 22.1-296.3. Certain private school employees subject to fingerprinting and criminal records**
1339 **checks.**

1340 A. As a condition of employment, the governing boards or administrators of private elementary or
1341 secondary schools that are accredited pursuant to § 22.1-19 shall require any applicant who accepts
1342 employment, whether ~~full-time full time or part-time, part time or permanent;~~ or temporary, to submit to
1343 fingerprinting and to provide personal descriptive information to be forwarded along with the applicant's
1344 fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for
1345 the purpose of obtaining criminal history record information regarding such applicant.

1346 The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no
1347 record exists, shall report to the governing board or administrator, or to a private organization
1348 coordinating such records on behalf of such governing board or administrator pursuant to a written
1349 agreement with the Department of State Police, that the applicant meets the criteria or does not meet the
1350 criteria for employment based on whether or not the applicant has ever been convicted of any barrier

crime as defined in § 19.2-392.02.

B. The Central Criminal Records Exchange shall not disclose information to such governing board, administrator, or private organization coordinating such records regarding charges or convictions of any crimes. If any applicant is denied employment because of information appearing on the criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon request, furnish the applicant the procedures for obtaining a copy of the criminal history record from the Federal Bureau of Investigation. The information provided to the governing board, administrator, or private organization coordinating such records shall not be disseminated except as provided in this section. A governing board or administrator employing or previously employing a temporary teacher or a private organization coordinating such records on behalf of such governing board or administrator pursuant to a written agreement with the Department of State Police may disseminate, at the written request of such temporary teacher, whether such teacher meets the criteria or does not meet the criteria for employment pursuant to subsection A to the governing board or administrator of another accredited private elementary or secondary school in which such teacher has accepted employment. Such governing board, administrator, or private organization transferring criminal records information pursuant to this section shall be immune from civil liability for any official act, decision, or omission done or made in the performance of such transfer, when such acts or omissions are taken in good faith and are not the result of gross negligence or willful misconduct.

Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state of such processing and administration.

C. ~~Effective July 1, 2017, the~~ The governing board or administrator of a private elementary or secondary school that is accredited pursuant to § 22.1-19 that operates a child day program or family day system regulated by the Department pursuant to Chapter 14.1 (§ 22.1-289.02 et seq.) shall accept evidence of a background check in accordance with § 22.1-289.035 for individuals who are required to undergo a background check in accordance with that section as a condition of employment in lieu of the background check required by subsection A.

D. The governing boards or administrators of private elementary and secondary schools that are accredited pursuant to § 22.1-19 shall adopt and implement policies prohibiting any individual who is a governing board member, administrator, employee, contractor, or agent of a private elementary or secondary school to assist a governing board member, administrator, employee, contractor, or agent of such private elementary or secondary school in obtaining a new job if such individual knows or has probable cause to believe that the individual seeking new employment engaged in sexual misconduct regarding a minor or student in violation of law.

E. For purposes of this section, "governing board" or "administrator" means the unit or board or person designated to supervise operations of a system of private schools or a private school accredited pursuant to § 22.1-19.

Nothing in this section or § 19.2-389 shall be construed to require any private or religious school ~~which that~~ is not so accredited to comply with this section.

§ 22.1-303. Probationary terms of service for teachers.

A. A probationary term of service of three years in the same school division shall be required before a teacher is issued a continuing contract. School boards shall provide each probationary teacher except probationary teachers who have prior successful teaching experience, as determined by the local school board in a school division, a mentor teacher, as described by Board guidelines developed pursuant to § 22.1-305.1, during the first year of the probationary period, to assist such probationary teacher in achieving excellence in instruction. During the probationary period, such probationary teacher shall be evaluated annually based upon the evaluation procedures developed by the employing school board for use by the division superintendent and principals in evaluating teachers as required by subsection C of § 22.1-295. A teacher in his first year of the probationary period shall be evaluated informally at least once during the first semester of the school year. The division superintendent shall consider such evaluations, among other things, in making any recommendations to the school board regarding the nonrenewal of such probationary teacher's contract as provided in § 22.1-305.

Any teacher hired on or after July 1, 2001, shall be required, as a condition of achieving continuing contract status, to have successfully completed training in instructional strategies and techniques for intervention for or remediation of students who fail or are at risk of failing the Standards of Learning assessments. Local school divisions shall be required to provide said training at no cost to teachers employed in their division. In the event a local school division fails to offer said training in a timely manner, no teacher will be denied continuing contract status for failure to obtain such training.

B. Once a continuing contract status has been attained in a school division in the Commonwealth, another probationary period need not be served in any other school division unless such probationary period, not to exceed two years, is made a part of the contract of employment. Further, when a teacher has attained continuing contract status in a school division in the Commonwealth and separates from and

1412 returns to teaching service in a school division in Virginia by the beginning of the third year, such
1413 teacher shall be required to serve a probationary period not to exceed two years, if made a part of the
1414 contract for employment.

1415 C. For the purpose of calculating the years of service required to attain continuing contract status, at
1416 least 160 contractual teaching days during the school year shall be deemed the equivalent of one year in
1417 the first year of service by a teacher.

1418 D. Teachers holding three-year local eligibility licenses issued prior to July 1, 2013, shall not be
1419 eligible for continuing contract status while teaching under the authority of such license. Upon
1420 attainment of a collegiate professional or postgraduate professional license issued by the Department of
1421 Education, such teachers shall serve a probationary term of service of three years prior to being eligible
1422 for continuing contract status pursuant to this section.

1423 **§ 22.1-321.1. Possession and administration of epinephrine.**

1424 By the beginning of the 2016 - 2017 school year, the ~~The~~ Board shall promulgate regulations for the
1425 possession and administration of epinephrine in every school for students with disabilities, to be
1426 administered by any employee of the school who is authorized by a prescriber and trained in the
1427 administration of epinephrine to any student believed to be having an anaphylactic reaction.

1428 **§ 22.1-346.2. Board of Visitors of the Virginia School for the Deaf and the Blind established.**

1429 A. There is hereby established the Board of Visitors of the Virginia School for the Deaf and the
1430 Blind (*Board of Visitors*), as a policy agency in the executive branch of state government under the
1431 name of the "Virginia School for the Deaf and the Blind," for the purpose of governing the educational
1432 programs and services to deaf, blind, and multi-disabled students enrolled at the Virginia School for the
1433 Deaf and the Blind.

1434 B. The *Board of Visitors* shall have a total membership of 11 members that shall consist of four
1435 legislative members and seven nonlegislative citizen members. Members shall be appointed as follows:
1436 two members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in
1437 accordance with the principles of proportional representation contained in the Rules of the House of
1438 Delegates; two members of the Senate, to be appointed by the Senate Committee on Rules; and seven
1439 nonlegislative citizen members, of whom one shall be a parent of a child who is deaf or blind
1440 representing the Eastern region of the Commonwealth, one shall be a parent of a child who is deaf or
1441 blind representing the Western region of the Commonwealth, and one shall be a representative of the
1442 Virginia School for the Deaf and the Blind Alumni Association, to be appointed by the Governor,
1443 subject to confirmation by the General Assembly. Nonlegislative citizen members of the *Board of*
1444 *Visitors* shall be citizens of the Commonwealth. Legislative members of the *Board of Visitors* shall serve
1445 terms coincident with their terms of office. After the initial staggering of terms, nonlegislative members
1446 appointed shall serve for four-year terms. Appointments to fill vacancies, other than by expiration of a
1447 term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original
1448 appointments. All members may be reappointed. However, no House member shall serve more than four
1449 consecutive two-year terms, no Senate member shall serve more than two consecutive four-year terms,
1450 and no nonlegislative member appointed by the Governor shall serve more than two consecutive
1451 four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not
1452 constitute a term in determining the member's eligibility for reappointment.

1453 The *Board of Visitors* shall elect a chairman and vice-chairman from among its membership. The
1454 *Board of Visitors* shall elect a secretary, who shall keep an accurate record of the proceedings of the
1455 *Board of Visitors* and of the executive committee if one is created by the *Board of Visitors*, and such
1456 other officers as the Board deems appropriate. A majority of the members shall constitute a quorum.
1457 The *Board of Visitors* shall meet no more than four times each year. The meetings of the *Board of*
1458 *Visitors* shall be held at the call of the chairman or whenever the majority of the members so request.

1459 C. Legislative members of the *Board of Visitors* shall receive such compensation as provided in §
1460 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of
1461 their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary
1462 expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding
1463 for the costs of expenses of the members shall be provided from such funds as may be appropriated to
1464 the Board of Visitors of the Virginia School for the Deaf and the Blind, in accordance with the
1465 appropriations act.

1466 D. The Superintendent of ~~Public Instruction~~ shall designate a member of the staff of the Department
1467 of Education to serve as a consultant to the Board of Visitors of the Virginia School for the Deaf and
1468 the Blind on matters pertaining to instruction, federal and state special education requirements, and
1469 school accreditation, and to provide technical assistance to assist the *Board of Visitors* in meeting
1470 specific instructional and school accreditation needs.

1471 E. The *Board of Visitors* shall have the following powers and duties:

1472 1. Establish such rules, policies, and regulations for the governance of the Virginia School for the
1473 Deaf and the Blind.

2. Prescribe the criteria and procedures governing admissions to the school, and the review of student placement, to ensure the appropriateness of the placement and instructional program of each student admitted to the school, pursuant to § 22.1-348 and in accordance with federal and state special education laws and regulations.

3. Establish a policy governing the transportation of students at the school to permit frequent home visits by students, and to provide to each student transportation to and from the school and the place of residence of such student's parent or guardian whenever the school is officially closed.

4. Prescribe and approve the education programs of the Virginia School for the Deaf and the Blind, in consultation with the Department of Education, the Virginia Department for the Deaf and Hard-of-Hearing, and the Virginia Department for the Blind and Visually Impaired.

5. Appoint the superintendent, other officers, and the faculty of the school. The superintendent shall be appointed every two years and the other officers and faculty annually. However, the superintendent, with the approval of the chairman of the Board of Visitors, shall be authorized to fill vacancies in positions appointed by the Board of Visitors occurring between meetings of the Board of Visitors. The Board of Visitors may remove at any time the superintendent, other officers, faculty, and employees for cause, subject to the provisions of Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2.

6. Establish the qualifications, duties, and compensation of the superintendent, other officers, faculty, and employees of the school.

7. Prepare and submit to the Governor and the General Assembly, beginning July 1, 2010, an annual report detailing the curricula and other educational programs and services of the school, including receipts and disbursements pertaining to the operation of the school for each fiscal year ending on June 30.

§ 42.1-36.1. Power and duty of library boards and certain governing bodies regarding acceptable Internet use policies.

A. Every (i) library board established pursuant to § 42.1-35 or (ii) governing body of any county, city, or town that, pursuant to § 42.1-36, has not established a library board pursuant to § 42.1-35; shall establish an acceptable use policy for the Internet designed to (a) prohibit use by library employees and patrons of the library's computer equipment and communications services for sending, receiving, viewing, or downloading illegal material via the Internet, (b) prevent access by library patrons under the age of 18 to material that is harmful to juveniles, and (c) establish appropriate measures to be taken against persons who violate the policy. For libraries established under § 42.1-33, the policy shall also require the selection, installation, and activation of, on those computers that are accessible to the public and have Internet access, a technology protection measure to filter or block Internet access through such computers to child pornography as defined in § 18.2-374.1, obscenity as defined in § 18.2-372, and, with respect to minors, materials deemed harmful to juveniles as defined in § 18.2-390. Such policy shall provide that a person authorized by the library board shall disable or otherwise bypass the technology protection measure required by this section at the request of a patron to enable access for bona fide research or other lawful purposes. The policy required by this section shall be posted online; however, if the library does not have a website, the policy shall be available to the public upon request.

The library board or the governing body may include such other terms, conditions, and requirements in the library's policy as it deems appropriate, such as requiring written parental authorization for Internet use by juveniles or differentiating acceptable uses between elementary, middle, and high school students.

B. The library board or the governing body shall take such steps as it deems appropriate to implement and enforce the library's policy, which may include, but are not limited to, (i) the use of software programs designed to block access by (a) library employees and patrons to illegal material or, (b) library patrons under the age of 18 to material that is harmful to juveniles, or (c) both; (ii) charging library employees to casually monitor patrons' Internet use; or (iii) installing privacy screens on computers that access the Internet. For libraries established under § 42.1-33, the library board or governing body shall direct such libraries to select and install on those computers that are accessible to the public and have Internet access a technology protection measure as required by the policy established pursuant to subsection A. No state funding shall be withheld and no other adverse action taken against a library by the Librarian of Virginia or any other official of state government when the technology protection measure fails, provided that such library promptly has taken reasonable steps to rectify and prevent such failures in the future.

§ 42.1-43. Appropriation for free library or library service conducted by company, society, or organization.

The governing body of any county, city, or town in which no free public library system as provided in this chapter ~~shall have~~ *has* been established, may, ~~in its discretion,~~ appropriate such sums of money as ~~to it seems proper~~ *determines is appropriate* for the support and maintenance of any free library or library service operated and conducted in such county, city, or town by a company, society, or

association organized under the provisions of §§ ~~13.1-801 through 13.1-980~~ Chapter 10 (§ 13.1-801 et seq.) of Title 13.1.

§ 42.1-60. State Law Library managed by Supreme Court.

There shall be a State Law Library at Richmond; with a branch thereof at Staunton, maintained as at present, which shall be managed by the Supreme Court. The Court shall appoint the librarian and other employees to hold office during at the pleasure of the Court; provided, however, that the clerk at Staunton shall act as law librarian there without additional compensation therefor.

§ 42.1-61. Books, etc., constituting State Law Library.

The State Law Library shall consist of the books, periodicals, audiovisual materials, and other media now in the law libraries library at Richmond and Staunton, with such additions as may be made thereto.

§ 42.1-63. Regulation of State Law Library.

The Supreme Court shall have the power to make and enforce such rules and orders for the regulation of the State Law Library, and the use thereof, as may to it seem proper determines is appropriate. Such rules and orders may provide for the assessment and collection of fees for the use of computer research services other than for valid state uses, which shall include official use by attorneys for the Commonwealth and public defenders, and their assistants. Such fees shall be assessed in the amount necessary to cover the expenses of such services and those collected and hereby appropriated to the Court to be paid as part of the cost of maintaining such computer research capabilities.

§ 42.1-65. Local law libraries in charge of circuit court clerks; computer research services; expenses.

A. If the members of the bar practicing in any county or city of the Commonwealth shall procure by voluntary contribution a law library of the with a value of at least \$500; at the least, for the use of the courts held in such county or city, and of the bar practicing therein, it shall be the duty of the circuit court of such county or city to require its clerk to take charge of the law library so contributed and to keep the same the law library in the courthouse or clerk's office building according to the rules prescribed by the bar and approved by the court. In addition, all or a portion of such law library may be housed in the local public library with the approval of and subject to the management and control of the local public library.

B. If the members of the bars practicing in two or more adjoining counties or cities of the Commonwealth shall jointly procure by voluntary contribution a law library of the with a value of at least \$500; at the least, for the joint use of the courts held in such counties and cities, and of the bars practicing therein, it shall be the joint duty of the circuit courts of such counties and cities to require one of its clerks to take charge of the law library so contributed and to keep the same law library in the most convenient courthouse or clerk's office building according to the rules jointly prescribed by the bars and jointly approved by the courts.

C. Such local and regional law libraries may purchase or lease computer terminals for the purpose of retrieving available legal reference data, and if so, the library rules shall provide for the assessment and collection of fees, which may include use of a flat rate or fee structure, for the use of computer research services other than for official use of the courts, attorneys for the Commonwealth and public defenders, and their assistants, and counties and cities serviced by such libraries, which fees shall be sufficient to cover the expenses of such services. Such libraries, pursuant to rules of the Supreme Court and at costs to such libraries, may have access to computer research services of the State Law Library.

§ 42.1-70. Assessment for law library as part of costs in civil actions; contributions from bar associations.

Any county, city, or town may, through its governing body, assess, as part of the costs incident to each civil action filed in the courts located within its boundaries, a sum not in excess of four dollars \$4.

The imposition of such assessment shall be by ordinance of the governing body, which ordinance may provide for different sums in circuit courts and district courts, and the assessment shall be collected by the clerk of the court in which the action is filed, and remitted to the treasurer of such county, city, or town and held by such treasurer subject to disbursements by the governing body for the acquisition of (i) law books, law periodicals and computer legal research services, and computer terminals for offsite placement to maximize access to the law library by the public, and (ii) equipment for the establishment, use, and maintenance of a law library which that shall be open for the use of the public at hours convenient to the public. In addition to the acquisition of law books, law periodicals and computer legal research services, and equipment, the disbursements may include compensation to be paid to librarians and other necessary staff for the maintenance of such library and acquisition of suitable quarters for such library. The compensation of such librarians and the necessary staff and the cost of suitable quarters for such library shall be fixed by the governing body and paid out of the fund created by the imposition of such assessment of cost. Such libraries, pursuant to rules of the Supreme Court and at costs to such libraries, may have access to computer research services of the State Law Library. Disbursements may be made to purchase or lease computer terminals for the purpose of retaining such research services. The assessment provided for herein in this section shall be in addition

to all other costs prescribed by law, but shall not apply to any action in which the Commonwealth or any political subdivision thereof or the federal government is a party and in which the costs are assessed against the Commonwealth, *or any* political subdivision thereof, *or the* federal government. The governing body is authorized to accept contributions to the fund from any bar association.

Any such library established in the County of Wythe shall be located only in a town ~~which~~ *that* is the seat of the county government.

§ 42.1-77. Definitions.

As used in this chapter, *unless the context requires a different meaning*:

"Agency" means all boards, commissions, departments, divisions, institutions, *and* authorities, ~~or~~ *and* parts thereof, of the Commonwealth or its political subdivisions and includes the offices of constitutional officers.

"Archival quality" means a quality of reproduction consistent with established standards specified by state and national agencies and organizations responsible for establishing such standards, such as the Association for Information and Image Management, the American National Standards Institute, and the National Institute of Standards and Technology.

"Archival record" means a public record of continuing and enduring value useful to the citizens of the Commonwealth and necessary to the administrative functions of public agencies in the conduct of services and activities mandated by law that is identified on a Library of Virginia approved records retention and disposition schedule as having sufficient informational value to be permanently maintained by the Commonwealth.

"Archives" means the program administered by The Library of Virginia for the preservation of archival records.

"Board" means the State Library Board.

"Conversion" means the act of moving electronic records to a different format, especially data from an obsolete format to a current format.

"Custodian" means the public official in charge of an office having public records.

"Disaster plan" means the information maintained by an agency that outlines recovery techniques and methods to be followed in case of an emergency that impacts the agency's records.

"Electronic record" means a public record whose creation, storage, and access require the use of an automated system or device. Ownership of the hardware, software, or media used to create, store, or access the electronic record has no bearing on a determination of whether such record is a public record.

"Essential public record" means records that are required for recovery and reconstruction of any agency to enable it to resume its core operations and functions and to protect the rights and interests of persons.

"Librarian of Virginia" means the State Librarian of Virginia or his designated representative.

"Lifecycle" means the creation, use, maintenance, and disposition of a public record.

~~"Metadata" means data describing the context, content, and structure of records and their management through time.~~

"Migration" means the act of moving electronic records from one information system or medium to another to ensure continued access to the records while maintaining the records' authenticity, integrity, reliability, and usability.

"Original record" means the first generation of the information and is the preferred version of a record. Archival records should to the maximum extent possible be original records.

"Preservation" means the processes and operations involved in ensuring the technical and intellectual survival of authentic records through time.

~~"Private record" means a record that does not relate to or affect the carrying out of the constitutional, statutory, or other official ceremonial duties of a public official, including the correspondence, diaries, journals, or notes that are not prepared for, utilized for, circulated, or communicated in the course of transacting public business.~~

"Public official" means all persons holding any office created by the Constitution of Virginia or by any act of the General Assembly, the Governor and all other officers of the executive branch of the state government, and all other officers, heads, presidents, or chairmen of boards, commissions, departments, and agencies of the state government or its political subdivisions.

"Public record" or "record" means recorded information that documents a transaction or activity by or with any public officer, agency, or employee of an agency. Regardless of physical form or characteristic, the recorded information is a "public record" if it is produced, collected, received, or retained in pursuance of law or in connection with the transaction of public business. The medium upon which such information is recorded has no bearing on the determination of whether the recording is a "public record."

For purposes of this chapter, "public record" ~~shall~~ *does* not include (i) nonrecord materials, meaning materials made or acquired and preserved solely for reference use or exhibition purposes, extra copies of

1658 documents preserved only for convenience or reference, ~~and~~ or stocks of publications or (ii) records that
1659 are not related to or affect the carrying out of the constitutional, statutory, or other official ceremonial
1660 duties of a public official, including the correspondence, diaries, journals, or notes that are not
1661 prepared for, utilized for, circulated, or communicated in the course of the transaction of public
1662 business.

1663 "Records retention and disposition schedule" means a Library of Virginia-approved timetable stating
1664 the required retention period and disposition action of a records series. The administrative, fiscal,
1665 historical, and legal value of a public record shall be considered in appraising its appropriate retention
1666 schedule. The terms "administrative," "fiscal," "historical," and "legal" value shall be defined as:

1667 1. "Administrative value": Records shall be deemed of administrative value if they have continuing
1668 utility in the operation of an agency.

1669 2. "Fiscal value": Records shall be deemed of fiscal value if they are needed to document and verify
1670 financial authorizations, obligations, and transactions.

1671 3. "Historical value": Records shall be deemed of historical value if they contain unique information,
1672 regardless of age, that provides understanding of some aspect of the government and promotes the
1673 development of an informed and enlightened citizenry.

1674 4. "Legal value": Records shall be deemed of legal value if they document actions taken in the
1675 protection and proving of legal or civil rights and obligations of individuals and agencies.

1676 2. That §§ 22.1-16.2, 22.1-57.3:2, 22.1-89.3, and 22.1-212 and Articles 4 (§§ 42.1-30, 42.1-31, and
1677 42.1-32) and 5 (§§ 42.1-32.1 through 42.1-32.6) of Chapter 1 of Title 42.1 of the Code of Virginia
1678 are repealed.

1679 3. That the provisions of this act that amend § 22.1-178 of the Code of Virginia shall not be
1680 construed to require any individual who accepted employment on or before July 1, 1994, as a
1681 driver of a school bus transporting pupils to agree, as a condition of employment, to submit to
1682 alcohol and controlled substance testing.

1683 4. That the provisions of this act that amend § 22.1-296.2 of the Code of Virginia shall not be
1684 construed to require, as a condition of employment by a school board, any applicant who was
1685 offered or accepted employment on or before July 1, 1989, whether full time or part time or
1686 permanent or temporary, to submit to fingerprinting and to provide personal descriptive
1687 information to be forwarded along with the applicant's fingerprints through the Central Criminal
1688 Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal
1689 history record information regarding such applicant.