

**Virginia Code Commission  
Meeting Materials  
November 17, 2021**

# VIRGINIA CODE COMMISSION

***Monday, October 18, 2021 - 10:00 a.m.***

*Senate Room 3- The Capitol*

**DRAFT**

## Meeting Minutes

**Members Present in Person:** Marcus B. Simon; Nicole S. Cheuk; Ward L. Armstrong; Jennifer L. McClellan; Christopher R. Nolen; Samuel T. Towell; Malfourd W. Trumbo; Amigo Wade.

**Members Present Electronically:** John S. Edwards; Don L. Scott, Jr.

**Members Absent:** Leslie L. Lilley; Charles S. Sharp

**Staff Present:** Taylor Mey, Sabrina Miller-Bryson, Charles Quagliato, Connor Garstka, Stephen Kindermann, Scott Meacham, Anne Bloomsburg, Nikki Clemons, Holly Trice, Stephanie Kerns, Andrew Kubincanek, Division of Legislative Services (DLS); Maryann Horch, Senate Technology

**Others Present:** Brian Kennedy, LexisNexis

**Call to order:** Senator Edwards, chair, called the meeting to order at 10:07 a.m. Pursuant to § 2.2-3708.2, the meeting was held electronically. A quorum of the Commission was present. Senator Edwards presided over the meeting virtually.

**Approval of minutes:** The minutes of the September 20, 2021, meeting of the Commission, as distributed to the members, were approved.

**2022 Code of Virginia pricing and replacement volumes proposal:** Brian Kennedy stated that every year LexisNexis did an analysis on the Code of Virginia and its supplements. Mr. Kennedy suggested replacing five volumes of the Code in 2022, based on the sizes of the supplements, how old the volume is, and any recodification efforts. Volumes 1, 4A, 7, 8, and 8A were recommended for replacement. Mr. Kennedy covered the new pricing recommendation, with a 5% price increase recommended for 2022.

Chair Edwards asked for a motion to approve the 2022 Code of Virginia pricing and replacement volumes proposal. The motion was made, properly seconded, and a roll call vote was conducted. The motion carried.

<b>Motion to Approve 2022 Code of Virginia pricing and replacement volumes proposal</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Ward Armstrong	1			
Nicole Cheuk	1			
Leslie L. Lilley				1
Jennifer McClellan	1			
Christopher R. Nolan	1			
Don L. Scott Jr.	1			

Charles S. Sharp				1
Samuel T. Towell	1			
Malfourd W. Trumbo	1			
Amigo R. Wade	1			
Marcus B. Simon				1
John Edwards	1			
Total	9			3

### **Obsolete laws review:**

*Title 52 (Police - State)* - Charles Quagliato addressed the question that the Commission had about § 52-20 of the Code of Virginia regarding the definition of "electronic communication" during the September 20, 2021, meeting. Mr. Quagliato stated that a new definition was provided in the meeting materials. The definition is the same definition of "electronic communication" that is used in the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia).

Mr. Quagliato addressed the second question the Commission had at the September 20 meeting regarding proposed stricken language at the end of § 52-20, where language dealing with allegations of a person fleeing is stricken. The Commission was concerned that striking that language would count as a substantive change and might affect law enforcement's ability to arrest without a warrant. Mr. Quagliato noted subsection E of § 19.2-81 of the Code of Virginia, where the Code dictates when law enforcement can make arrests without warrants. Mr. Quagliato said the proposed stricken language would bring § 52-20 in alignment with other sections of the Code of Virginia and would not qualify as a substantive change.

Chair Edwards asked for a motion to adopt the recommendations for Title 52. The motion was made, properly seconded, and a roll call vote was conducted. The motion carried.

<b>Motion to Adopt the recommendations for Title 52</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Ward Armstrong	1			
Nicole Cheuk	1			
Leslie L. Lilley				1
Jennifer McClellan	1			
Christopher R. Nolan	1			
Don L. Scott Jr.	1			
Charles S. Sharp				1

Samuel T. Towell	1			
Malfourd W. Trumbo	1			
Amigo R. Wade	1			
Marcus B. Simon				1
John Edwards	1			
Total	9			3

*Title 51.1 (Pensions, Benefits, and Retirement)* - Connor Garstka presented Title 51.1 and recommended that § 51.1-124.1 of the Code of Virginia be set out as amended. The section establishes that the Virginia Retirement System exists as an independent agency, independent of the executive, legislative, and judicial branches of state government. Mr. Garstka noted that other sections of the Code of Virginia, such as for the Virginia Lottery and the Alcoholic Beverage Control Authority, have similar language establishing the agencies as independent. Mr. Garstka said the other language in the section restates legislative intent, but stated that the Virginia Retirement System staff preferred to preserve more of the language. Mr. Garstka spoke on behalf of the agency and stated that the language recommended to be stricken was important in describing the nature of the Virginia Retirement System. The agency preferred to preserve most of the language in lines 6 to 14, and to add language on lines 12 and 13 to state that the Virginia Retirement System is also for employees that participate in the system, rather than for the state itself.

Chair Edwards asked if the Commission had been provided the language as the agency would like it to be amended, and Mr. Garstka said they did not. Chair Edwards preferred to see the proposed revised language before the Commission made a decision. Mr. Nolen asked if there was other language in the section that effectuates the policy statement that was recommended to be stricken on lines 12 through 14. Mr. Garstka said the remaining provisions in Title 51.1 were much more specific about stance and what the Virginia Retirement System was required to provide; the language on lines 12 through 14 was much more general and removing it would not affect the requirements that were expanded upon further in the Title.

Mr. Trumbo pointed out that lines 6 through 12 in the meeting materials discussed how the General Assembly determined each year how the General Assembly would fund the Virginia Retirement System. Lines 6 through 12 were there to indicate that the whole benefit of the Virginia Retirement System was for the employees, so Mr. Trumbo voiced concern about striking the language in case that intent was impacted.

Mr. Garstka stated the language in the section was lifted from Article X of the Constitution of Virginia, a provision which states that the General Assembly shall maintain a retirement system and that funds for the retirement system shall be separated from other funds. Mr. Garstka stated that Article X would prevail over other statutory language if that statutory language is contrary to what's in the Constitution.

Cynthia Wilkinson from the Virginia Retirement System shared the agency's preference that the language proposed as stricken be kept as is. Chair Edwards asked the agency to present their revised language at the next Commission meeting.

**Not set out laws review:**

*Title 58.1 (Taxation)* - Stephen Kindermann reviewed § 58.1-815.3 of the Code of Virginia, which was not set out at the direction of the Code Commission when no qualifying appropriation was passed in 2000 and it appears no appropriation was made thereafter. Mr. Kindermann spoke to the Virginia Department of Transportation and recommended the section be repealed by way of bill.

Mr. Kindermann reviewed § 58.1-3229, which is a declaration of policy and does not create substantive law. The policy intent in the section is laid out in substantive provisions in Article 4, which follow the section. Mr. Kindermann recommended the section be repealed by way of bill.

Mr. Kindermann reviewed § 58.1-3506.8, which does not create substantive law. The intent in the section is laid out in Article 10.1 which follows the section, and Mr. Kindermann recommended the section be repealed by way of bill.

Mr. Kindermann reviewed Chapter 38 of Title 58.1, which did not include the Counties of Henry or Stafford when first composed in 1988. Mr. Kindermann recommended setting out § 58.1-3814.1 to include the Counties of Henry and Stafford, and stated that representatives from those counties preferred the same action be taken.

Mr. Kindermann reviewed §§ 58.1-3820 and 58.1-3821, which were formally repealed by Chapters 1214 and 1263 of the 2020 Acts of Assembly. The repeal became effective on May 1, 2021. Therefore, no further action is recommended.

Chair Edwards asked for a motion to approve the recommendations for Title 58.1. The motion was made, properly seconded, and a roll call vote was conducted. The motion carried.

<b>Motion to Approve recommendations for Title 58.1</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Ward Armstrong	1			
Nicole Cheuk	1			
Leslie L. Lilley				1
Jennifer McClellan	1			
Christopher R. Nolan	1			
Don L. Scott Jr.	1			
Charles S. Sharp				1
Samuel T. Towell	1			
Malfourd W. Trumbo	1			

Amigo R. Wade	1			
Marcus B. Simon				1
John Edwards	1			
Total	9			3

*Title 28.2 (Fisheries and Habitat of the Tidal Waters)* - Scott Meacham reviewed §§ 28.2-1309 and 28.2-1409 of the Code of Virginia and recommended the sections be set out with included technical amendments. The amendments made no substantive changes and Mr. Meacham discussed the recommendations with representatives from the Marine Resources Commission and the City of Virginia Beach who agreed with the recommendations.

Chair Edwards asked for a motion to approve the recommendations for Title 28.2. The motion was made, properly seconded, and a roll call vote was conducted. The motion carried.

<b>Motion to Approve recommendations for Title 28.2</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Ward Armstrong	1			
Nicole Cheuk	1			
Leslie L. Lilley				1
Jennifer McClellan	1			
Christopher R. Nolan	1			
Don L. Scott Jr.	1			
Charles S. Sharp				1
Samuel T. Towell	1			
Malfourd W. Trumbo	1			
Amigo R. Wade	1			
Marcus B. Simon				1
John Edwards	1			
Total	9			3

*Title 29.1 (Wildlife, Inland Fisheries and Boating)* - Scott Meacham reviewed § 29.1-610 of the Code of Virginia, and suggested the section be set out with technical amendments as presented.

Chair Edwards asked for a motion to approve the recommendations for Title 29.2. The motion was made, properly seconded, and a roll call vote was conducted. The motion carried.

<b>Motion to Approve recommendations for Title 29.2</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Ward Armstrong	1			
Nicole Cheuk	1			
Leslie L. Lilley				1
Jennifer McClellan	1			
Christopher R. Nolan	1			
Don L. Scott Jr.	1			
Charles S. Sharp				1
Samuel T. Towell	1			
Malfourd W. Trumbo	1			
Amigo R. Wade	1			
Marcus B. Simon				1
John Edwards	1			
Total	9			3

*Title 62.1 (Waters of the State, Ports and Harbors)* - Scott Meacham reviewed §§ 62.1-44.19:1 and 62.1-44.19:2 of the Code of Virginia and recommended both sections be set out by way of bill. Mr. Meacham proposed new catchlines and a few technical amendments.

Chair Edwards asked for a motion to approve the recommendations for Title 62.1. The motion was made, properly seconded, and a roll call vote was conducted. The motion carried.

<b>Motion to Approve recommendations for Title 62.1</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Ward Armstrong	1			
Nicole Cheuk	1			
Leslie L. Lilley				1
Jennifer McClellan	1			
Christopher R. Nolan	1			
Don L. Scott Jr.	1			

Charles S. Sharp				1
Samuel T. Towell	1			
Malfourd W. Trumbo	1			
Amigo R. Wade	1			
Marcus B. Simon				1
John Edwards	1			
Total	9			3

**Revision of the Scenic Rivers Act, Chapter 4 (§ 10.1-400 et seq.) of Title 10.1**

Scott Meacham reviewed three sections of the Scenic Rivers Act that required clean up and updating. Mr. Meacham reviewed § 10.1-408, which needs to be updated to remove references to the Embrey Dam and its reservoir in the City of Fredericksburg because the dam no longer exists. Mr. Meacham reviewed § 10.1-411.1 and suggested technical revisions to the description of the Guest State Scenic River to eliminate a duplicate designation of a portion of the Clinch State Scenic River. Current law combines the Guest State Scenic River with a portion of the Clinch State Scenic River as the Clinch-Guest State Scenic River. The referenced portion of the Clinch State Scenic River, however, is encompassed within the Clinch State Scenic River as designated in § 10.1-410.2. Mr. Meacham reviewed § 10.1-412 of the Code of Virginia, and proposed revising the section the description in line with the conventions of the Scenic Rivers Act by describing the river from upstream to downstream and by indicating the length of the designated portion of the river. Mr. Meacham recommended these amendments all be made by way of a bill.

Chair Edwards asked for a motion to approve the revisions of the Scenic Rivers Act. The motion was made, properly seconded, and a roll call vote was conducted. The motion carried.

<b>Motion to Approve revisions of the Scenic Rivers Act</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Ward Armstrong	1			
Nicole Cheuk	1			
Leslie L. Lilley				1
Jennifer McClellan	1			
Christopher R. Nolan	1			
Don L. Scott Jr.	1			
Charles S. Sharp				1
Samuel T. Towell	1			



Malfourd W. Trumbo	1			
Amigo R. Wade	1			
Marcus B. Simon				1
John Edwards	1			
Total	9			3

**Other business:**

There was no other business.


**Public comment, adjournment:** Senator Edwards opened the floor for public comment.

Chair Edwards asked for a motion to adjourn the meeting. The motion was made, properly seconded, and a roll call vote was conducted. The motion carried.

<b>Motion to adjourn the meeting</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Ward Armstrong	1			
Nicole Cheuk	1			
Leslie L. Lilley				1
Jennifer McClellan	1			
Christopher R. Nolan	1			
Don L. Scott Jr.	1			
Charles S. Sharp				1
Samuel T. Towell	1			
Malfourd W. Trumbo	1			
Amigo R. Wade			1	
Marcus B. Simon	1			
John Edwards	1			
Total	9		1	2

As there was no public comment and no further business to discuss, the meeting adjourned at 11:02 a.m.

**Next meeting:** Wednesday, November 17, 2021, at 10:00 a.m.

Commonwealth of Virginia		
Thomas A. Lisk, Chair		Pocahontas Building 900 E. Main St. Eighth Floor Richmond, Virginia 23219 (Phone) 804-786-3591 (Fax) 804-692-0625 akubincanek@dls.virginia.gov <a href="http://codecommission.dls.virginia.gov/alac/alac.shtml">http://codecommission.dls.virginia.gov/alac/alac.shtml</a>
Andrew Kubincanek, Program Coordinator		
Administrative Law Advisory Committee		

## 2021 Annual Report Administrative Law Advisory Committee

### **Electronic Records of Final Orders**

The work group reviewed a draft of legislation requested by the Department of Health Professions to allow for the retention of final orders in an electronic form. The work group researched other relevant sections of the Code of Virginia on retention of electronic records and heard input from other state agencies on how to address this issue. The full committee amended the language to cross-reference an existing code section on electronic retention of public records.

### **Hearing Officer Deskbook**

The work group made grammatical changes, revised hyperlinks, and updated multiple sections to better reflect relevant language in the Code of Virginia. Upon final approval by the Office of the Executive Secretary of the Supreme Court, the Hearing Officer Deskbook will be presented at the annual hearing officer training session in December.

### **Executive Review Process**

The work group will continue to study this issue and seek input from the incoming administration. The committee has no recommendations at this time.

Thomas A. Lisk, Chair  
John Daniel  
Michelle Gowdy  
Paul Kugelman

Eric M. Page  
Jeffrey S. Palmore  
Mike Quinan  
Alexander F. Skirpan, Jr.

Brooks Smith  
Holly Trice  
Jennifer Williamson  
Kristi S. Wright

## **§ 2.2-4023. Final orders.**

The terms of any final agency case decision, as signed by it, shall be served upon the named parties by mail unless service otherwise made is duly acknowledged by them in writing. The signed originals, which may be retained in an electronic medium in accordance with § 42.1-86.01, shall remain in the custody of the agency as public records subject to judicial notice by all courts and agencies; and they, or facsimiles thereof, together with the full record or file in every case shall be made available for public inspection or copying except (i) so far as the agency may withhold the same in whole or part for the purpose of protecting individuals mentioned from personal embarrassment, obloquy, or disclosures of a private nature including statements respecting the physical, mental, moral, or financial condition of such individuals or (ii) for trade secrets or, so far as protected by other laws, other commercial or industrial information imparted in confidence. Final orders may be recorded, enforced, and satisfied as orders or decrees of a circuit court upon certification of such orders by the agency head or his designee.

## SENATE BILL NO. \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_

1 A BILL to amend and reenact § 51.1-124.1 of the Code of Virginia, relating to Title 51.1; section not set  
2 out in Code of Virginia.

3 **Be it enacted by the General Assembly of Virginia:**

4 **1. That § 51.1-124.1 of the Code of Virginia is amended and reenacted as follows:**

5 **§ 51.1-124.1. Virginia Retirement System established.**

6 ~~Article X, Section 11 of the Constitution of Virginia requires the General Assembly to maintain a~~  
7 ~~state employees' retirement system, subject to restrictions and conditions prescribed by the General~~  
8 ~~Assembly, that shall be administered in the best interests of the beneficiaries thereof. Pursuant to this~~  
9 ~~constitutional duty, the General Assembly hereby finds and declares that all present and future members~~  
10 ~~of the Retirement System are entitled to a retirement system whose governing structure and institutional~~  
11 ~~organization foster public confidence and trust in its investment practices, policy decisions, and~~  
12 ~~administrative operations. To that end and for the purposes of providing adequate benefits and pensions~~  
13 ~~to members, encouraging stable employer contribution rates, and ensuring the overall soundness of the~~  
14 ~~Retirement System, the~~ The General Assembly hereby establishes the Virginia Retirement System as an  
15 independent agency of the Commonwealth, exclusive of the legislative, executive, and judicial branches  
16 of government, in the following provisions.

17 **RECOMMENDATION: Set out this Code section as amended. The amendments eliminate language**  
18 **that is declarative of current constitutional law. The amendments also remove provisions stating the**  
19 **purpose of the Virginia Retirement System (VRS) because it is the policy of the Code Commission**  
20 **to exclude provisions that establish purpose and legislative intent. Representatives of VRS stated**  
21 **that they would prefer the section to be set out but to retain all other language in the Code section,**  
22 **with technical amendments to reflect policy changes since the section was enacted. In their view, the**  
23 **language is substantive and emphasizes VRS's unique status as one of only a handful of independent**  
24 **agencies in Virginia state government.**

**SUMMARY**

**Title 51.1; section not set out in Code of Virginia.** Sets out a section in Title 51.1 (Pensions, Benefits, and Retirement) that is currently carried by reference only. Technical amendments are made. This bill is a recommendation of the Virginia Code Commission.



- VRS believes that the language in § 51.1-124.1 is important to document VRS' establishment as an independent agency. While similar language appears in [§ 51.1-124.20](#), it is not as detailed or specific as the language in § 51.1-124.1.
- We have used this language on occasion in foreign securities cases where VRS is required to provide documentation and proof of its establishment as a governmental pension plan.
- In 1994, JLARC issued a report that recommended the restructuring of VRS. In part, [that report](#) recommended that in order to ensure that VRS is properly governed as it grows into the next century, the General Assembly needed to consider a comprehensive restructuring of the retirement system. The report further recommended that the restructuring should focus on enhancing the independence of VRS and would involve the creation of an independent agency.
- VRS was then restructured as an independent agency, exclusive of the legislative, judicial, and executive branches of government, based largely on the recommendations in the JLARC report.
- In our view, § 51.1-124.1 is significant in that it clearly carves out VRS' unique status as one of only a handful of independent agencies in Virginia state government. This section contains the substantive law provision establishing the independent state agency and is therefore not merely legislative intent.
- The Code Commission may wish to delete the sentence beginning "Pursuant to this constitutional duty, the General Assembly hereby finds and declares that..." as indicated in this draft.
- In addition, we suggest conforming the statutory language with the language of [Art. X, § 11](#) of the Constitution. The Constitution was amended effective January 1, 1997, to include "and employees of participating political subdivisions and school divisions" instead of referring only to state employees. This change is also included in our proposed draft.
- For these reasons, our preference would be to codify the language as is with the few changes reflected in this draft.

## SENATE BILL NO. \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_

1 A BILL to amend and reenact § 51.1-124.1 of the Code of Virginia, relating to Title 51.1; section not set  
2 out in Code of Virginia.

3 **Be it enacted by the General Assembly of Virginia:**

4 **1. That § 51.1-124.1 of the Code of Virginia is amended and reenacted as follows:**

5 **§ 51.1-124.1. Virginia Retirement System established.**

6 Article X, Section 11 of the Constitution of Virginia requires the General Assembly to maintain a  
7 ~~state employees'~~ retirement system for state employees and employees of participating political  
8 subdivisions and school divisions, subject to restrictions and conditions prescribed by the General  
9 Assembly, that shall be administered in the best interests of the beneficiaries thereof. ~~Pursuant to this~~  
10 ~~constitutional duty, the General Assembly hereby finds and declares that all present and future members~~  
11 ~~of the Retirement System are entitled to a retirement system whose governing structure and institutional~~  
12 ~~organization foster public confidence and trust in its investment practices, policy decisions, and~~  
13 ~~administrative operations.~~ To that end and for the purposes of providing adequate benefits and pensions  
14 to members, encouraging stable employer contribution rates, and ensuring the overall soundness of the  
15 Retirement System, the General Assembly hereby establishes the Virginia Retirement System as an  
16 independent agency of the Commonwealth, exclusive of the legislative, executive, and judicial branches  
17 of government, in the following provisions.

18 **VRS RECOMMENDATION: Set out this Code section as amended. See attachment for**  
19 **explanation.**

20 #

	<b>Catchline</b>	<b>Last Amended</b>	<b>Recommendation</b>	<b>Reasoning &amp; Notes</b>
<b>§ 22.1-7.1</b> [p. 1-2]	Open school enrollment policy.	2015	Strike "placement" and insert "assignment" in subsection C (see line 38 on p. 2).	This statute, which creates an option for school boards to establish open school enrollment policies, provides that the terms of the statute do not interfere with a local school board's authority to adopt a pupil <i>placement</i> plan pursuant to § 22.1-79. However, § 22.1-79 refers to a pupil <i>assignment</i> plan.
<b>§ 22.1-16.2</b>	Child identification kits; child protection kits.	2003	Repeal.	This statute requires the Board of Education to "develop, in cooperation with private entities, a program to provide parental access to child identification kits" and "inform local school divisions about the availability of child protection kits from private entities and encourage the participation of private entities." The Board does not currently operate such a program.
<b>§ 22.1-17.6</b> [p. 2-3]	Public elementary and secondary schools and local school divisions; information and forms.	2016	Strike the obsolete requirement for a study and report in subsection B (see lines 55-58 on p. 3).	This statute requires the Department of Education to study and submit a report, no later than November 1, 2016, on the electronic submission of required forms and information by school divisions. The Department of Education has already completed this one-time study and report.
<b>§ 22.1-20.1</b> [p. 3-5]	Powers and duties of the Board related to public broadcasting stations; disbursement of funds.	2012	Strike "in § 2.2-1122" in subdivision B 4 (see line 98 on p. 4).	This statute references of definition of "public broadcasting system" in § 2.2-1122 that doesn't exist; the definition of this term is located in subsection A of this statute (see lines 75-86).



	<b>Catchline</b>	<b>Last Amended</b>	<b>Recommendation</b>	<b>Reasoning &amp; Notes</b>
<b>§ 22.1-23.1</b> [p. 5]	Model exit questionnaire for teachers.	2017	Strike "beginning in 2018" at end of first sentence (see line 129 on p. 5).	The requirement for the Department of Education to include the results of and its analysis of the results of the annual model exit questionnaire for teachers in its annual report has an effective date of 2018. This past effective date in the statute is no longer necessary.
<b>§ 22.1-47.2</b> [p. 6]	Petitions for a referendum on direct election of school board members.	1993	Strike references to the 1994 general election in the third paragraph. Strike the entire fourth paragraph, which relates to petitions calling for a November 1993 general referendum (see lines 140-44 on p. 6).	This statute contains requirements for petitions for a referendum on the direct election of school board members. The third paragraph requires persons signing petitions for a referendum to be held at the November 1994 general election to date their signatures on the petitions. The fourth paragraph provides that such a petition that calls for a November 1993 referendum (i) shall not be subject to the requirements 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. All such requirements and conditions became obsolete in 1992, 1993, or 1994.
<b>§ 22.1-50</b> [p. 6]	Appointment and term generally; vacancies.	1992	Strike ", who are appointed after July 1, 1992," in the fourth sentence (see lines 152-53 on p. 6).	This statute requires the school board of a school division composed of any city or town having only one district to consist of five members and places conditions on the terms of two such members appointed after July 1, 1992, to ensure the staggering of members' terms. Such staggering has already occurred in each such school division and the July 1, 1992, reference is no longer necessary.

	<b>Catchline</b>	<b>Last Amended</b>	<b>Recommendation</b>	<b>Reasoning &amp; Notes</b>
§ 22.1-57.3:1.2 [p. 7]	Pittsylvania County school board; staggered terms.	2011	Make several changes to remove language relating to the initial staggering of terms of members elected to the Pittsylvania County School Board (see lines 162-68 on p. 7).	This statute relates to the initial staggering of terms of members elected to the Pittsylvania County School Board after shifting from an appointed to an elected school board. The conditions and requirements for the initial staggering of terms of school board members have all been satisfied and their continued inclusion in the statute is no longer necessary.
§ 22.1-57.3:3 [p. 7]	Election of school board and chairman in certain counties.	1995	Strike "held in 1994 or thereafter" in subsection B (see line 173 on p. 7).	This statute provides that following a referendum held in 1994 or thereafter in which the qualified voters of Prince William County approve a change to an elected school board, the school board shall be elected as provided in relevant law, except that one member of the school board shall be elected at large and serve as chairman and all other members shall be elected from the same districts from which the members of the board of supervisors other than the chairman are elected. Such a referendum has already occurred. As such, the reference to "1994 or thereafter" is no longer necessary.
§ 22.1-81 [p. 7]	Annual report.	1999	Strike ", on or before September 15 of each year," on line 183 and insert "according to a timeline and" on line 184.	This statute requires each school board and division superintendent to annually submit to the Superintendent of Public Instruction by September 15 a report on the previous school year. According to the Department of Education, data collection processes and timing has changed since this statute was created and this amendment reflects current practices that consist of a timeline but not a single deadline for such local reporting.

	<b>Catchline</b>	<b>Last Amended</b>	<b>Recommendation</b>	<b>Reasoning &amp; Notes</b>
<b>§ 22.1-89.3</b>	Funds from telephone service or credit cards.	1998	Repeal.	This statute provides that "[a]ny school board may enter into a contract with a commercial institution for the issuance of a telephone service or credit card that would bear the name of the school board", with certain conditions. Stakeholders confirmed that this option is not currently being planned or utilized.
<b>§ 22.1-98.2</b> [p. 8-9]	Certain agreements; adjustment of state share for basic aid.	2019	Strike subsection F (see lines 216-19 on p. 9).	This statute permits certain small school divisions that enter into cost-savings agreements with a contiguous school division to receive the state share of per pupil standards of quality funds based on that contiguous school division's local composite index. Subsection F reads like an enactment clause and states that "[a]ny 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." Because this condition was satisfied in the relevant general appropriation act, this subsection is no longer necessary.
<b>§ 22.1-175.4</b> [p. 10]	Application for grants.	1999	Strike subsection A and the last sentence of subsection B (see lines 251-59 and 263-64 on p. 10).	Subsection A of this statute sets forth requirements for the apportionment and distribution of funds pursuant to the Virginia Public School Construction Grants Fund during the 1998-2000 biennium. Such past apportionment and distribution has already

	Catchline	Last Amended	Recommendation	Reasoning & Notes
				occurred and this provision is therefore no longer necessary. Subsection B of this statute also requires the 2000 Session of the General Assembly to consider the recommendations of the Commission on State Funding of Public School Construction when establishing the eligibility and needs criteria for this program. The consideration of such recommendations has already occurred and this provision is therefore no longer necessary.
§ 22.1-178 [p. 11]	Requirements for persons employed to drive school buses.	2013	Strike "after July 1, 1994," in subsection C (see line 287 on p. 11).	This statute permits school boards to require persons accepting employment <i>after July 1, 1994</i> , as a driver of a school bus transporting pupils to agree, as a condition of employment, to submit to alcohol and controlled substance testing. This provision grandfatheres certain individuals who accepted employment on or before July 1, 1994, from this potential condition of employment. In the context of Title 22.1, grandfathering provisions are typically handled in enactment clauses (see lines 1425-28, p. 54).
§ 22.1-199.1 [p. 12-17]	Programs designed to promote educational opportunities.	2020	Strike two deadlines that occurred in 1998; a requirement that only applied in the 1994 biennium; and a one-time requirement in fiscal year 2000 (see line 336 on p. 13, 343-55 on p. 13-14, line 372 on p. 14, and lines 381-93 on p. 15).	<p>This statute:</p> <ol style="list-style-type: none"> <li>1. Requires funds for improving the quality and capacity of educational technology to be provided as set forth in the appropriation act, including funds for providing a technology resource assistant to serve every elementary school <i>beginning on July 1, 1998</i>. This past effective date is no longer necessary.</li> <li>2. Establishes a first-priority use of grants to school divisions for expanded access to</li> </ol>

	Catchline	Last Amended	Recommendation	Reasoning & Notes
				<p>educational technology in the 1994 biennium. This limited duration first-priority use is no longer relevant.</p> <p>3. Requires, <i>beginning on July 1, 1998</i>, a technology replacement program to be implemented to replace obsolete educational hardware and software. The past effective date for this program is no longer necessary.</p> <p>4. Requires, <i>in fiscal year 2000</i>, the Board of Education to contract for the development or purchase of interactive educational software and other instructional materials designed as tutorials to improve achievement on the Standards of Learning assessments. The Board has already satisfied this one-time requirement in FY 2000.</p> <p>5. Requires each school division to strive to establish a voice mail communication system after regular school hours for parents, families, and teachers by the year 2000. Each school division has already satisfied this one-time requirement by the year 2000.</p>
§ 22.1-207.3 [p. 17]	School breakfast programs.	1993	Strike "By July 1, 1994," in subsection A and "Beginning by June 30, 1995, and thereafter" in subsection C (see lines 434 and 449 on p. 17).	This statute requires each school board, <i>by July 1, 1994</i> , to establish a school breakfast program in any public school in which 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. It also requires each school board to annually report, <i>beginning by June 30, 1995</i> , on its school breakfast program to the Department of Education. The past deadlines for

	Catchline	Last Amended	Recommendation	Reasoning & Notes
				the establishment of such school breakfast programs and the first annual report are no longer necessary.
§ 22.1-209.2 [p. 18]	Programs and teachers in regional detention homes, certain local detention homes and state agencies and institutions.	2009	Strike the reference to "those local detention homes having teachers whose salaries were being funded by the Commonwealth on January 1, 1984" in subsection A (see lines 456-57 on p. 18).	This statute requires the Board of Education to prepare and supervise the implementation in regional detention homes and <i>those local detention homes having teachers whose salaries were being funded by the Commonwealth on January 1, 1984</i> , a program designed to educate and train the children detained in the homes. Currently, the Board of Education supervises the implementation of education in all local detention homes, not just those having teachers whose salaries were being funded by the Commonwealth on January 1, 1984.
§ 22.1-212	Vacation schools and summer camps operated by Board or Department.	1995	Repeal.	This statute provides that "[a]ny vacation school or summer camp operated by the Board of Education or the State Department of Education shall be made available to persons of school age within the Commonwealth on a nondiscriminatory basis regardless of whether they attend public or private schools during the regular school year." No such vacation school or summer camp is currently planned or operated.
§ 22.1-212.24 [p. 19-20]	Approval of multidivision online providers; contracts with local school boards.	2011	Strike last sentence of subsection A ("These criteria and processes shall be adopted by January 31, 2011.") (see lines 494-95 on p. 19).	This statute requires the Superintendent of Public Instruction to develop, and the Board of Education to approve, <i>by January 31, 2011</i> , (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

	Catchline	Last Amended	Recommendation	Reasoning & Notes
				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 past deadline for such development and approval is no longer necessary.
§ 22.1-212.25 [p. 20-21]	Information regarding online courses and virtual programs; report.	2011	Strike "By July 1, 2011," in subsection D and "Beginning November 1, 2011, and annually thereafter," in subsection C, and the last sentence of subsection C (see lines 530 and 534-37 on p. 20-21).	This statute requires (i) the Board of Education, <i>beginning November 1, 2011</i> , and annually thereafter, to include in its annual report to the Governor and the General Assembly information regarding multidivision online learning during the previous school year and (ii) local school boards, <i>by July 1, 2011</i> , to post on their websites information regarding online courses and programs that are available through the school division and Virtual Virginia. It also provides that the first such report would be an interim progress report. The past deadline for each such requirement and the parameters for the first report are no longer necessary.
§ 22.1-215.1 [p. 21]	Information regarding procedures and rights relating to special education placement and withdrawal.	2001	Strike "Effective July 1, 2001," at the beginning of the statute (see line 544 on p. 21).	This statute requires the Board of Education, <i>effective July 1, 2001</i> , to 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. The past effective date for such requirement is no longer necessary.

	<b>Catchline</b>	<b>Last Amended</b>	<b>Recommendation</b>	<b>Reasoning &amp; Notes</b>
<b>§ 22.1-253.13:3</b> [p. 21-30]	Standard 3. Accreditation, other standards, assessments, and releases from state regulations.	2021	Strike references to the Virginia Grade Level Alternative (VGLA) and the Stanford 9 (SAT9) assessment (see lines 684-94 on p. 26-27 and 747-50 on p. 29).	The SAT9 was removed from the state testing program beginning with the 2003-2004 school year. The VGLA for students with disabilities was eliminated following the 2015-2016 school year.
<b>§ 22.1-253.13:4</b> [p. 30-37]	Student achievement and graduation requirements.	2020	Strike "Beginning with first-time ninth grade students in the 2016-2017 school year" in subdivision D 7 (see line 868 on p. 33).	This statute requires the Board of Education, in establishing high school graduation requirements, to require, <i>beginning with first-time ninth grade students in the 2016-2017 school year</i> , students to be trained in emergency first aid, CPR, and the use of automated external defibrillators. The past effective date for such graduation requirement is no longer necessary.
<b>§ 22.1-254.1</b> [p. 37-39]	Declaration of policy; requirements for home instruction of children.	2018	Strike "Effective July 1, 2000," in second sentence of subsection B (see line 991 on p. 38).	This statute requires, <i>effective July 1, 2000</i> , parents electing to provide home instruction to provide annual notice of such election no later than August 15. The past effective date for such annual notice is no longer necessary.
<b>§ 22.1-271.3</b> [p. 40]	Guidelines for school attendance for children infected with human immunodeficiency virus; etc.	2003	Strike the second sentence of subsection A ("The first such guidelines shall be completed by December 1, 1989.") and ", by July 1, 1990," in subsection B (see lines 1045 and 1048 on p. 40).	This statute requires the Board of Education, in cooperation with the Board of Health, to establish model guidelines for school attendance for children infected with human immunodeficiency virus and <i>requires the first such guidelines to be completed by December 1, 1989</i> . The statute also requires each school board, <i>by July 1, 1990</i> , to adopt guidelines for school attendance for children with HIV. The past deadline for each such set of guidelines is no longer necessary.



	Catchline	Last Amended	Recommendation	Reasoning & Notes
§ 22.1-274 [p. 41-42]	School health services.	2013	Strike previous aspirational nurse to student ratios and strike a one-time reporting requirement in subsection C (see lines 1076-77 and 1085-87 on p. 41).	This statute permits each school board to 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; and (iii) per 1,500 students by July 1, 1998; and (iv) per 1,000 students by July 1, 1999. The three previous aspirational nurse to student ratios, effective in 1996, 1997, and 1998, are superseded by the most recent ratio and, as such, are no longer necessary. This statute also requires the Board of Education to provide, by December 1, 1994, a detailed analysis of school health expenditures to several standing committees of the General Assembly. The Board of Education has already satisfied this requirement and its inclusion in the statute is no longer necessary.
§ 22.1-280.2 [p. 42-44]	School crime line defined; development of school crime lines authorized; etc.	1994	Strike "By July 1, 1994," in subsection D (see line 1144 on p. 43).	Requires the Board of Education, <i>by July 1, 1994</i> , to promulgate regulations for the implementation of school crime lines, including appropriate fund raising, and the appropriateness of and limitations on rewards. The past deadline for the promulgation of such regulations is no longer necessary.
§ 22.1-280.2:2 [p. 44-46]	Public School Security Equipment Grant Act of 2013.	2020	Strike "Beginning in 2014," in subsection H (see line 1220 on p. 46).	This statute requires, <i>beginning in 2014</i> , the Department of Education to make an annual report to the General Assembly by September 1 of each year reporting (i) the total grants paid during the immediately prior fiscal year to each eligible school division pursuant to the Public

	Catchline	Last Amended	Recommendation	Reasoning & Notes
				School Security Equipment Grant Act of 2013 and (ii) a general description of the security equipment purchased by eligible school divisions. The past effective date for such annual report is no longer necessary.
§ 22.1-296.2 [p. 46-48]	Fingerprinting required; reciprocity permitted.	2001	Strike "after July 1, 1989," in subsection A (see line 1226 on p. 46).	This statute requires, as a condition of employment, the school boards of the Commonwealth to require any applicant who is offered or accepts employment <i>after July 1, 1989</i> , to submit to fingerprinting and a criminal history check. This provision grandfatheres certain individuals who were offered or accepted employment on or before July 1, 1989, from this fingerprinting and criminal history check requirement. In the context of Title 22.1, grandfathering provisions are typically handled in enactment clauses (see lines 1429-35, p. 54).
22.1-296.3 [p. 48-50]	Certain private school employees subject to fingerprinting and criminal records checks.	2020	Strike "Effective July 1, 2017," in subsection C (see line 1299 on p. 49).	This statute requires, <i>effective July 1, 2017</i> , the governing board or administrator of an accredited private elementary or secondary school that operates a child day program or family day system regulated by the Department of Education to accept evidence of a background check performed for an individual employed in such program or system in accordance with another relevant statute in lieu of the check required in this statute. The past effective date for such requirement is no longer necessary.
§ 22.1-303 [p. 50-51]	Probationary terms of service for teachers.	2020	Strike subsection D (see lines 1346-50 on p. 51).	This statute provides that teachers holding three-year local eligibility licenses issued prior to July 1, 2013, shall not be eligible for continuing

	Catchline	Last Amended	Recommendation	Reasoning & Notes
				contract status while teaching under the authority of such license. Upon attainment of a collegiate professional or postgraduate professional license issued by the Department of Education, the statute requires such teachers to serve a probationary term of service of three years prior to being eligible for continuing contract status pursuant to this section. Any such probationary term of service would have expired in 2019 at the latest. As such, this subsection is no longer applicable to any public school teacher in the Commonwealth.
§ 22.1-321.1 [p. 51]	Possession and administration of epinephrine.	2015	Strike "By the beginning of the 2016 - 2017 school year," at the beginning of the statute (see line 1352 on p. 51).	This statute requires the Board of Education, <i>by the beginning of the 2016 - 2017 school year</i> , to promulgate regulations for the possession and administration of epinephrine in every school for students with disabilities, to be administered by any employee of the school who is authorized by a prescriber and trained in the administration of epinephrine to any student believed to be having an anaphylactic reaction. The past deadline for the promulgation of such regulations is no longer necessary.
§ 22.1-346.2 [p. 51-54]	Board of Visitors of the Virginia School for the Deaf and the Blind established.	2011	Strike "beginning July 1, 2010," in subdivision E 7 (see line 1420 on p. 54).	This statute requires the Board of Visitors of the Virginia School for the Deaf and the Blind to prepare and submit to the Governor and the General Assembly, <i>beginning July 1, 2010</i> , 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

	<b>Catchline</b>	<b>Last Amended</b>	<b>Recommendation</b>	<b>Reasoning &amp; Notes</b>
				ending on June 30. The past effective date for such annual report is no longer necessary.

**SENATE BILL NO. \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_**

1 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-  
2 57.3:1.2, 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,  
3 22.1-209.2, 22.1-212.24, 2.1-212.25, 22.1-215.1, 22.1-253.13:3, 22.1-253.13:4, 22.1-254.1, 22.1-  
4 271.3, 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, and  
5 22.1-346.2 of the Code of Virginia and to repeal §§ 22.1-16.2, 22.1-89.3, and 22.1-212 of the Code  
6 of Virginia, relating to Title 22.1 of the Code of Virginia; obsolete provisions.

7 **Be it enacted by the General Assembly of Virginia:**

8 **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, 22.1-57.3:1.2, 22.1-57.3:3, 22.1-**  
9 **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-**  
10 **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-**  
11 **280.2:2, 22.1-296.2, 22.1-296.3, 22.1-303, 22.1-321.1, and 22.1-346.2 of the Code of Virginia are**  
12 **amended and reenacted follows:**

13 **§ 22.1-7.1. Open school enrollment policy.**

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

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

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

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

24 4. A prohibition on the recruitment of a student from one school to another by a school division  
25 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 more than once during a school year, absent a change in the underlying information; (iii) complete forms for students with disabilities unless such forms are necessary to ensure compliance with the federal Individuals with Disabilities Education Act (20 U.S.C. § 1431 et seq.); or (iv) provide information that is not necessary to comply with state or federal law unless such information is relevant to student outcomes or the efficient operation of the public schools, provided that the Department~~-of Education~~ may require such schools and local school divisions to provide any such information or complete any such forms if the

Department-~~of Education~~ demonstrates a compelling need or demonstrates that it does not have a more expeditious method for obtaining the information or completing the forms.

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

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

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

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

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

"Public broadcasting station" means any noncommercial, educational television or radio station that (i) is licensed and regulated by the Federal Communications Commission as a noncommercial, educational broadcasting station; (ii) is operated by a public agency or a nonprofit private foundation, corporation, or association; (iii) has offices and studios located in Virginia; and (iv) on or before January 1, 1997, was qualified to receive or was the recipient of a Virginia community service grant or other

instructional television service funds, or, after January 1, 1997, until July 1, 2012, was qualified by the Virginia Public Broadcasting Board to receive state funds under standards and criteria established by the Virginia Public Broadcasting Board pursuant to law, or, after July 1, 2012, was qualified by the Board of Education in accordance with this section. Public broadcasting station shall not include any institution of higher education that produces or transmits distance education and other credit and noncredit television programs, unless such institution requests qualification as a public broadcasting station and the Board of Education approves its request.

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

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

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

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

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

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



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.

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

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

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

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

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

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

**§ 22.1-81. Annual report.**

Unless for good cause shown an extension of time not to exceed fifteen days is granted by the Superintendent of Public Instruction, each school board, with the assistance of the division superintendent, shall, ~~on or before September 15 of each year,~~ make a report covering the work of the 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.**

187           A. Any school board of a school division in which fewer than 1,100 students were included in  
188 average daily membership for the preceding school year, in a locality that has a local composite index of  
189 .6000 or greater, and has 65 percent or more of its local taxes coming from real estate taxes, as calculated  
190 by the Auditor of Public Accounts and reported annually to the Department~~of Education~~, upon entering  
191 into certain cost-savings agreements with a contiguous school division for the consolidation or sharing of  
192 educational, administrative, or support services, shall receive the state share for basic aid computed on the  
193 basis of the composite index of local ability-to-pay of the contiguous school division, calculated annually.

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

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

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

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

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

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

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

220 **§ 22.1-129. Surplus property; sale, exchange or lease of real and personal property.**

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

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

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

238 Notwithstanding the provisions of subsections A and B, a school board of the City of Virginia  
239 Beach shall have the power to sell property to the Virginia Department of Transportation or the  
240 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.**

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

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

272 2. Furnish a statement or copy of records from the Department of Motor Vehicles showing that the  
273 records of such Department do not disclose that the person, within the preceding five years, has been  
274 convicted upon a charge of driving under the influence of alcohol or drugs, convicted of a felony or  
275 assigned to any alcohol safety action program or driver alcohol rehabilitation program pursuant to § 18.2-  
276 271.1 or, within the preceding 12 months, has been convicted of two or more moving traffic violations or  
277 required to attend a driver improvement clinic by the Commissioner of the Department of Motor Vehicles  
278 pursuant to § 46.2-498.

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

281 4. Exhibit a license showing the person has successfully undertaken the examination prescribed by  
282 § 46.2-339.

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

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

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

290 D. The documents required pursuant to subdivisions A 1 and ~~A~~ 2 shall be furnished annually prior  
291 to the anniversary date of the employment agreement as a condition to continuing employment to operate  
292 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,



320 school divisions shall forward data substantiating that each participating school has a complying  
321 pupil/teacher ratio.

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

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

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

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

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

345 ~~1. In the 1994 biennium, the first priority for these funds shall be to automate the library media~~  
346 ~~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 Board's revised six-year technology plan and has been approved by the Superintendent ~~of Public Instruction.~~

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

~~4. Beginning on July 1, 1998, a~~ A technology replacement program shall be, with such funds as may be appropriated for this purpose, implemented to replace obsolete educational hardware and software.

As provided in subsection D of § 22.1-129, school boards may donate obsolete educational technology hardware and software ~~which~~ that are being replaced. Any such donations shall be offered to other school divisions and to preschool programs in the Commonwealth, or to public school students as provided in guidelines to be promulgated by the Board ~~of Education~~. Such guidelines shall include criteria for determining student eligibility and need; a reporting system for the compilation of information concerning the number and socioeconomic characteristics of recipient students; and notification of parents of the availability of such donations of obsolete educational hardware and software.

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

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

C. The General Assembly finds that local autonomy in making decisions on local educational needs and priorities results in effective ~~grass roots~~ grassroots efforts to improve education in the Commonwealth's public schools only when coupled with sufficient state funding; to this end, the following block grant program is hereby established. With such funds as are provided in the appropriation act, the Department ~~of Education~~ shall distribute block grants to localities to enable compliance with the Commonwealth's requirements for school divisions in effect on January 1, 1995. Therefore, for the purpose of such compliance, the block grant herein established shall consist of a sum equal to the amount

appropriated in the appropriation act for the covered programs, including the at-risk add-on program; dropout prevention, specifically Project YES; Project Discovery; English as a second language programs, including programs for overage, nonschooled students; Advancement Via Individual Determination (AVID); the Homework Assistance Program; programs initiated under the Virginia Guaranteed Assistance Program, except that such funds shall not be used to pay any expenses of participating students at institutions of higher education; Reading Recovery; and school/community health centers. Each school board may use any funds received through the block grant to implement the covered programs and other programs designed to save the Commonwealth's children from educational failure.

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

E. Pursuant to a turnaround specialist program administered by the Department of Education, local school boards may enter into agreements with individuals to be employed as turnaround specialists to address those conditions at the school that may impede educational progress and effectiveness and academic success. Local school boards may offer such turnaround specialists or other administrative personnel 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.

F. The General Assembly finds that certain schools have particular difficulty hiring teachers for certain subject areas and that the need for such teachers in these schools is particularly strong. Accordingly in an effort to attract and retain high quality teachers, local school boards may offer instructional personnel serving in such schools as a member of a middle school teacher corps 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.**

455           The Board~~-of Education~~ shall prepare and supervise the implementation in~~-the~~ regional detention  
456 homes and~~-those~~ local detention homes~~-having teachers whose salaries were being funded by the~~  
457 ~~Commonwealth on January 1, 1984~~, a program designed to educate and train the children detained in the  
458 homes. In addition, the Board shall supervise those programs of evaluation, education<sub>2</sub>, and training  
459 provided to school-age children by the Department of Health, the Department of Behavioral Health and  
460 Developmental Services, the children's teaching hospital associated with the Eastern Virginia Medical  
461 School, the Virginia Commonwealth University Health System Authority, the children's teaching hospital  
462 associated with the Virginia Commonwealth University Health System Authority, and the University of  
463 Virginia Hospitals pursuant to the Board's standards and regulations as required by § 22.1-7.

464           The Board shall promulgate such rules and regulations as may be necessary to conform these  
465 programs with the applicable federal and state laws and regulations including~~-, but not limited to,~~  
466 teacher/student ratios and special education requirements for children with disabilities. The education  
467 programs in the relevant detention homes and state agencies and institutions shall be approved by the  
468 Board<sub>2</sub>, and the Board shall prepare a budget for these educational programs~~-which~~ that shall be solely  
469 supported by such general funds as are appropriated by the General Assembly for this purpose. Teacher  
470 staffing ratios for regional or local detention homes shall be based on a ratio of one teacher for every  
471 twelve 12 beds based on the capacity of the facility; however, if the previous year's average daily  
472 attendance exceeds this bed capacity, the ratio shall be based on the average daily attendance at the facility  
473 as calculated by the Department~~-of Education~~ from the previous school year.

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

478           In any case in which the Board enters into a contract with the relevant state agency or institution,  
479 the Department of Human Resource Management shall establish salary schedules for the teachers~~-which~~  
480 that are competitive with those in effect for the school divisions in which the agency or institution is  
481 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~~ 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~~ 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.

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

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

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

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

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

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

598 B. The Superintendent-~~of Public Instruction~~ shall develop, subject to revision by the Board, criteria  
599 for determining and recognizing educational performance in the Commonwealth's local school divisions  
600 and public schools. The portion of such criteria that measures individual student growth shall become an  
601 integral part of the accreditation process for schools in which any grade level in the grade three through  
602 eight range is taught. The Superintendent-~~of Public Instruction~~ shall annually report to the Board on the  
603 accreditation status of all school divisions and schools. Such report shall include an analysis of the  
604 strengths and weaknesses of public education programs in the various school divisions in Virginia and  
605 recommendations to the General Assembly for further enhancing student learning uniformly across the  
606 Commonwealth. In recognizing educational performance and individual student growth in the school  
607 divisions, the Board shall include consideration of special school division accomplishments, such as  
608 numbers of dual enrollments and students in Advanced Placement and International Baccalaureate  
609 courses, and participation in academic year Governor's Schools.

610 The Superintendent-~~of Public Instruction~~ shall assist local school boards in the implementation of  
611 action plans for increasing educational performance and individual student growth in those school  
612 divisions and schools that are identified as not meeting the approved criteria. The Superintendent-~~of Public~~

613 ~~Instruction~~ shall monitor the implementation of and report to the Board on the effectiveness of the  
614 corrective actions taken to improve the educational performance in such school divisions and schools.

615 C. With such funds as are available for this purpose, the Board shall prescribe assessment methods  
616 to determine the level of achievement of the Standards of Learning objectives by all students. Such  
617 assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the  
618 Standards of Learning being assessed. The Board shall, with the assistance of independent testing experts,  
619 conduct a regular analysis and validation process for these assessments. In lieu of a one-time end-of-year  
620 assessment, the Board shall establish, for the purpose of providing measures of individual student growth  
621 over the course of the school year, a through-year growth assessment system, aligned with the Standards  
622 of Learning, for the administration of reading and mathematics assessments in grades three through eight.  
623 Such through-year growth assessment system shall include at least one beginning-of-year, one mid-year,  
624 and one end-of-year assessment in order to provide individual student growth scores over the course of  
625 the school year, but the total time scheduled for taking all such assessments shall not exceed 150 percent  
626 of the time scheduled for taking a single end-of-year proficiency assessment. The Department shall ensure  
627 adequate training for teachers and principals on how to interpret and use student growth data from such  
628 assessments to improve reading and mathematics instruction in grades three through eight throughout the  
629 school year. With such funds and content as are available for such purpose, such through-year growth  
630 assessment system shall provide accurate measurement of a student's performance, through computer  
631 adaptive technology, using test items at, below, and above the student's grade level as necessary.

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

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

637 The Board shall make publicly available such assessments in a timely manner and as soon as  
638 practicable following the administration of such tests, so long as the release of such assessments does not  
639 compromise test security or deplete the bank of assessment questions necessary to construct subsequent

640 tests, or limit the ability to test students on demand and provide immediate results in the web-based  
641 assessment system.

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

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

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

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

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

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

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

680 In addition, to assess the educational progress of students, the Board shall (1) develop appropriate  
681 assessments, which may include criterion-referenced tests and other assessment instruments that may be  
682 used by classroom teachers; (2) select appropriate industry certification and state licensure examinations;  
683 and (3) prescribe and provide measures, which may include nationally normed tests to be used to identify  
684 students who score in the bottom quartile at selected grade levels. ~~An annual justification that includes~~  
685 ~~evidence that the student meets the participation criteria defined by the Department shall be provided for~~  
686 ~~each student considered for the Virginia Grade Level Alternative. Each Individual Education Program~~  
687 ~~team shall review such justification and make the final determination as to whether or not the Virginia~~  
688 ~~Grade Level Alternative is appropriate for the student. The superintendent and the school board chairman~~  
689 ~~shall certify to the Board, as a part of certifying compliance with the Standards of Quality, that there is a~~  
690 ~~justification in the Individual Education Program for every student who takes the Virginia Grade Level~~  
691 ~~Alternative. Compliance with this requirement shall be monitored as a part of the special education~~  
692 ~~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.

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

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

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

739           F. To assess the educational progress of students as individuals and as groups, each local school  
740 board shall require the use of Standards of Learning assessments, alternative assessments, and other  
741 relevant data, such as industry certification and state licensure examinations, to evaluate student progress  
742 and to determine educational performance. Each local school shall require the administration of  
743 appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests  
744 and shall include the Standards of Learning assessments, the local school board's alternative assessments,  
745 and the National Assessment of Educational Progress state-by-state assessment. Each school board shall



analyze and report annually, in compliance with any criteria that may be established by the Board, the results from ~~the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, if administered,~~ industry certification examinations, and the Standards of Learning Assessments to the public.

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

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

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

H. Any school board may request the Board for release from state regulations or, on behalf of one or more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the performance of one or more of its schools as authorized for certain other schools by the Standards for Accreditation pursuant to 8VAC20-131-280 C of the Virginia Administrative Code. Waivers of regulatory requirements may be granted by the Board based on submission of a request from the division superintendent and chairman of the local school board. The Board may grant, for a period up to five years, a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to

773 promote health or safety. The school board shall provide in its waiver request a description of how the  
774 releases from state regulations are designed to increase the quality of instruction and improve the  
775 achievement of students in the affected school or schools. The Department shall provide (a) guidance to  
776 any local school division that requests releases from state regulations and (b) information about  
777 opportunities to form partnerships with other agencies or entities to any local school division in which the  
778 school or schools granted releases from state regulations have demonstrated improvement in the quality  
779 of instruction and the achievement of students.

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

790         **§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.**

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

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

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

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

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

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

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

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

827 Each local school board shall provide notification of the right to a free public education for students  
828 who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§  
829 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve graduation  
830 requirements as provided in the standards for accreditation. If such student who does not graduate or  
831 complete such requirements is a student for whom English is a second language, the local school board  
832 shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-  
833 5.

834 D. In establishing graduation requirements, the Board shall:

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

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

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

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

848 5. Require students to complete at least one course in fine or performing arts or career and technical  
849 education, one course in United States and Virginia history, and two sequential elective courses chosen  
850 from a concentration of courses selected from a variety of options that may be planned to ensure the  
851 completion of a focused sequence of elective courses that provides a foundation for further education or  
852 training or preparation for employment.

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

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

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

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

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

877           11. Establish a procedure to facilitate the acceleration of students that allows qualified students,  
878 with the recommendation of the division superintendent, without completing the 140-hour class, to obtain  
879 credit for such class upon demonstrating mastery of the course content and objectives and receiving a

passing score on the relevant Standards of Learning assessment. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

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

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

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

In addition, the Board may:

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

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

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

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

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

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

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

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

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

928 20. Permit a student who is pursuing an advanced diploma and whose individualized education  
929 program specifies a credit accommodation for world language to substitute two standard units of credit in  
930 computer science for two standard units of credit in a world language. For any student that elects to  
931 substitute a credit in computer science for credit in world language, his or her school counselor must  
932 provide notice to the student and parent or guardian of possible impacts related to college entrance  
933 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~~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~~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~~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~~-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.

987 B. Any parent who elects to provide home instruction in lieu of school attendance shall annually  
988 notify the division superintendent in August of his intention to so instruct the child and provide a  
989 description of the curriculum, limited to a list of subjects to be studied during the coming year, and  
990 evidence of having met one of the criteria for providing home instruction as required by subsection A.  
991 ~~Effective July 1, 2000, parents~~ Parents electing to provide home instruction shall provide such annual  
992 notice no later than August 15. Any parent who moves into a school division or begins home instruction  
993 after the school year has begun shall notify the division superintendent of his intention to provide home  
994 instruction as soon as practicable and shall thereafter comply with the requirements of this section within  
995 30 days of such notice. The division superintendent shall notify the Superintendent ~~of Public Instruction~~  
996 of the number of students in the school division receiving home instruction.

997 C. The parent who elects to provide home instruction shall provide the division superintendent by  
998 August 1 following the school year in which the child has received home instruction with either (i)  
999 evidence that the child has attained a composite score in or above the fourth stanine on any nationally  
1000 normed standardized achievement test, or an equivalent score on the ACT, SAT, or PSAT test or (ii) an  
1001 evaluation or assessment ~~which~~ that the division superintendent determines to indicate that the child is  
1002 achieving an adequate level of educational growth and progress, including ~~but not limited to~~ (a) an  
1003 evaluation letter from a person licensed to teach in any state, or a person with a master's degree or higher  
1004 in an academic discipline, having knowledge of the child's academic progress, stating that the child is  
1005 achieving an adequate level of educational growth and progress or (b) a report card or transcript from an  
1006 institution of higher education, college distance learning program, or home-education correspondence  
1007 school.

1008 In the event that evidence of progress as required in this subsection is not provided by the parent,  
1009 the home instruction program for that child may be placed on probation for one year. Parents shall file  
1010 with the division superintendent evidence of their ability to provide an adequate education for their child  
1011 in compliance with subsection A and a remediation plan for the probationary year ~~which~~ that indicates  
1012 their program is designed to address any educational deficiency. Upon acceptance of such evidence and  
1013 plan by the division superintendent, the home instruction may continue for one probationary year. If the

1014 remediation plan and evidence are not accepted or the required evidence of progress is not provided by  
1015 August 1 following the probationary year, home instruction shall cease and the parent shall make other  
1016 arrangements for the education of the child ~~which~~ that comply with § 22.1-254. The requirements of this  
1017 subsection ~~C~~ shall not apply to children who are under the age of six as of September 30 of the school  
1018 year.

1019 D. Nothing in this section shall prohibit a pupil and his parents from obtaining an excuse from  
1020 school attendance by reason of bona fide religious training or belief pursuant to subdivision B 1 of § 22.1-  
1021 254.

1022 E. Any party aggrieved by a decision of the division superintendent may appeal his decision within  
1023 30 days to an independent hearing officer. The independent hearing officer shall be chosen from the list  
1024 maintained by the Executive Secretary of the Supreme Court for hearing appeals of the placements of  
1025 children with disabilities. The costs of the hearing shall be apportioned among the parties by the hearing  
1026 officer in a manner consistent with his findings.

1027 F. School boards shall make Advanced Placement (AP), Preliminary SAT/National Merit  
1028 Scholarship Qualifying Test (PSAT/NMSQT), and PreACT examinations available to students receiving  
1029 home instruction pursuant to this section. School boards shall adopt written policies that specify the date  
1030 by which such students shall register to participate in such examinations. School boards shall notify such  
1031 students and their parents of such registration deadline and the availability of financial assistance to low-  
1032 income and needy students to take such examinations.

1033 G. No division superintendent or local school board shall disclose to the Department ~~of Education~~  
1034 or any other person or entity outside of the local school division information that is provided by a parent  
1035 or student to satisfy the requirements of this section or subdivision B 1 of § 22.1-254. However, a division  
1036 superintendent or local school board may disclose, with the written consent of a student's parent, such  
1037 information to the extent provided by the parent's consent. Nothing in this subsection shall prohibit a  
1038 division superintendent from notifying the Superintendent ~~of Public Instruction~~ of the number of students  
1039 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.

1067           A. A school board shall provide pupil personnel and support services in compliance with § 22.1-  
1068 253.13:2. A school board may employ school nurses, physicians, physical therapists, occupational  
1069 therapists, and speech therapists. No such personnel shall be employed unless they meet such standards  
1070 as may be determined by the Board~~of Education~~. Subject to the approval of the appropriate local  
1071 governing body, a local health department may provide personnel for health services for the school  
1072 division.

1073           B. In implementing subsection P of § 22.1-253.13:2, relating to providing support services that are  
1074 necessary for the efficient and cost-effective operation and maintenance of its public schools, each school  
1075 board may strive to employ, or contract with local health departments for, nursing services consistent with  
1076 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;~~  
1077 ~~(iii) per 1,500 students by July 1, 1998; and (iv) per 1,000 students by July 1, 1999.~~ In those school  
1078 divisions in which there are more than 1,000 students in average daily membership in school buildings,  
1079 this section shall not be construed to encourage the employment of more than one nurse per school  
1080 building. Further, this section shall not be construed to mandate the aspired-to ratios.

1081           C. The Board~~of Education~~ shall monitor the progress in achieving the ~~ratios~~ ratio set forth in  
1082 subsection B and any subsequent increase in prevailing statewide costs, and the mechanism for funding  
1083 health services, pursuant to subsection P of § 22.1-253.13:2 and the appropriation act. The Board shall  
1084 also determine how school health funds are used and school health services are delivered in each locality  
1085 ~~and shall provide, by December 1, 1994, a detailed analysis of school health expenditures to the House~~  
1086 ~~Committee on Education, the House Committee on Appropriations, the Senate Committee on Education~~  
1087 ~~and Health, and the Senate Committee on Finance and Appropriations.~~

1088           D. With the exception of school administrative personnel and persons employed by school boards  
1089 who have the specific duty to deliver health-related services, no licensed instructional employee,  
1090 instructional aide, or clerical employee shall be disciplined, placed on probation, or dismissed on the basis  
1091 of such employee's refusal to (i) perform nonemergency health-related services for students or (ii) obtain  
1092 training in the administration of insulin and glucagon. However, instructional aides and clerical employees  
1093 may not refuse to dispense oral medications.

1094 For the purposes of this subsection, "health-related services" means those activities that, when  
1095 performed in a health care facility, must be delivered by or under the supervision of a licensed or certified  
1096 professional.

1097 E. Each school board shall ensure that in school buildings with an instructional and administrative  
1098 staff of 10 or more (i) at least three employees have current certification or training in emergency first aid,  
1099 cardiopulmonary resuscitation, and the use of an automated external defibrillator and (ii) if one or more  
1100 students diagnosed as having diabetes attend such school, at least two employees have been trained in the  
1101 administration of insulin and glucagon. In school buildings with an instructional and administrative staff  
1102 of fewer than 10, school boards shall ensure that (a) at least two employees have current certification or  
1103 training in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external  
1104 defibrillator and (b) if one or more students diagnosed as having diabetes attend such school, at least one  
1105 employee has been trained in the administration of insulin and glucagon. ~~"Employee"~~ For purposes of this  
1106 subsection, "employee" includes any person employed by a local health department who is assigned to the  
1107 public school pursuant to an agreement between the local health department and the school board. When  
1108 a registered nurse, nurse practitioner, physician, or physician assistant is present, no employee who is not  
1109 a registered nurse, nurse practitioner, physician, or physician assistant shall assist with the administration  
1110 of insulin or administer glucagon. Prescriber authorization and parental consent shall be obtained for any  
1111 employee who is not a registered nurse, nurse practitioner, physician, or physician assistant to assist with  
1112 the administration of insulin and administer glucagon.

1113 **§ 22.1-280.2. School crime line defined; development of school crime lines authorized; local**  
1114 **school boards' authority; Board to promulgate regulations.**

1115 A. As used in this section: ~~"School,~~ "school crime line" means a confidential, anonymous system  
1116 providing inducements for students to report any unlawful act occurring in school buildings or on school  
1117 grounds or during school-sponsored activities to local law-enforcement authorities ~~—which, that~~ is  
1118 established as a cooperative alliance between the local school board, news media, the community, and  
1119 law-enforcement officials or through a separate, nonprofit corporation governed by a board of directors  
1120 or as part of a local "Crime Stoppers" program.

1121 B. In order to reduce crime and violence within the school divisions in the Commonwealth, any  
1122 local school board may develop a school crime line program as a joint, self-sustaining, cooperative alliance  
1123 with news media, the community, and law-enforcement authorities to receive, screen, and reward student  
1124 reports of unlawful acts committed in school buildings or on school grounds or at school functions, when  
1125 such reports lead to arrests or recovery of contraband or stolen property. Police or other law-enforcement  
1126 personnel shall staff every school crime line program, receive reported information from anonymous  
1127 student callers, screen such information, and direct information for further investigation, as may be  
1128 appropriate.

1129 C. Such programs may be established (i) by a local school board as a joint, self-sustaining,  
1130 cooperative alliance with news media, the community, and law-enforcement authorities; (ii) through a  
1131 separate nonprofit corporation initiated jointly by the local school board, news media, the community, and  
1132 law-enforcement authorities and governed by a board of directors; or (iii) as part of a local "Crime  
1133 Stoppers" program.

1134 The governing board of any separate nonprofit school crime line corporation shall include broad-  
1135 based community representation and shall, through its bylaws, set the policy, coordinate fund raising, and  
1136 formulate a system of rewards. Prior to implementation of any school crime line program and annually  
1137 thereafter, the local school board shall review and approve, as complying with the ~~Board of Education's~~  
1138 ~~Board's~~ regulations for implementation of school crime lines, its regulations or the bylaws of any nonprofit  
1139 school crime line corporation or the bylaws of any nonprofit "Crime Stoppers" corporation operating a  
1140 school crime line. No school crime line program shall be implemented or revised without first obtaining  
1141 the local school board's approval. Every local school board developing a school crime line program shall  
1142 also notify all students and their parents or other custodian of the procedures and policies governing the  
1143 program prior to implementation and annually thereafter.

1144 D. ~~By July 1, 1994, the~~ The ~~Board of Education~~ shall promulgate regulations for the  
1145 implementation of school crime lines, including, ~~but not limited to,~~ appropriate fund raising, and the  
1146 appropriateness of and limitations on rewards. In developing the regulations, the Board shall, in



1147 consultation with the Office of the Attorney General, address issues relating to civil rights, privacy, and  
1148 any other question of law, including the civic duty to report crime without compensation.

1149 E. Local school boards may establish, as a separate account, a school crime line fund, consisting  
1150 of private contributions, local appropriations specifically designated for such purposes, and such funds as  
1151 may be appropriated for this purpose by the Commonwealth pursuant to the appropriation act. No state or  
1152 local funds appropriated for educational purposes shall be used to implement a school crime line.

1153 **§ 22.1-280.2:2. Public School Security Equipment Grant Act of 2013.**

1154 A. This section shall be known and may be cited as the "Public School Security Equipment Grant  
1155 Act of 2013."

1156 B. For purposes of this section:

1157 "Authority" means the Virginia Public School Authority.

1158 ~~"Department" means the Department of Education.~~

1159 "Eligible school division" means a (i) local school division or (ii) regional vocational center,  
1160 special education center, alternative education center, or academic year Governor's School serving public  
1161 school students in grades K through 12. ~~The term shall also include~~ "Eligible school division" includes the  
1162 Virginia School for the Deaf and the Blind.

1163 "Local school division" means a school division with schools subject to state accreditation and  
1164 whose students are required to be reported in fall membership for grades K through 12.

1165 "Security equipment" includes building modifications and fixtures, including security vestibules,  
1166 vaping detectors, security-related devices located outside of the school building on school property, and  
1167 security-related devices located on school buses.

1168 C. The Authority shall issue bonds for the purpose of grant payments to eligible school divisions  
1169 of the Commonwealth to be used exclusively for purchasing security equipment for schools, including  
1170 any related installation, ~~which that~~ is designed to improve and help ensure the safety of students attending  
1171 public schools in ~~Virginia~~ the Commonwealth. Such grants shall not be used to pay for security equipment  
1172 that is not included or described in a grant application approved by the Department pursuant to subsection

1173 D. The amount of grants provided to each eligible school division pursuant to this section shall not exceed



1174 \$100,000 for each fiscal year of the Commonwealth. Funds for the payment of such grants shall be  
1175 provided from the issuance of bonds by the Authority, provided that the Authority shall not issue more  
1176 than an aggregate of \$6 million in bonds, after all costs, for such grants during each fiscal year of the  
1177 Commonwealth. In addition, the Authority shall ensure that no more than an aggregate principal amount  
1178 of \$30 million in bonds issued under this section shall be outstanding at any time. Eligible school divisions  
1179 seeking a grant shall apply to the Department, which shall be responsible for administering the grant  
1180 program.

1181 The Authority shall work with the Department to determine the schedule for the issuance of the  
1182 bonds, which shall be based in part upon eligible school divisions having sufficient funds to purchase such  
1183 security equipment. The payment of debt service on such bonds shall be as provided in the general  
1184 appropriation act.

1185 Such grants shall be in addition to all other grants made to local governments, school boards, or  
1186 school divisions according to law. In addition, such grants shall not replace or be in lieu of loans to local  
1187 school boards or interest rate subsidy payments to local school boards pursuant to Chapter 11.1 (§ 22.1-  
1188 175.1 et seq.) ~~of Title 22.1~~, and the issuance of such bonds and the payment of such grants shall not, except  
1189 as herein provided, affect or otherwise amend the provisions of such chapter as they relate to the powers  
1190 and duties of the Authority, local school boards, local governments, or any other entity.

1191 D. Based on the criteria developed by the Department in collaboration with the Department of  
1192 Criminal Justice Services, eligible school divisions shall apply for a grant by August 1 of each year. As a  
1193 condition of receiving a grant, a local match of 25 percent of the grant amount shall be required. The  
1194 Superintendent ~~of Public Instruction~~ is authorized to reduce the local match for local school divisions with  
1195 a composite index of local ability-to-pay less than 0.2000, including any such school division participating  
1196 in a regional vocational center, special education center, alternative education center, or academic year  
1197 Governor's School. The Virginia School for the Deaf and the Blind shall be exempt from the match  
1198 requirement.

1199 Grants shall be awarded by the Department on a competitive basis. As part of the application for  
1200 a grant, each eligible school division shall (i) identify with specificity the security equipment for which

1201 grants are being sought, as well as the estimated costs to purchase and install the security equipment, and  
1202 (ii) certify that it is the intent of the eligible school division to purchase the security equipment within six  
1203 months of approval of any grant by the Department.

1204 If the Department determines that a grant shall be paid to an eligible school division under this  
1205 section, it shall provide a written certification to the chairman of the Authority directing him to make a  
1206 grant payment in a specific amount to the eligible school division. The Department, however, shall not  
1207 make such written certification until it has established that the Authority has sufficient funds to make such  
1208 grant payment. The Authority shall only make grant payments to an eligible school division for the grants  
1209 provided under this section upon receipt of such written certification. The Authority shall make such grant  
1210 payments, and in the amounts as directed by the Department, within 30 days of receipt of the certification.

1211 E. The Department shall develop guidelines concerning the requirements for applying for a grant  
1212 and the administration of such grants. Such guidelines shall not be subject to the Administrative Process  
1213 Act (§ 2.2-4000 et seq.).

1214 F. In the event that two or more local school divisions became one local school division, whether  
1215 by consolidation of only the local school divisions or by consolidation of the local governments, such  
1216 resulting local school division shall be eligible for grants on the basis of the same number of local school  
1217 divisions as existed prior to September 30, 2012.

1218 G. The Authority shall take all necessary and proper steps as it is authorized to take under law to  
1219 carry out the provisions of this section.

1220 H. ~~Beginning in 2014, the~~ The Department shall make an annual report to the General Assembly  
1221 by September 1 of each year reporting (i) the total grants paid during the immediately prior fiscal year to  
1222 each eligible school division and (ii) a general description of the security equipment purchased by eligible  
1223 school divisions.

1224 **§ 22.1-296.2. Fingerprinting required; reciprocity permitted.**

1225 A. As a condition of employment, the school boards of the Commonwealth shall require any  
1226 applicant who is offered or accepts employment ~~after July 1, 1989~~, whether ~~full-time~~ full time or ~~part-~~  
1227 time, part time or permanent, or temporary, to submit to fingerprinting and to provide personal descriptive

1228 information to be forwarded along with the applicant's fingerprints through the Central Criminal Records  
1229 Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record  
1230 information regarding such applicant. The school board may (i) pay for all or a portion of the cost of the  
1231 fingerprinting or criminal records check or (ii) in its discretion, require the applicant to pay for all or a  
1232 portion of the cost of such fingerprinting or criminal records check.

1233 The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that  
1234 no record exists, shall report to the school board whether or not the applicant has ever been convicted of  
1235 a felony or a Class 1 misdemeanor or an equivalent offense in another state.

1236 To conserve the costs of conducting criminal history record checks to applicants and school boards,  
1237 upon the written request and permission of the applicant, a school board shall inform another school board  
1238 with which reciprocity has been established, and to which the applicant also has applied for employment,  
1239 of the results of the criminal history record information conducted within the previous ~~ninety~~ 90 days that  
1240 it obtained concerning the applicant. Criminal history record information pertaining to an applicant for  
1241 employment by a school board shall be exchanged only between school boards in the Commonwealth in  
1242 which a current agreement of reciprocity for the exchange of such information has been established and  
1243 is in effect. Reciprocity agreements between school boards shall provide for the apportionment of the costs  
1244 of the fingerprinting or criminal records check between the applicant and the school board, as prescribed  
1245 in this section. However, school boards that enter into reciprocity agreements shall not each levy the costs  
1246 of the fingerprinting or criminal records check on the applicant.

1247 B. The division superintendent shall inform the relevant school board of any notification of arrest  
1248 of a school board employee received pursuant to § 19.2-83.1. The school board shall require such  
1249 employee, whether ~~full-time~~ full time or ~~part-time;~~ part time or permanent; or temporary, to submit to  
1250 fingerprinting and to provide personal descriptive information to be forwarded along with the employee's  
1251 fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for  
1252 the purpose of obtaining criminal history record information regarding such employee. The school board  
1253 may (i) pay for all or a portion of the cost of the fingerprinting or criminal records check or (ii) in its

1254 discretion, require the applicant to pay for all or a portion of the cost of such fingerprinting or criminal  
1255 records check.

1256 The Central Criminal Records Exchange, upon receipt of an employee's record or notification that  
1257 no record exists, shall report to the school board whether or not the employee has been convicted of any  
1258 of the offenses listed in subsection A ~~of this section~~. The contents of the employee's record shall be used  
1259 by the school board solely to implement the provisions of §§ 22.1-307 and 22.1-315.

1260 C. The Central Criminal Records Exchange shall not disclose information to the school board  
1261 regarding charges or convictions of any crimes not specified in this section. If an applicant is denied  
1262 employment or a current employee is suspended or dismissed because of information appearing on his  
1263 criminal history record, the school board shall provide a copy of the information obtained from the Central  
1264 Criminal Records Exchange to the applicant or employee. The information provided to the school board  
1265 shall not be disseminated except as provided in this section.

1266 **§ 22.1-296.3. Certain private school employees subject to fingerprinting and criminal records**  
1267 **checks.**

1268 A. As a condition of employment, the governing boards or administrators of private elementary or  
1269 secondary schools that are accredited pursuant to § 22.1-19 shall require any applicant who accepts  
1270 employment, whether ~~full-time~~ full time or ~~part-time, part time~~ or permanent, or temporary, to submit to  
1271 fingerprinting and to provide personal descriptive information to be forwarded along with the applicant's  
1272 fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for  
1273 the purpose of obtaining criminal history record information regarding such applicant.

1274 The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that  
1275 no record exists, shall report to the governing board or administrator, or to a private organization  
1276 coordinating such records on behalf of such governing board or administrator pursuant to a written  
1277 agreement with the Department of State Police, that the applicant meets the criteria or does not meet the  
1278 criteria for employment based on whether or not the applicant has ever been convicted of any barrier crime  
1279 as defined in § 19.2-392.02.

1280           B. The Central Criminal Records Exchange shall not disclose information to such governing board,  
1281 administrator, or private organization coordinating such records regarding charges or convictions of any  
1282 crimes. If any applicant is denied employment because of information appearing on the criminal history  
1283 record and the applicant disputes the information upon which the denial was based, the Central Criminal  
1284 Records Exchange shall, upon request, furnish the applicant the procedures for obtaining a copy of the  
1285 criminal history record from the Federal Bureau of Investigation. The information provided to the  
1286 governing board, administrator, or private organization coordinating such records shall not be  
1287 disseminated except as provided in this section. A governing board or administrator employing or  
1288 previously employing a temporary teacher or a private organization coordinating such records on behalf  
1289 of such governing board or administrator pursuant to a written agreement with the Department of State  
1290 Police may disseminate, at the written request of such temporary teacher, whether such teacher meets the  
1291 criteria or does not meet the criteria for employment pursuant to subsection A to the governing board or  
1292 administrator of another accredited private elementary or secondary school in which such teacher has  
1293 accepted employment. Such governing board, administrator, or private organization transferring criminal  
1294 records information pursuant to this section shall be immune from civil liability for any official act,  
1295 decision, or omission done or made in the performance of such transfer, when such acts or omissions are  
1296 taken in good faith and are not the result of gross negligence or willful misconduct.

1297           Fees charged for the processing and administration of background checks pursuant to this section  
1298 shall not exceed the actual cost to the state of such processing and administration.

1299           C. ~~Effective July 1, 2017, the~~ The governing board or administrator of a private elementary or  
1300 secondary school that is accredited pursuant to § 22.1-19 that operates a child day program or family day  
1301 system regulated by the Department pursuant to Chapter 14.1 (§ 22.1-289.02 et seq.) shall accept evidence  
1302 of a background check in accordance with § 22.1-289.035 for individuals who are required to undergo a  
1303 background check in accordance with that section as a condition of employment in lieu of the background  
1304 check required by subsection A.

1305           D. The governing boards or administrators of private elementary and secondary schools that are  
1306 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 returns to teaching service in a school division in Virginia by the beginning of the third year, such teacher shall be required to serve a probationary period not to exceed two years, if made a part of the contract for employment.

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

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

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

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

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

A. There is hereby established the Board of Visitors of the Virginia School for the Deaf and the Blind (Board of Visitors), as a policy agency in the executive branch of state government under the name of the "Virginia School for the Deaf and the Blind," for the purpose of governing the educational programs



and services to deaf, blind, and multi-disabled students enrolled at the Virginia School for the Deaf and the Blind.

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

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



1387 C. Legislative members of the Board of Visitors shall receive such compensation as provided in §  
1388 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of  
1389 their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary  
1390 expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding  
1391 for the costs of expenses of the members shall be provided from such funds as may be appropriated to the  
1392 Board of Visitors ~~of the Virginia School for the Deaf and the Blind~~, in accordance with the appropriations  
1393 act.

1394 D. The Superintendent ~~of Public Instruction~~ shall designate a member of the staff of the  
1395 Department ~~of Education~~ to serve as a consultant to the Board of Visitors ~~of the Virginia School for the~~  
1396 ~~Deaf and the Blind~~ on matters pertaining to instruction, federal and state special education requirements,  
1397 and school accreditation, and to provide technical assistance to assist the Board of Visitors in meeting  
1398 specific instructional and school accreditation needs.

1399 E. The Board of Visitors shall have the following powers and duties:

1400 1. Establish such rules, policies, and regulations for the governance of the Virginia School for the  
1401 Deaf and the Blind.

1402 2. Prescribe the criteria and procedures governing admissions to the school, and the review of  
1403 student placement, to ensure the appropriateness of the placement and instructional program of each  
1404 student admitted to the school, pursuant to § 22.1-348 and in accordance with federal and state special  
1405 education laws and regulations.

1406 3. Establish a policy governing the transportation of students at the school to permit frequent home  
1407 visits by students, and to provide to each student transportation to and from the school and the place of  
1408 residence of such student's parent or guardian whenever the school is officially closed.

1409 4. Prescribe and approve the education programs of the Virginia School for the Deaf and the Blind,  
1410 in consultation with the Department ~~of Education~~, the ~~Virginia~~ Department for the Deaf and Hard-of-  
1411 Hearing, and the ~~Virginia~~ Department for the Blind and ~~Visually~~ Vision Impaired.

1412 5. Appoint the superintendent, other officers, and the faculty of the school. The superintendent  
1413 shall be appointed every two years and the other officers and faculty annually. However, the

1414 superintendent, with the approval of the chairman of the Board of Visitors, shall be authorized to fill  
1415 vacancies in positions appointed by the Board of Visitors occurring between meetings of the Board of  
1416 Visitors. The Board of Visitors may remove at any time the superintendent, other officers, faculty, and  
1417 employees for cause, subject to the provisions of Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2.

1418 6. Establish the qualifications, duties, and compensation of the superintendent, other officers,  
1419 faculty, and employees of the school.

1420 7. Prepare and submit to the Governor and the General Assembly, ~~beginning July 1, 2010,~~ an  
1421 annual report detailing the curricula and other educational programs and services of the school, including  
1422 receipts and disbursements pertaining to the operation of the school for each fiscal year ending on June  
1423 30.

1424 **2. That §§ 22.1-16.2, 22.1-89.3, and 22.1-212 of the Code of Virginia are repealed.**

1425 **3. That the provisions of this act that amend § 22.1-178 of the Code of Virginia shall not be construed**  
1426 **to require any individual who accepted employment on or before July 1, 1994, as a driver of a school**  
1427 **bus transporting pupils to agree, as a condition of employment, to submit to alcohol and controlled**  
1428 **substance testing.**

1429 **4. That the provisions of this act that amend § 22.1-296.2 of the Code of Virginia shall not be**  
1430 **construed to require, as a condition of employment by a school board, any applicant who was**  
1431 **offered or accepted employment on or before July 1, 1989, whether full time or part time or**  
1432 **permanent or temporary, to submit to fingerprinting and to provide personal descriptive**  
1433 **information to be forwarded along with the applicant's fingerprints through the Central Criminal**  
1434 **Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal**  
1435 **history record information regarding such applicant.**

1436 #

## OVERVIEW AND OUTLINE OF TITLES 32.1 & 35.1

**Title 32.1, Health**, was last recodified in 1979, when Chapter 711 of the Acts of Assembly of 1979 replaced Title 32 with Title 32.1. Title 32.1 now consists of 28 chapters, one of which is repealed in its entirety. While some chapters include numerous articles, 17 of the chapters are not divided into articles. Thirteen chapters consist of five or fewer sections, with five of those chapters having only one section. Within the chapters that are divided into articles, many articles have been repealed in their entirety. While some sections in Title 32.1 have not been amended since the 1979 recodification, there are numerous sections, articles, and chapters that are amended frequently.

**Title 35.1, Hotels, Restaurants, Summer Camps, and Campgrounds**, was last recodified in 1981, when Chapter 468 of the Acts of Assembly of 1981 replaced Title 35 with Title 35.1. Title 35.1 now consists of five chapters, none of which are divided into articles. The largest chapter includes 10 sections. The smallest chapters each include two sections. While some sections in Title 35.1 have not been amended since the 1981 recodification, other sections are amended somewhat frequently.

### TITLE 32.1

#### HEALTH

<b>CHAPTER 1</b>	<b>ADMINISTRATION GENERALLY</b>	<b>[51 sections]</b>
Article 1	General Provisions	[5 sections]
Article 2	State Board of Health	[18 sections]
Article 3	Department of Health and State Health Commissioner	[13 Sections]
Article 4	Procedures; Inspections; Orders; Penalties; Representation by Attorney General	[7 sections]
Article 5	Local Health Departments and Directors	[8 sections]
<b>CHAPTER 2</b>	<b>DISEASE PREVENTION AND CONTROL</b>	<b>[103 sections]</b>
Article 1	Reporting of Diseases	[9 sections]
Article 2	Investigation of Diseases	[3 sections]
Article 3	Disease Control Measures	[18 sections]
Article 3.01	Isolation of Certain Persons with Communicable Diseases of Public Health Significance	[4 sections]
Article 3.02	Quarantine and Isolation of Persons with Communicable Diseases of Public Health Threat	[14 sections]
Article 3.1	Control of Rabies	[4 sections]
Article 4	Tuberculosis	[7 sections]
Article 5	Venereal Diseases	[7 sections]
Article 6	Prevention of Blindness form Ophthalmia Neonatorum	[4 sections]
Article 6.1	Virginia Hearing Loss Identification and Monitoring System	[2 sections]
Article 7	Newborn Screening	[5 sections]
Article 8	Voluntary Program for Control of Genetic and Metabolic Diseases	[2 sections]
Article 8.1	Virginia Congenital Anomalies Reporting and Education System	[3 sections]
Article 8.2	Virginia Cord Blood Bank Initiative	[2 sections]
Article 9	Statewide Cancer Registry	[5 sections]
Article 9.1	<i>Repealed</i> (Statewide Alzheimer's Disease and Related Disorder Registry)	
Article 10	<i>Repealed</i> (Laboratory Tests)	
Article 11	Penalty	[1 section]
Article 12	<i>Repealed</i> (The Commonwealth Neurotrauma Initiative)	

## OVERVIEW AND OUTLINE OF TITLES 32.1 & 35.1

Article 13	Statewide Asthma Management	[2 sections]
Article 14	Youth Suicide Prevention	[1 section]
Article 15	Youth Health Risk Behavior Survey	[1 section]
Article 16	Advisory Council on Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections and Pediatric Acute-onset Neuropsychiatric Syndrome	[3 sections]
Article 17	Substance-Exposed Infants	[1 section]
Article 18	Alzheimer's Disease	[1 section]
Article 19	Rare Disease Council	[4 sections]
<b>CHAPTER 3</b>	<b>MEDICAL CARE SERVICES</b>	<b>[7 sections]</b>
Article 1	<i>Repealed</i> (Medical Assistance Program)	
Article 2	Maternal and Child Health Services and Crippled Children's Services	[3 sections]
Article 3	<i>Repealed</i> (Virginia Voluntary Formulary)	
Article 4	Miscellaneous Services	[4 sections]
<b>CHAPTER 4</b>	<b>HEALTH CARE PLANNING</b>	<b>[88 sections]</b>
Article 1	<i>Repealed</i> (Medical Care Facilities Certificate of Public Need)	
Article 1.1	Medical Care Facilities Certificate of Public Need	[20 sections]
Article 2	<i>Repealed</i> (Medical Care Facilities Development)	
Article 2.1	Statewide Emergency Medical Services System and Services	[34 sections]
Article 2.2	Evaluation of Director of Office of Emergency Medical Services	[1 section]
Article 3	<i>Repealed</i> (Statewide Emergency Medical Care System)	
Article 3.1	Emergency Medical Services Patient Care Information System	[4 sections]
Article 4	<i>Repealed</i> (Health Planning and Resources Development)	
Article 4.1	Health Planning and Resources Development	[8 sections]
Article 5	<i>Repealed</i> (Perinatal Services)	
Article 6	Primary Health Care System	[15 sections]
Article 6.1	Local Health Partnership Authorities	[5 sections]
Article 7	<i>Expired</i> (Review of Health Services Quality)	
Article 8	Health Workforce Recruitment and Retention	[1 section]
<b>CHAPTER 5</b>	<b>REGULATION OF MEDICAL CARE FACILITIES AND SERVICES</b>	<b>[114 sections]</b>
Article 1	Hospital and Nursing Home Licensure and Inspection	[53 sections]
Article 1.1	Certificate of Quality Assurance of Managed Care Health Insurance Plan Licensees	[6 sections]
Article 1.2	Utilization Review Standards and Appeals	[11 sections]
Article 2	Rights and Responsibilities of Patients in Nursing Homes	[6 sections]
Article 2.1	Private Review Agents	[10 sections]
Article 3	<i>Repealed</i> (Blood Banks)	
Article 4	<i>Repealed</i> (Midwives)	
Article 5	<i>Repealed</i> (Emergency Medical Services Vehicles)	
Article 6	<i>Repealed</i> (Home Health Agency Licensing)	
Article 7	Hospice Program Licensing	[8 sections]
Article 7.1	Home Care Organization Licensing	[10 sections]
Article 8	Services for Survivors of Sexual Assault	[10 sections]

## OVERVIEW AND OUTLINE OF TITLES 32.1 & 35.1

<b>CHAPTER 5.1</b>	<b>HUMAN RESEARCH</b>	<b>[5 sections]</b>
<b>CHAPTER 5.2</b>	<b>HUMAN CLONING</b>	<b>[2 sections]</b>
<b>CHAPTER 5.3</b>	<b>COMMONWEALTH HEALTH RESEARCH BOARD AND FUND; CHRISTOPHER REEVE STEM CELL RESEARCH FUND</b>	<b>[9 sections]</b>
<b>CHAPTER 5.4</b>	<b>ANIMAL RESEARCH</b>	<b>[1 section]</b>
<b>CHAPTER 6</b>	<b>ENVIRONMENTAL HEALTH SERVICES</b>	<b>[130 sections]</b>
Article 1	Sewage Disposal	[17 sections]
Article 1.1	State Health Department Sewage Handling and Disposal Appeal Review Board	[10 sections]
Article 2	Public Water Supplies	[19 sections]
Article 2.1	Private Well Construction	[9 sections]
Article 2.2	Wells Near Certain Coal Ash Ponds	[2 sections]
Article 3	<i>Repealed</i> (Solid and Hazardous Waste Management)	
Article 4	Mosquito Control Districts	[11 sections]
Article 5	Public Gathering Places	[4 sections]
Article 6	Migrant Labor Camps	[9 sections]
Article 7	Bedding and Upholstered Furniture	[15 sections]
Article 8	Radiation Control	[19 sections]
Article 8.1	<i>Repealed</i> (Mid-Atlantic Interstate Low-Level Radioactive Waste Compact)	
Article 8.2	<i>Repealed</i> (Southeast Interstate Low-Level Radioactive Waste Management Compact)	
Article 9	Toxic Substances Information	[6 sections]
Article 10	Miscellaneous Provisions	[9 sections]
<b>CHAPTER 7</b>	<b>VITAL RECORDS</b>	<b>[35 sections]</b>
Article 1	Definitions and Administrative Provisions	[8 sections]
Article 2	Birth Certificates	[7 sections]
Article 3	Records of Adoptions	[1 section]
Article 4	Death Certificates and Out-of-State Transit Permits	[4 sections]
Article 5	Marriage Records and Divorce and Annulment Reports	[3 sections]
Article 6	Amendments to Vital Records	[2 sections]
Article 7	Miscellaneous Provisions	[10 sections]
<b>CHAPTER 7.1</b>	<b>HEALTH STATISTICS</b>	<b>[1 section]</b>
<b>CHAPTER 7.2</b>	<b>HEALTH CARE DATA REPORTING</b>	<b>[12 sections]</b>
<b>CHAPTER 8</b>	<b>POSTMORTEM EXAMINATIONS AND SERVICES</b>	<b>[55 sections]</b>
Article 1	Chief Medical Examiner and Postmortem Examinations	[18 sections]
Article 2	Anatomical Gifts	[30 sections]
Article 3	Use of Dead Human Bodies for Scientific Study	[7 sections]
Article 4	<i>Repealed</i> (Cremation)	
<b>CHAPTER 8.1</b>	<b>DISPOSITION OF DEAD HUMAN BODIES</b>	<b>[5 sections]</b>

## OVERVIEW AND OUTLINE OF TITLES 32.1 & 35.1

<b>CHAPTER 9</b>	<b>REGULATION OF MEDICAL ASSISTANCE</b>	<b>[17 sections]</b>
Article 1	In General	[13 sections]
Article 2	Regulation of Recipient Eligibility	[4 sections]
<b>CHAPTER 10</b>	<b>DEPARTMENT OF MEDICAL ASSISTANCE SERVICES</b>	<b>[40 sections]</b>
Article 1	General Provisions	[34 sections]
Article 2	<i>Repealed</i> (Medicaid New Drug Review Act)	
Article 3	<i>Repealed</i> (Virginia Medicaid Drug Formulary and Competitive Procurement of Drug Products)	
Article 4	Medicaid Prior Authorization Advisory Committee	[6 sections]
<b>CHAPTER 11</b>	<b><i>REPEALED</i> (VIRGINIA INDIGENT HEALTH CARE TRUST FUND)</b>	
<b>CHAPTER 12</b>	<b>STATE/LOCAL HOSPITALIZATION PROGRAM</b>	<b>[8 sections]</b>
<b>CHAPTER 13</b>	<b>FAMILY ACCESS TO MEDICAL INSURANCE SECURITY PLAN</b>	<b>[5 sections]</b>
<b>CHAPTER 13.1</b>	<b>CERTIFIED NURSING FACILITY EDUCATION INITIATIVE</b>	<b>[3 sections]</b>
<b>CHAPTER 14</b>	<b>VIRGINIA FOUNDATION FOR HEALTHY YOUTH</b>	<b>[13 sections]</b>
<b>CHAPTER 15</b>	<b>VIRGINIA HEALTH CARE FUND</b>	<b>[2 sections]</b>
<b>CHAPTER 16</b>	<b>BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT FUND</b>	<b>[2 sections]</b>
<b>CHAPTER 17</b>	<b>BREASTFEEDING</b>	<b>[1 section]</b>
<b>CHAPTER 18</b>	<b>RECOGNITION OF EMS PERSONNEL LICENSURE INTERSTATE COMPACT</b>	<b>[1 section]</b>
<b>CHAPTER 19</b>	<b>EMERGENCY DEPARTMENT CARE COORDINATION PROGRAM</b>	<b>[1 section]</b>
<b>CHAPTER 20</b>	<b>DISPOSITION OF ASSETS BY NONPROFIT HEALTH CARE ENTITIES</b>	<b>[3 sections]</b>

## TITLE 35.1

### HOTELS, RESTAURANTS, SUMMER CAMPS, AND CAMPGROUNDS

<b>CHAPTER 1</b>	<b>GENERAL PROVISIONS</b>	<b>[10 sections]</b>
<b>CHAPTER 2</b>	<b>REGULATIONS</b>	<b>[9 sections]</b>
<b>CHAPTER 3</b>	<b>LICENSES; INSPECTIONS</b>	<b>[7 sections]</b>
<b>CHAPTER 4</b>	<b>EXEMPTIONS</b>	<b>[2 sections]</b>
<b>CHAPTER 5</b>	<b>POSTING HOTEL RATES; HOTEL LIABILITY</b>	<b>[2 sections]</b>

## **RECODIFICATION OF TITLES 32.1 & 35.1**

### **PRELIMINARY STAKEHOLDER LIST**

#### State & Local Agencies

Department of Health

Local Health Departments

Department of Medical Assistance Services

Office of the Attorney General

#### Stakeholder Groups

Medical Society of Virginia

Virginia Hospital and Healthcare Association

Virginia Health Care Association/Virginia Center for Assisted Living

LeadingAge Virginia

Virginia Association for Home Care and Hospice

Virginia Association for Hospices and Palliative Care

Virginia Association of Health Plans and individual health plans

Hospital systems

Virginia Environmental Health Association

Donate Life Virginia

Virginia Health Information

Virginia Foundation for Healthy Youth

Virginia Association of Volunteer Rescue Squads

Virginia Association of Governmental EMS Administrators

Virginia Ambulance Association

Virginia Restaurant, Lodging, and Travel Association

Virginia State Bar, Health Law Section