



**VSBA**

**Virginia School Boards Association**

Government Relations

acquisition; theories of second language acquisition; instructional strategies for classroom management for the elementary classroom; and content-based curriculum, instruction, and assessment. The bill provides that (i) each teacher with such an endorsement is exempt from the Virginia Communication and Literacy Assessment requirement but is subject to the subject matter-specific professional teacher's assessment requirements and (ii) no teacher with such an endorsement is required to obtain an additional endorsement in early/primary education pre-kindergarten through grade three or elementary education pre-kindergarten through grade six in order to teach in pre-kindergarten through grade six. VSBA supported this bill.

[HB 1419 \(Delaney\)](#) – This bill requires local school boards to provide (i) a minimum of 680 hours of instructional time to students in elementary, except for students in half-day kindergarten, in the four academic disciplines of English, mathematics, science, and history and social science and (ii) a minimum of 375 hours of instructional time to students in half-day kindergarten in the four academic disciplines of English, mathematics, science, and history and social science. The bill authorizes local school boards to include and require the Board of Education to accept, elementary school, unstructured recreational time that is intended to develop teamwork, social skills, and overall physical fitness in any calculation of total instructional time or teaching hours, provided that such unstructured recreational time does not exceed 15 percent of total instructional time or teaching hours.

[HB 1600 \(Bourne\)](#) – This bill reduces the maximum length of a long-term suspension from 364 calendar days to 45 school days. The bill permits a long-term suspension to extend beyond a 45-school-day period if (i) the offense involved firearms, drugs, or serious bodily injury or (ii) the local school board or the division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department of Education.

[SB 76 \(Favola\)](#) – This bill specifies that for the purpose of Board of Education regulations for the approval of teacher education programs, the term "education preparation program" includes four-year bachelor's degree programs in teacher education. VSBA supported this bill.

[SB 170 \(Stanley\)](#) – This bill provides that no student in preschool through grade three shall be suspended for more than three school days or expelled from attendance at school unless (i) the offense involved physical harm or credible threat of physical harm to others or (ii) the local school board or the division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department of Education.

[SB 229 \(Hanger\)](#) – This bill requires the Board of Education to establish a training program for school board employees who assist in the transportation of students on school buses, including individuals employed to operate school buses and school bus aides, on autism spectrum disorders, including the characteristics of autism spectrum disorders, strategies for interacting with students with autism spectrum disorders, and collaboration with other employees who assist in the transportation of students on school buses. The bill requires



each school board employee who assists in the transportation of students with autism spectrum disorders on school buses to participate in such training program.

[SB 273 \(Petersen\)](#) – This bill requires local school boards to provide (i) a minimum of 680 hours of instructional time to students in elementary, except for students in half-day kindergarten, in the four academic disciplines of English, mathematics, science, and history and social science and (ii) a minimum of 375 hours of instructional time to students in half-day kindergarten in the four academic disciplines of English, mathematics, science, and history and social science. The bill authorizes local school boards to include and require the Board of Education to accept, elementary school, unstructured recreational time that is intended to develop teamwork, social skills, and overall physical fitness in any calculation of total instructional time or teaching hours, provided that such unstructured recreational time does not exceed 15 percent of total instructional time or teaching hours. The bill is identical to [HB 1419 \(Delaney\)](#).

[SB 343 \(Peake\)](#) – This bill was intended to address the decision of the Virginia Supreme Court in *Butler v. Fairfax County School Board*, in which the Court held that school boards were not permitted to employ individuals who had any prior felony conviction. The Court's decision resulted in some local school boards terminating employees who had been hired with prior felony convictions. The bill permits those school boards to re-hire such individuals who had been employed by the school board as of December 17, 2015 (the date of the Court's decision), provided that the individual has been granted a simple pardon by the Governor and has had his civil rights restored by the Governor. The bill is identical to [HB 1000 \(Gilbert\)](#).

[SB 349 \(Peake\)](#) – This bill makes several changes to the teacher licensure process, including (i) permitting teachers with a valid out-of-state license, with full credentials and without deficiencies, to receive licensure by reciprocity without passing additional licensing assessments and (ii) specifying that for the purpose of Board of Education regulations for the approval of teacher education programs, the term "education preparation program" includes four-year bachelor's degree programs in teacher education. VSBA supported this bill. The bill is identical to [HB 1125 \(Landes\)](#).

[SB 526 \(Obenshain\)](#) – This bill prohibits political subdivisions of the Commonwealth, which includes local school boards, from regulating the use of privately owned, unmanned aircraft system (e.g. drones). The bill contains certain provisions prohibiting the use of a drones without permission near dwellings. The bill also contains limitations on the use of drones by registered sex offenders and by persons who are the subject of protective orders. This bill is identical to [HB 638 \(Collins\)](#).

[SB 557 \(Hanger\)](#) – This bill reduces the training requirements for school bus driver applicant who do not possess an commercial driver's license to the following: (i) a minimum of 24 hours of classroom training and (ii) six hours of behind-the-wheel training on a school bus that contains no pupil passengers and requires any school bus operator



applicant who possesses a commercial driver's license to receive (a) a minimum of four hours of classroom training and (b) three hours of behind-the-wheel training on a school bus that contains no pupil passengers. Current law leaves the setting of such hourly requirements to the Department of Education. This bill is identical to [HB 810 \(O'Quinn\)](#).

[SB 840 \(Favola\)](#) – This bill requires each local school board to adopt policies that (i) prohibit school board employees from requiring a student who cannot pay for a meal at school or who owes a school meal debt to do chores or other work to pay for such meals or wear a wristband or hand stamp and (ii) require school board employees to direct any communication relating to a school meal debt to the student's parent, which may be made by a letter addressed to the parent to be sent home with the student. This bill is identical to [HB 50 \(Hope\)](#).

#### **Defeated Legislation**

[HB 13 \(Kory\)](#) – This bill would have required state funding to be provided pursuant to the general appropriation act to support 20 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency. Current law requires state funding to support 17 such positions for each 1,000 such students. The bill was left in the House Appropriations Committee.

[HB 15 \(Mullin\)](#) – This bill would have required a principal to first take appropriate alternative disciplinary action or determine that no such appropriate alternative disciplinary action exists before referring to the local law-enforcement agency student incidents of assault and assault and battery without bodily injury. The bill was left in the House Courts of Justice Committee.

[HB 90 \(Bell, John\)](#) – This bill would have permitted a school board to conduct a teacher grievance hearing before a three-member fact-finding panel consisting of one member selected by the teacher, one member selected by the division superintendent, and an impartial hearing officer, selected by the other two panel members, to serve as the chairman of the panel. Under current law, the school board has the option of appointing a hearing officer or conducting such hearing itself. The bill would also have remove the requirement that a teacher grievance hearing be set within 15 days of the request for such hearing and extend from five days to 10 days the minimum period of advanced written notice to the teacher of the time and place of such hearing. VSBA opposed this bill. The bill was left in the House Education Committee.

[HB 159 \(Rasoul\)](#) – This bill would have required each local school board to implement a comprehensive, sequential family life education curriculum in grades kindergarten through 12 that is consistent with the family life education Standards of Learning or curriculum guidelines developed by the Board of Education and removes from such standards and guidelines the requirement for instruction in the benefits, challenges, responsibilities, and value of marriage for men, women, children, and communities; abstinence education; the value of postponing sexual activity; and the benefits of adoption as a positive choice in the



event of an unwanted pregnancy. VSBA opposed this bill. The bill was passed by indefinitely by the House Education Committee.

[HB 221 \(Miyares\)](#) – This bill would have broadened the eligibility criteria for students with a disability to include students with an Individualized Instructional Plan (IIP) attending a school for students with a disability licensed by the Department of Education and accredited by an agency approved by Virginia Council of Private Education. Under current law, only students who have obtained an Individualized Educational Plan (IEP) pursuant to the federal Individuals with Disabilities Education Act (IDEA) may meet the criteria for the Education Improvement Scholarships tax credits program. The remaining criteria for students with a disability (residence in Virginia and family household income not more than 400 percent of the poverty level) would have continued to apply regardless of whether the student had an IIP or an IEP. The bill would have increased the scholarship amount available for an eligible student with a disability from 100 percent to 300 percent of the per-pupil amount distributed to the local school division as the state's share of the standards of quality costs. VSBA opposed this bill. The bill was left in the House Finance Committee.

[HB 224 \(Krizek\)](#) – This bill would have required the Board of Education to make regulations to require each new public school bus purchased for the transportation of students to be equipped with a seat belt consisting of a lap belt and shoulder strap or harness in every seat. The bill would have required each school board to ensure that no later than July 1, 2036, each school bus that it uses for the transportation of students is equipped with a seat belt in every seat. VSBA opposed this bill. The bill was left in the House Education Committee.

[HB 252 \(Guzman\)](#) – This bill would have required each school board to employ at least one mental health counselor per 250 students in each high school in the local school division. VSBA opposed this bill. The bill was left in the House Education Committee.

[HB 253 \(Guzman\)](#) – This bill would have provided that the maximum caseload for each full-time special education aide is five students. VSBA opposed this bill. The bill was left in the House Education Committee.

[HB 296 \(Bell, Richard\)](#) – This bill would have prohibited students in preschool through grade three from being suspended or expelled except for drug offenses, firearm offenses, or certain criminal acts. VSBA strongly opposed this bill. The bill was passed by indefinitely by the House Education Committee.

[HB 372 \(Robinson\)](#) – This bill would have made local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. The bill would require local school boards that set the school calendar with a pre-Labor Day opening date, except those schools that were granted a "good cause" waiver for the 2017-2018 school year, to close



all schools in the division from (i) the Thursday immediately preceding Labor Day through Labor Day or (ii) the Friday immediately preceding Labor Day through the Tuesday immediately succeeding Labor Day. The bill was continued to 2019 by the Senate Education and Health Committee.

[HB 395 \(Davis\)](#) – This bill would have eliminated the requirement that a student must currently attend or have recently attended a public school in order to qualify for a scholarship from a scholarship foundation that provides tax-credit-derived scholarships. The bill would have increased the maximum annual scholarship amount from 100 percent of the per pupil amount distributed to the local school division as its share of standards of quality costs (i) for a student with a disability, to 400 percent of such amount, and (ii) for a student who has an autism spectrum disorder, to \$26,000. The bill would add to the definition of "qualified educational expenses" expenditures made in connection to summer education. VSBA opposed the bill. The bill was left in the House Finance Committee.

[HB 445 \(Carroll Foy\)](#) – This bill would have eliminated the requirement that school principals report certain enumerated acts that may constitute a misdemeanor offense to law enforcement. VSBA supported the bill. The bill was left in the House Courts of Justice Committee.

[HB 496 \(Bell, Robert\)](#) – This bill (also known as the "Tebow Bill") would have prohibit public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who (i) receives home instruction; (ii) has demonstrated evidence of progress for two consecutive academic years; (iii) is in compliance with immunization requirements; (iv) is entitled to free tuition in a public school; (v) has not reached the age of 19 by August 1 of the current academic year; (vi) is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; (vii) complies with all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and (viii) complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physical examinations, and transfers applicable to all high school athletes. The bill would have provided that no local school board is required to establish a policy to permit students who receive home instruction to participate in interscholastic programs among other provisions. VSBA opposed this bill. The bill was defeated in the House Education Committee.

[HB 688 \(McQuinn\)](#) – This bill would have required local school boards to provide alternative education programs for suspended students. VSBA strongly opposed this bill as an unfunded mandate. The bill was left in the House Appropriations Committee.

[HB 809 \(O'Quinn\)](#) – This bill would have permitted local school boards to display commercial advertising material on the sides of school buses between the rear wheels and the rear of the bus, provided that no such material (i) obstructs the name of the school division or the number of the school bus, (ii) is sexually explicit, or (iii) pertains to alcohol;



food or beverages that do not meet the nutrition standards developed by the U.S. Department of Agriculture pursuant to the federal Healthy, Hunger-Free Kids Act of 2010 or any additional state or local nutrition standards for food or beverages sold to students in school; gambling; politics; or tobacco. The bill was continued to 2019 by the Senate Education and Health Committee.

[HB 831 \(Bagby\)](#) – This bill would have required the Virtual Virginia program, established by the Department of Education, to be made available to all public middle and high schools. The bill would provide that such program may be made available to all public elementary schools. Under current law, Virtual Virginia is required to be made available to public high schools only. The bill would also have replaced the term "statewide electronic classroom" with "online learning program" to more accurately reflect the Virtual Virginia program. VSBA supported the bill. The bill was left in the House Appropriations Committee.

[HB 1020 \(Adams, L.R.\)](#) – This bill would have make local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. VSBA supported this bill. The bill was incorporated by Senate Education and Health into [HB 372 \(Robinson\)](#).

[HB 1033 \(Price\)](#) – This bill would have allowed a magistrate or a general district court to issue an order requiring a person to provide a blood specimen for testing for human immunodeficiency virus or the hepatitis B or C virus when exposure to bodily fluids occurs between a person and any health care provider, person employed by or under the direction and control of a health care provider, law-enforcement officer, firefighter, emergency medical services personnel, person employed by a public safety agency, or school board employee and the person whose blood specimen is sought refuses to consent to providing such specimen. Currently, only the general district court may issue such order. The bill would have allowed a testing order to be issued based on a finding that there is probable cause to believe that exposure has occurred. Currently, there must be a finding by a preponderance of the evidence that exposure has occurred. VSBA supported this bill. The bill was continued to 2019 by the Senate Courts of Justice Committee.

[HB 1101 \(Robinson\)](#) – This bill would have required that every public body, except for governing boards of public institutions of higher education, afford an opportunity for public comment during any open meeting. The bill provided, however, that if a public body holds more than four meetings in a calendar year, such public body may, by recorded vote, limit the number of meetings at which an opportunity for public comment is afforded to four meetings per calendar year. The bill would have required that the notice given by a public body prior to a meeting include information as to the approximate point during the meeting when public comment will be received. In current law, this requirement applies only to public bodies where at least one member has been appointed by the Governor. The bill would have permitted public bodies to choose the approximate point during the meeting



when public comment will be received and permits public bodies to adopt reasonable rules governing the public comment portion of the meeting, including imposing reasonable restrictions on time, place, and manner, but prohibited public bodies from limiting public comment to only the submission of written comments. The bill was left in the House General Laws Committee.

[HB 1286 \(LaRock\)](#) – This bill would have permitted the parents of certain children to apply to the school division in which the child resides for a one-year, renewable Parental Choice Education Savings Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding for which the student is eligible. The bill would have permitted the parent to use the moneys in such account for certain education-related expenses of the student, including tuition, deposits, fees, and required textbooks at a private elementary school or secondary school that is located in the Commonwealth. VSBA opposed the bill. The bill was left in the House Education Committee.

[HB 1416 \(Edmunds\)](#) – This bill would have extended the term of the waiver of the teacher licensure requirements that a division superintendent may apply to the Board of Education for any individual whom the local school board hires or seeks to hire to teach in a trade and industrial education program and removes the requirement that such individual has at least 4,000 hours of recent and relevant employment experience. The bill would have also removed requirements that an individual seeking a three-year career and technical license (i) has at least four years of full-time work experience or its equivalent in the specific career and technical education subject area in which the individual seeks to teach and (ii) has obtained qualifying scores on the communication and literacy professional teacher's assessment prescribed by the Board. VSBA supported this bill. The bill was left in the House Education Committee

[HB 1471 \(Hugo\)](#) – This bill would have permitted a school board to conduct a teacher grievance hearing before a three-member fact-finding panel. Under current law, the school board has the option of appointing a hearing officer or conducting such hearing itself. VSBA opposed this bill. The bill was left in the House Committee on Counties, Cities, and Towns.

[HB 1504 \(Cline\)](#) – This bill would have required enrollment in the Virtual Virginia online learning program during the school year to be open, on a space-available basis, to each public high school student in the Commonwealth and each high school student in the Commonwealth who receives home instruction. VSBA opposed the bill original version of the bill. The House failed to adopt the conference report of the bill and, therefore, the bill was defeated on a close vote of 45-46.



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[HJ 19 \(Bell, Richard\)](#) – This bill would have continued for one additional year the Joint Committee of the House Committee on Education and the Senate Committee on Education and Health to Study the Future of Public Elementary and Secondary Education in the Commonwealth, consisting of seven members of the House Committee on Education and six members of the Senate. The Senate Committee on Rules carried the bill over to 2019.

[HJ 88 \(Bagby\)](#) – This bill would have requested the Department of Education to study the teacher licensure process and the assessment requirements therein for any inherent biases that may prevent minority teacher candidates from entering the profession. VSBA supported this bill. The bill was left in the House Rules Committee.

[SB 169 \(Stanley\)](#) – This bill would have effectively required VHSL to establish, by July 1, 2021, a varsity level robotics team competition program that includes state championships. The bill was defeated in the House on a vote of 18-80.

[SB 252 \(Dance\)](#) – This bill would have prohibited state agencies from including on any employment application a question inquiring whether the prospective employee has ever been arrested or charged with, or convicted of, any crime, subject to certain exceptions. The bill would have also authorized localities to prohibit such inquiries. The bill was left in House General Laws.

[SB 261 \(Suetterlein\)](#) – This bill would have provided that a local school board that is required to employ two full-time librarians for any middle school or high school may meet such requirement by employing two full-time librarians, or one full-time librarian and one full-time media specialist, or instructional resource teacher. The bill also provided that a local school board that is required to employ a full-time school-based clerical person for the library for any middle school or high school may meet such requirement by employing one full-time school-based clerical person for the library, for instruction, or for assessment or career planning, or by employing one full-time classroom instructional assistant. VSBA supported this bill. The bill was defeated in the House Education Committee.

[SB 336 \(Peake\)](#) – The bill would have required that every elected public body afford an opportunity for public comment during any open meeting. The bill would have permitted elected public bodies to choose the approximate point during the meeting when public comment will be received and to adopt reasonable rules governing the public comment portion of the meeting, including imposing reasonable restrictions on time, place, and manner. Such rules shall not limit public comment to only the submission of written comments. The bill would have required that the notice given by any public body prior to a meeting include information as to the approximate point during the meeting when public comment will be received. VSBA opposed the bill. The bill was left in the House Committee on General Laws.





[SB 476 \(Reeves\)](#) – This bill would have provided that school principals are not required to report criminal misdemeanors or status offenses to law enforcement if in the principal's discretion, based on a totality of the circumstances and consistent with Board of Education guidelines, such report is not warranted. The bill would have required the Board of Education, in consultation with the Department of Juvenile Justice, the Office of the Attorney General, and any interested stakeholders, to update its Student Conduct Policy Guidelines to provide guidance for principals in exercising such discretion. VSBA supported the bill. The bill was continued to 2019 by the House Courts of Justice Committee.

[SB 516 \(Obenshain\)](#) – This bill would have authorized the Board of Education to establish regional charter school divisions consisting of at least two but not more than three existing school divisions in regions in which each underlying school division has (i) an enrollment of more than 3,000 students and (ii) one or more schools that have accreditation denied status for two out of the past three years. The bill would require such regional charter school divisions to be supervised by a school board that consists of eight members appointed by the Board and one member appointed by the localities of each of the underlying divisions. The bill would have authorized the school board, after a review by the Board, to review and approve public charter school applications in the regional charter school divisions and to contract with the applicant. The bill would require that the state share of Standards of Quality per pupil funding of the underlying school district in which the student resides be transferred to such school. VSBA strongly opposed this bill. Senate Finance continued the bill to 2019.

[SB 751 \(Sturtevant\)](#) – This bill would have required every locality with a population greater than 25,000 and each school division with greater than 5,000 students to post quarterly on the public government website of such locality or school division a register of all funds expended, showing vendor name, date of payment, amount, and a description of the type of expense, including credit card purchases with the same information. The bill would have allowed any locality or school division to exclude from such posting any information that is exempt from mandatory disclosure under the Virginia Freedom of Information Act, any personal identifying information related to a court-ordered payment, and any information related to undercover law-enforcement officers. The bill would have a delayed effective date of July 1, 2019. VSBA opposed the bill. The bill was left in House Committee on Counties, Cities, and Towns.

[SB 785 \(Surovell\)](#) – This bill would have prohibited local school boards from requiring the use of any electronic textbook in any course in grades six through 12 unless the school board adopts a plan to ensure that on or before July 1, 2020, (i) each student enrolled in such course will have actual access at school and, if any assignment requires the use of such electronic textbook outside of school hours, in his residence to at least one personal computing device not shared with another student that contains an operating system and the hardware necessary to support the format of each electronic textbook expected to be used in such course and (ii) the relevant school has adequate connectivity, which the bill



defines as bandwidth of at least 100 kilobits per second per enrolled student. VSBA opposed this bill. The bill was left in the House Appropriations Committee.

[SB 786 \(Surovell\)](#) – This bill would have provided that no student who resides in Planning District 8 and is eligible for free or reduced price meals in the federally funded lunch program shall be charged fees for enrolling in any online course or virtual program that is required or is offered by the school division in which he resides and such enrolled students shall be provided, free of charge, a computer or other electronic device necessary to take the course or program. VSBA opposed the bill. The bill was left in the House Appropriations Committee.

[SB 914 \(Chase\)](#) – This bill would have make local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. The bill would have required local school boards that set the school calendar with a pre-Labor Day opening date, except those schools that were granted a "good cause" waiver for the 2017-2018 school year, to close all schools in the division from (i) the Thursday immediately preceding Labor Day through Labor Day or (ii) the Friday immediately preceding Labor Day through the Tuesday immediately succeeding Labor Day. VSBA supported this bill. The bill was passed by indefinitely by the Senate Education and Health Committee.

[SB 969 \(Newman\)](#) – This bill would have required the Board of Education, in establishing high school graduation requirements, to require students to earn one verified credit in history and social science by (i) the successful completion of a Board-developed end-of-course Standards of Learning assessment; (ii) achievement of a passing score on a Board-approved standardized test administered on a statewide, multistate, or international basis that measures content that incorporates or exceeds the Standards of Learning content in the course for which the verified credit is given; or (iii) achievement of criteria for the receipt of a locally awarded verified credit from the local school board in accordance with criteria established in Board guidelines when the student has not passed a corresponding Standards of Learning assessment. The bill would have prohibited such end-of-course Standards of Learning assessment from being a performance-based assessment. The bill was left in the House Appropriations Committee.

[SJ 6 \(Locke\)](#) – This bill would have requested the Department of Education to study the teacher licensure process and the assessment requirements therein for any inherent biases that may prevent minority teacher candidates from entering the profession. VSBA supported this bill. It was continued to 2019 in the House Rules Committee.