

The Virginia General Assembly convened for its 2024 Regular Session on Wednesday, January 10 for a scheduled 60-day Session.

Fairfax’s General Assembly delegation is smaller this year due to redistricting, with 15 Delegates (down from 17 last Session) and 7 Senators (down from 9) representing Fairfax County in total or in part.

Fairfax members on key committees include:

- **House Education** (1 member of 22): Laura Jane Cohen, who also sits on the Early Childhood/Innovation subcommittee.
- **House Appropriations** (3 members of 22): Mark Sickles (Vice Chair), David Bulova (who also sits on the K12 subcommittee), and Paul Krizek
- **Senate Education and Health** (2 members of 15): Jennifer Boysko, and Stella Pekarsky, who also sits on the K12 subcommittee
- **Senate Finance and Appropriations** (4 members of 15): David Marsden, Adam Ebbin, Scott Surovell, and Jennifer Boysko. No Fairfax members sit on the Public Education subcommittee.

Each week this report will highlight education legislation of particular significance, importance, or interest; but given the volume of legislation does not include narrative information on every single bill of interest. For context, over 2,000 bills have already been introduced, and more are to be expected as members have until Friday, January 19 to introduce legislation. Of the 2,000, over 400 have been routed by subject area to FCPS departments. The chart below shows the current number of bills routed across 12 subject categories. Each link below leads directly to the bills routed in that subject. Every bill in these categories is linked to the Virginia Division of Legislative Services web pages, which provide up-to-date summary, fiscal impact, and bill status information.

Bill Subject	Total	Bill Subject	Total
<a href="#">Conduct and Discipline</a>	17	<a href="#">School Construction</a>	16
<a href="#">Finance/Purchasing/Taxation</a>	53	<a href="#">School Safety and Security</a>	28
<a href="#">Instruction and Assessment</a>	55	<a href="#">Special Services/Student Health</a>	25
<a href="#">Instructional Technology</a>	11	<a href="#">Standards of Quality/Standards of Accreditation</a>	33
<a href="#">Personnel, Retirement, and Insurance</a>	94	<a href="#">Student Activities and Athletic Programs</a>	10
<a href="#">School Board Governance</a>	76	<a href="#">Transportation/Food Services</a>	14

## K-12 Education Related Bills

### JLARC Education Funding Formula Legislation

**Equity in public school funding; student need; English language learner, special education, and at-risk students.** [HB 624](#) (Rasoul) and [SB 227](#) (Hashmi) would place several parameters on Standards

of Quality funding calculations performed by the Department of Education, including (i) requiring the Department, when calculating the cost of salaries under the Standards of Quality funding formula, to include facilities staff and transportation staff salaries in the calculation of any cost of competing adjustment to salaries for instructional and support positions that is provided as part of the state share of basic aid pursuant to the general appropriation act; (ii) requiring the Department, when estimating the cost of any compensation supplement for instructional and support positions under the Standards of Quality funding formula, to include and estimate the cost of such a compensation supplement for facilities staff; (iii) prohibiting the Department from applying any cap on inflation rate adjustments to non-personal cost categories during the biennial process of rebenchmarking the direct aid to public education budget; and (iv) requiring the Department to utilize a three-year average of the most recently available data to calculate the composite index of local ability-to-pay for each school division. The bill also amends Standard of Quality 2 by (a) including in the definition of "support services position" any central office clerical position that is not otherwise set forth in such definition, (b) requiring a per-pupil Standards of Quality funding add-on to be provided for English language learner and special education students, (c) requiring, in addition to the positions supported by basic aid, state funding, pursuant to the general appropriation act, to be provided to cover the actual average school division cost to educate children with disabilities, and (d) establishing the At-Risk Program, defined in the bill as any state funding provided for programs of prevention, intervention, or remediation or pursuant to the at-risk add-on for the purpose of supporting programs for students who are educationally at risk. The bill requires (1) the determination of the amount of state funding for which a school division is eligible pursuant to such At-Risk Program to be based on the school division's identified student percentage, defined in the bill as the fraction, expressed as a percentage, that results from dividing the number of identified students enrolled in a school division by the total number of students enrolled in such school division, weighted by the factor of 1.5, and then adjusted by the addition of a percentage that corrects for undercounting English language learner students as identified students and (2) such funding to be distributed as follows: 60 percent on a flat per-student rate and 40 percent on a variable rate set out in the general appropriation act based on the concentration of poverty in the school division. The bill is a recommendation of the Joint Legislative Audit and Review Commission.

**Teachers; required to be compensated at or above national average.** [SB 104](#) (Lucas) *would* require that public school teachers be compensated at a rate that is at or above the national average. Under current law, compensation at such rate is aspirational. The bill requires state funding to be provided pursuant to the general appropriation act in a sum sufficient to fund a three percent increase for Standards of Quality-funded instructional and support positions, effective for the 2025-2026 school year and to fund an additional seven percent increase, effective for the 2026-2027 school year, for each school division, Academic Year Governor's School, and Regional Alternative Education Program. The bill contains provisions relating to eligibility to receive a prorated share of such state funding for any school division that fails to provide the required increases. The bill has a delayed effective date of July 1, 2025. [HB 187](#) (Clark) would similarly require both teachers and instructional and noninstructional staff staff be compensated at a rate that is at or above the national average salary for such staff, no later than the 2028-2029 school year.

**Public school funding; nonpersonal cost categories, federal fund deduction methodology.** [HB 359](#) (Simonds) would require the Department of Education, (i) in calculating nonpersonal costs in the Standards of Quality funding formula, to include the costs associated with leased facilities and work-related employee travel and (ii) in calculating the deduction of federal funds in the Standards of Quality funding formula, to examine actual school division spending on support costs as a percentage of actual school division spending on all public education costs, with certain exceptions such as food service. The bill also requires support services positions, which includes positions in each local school division that the school board deems necessary for the efficient and cost-effective operation and maintenance of its public schools, to be funded based on a calculation of prevailing costs and prohibits such positions from being subject to any method of funding calculation that caps the number of funded support services positions based on a ratio of such positions to students enrolled in the local school division.

**Public school funding; certain calculations; certain support services positions; programs for at-risk students.** [HB 761](#) (Delaney) would place several parameters on Standards of Quality funding calculations performed by the Department of Education, including (i) requiring the Department, when calculating the cost of salaries under the Standards of Quality funding formula, to include facilities staff and transportation staff salaries in the calculation of any cost of competing adjustment to salaries for instructional and support positions that is provided as part of the state share of basic aid pursuant to the general appropriation act; (ii) requiring the Department, when estimating the cost of any compensation supplement for instructional and support positions under the Standards of Quality funding formula, to include and estimate the cost of such a compensation supplement for facilities staff; and (iii) prohibiting the Department from applying any cap on inflation rate adjustments to non-personal cost categories during the biennial process of rebenchmarking the direct aid to public education budget. The bill also amends Standard of Quality 2 by (a) including in the definition of "support services position" any central office clerical position that is not otherwise set forth in such definition and (b) establishing the At-Risk Program, defined in the bill as any state funding provided for programs of prevention, intervention, or remediation or pursuant to the at-risk add-on, the statewide voluntary pupil/teacher ratio and class size reduction program, or the Standards of Learning Algebra Readiness Initiative for the purpose of supporting programs for students who are educationally at risk. The bill requires (1) the determination of the amount of state funding for which a school division is eligible pursuant to such At-Risk Program to be based on the school division's identified student percentage, defined in the bill as the fraction, expressed as a percentage, that results from dividing the number of identified students enrolled in a school division by the total number of students enrolled in such school division weighted by the factor between 1.2 and 1.6 that is set forth in the general appropriation act, and (2) such funding to be distributed as follows: 60 percent on a flat per-student rate and 40 percent on a variable rate set out in the general appropriation act based on the concentration of poverty in the school division.

**Public schools; Standards of Quality funding calculations.** [SB 128](#) (VanValkenburg) would place several parameters on Standards of Quality funding calculations performed by the Department of Education, including (i) requiring the Department, when calculating the cost of salaries under the Standards of Quality funding formula, to include facilities staff and transportation staff salaries in the calculation of any cost of competing adjustment to salaries for instructional and support positions that is provided as part of the state share of basic aid pursuant to the general appropriation act; (ii) requiring the Department, when estimating the cost of any compensation supplement for instructional and support positions under the Standards of Quality funding formula, to include and estimate the cost of such a compensation supplement for facilities staff; (iii) prohibiting the Department from applying any cap on inflation rate adjustments to non-personal cost categories during the biennial process of rebenchmarking the direct aid to public education budget; and (iv) requiring the Department to utilize a three-year average of the most recently available data to calculate the composite index of local ability-to-pay for each school division.

**Special education; revised staffing requirements, report.** [SB 187](#) (Subramanyam) would direct the Department of Education, in collaboration with the Department of Behavioral Health and Developmental Services and any other individuals with expertise in special education as the Department of Education deems appropriate, to develop a plan for revised special education staffing requirements that addresses staffing needs of individual school divisions and the needs of students who receive special education and aims to improve special education teacher recruitment and retention. The bill requires the Department of Education to submit a report on such plan to the Governor, the Senate Committee on Education and Health, and the House Committee on Education by November 1, 2024.

**Public schools; funding for English language learner students and children with disabilities.** [SB 228](#) (Hashmi) would require, in addition to the positions supported by basic aid, state funding, pursuant to the general appropriation act, to be provided to cover (i) the actual average school division cost to educate children with disabilities and (ii) a per-pupil Standards of Quality funding add-on for English language learner and special education students.

**At-Risk Program established** [SB 609](#) (Aird) would establish the At-Risk Program, defined in the bill as any state funding provided for programs of prevention, intervention, or remediation or pursuant to the at-risk add-on for the purpose of supporting programs for students who are educationally at risk. The bill requires (i) the determination of the amount of state funding for which a school division is eligible pursuant to the At-Risk Program to be based on the school division's identified student percentage, defined in the bill as the fraction, expressed as a percentage, that results from dividing the number of identified students enrolled in a school division by the total number of students enrolled in such school division, weighted by the factor of 1.5, and then adjusted by the addition of a percentage that corrects for undercounting English language learner students as identified students and (ii) such funding to be distributed as follows: 60 percent on a flat per-student rate and 40 percent on a variable rate set out in the general appropriation act based on the concentration of poverty in the school division. The bill provides that any school division that would have received more state funds for the at-risk add-on and programs of prevention, intervention, or remediation than it would pursuant to the consolidation of such state funding sources under the At-Risk Program established in the bill shall be held harmless and shall not have its share of such state funding reduced, effective for the 2024–2025 school year through the 2026–2027 school year.

**Study; joint committee of the House Committee on Education and the Senate Committee on Education and Health to study fair school funding reform; report.** [HJ 67](#) (Simonds) would establish a joint committee consisting of five members of the House Committee on Education and three members of the Senate Committee on Education and Health to study fair school funding reform by, among other things, identifying and commissioning an independent firm with certain qualifications to produce an adequacy cost study on Virginia's K-12 public schools and utilizing the findings from such study, the recommendations from the Joint Legislative Audit and Review Commission in its July 2023 report, "Virginia's K-12 Funding Formula," and any stakeholder input and feedback received by the joint committee to produce and submit to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by November 1, 2025, a set of recommendations on transitioning Virginia's K-12 funding system to one that is student need-based.

## SCHOOL SAFETY

**School crossing zones; expands definition of zones to include areas surrounding schools, etc.** [HB 21](#) (Jones), [HB 1072](#) (Carr), and [SB 535](#) (Bagby) *would* expand the definition of "school crossing zone" to include areas surrounding schools where the presence of students reasonably requires a special warning to motorists and provides that the term "school" includes public institutions of higher education and nonprofit private institutions of higher education. Currently, the definition of "school crossing zone" includes only areas surrounding schools where the presence of children requires such warning. Existing provisions of law allowing photo speed monitoring devices to be installed in school crossing zones will apply to any location that meets the expanded definition.

**Public secondary schools; naloxone procurement, possession, and administration; school board employee training and certification; opioid overdose prevention and reversal instruction; guidelines and requirements.** [HB 271](#) (Reid) and [HB 497](#) (Cohen) would require each local school board to develop, in accordance with the guidelines developed by the Department of Health in collaboration with the Department of Education, plans and policies for each secondary school that includes grades nine through 12 relating to opioid overdose prevention and reversal, including: (i) the procurement, storage, and maintenance of at least two unexpired doses of naloxone at each such secondary school; (ii) the possession and administration of naloxone by school board employees authorized to and trained and certified in the administration of naloxone and the employment of at least one such school board employee at each such secondary school; and (iii) the development and implementation of an opioid overdose prevention and reversal program of instruction to be completed by each student as a part of the high school graduation requirements. [HB 732](#) (Sewell) and [SB 387](#) (Pekarsky) contain similar provisions, but would extend the policies and requirements relating to

naloxone to each public elementary and secondary school, and does not include student-based training requirements.

**Pneumatic guns; penalties.** [HB 791](#) (Henson) would make it a Class 6 felony to possess a pneumatic gun upon (i) the property of any child day center or public, private, or religious preschool or elementary, middle, or high school, including buildings and grounds; (ii) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (iii) any school bus owned or operated by any such school.

**Public elementary and secondary schools; cardiac emergency response plans required.** [SB 181](#) (Rouse) would require each public elementary or secondary school to develop a cardiac emergency response plan (CERP) that addresses the appropriate use of school personnel to respond to incidents involving an individual who is experiencing sudden cardiac arrest or a similar life-threatening emergency while on school grounds and, in the event that such school has an athletic department or organized athletic program, while attending or participating in an athletic practice or event. The bill requires each such CERP to integrate nationally recognized evidence-based core elements such as those recommended by the American Heart Association guidelines and to integrate certain provisions and guidelines, including those relating to establishing a cardiac emergency response team, activating such team in response to a sudden cardiac event, and integrating the CERP into the local community's emergency medical services response protocols. The bill also requires, with such funds as may be appropriated for such purpose pursuant to the general appropriation act, the Department to establish and administer the CERP Grant Program for the purpose of awarding grants, on a competitive basis, to any public elementary or secondary school to assist such school in the development or implementation of its CERP or in the purchase or funding of activities or equipment that further promotes CERP preparedness, giving priority to certain high-need schools.

## STAFFING RATIOS

**School counselors; decreases public school staffing ratios.** [HB 181](#) (Feggans) would decrease from one to 325 to one to 250 the ratio of full-time equivalent school counselors required to be employed by each local school board per student enrolled in the local school division.

**Public schools; increase staffing ratios for specialized student support positions.** [HB 386](#) (Hernandez) would increase the number of specialized student support positions required to be employed by each local school board from at least three to at least four such positions per 1,000 students in the local school division. Such specialized student support positions include school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions.

**School counselors; public school staffing ratios, increases specialized student support positions.** [SB 127](#) (VanValkenburg) would decrease from one to 325 to one to 250 the ratio of full-time equivalent school counselors required to be employed by each local school board per student enrolled in the local school division. The bill also increases the number of specialized student support positions required to be employed by each local school board from at least three to at least four such positions per 1,000 students in the local school division. Such specialized student support positions include school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions.

**Public schools: staffing ratios of teachers for English language learner students** [HB 828](#) (Cousins) and [SB 272](#) (Hashmi) would require state funding to be provided pursuant to the general appropriation act to support divisionwide ratios of English language learner students in average daily membership to full-time equivalent teaching positions as follows: (i) for each English language learner identified as proficiency level one, one position per 25 students; (ii) for each English language learner identified as proficiency level two, one position per 30 students; (iii) for each English language learner identified as

proficiency level three, one position per 40 students; and (iv) for all other English language learners, one position per 50 students. Current law requires state funding to be provided pursuant to the general appropriation act to support one such teaching position per 50 English language learner students, regardless of the identified English proficiency level of such students. [HB 1247](#) (Maldonado) would similarly require state funding to be provided pursuant to the general appropriation act to support divisionwide ratios of English language learner students in average daily membership to full-time equivalent teaching positions, but as follows: (i) for each English language learner identified as proficiency level one or two, one position per 20 students; (ii) for each English language learner identified as proficiency level three or four, one position per 40 students; and (iii) for each English language learner identified as proficiency level five or in monitor status, one position per 100 students. Current law requires state funding to be provided pursuant to the general appropriation act to support one such teaching position per 50 English language learner students, regardless of the identified English proficiency level of such students.

## STUDENT DISCIPLINE

**Student discipline; evidence-based restorative disciplinary practices.** [HB 398](#) (McQuinn) would prohibit, except in certain cases involving firearms, drugs, adjudications of delinquency, or convictions of certain crimes, any public elementary or secondary school student from being suspended, expelled, or excluded from attendance at school without implementing at least one evidence-based restorative disciplinary practice, defined in the bill as an evidence-based alternative disciplinary practice used to reduce suspensions, expulsions, and disciplinary referrals with an emphasis on fostering peer and staff relationships and repairing harm to the injured party, consistent with the practices set out in the Department of Education's "Model Guidance for Positive, Preventative Code of Student Conduct Policy and Alternatives to Suspension" and any amendments thereto and including community conferencing, community service, mentoring, a peer jury, peer mediation, a post-conflict resolution program, a preventative program, and a restorative circle. [SB 586](#) (Pekarsky) includes similar provisions, but school divisions would only have to consider first implementing at least one evidence-based restorative disciplinary action.

**Compulsory attendance policies and procedures** [HB 767](#) (O'Quinn) and [SB 619](#) (Pillion) would revise the policies and procedures relating to addressing the nonattendance or nonenrollment of a child subject to compulsory education requirements by expanding the definition of "abused or neglected child" to include educational neglect and, therefore, requiring any teacher, attendance officer, or other person employed by such child's school, to report such neglect to the appropriate authority in accordance with pertinent law. The bill defines "educational neglect" as the failure or refusal to provide necessary education for a child who is subject to compulsory attendance in accordance with relevant law and is enrolled in a public school and has missed 10 percent or more of the academic year, including by (i) causing or allowing the child to become chronically absent, defined as any student who has missed 10 percent or more of the academic year for any reason, including excused and unexcused absences, or (ii) failing or refusing to enroll a child in any school who is not otherwise exempt from school attendance if (a) such failure or refusal to enroll continues after the school notifies and institutes proceedings against the parent and (b) the time elapsed between the institution of proceedings and the continued noncompliance to date exceeds 10 percent of the academic year.

## SALES TAX/SCHOOL CONSTRUCTION

**Sales and use tax, local; additional tax authorized in all counties & cities to support schools** [HB 458](#) (Callsen), [HB 600](#) (Kilgore), [HB 805](#) (Rasoul), and [SB 14](#) (McPike) would authorize all counties and cities to impose an additional local sales and use tax at a rate not to exceed one percent with the revenue used only for capital projects for the construction or renovation of schools if such levy is approved in a voter referendum. Under current law, only Charlotte, Gloucester, Halifax, Henry, Mecklenburg,

Northampton, Patrick, and Pittsylvania Counties and the City of Danville are authorized to impose such a tax.

## **STUDENT ASSESSMENTS**

**Standards of Learning assessments; development and administration of assessments; assessments in languages other than English; requirements.** [HB 500](#) (Cohen) would require the Board of Education to develop all Standards of Learning assessments using Universal Design for Learning (UDL) principles, as defined in the bill. The bill also requires the Board to develop and implement policies providing for the development and administration of all Standards of Learning assessments in languages other than English that are identified as being present to a significant extent in the participating student population. The bill requires such policies to provide that each local school board provide appropriate accommodations on such assessments for eligible students who are English language learners, including providing for administration of such assessments for any student who is an English language learner in grades three through eight who has been identified as having limited English proficiency and has participated in an English language proficiency program for no more than a total of three school years. The bill provides, however, that each local school board, on the recommendation of English language learner faculty that any such student has not yet reached sufficient English proficiency, may provide on an individual case-by-case basis for the administration of any such Standards of Learning assessment in one of such top three languages other than English for a period that does not exceed two additional consecutive years. The provisions of the bill are required to be implemented by the beginning of the 2025–2026 school year.

## **VIRGINIA LITERACY ACT**

**Student Literacy Measures** [HB 647](#) (Coyner) and [SB 624](#) (Lucas) would clarify several provisions of the Virginia Literacy Act (the Act), enacted during the 2022 Regular Session of the General Assembly and effective with the 2024-2025 school year, including (i) clarifying that the term "evidence-based literacy instruction" does not include practices that instruct students to gain meaning from print through the use of (a) three-cueing, which includes semantic, syntactic, and graphophonic cues; (b) meaning, structure, and visual cues; or (c) visual memory for word recognition; (ii) removing the option to use a literacy screener approved by the Department of Education for certain purposes enumerated in the Act; (iii) requiring the Department to develop a list of core literacy curricula for students in kindergarten through grade five and supplemental instruction practices and programs and intervention programs for students in kindergarten through grade eight that consist of evidence-based literacy instruction aligned with science-based reading research; and (iv) requiring each divisionwide literacy plan to address how the local school board will align (a) core reading and literacy curriculum for students in kindergarten through grade five and (b) screening, supplemental instruction, and interventions for students in kindergarten through grade eight with evidence-based literacy instruction practices aligned with science-based reading research.

## **SCHOOL MEALS**

**School meals; availability at no cost to students** [HB 686](#) (Bennett-Parker) and [SB 283](#) (Roem) would provide that each school board shall require each public elementary and secondary school in the local school division to participate in the federal National School Lunch Program and the federal School Breakfast Program administered by the U.S. Department of Agriculture or in the Community Eligibility Provision (CEP) as provided in relevant law, if applicable, and to make lunch and breakfast available to any student who requests such a meal at no cost to the student, unless the student's parent has provided written permission to the school board to withhold such a meal from the student. The bill also requires the Department of Education to reimburse each public elementary and secondary school for each school

breakfast and lunch served to a student, with a maximum of one breakfast and one lunch per student per school day and provides the formula for determining the state reimbursement rate for such meals. The bill contains provisions directing each school board to adopt policies and procedures aimed at maximizing access to federal funds available for the cost of participating in school breakfast and lunch programs and maximizing determinations of student eligibility for federal free or reduced cost meal reimbursements rates and participation in CEP. The bill also lowers the minimum identified student percentage for a school to be eligible to participate in CEP from 40 to 25 percent in accordance with the updated federal CEP regulations (7 C.F.R. § 245.9(f)(3)(i)). The bill also requires the Secretary of Education, in coordination with the Secretary of Finance, to convene a stakeholder work group to study and make recommendations on ways to avoid or mitigate the impact of offering statewide free school breakfast and lunches on other state-funded programs and to submit a report on such findings and recommendations by January 15, 2025, to the Senate Committee on Education and Health and the House Committee on Education. The bill also repeals provisions of law relating to the federal School Breakfast Program and to school meal debt that are rendered obsolete by the provisions of the bill.

## **INSTRUCTIONAL TIME**

**Instructional time** [HB 1081](#) (Coyner) and [SB 434](#) (Suetterlein) would make several changes relating to student instructional time in public elementary and secondary schools, including (i) defining "instructional hour" for the purpose of minimum annual instructional hour requirements; (ii) establishing several provisions and requirements relating to the enrollment of part-time students in public elementary and secondary schools; (iii) requiring the Board of Education to adopt rules for approving alternative programs for which course credit may be granted for the purpose of satisfying high school graduation requirements to any student who completes such course and masters the course content by demonstrating at least 80 percent of the competencies required by course standards, regardless of time, place, or pace; and (iv) permitting school boards that govern school divisions of innovation to adopt instructional time models that allow students to personalize the pace of learning and accelerate their learning based on the mastery of course content by demonstrating at least 80 percent of the competencies required by course standards, regardless of time, place, or pace.

## **DUAL ENROLLMENT**

**College and Career Ready Virginia** [HB 1087](#) (Coyner) and [SB 627](#) (Lucas) would establish the College and Career Ready Virginia Fund and requires the Department of Education and the Virginia Community College System to establish the College and Career Ready Virginia Program whereby each school board is required to offer each qualified high school student in the local school division access at the high school to the dual enrollment courses that are sufficient to complete the Passport Program and the former Uniform Certificate of General Studies Program, renamed in the bill as the Passport Plus Program, at a public institution of higher education at no cost to such students. The bill establishes several enumerated duties for the Department and the System in the administration of the College and Career Ready Virginia Program, including the establishment of a work group to make recommendations no later than November 1, 2024, on the incorporation of a career and technical education program of coursework into the College and Career Ready Virginia Program.

## **SPECIAL EDUCATION**

**Special education and related services; definitions; records retention; duties of Department of Education; parent engagement specialists; professional development; education preparation program coursework.** [HB 1089](#) (Coyner) and [SB 220](#) (Favola) would make several changes relating to special education and related services for children with disabilities in public elementary and secondary schools in the Commonwealth, including (i) establishing a definition for "individualized education program"



or "IEP"; (ii) requiring, after a child with a disability graduates from, ages out of, or otherwise leaves any public elementary or secondary school in the Commonwealth, such school to retain the special education records of such child for at least 75 years; (iii) requiring each local school board to (a) provide high-quality professional development in instructional practices to support specially designed instruction in inclusive settings, as that term is defined in the bill, for certain teachers and administrators employed in the local school division and (b) employ at least one full-time equivalent special education parent engagement specialist to serve as a resource to parents to understand and engage in the referral, evaluation, and eligibility process if they suspect that their child has a disability and to understand and engage in the IEP process; (iv) requiring the Department of Education, among other things, to (a) establish eight regional special education parent support centers that are each staffed by a regional special education parent ombudsman and coordinate with such division special education parent engagement specialists employed by each local school board; (b) elevate the position of State Parent Ombudsman for Special Education to perform certain functions, including systematically tracking and reporting questions and concerns raised by parents to the Superintendent of Public Instruction and coordinating the activities of such regional special education parent support centers; and (c) develop, establish, review and update as necessary at least once every five years, make available to each local school board an IEP writing, facilitation, tracking, and transfer system to be referred to as the Virginia IEP; and (v) requiring each education preparation program offered by a public institution of higher education or private institution of higher education or alternative certification program that provides training for any student seeking initial licensure by the Board of Education with certain endorsements to include a program of coursework and require all such students to demonstrate mastery in instructional practices to support specially designed instruction in inclusive settings.

## **STUDENT ONLINE ACTIVITY**

**Student online activity; data collection, monitoring** [HB 1094](#) (Oates) and [SB 264](#) (Craig) would require the Department of Education to establish, and each school board to adhere to, (i) requirements relating to the collection of data on student online activity and the monitoring of student online activity by school boards and school board employees, including requirements to disclose to the parents of enrolled students what student online activity is tracked and monitored on school or personal devices on school property and what data on student online activity is being collected on school or personal devices and (ii) a requirement to set the most restrictive age-appropriate limits on student access to social media platforms, YouTube and other video platforms, and search engines and other search features on school devices and permit the parents of each enrolled student to waive such limits for their child by submitting a written request to the school division. The bill also requires the Department to establish and distribute to each school board a template that each such school board is required to use to (a) make certain disclosures to the parents of enrolled students relating to student online activity tracking or monitoring and the collection of data on such activity and (b) permit the parents of each enrolled student to opt their child out of any such tracking, monitoring, or collection.

## **FREEDOM OF INFORMATION ACT**

**Virginia Freedom of Information Act; charges for production of public records** [SB 324](#) (Roem) would prohibit a public body from charging a requester for any costs incurred during the first two hours spent accessing or searching for requested records when such requester has made four or fewer individual record requests to such public body within 31 consecutive days. The bill provides that for any additional time spent accessing or searching for such records, or when such requester makes five or more individual record requests to such public body within any 31-consecutive-day period, the public body shall not charge an hourly rate for accessing or searching for the records exceeding the lesser of the hourly rate of pay of the lowest-paid individual capable of fulfilling the request or \$33 per hour. The bill allows a public body to petition the appropriate court for relief from the \$33 per hour fee cap upon

showing by a preponderance of the evidence that there is no qualified individual capable of fulfilling the request for \$33 per hour or less and requires such petition to be heard within seven days of when the petition is made, provided that the public body has sent and the requester has received a copy of the petition at least three working days prior to filing. The bill also provides that in certain instances a hearing on any petition shall be given precedence on a circuit court's docket over all cases that are not otherwise given precedence by law and that the time period the public body has to respond to a record request shall be tolled between the requester's receipt of the petition and the final disposition of the court. Finally, the bill prohibits a public body from charging a requester for any court costs or fees resulting from a petition. [HJ 54](#) (Batten) would direct the Virginia Freedom of Information Advisory Council (the FOIA Council) to convene a work group consisting of citizens of the Commonwealth, representatives of state and local government entities, broadcast, print, and electronic media sources, open government organizations, and other interested parties to study whether the provisions of the Virginia Freedom of Information Act (FOIA) allowing public bodies to charge requesters for the production of public records should be amended to make access to public records easier for requesters. The resolution further directs the work group to examine the current FOIA provisions on charges and make recommendations on ways to amend such provisions to make the assessment of charges by public bodies for the production of public records more uniform, more transparent, easier to understand, and less costly.

## **NATIONAL BOARD CERTIFICATION**

**National Teacher Certification Incentive Reward Program & Fund; eligibility, incentive grant awards** [HB 708](#) (Maldonado) and [SB 105](#) (Lucas) would rename the National Teacher Certification Incentive Reward Program and Fund as the National Board Certification Incentive Reward Program and Fund, expands eligibility for incentive grant awards from such Fund pursuant to such Program from solely teachers who have obtained national certification from the National Board for Professional Teaching Standards to (i) all public school staff who are candidates for initial national certification or maintenance of national certification to cover certain costs of obtaining or maintaining such certification and (ii) all public school staff who have successfully obtained or maintained such certification. The bill also declares as eligible for an annual incentive grant award in the amount of \$7,500 all public school staff who have obtained or maintained such certification. Current law declares as eligible for an annual incentive grant award of \$5,000 in the first year and \$2,500 in each subsequent year all teachers who have obtained or maintained such certification.

## **ACCESSIBILITY**

**Physical accessibility challenges in public schools; report.** [HB 618](#) (Price) would require the Department of Education, in consultation with each school board, the Virginia Board for People with Disabilities, and such other stakeholders as it deems appropriate, to review the extent to which (i) public elementary and secondary school buildings and grounds in the Commonwealth present physical accessibility challenges and barriers for individuals with disabilities, including challenges and barriers that may prevent such individuals from fully participating in school activities; (ii) such schools have begun or plan to address and eliminate such challenges and barriers; and (iii) state agencies can assist such schools to address and eliminate such challenges and barriers and fully comply with all applicable state and federal laws. The bill requires the Department of Education to report its findings and any associated recommendations to the Board, the Governor, the General Assembly, and each local school board no later than November 1, 2024.

## **INSTRUCTION AND TRAINING**

Finally, there are already a substantial number of bills related to new student instructional and/or training requirements, many of which would require specific class time to deliver.

### **Instruction and Curriculum**

- [HB 41](#) (Green) Standards of Learning; programs of instruction, civics education on local government.
- [HB 669](#) (Freitas) Standards of Learning; instruction on dangers and victims of communism.
- [HB 1088](#) (Carr) Board of Education; instructional materials on climate change and environmental literacy.
- [HB 166](#) (Keys-Gamarra) Guidance and resources; composting programs in local school divisions.

### **Student Health and Wellness-Related Instruction/Training**

- [HB 121](#) (Sullivan) Public high school students; allergic reaction awareness training required.
- [HB 134](#) (Convirs-Fowler) Fentanyl and other opioids; awareness of and education relating to risks.
- [HB 215](#) (Watts) High school students; development of Title IX and sexual harassment prevention training modules.
- [HB 224](#) (Henson) and [HB 603](#) (Price) Public elementary and secondary schools; programs of instruction on mental health education.
- [HB 271](#) (Reid) and [HB 497](#) (Cohen) Public secondary schools; naloxone procurement, possession, and administration.
- [HB 547](#) (Walker) Internet Safety Advisory Council; Internet safety education program, extends sunset date and [HB 706](#) (Webert) Public secondary schools; public institutions of higher education; Internet safety education.
- [HB 719](#) (Reaser) and [SB 379](#) (Boysko) Public high schools; research-based hazing prevention instruction.
- [HB 1007](#) (Lovejoy) Department of Education; development and distribution of fentanyl education and awareness.
- [HB 1020](#) (Wilt) High school family life education curricula; programs on crime of sexual extortion.
- [HB 1221](#) (Seibold) Board of Education; Standards of Learning; family life education; health education.