

2023 Virginia General Assembly Session
Final Passed Bill Report
Fairfax County Public Schools, Office of Government Relations

This report describes all the K-12 Education Related legislation that was adopted during the 2023 General Assembly Session as well as the Budget Bill adopted during the September Special Session.

Legislation passed by the General Assembly and signed by the Governor goes into effect on July 1, 2023, unless otherwise specified in the legislation itself.

Additional information regarding the education-related legislation described below and for all other bills related to education can be found in the thirteen subject categories on the [General Assembly Information](#) page of the FCPS Office of Government Relations. Bills there are linked to the Virginia Division of Legislative Services web pages, which provide up-to-date summary, fiscal impact, and bill status information. Summaries are linked to the Division of Legislative Services' web pages for text, up to date summary information, and fiscal impact statements. If a bill of interest is not found in one category, please check another as legislation often can fit under multiple categories.

UPDATED: 09/15/2023

Buses/Buildings/Safety – PASSED

Virginia Public Procurement Act; Certain Construction Contracts; Performance and Payment Bonds [HB 1490](#) (Davis) allows localities to allow a contractor of indefinite delivery or quantity contracts, defined in the bill, who is otherwise required to furnish performance and payment bonds in the sum of the contract amount to the public body with which he contracted to furnish such bonds only the dollar amount of the individual tasks identified in the underlying contract. Such contractors shall not be required to furnish the sum of the contract amount if the governing locality has adopted such an ordinance.

False Emergency Communication to Emergency Personnel; Penalties; Report [HB 1572](#) (Walker) and **[SB 1291](#)** (Deeds) provide that it is a Class 1 misdemeanor for any person to knowingly report, or cause another to report in reliance on intentionally false information provided by such person, a false emergency communication to any emergency personnel that results in an emergency response. The bills also provide that it is a Class 6 felony if such false emergency communication results in an emergency response during which and as a result of such emergency response any person suffers a serious bodily injury and a Class 5 felony if any person is killed. The bill authorizes any locality to provide by ordinance that a person convicted of such false emergency communication shall be liable for the reasonable expense in responding to such false emergency communication.

Virginia Public Procurement Act; Cooperative Procurement; Installation of Playground Equipment [HB 1610](#) (Tata) excludes the installation of playground equipment, including all associated and necessary construction and maintenance, from the prohibition on using cooperative procurement to purchase construction.

Civil Cause of Action; Sexual Abuse by Person of Authority; Limitations Period [HB 1647](#) (Anderson) creates a civil cause of action for injury to a person 18 years of age or older resulting from sexual abuse by a person of authority, defined in the bill. The bill further specifies that any such action shall be brought within 15 years after the cause of action accrues.

School Resource Officer Grants Program and Fund [HB 1691](#) (Greenhalgh) and [SB 1099](#) (Norment) provide that matching grants from the School Resource Officer Incentive Grants Fund may be awarded to local law-enforcement agencies and local school boards for the expenses related to the equipment necessary for uniformed school resource officers, school security officers, and other relevant school safety personnel and the enhancement of the school-law enforcement partnership through training and programming as determined by the Department; provided, however, that such grants shall not be used for any expense related to the purchase of firearms, handcuffs or other wrist restraints, or any stun weapon.

Passing Stopped School Buses; Purpose of Stop; Prima Facie Evidence [HB 1723](#) (Simonds) makes evidence that a bus was stopped with at least one warning device activated prima facie evidence that the bus was stopped for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons.

School Bus Operators; Training; Remote Online and Spanish Language Options [HB 1928](#) (Durant) permits the training program developed by the Board of Education for school bus operators to offer the option for an applicant for employment as a school bus operator to except as otherwise provided in relevant law, complete all or any portion of the required hours of classroom training in a remote online format, as determined by the local school division and receive instruction in the Spanish language for all or any portion of the required hours of classroom training, as determined by the local school division.

Passing Stopped School Buses; Rebuttable Presumption [HB 1995](#) (Krizek) and [SB 868](#) (Cosgrove) extends from 10 days to 30 business days the deadline for issuing a summons for an alleged violation of passing a stopped school bus in order for proof that the motor vehicle passed a stopped school bus and that the defendant was the registered owner of the vehicle to give rise to a rebuttable presumption that the owner of the vehicle was the operator during the violation.

School Crossing Zones [HB 2104](#) (Bourne) increases the maximum boundaries of a school crossing zone from 600 feet to 750 feet from the limits of school property.

Firearm safety device tax credit. [HB 2387](#) (Lopez) establishes a nonrefundable income tax credit for taxable years 2023 through 2027 for individuals who purchase one or more firearm safety devices, as defined in the bill, in an eligible transaction, as defined in the bill. An individual who properly claims this credit shall be allowed a credit in the amount of up to \$300 for the cost incurred in such purchase. The aggregate amount of credits allowable under the provisions of the bill shall not exceed \$5 million per taxable year.

Criminal Records; Expungement and Sealing of Records; Repeal [HB 2400](#) (Herring) and [SB 1402](#) (Surovell) repeal the statute providing for the limitation on the dissemination of criminal history record information related to the possession of marijuana and the statute related to automatic sealing for mistaken identity or unauthorized use of identifying information. The bills also repeal the provisions related to the automatic and petition-based expungement of former marijuana offenses and instead provides for the sealing of such offenses. The bills also remove the provisions related to the automatic sealing of underage possession of alcohol offenses and

instead provides for petition-based sealing of such offenses. The bills create an electronic, name-based criminal history record search to be used when an expungement or sealing petition is filed and requires the court to maintain a copy of a sealing order and send an electronic notification, rather than an order as current law requires, to the Department of State Police after an offense is sealed. The bills also allow courts and attorneys for the Commonwealth to access sealed records in instances where the court or parties failed to strictly comply with sealing procedures or an order for sealing was entered contrary to law and clarifies that a petition for sealing can only include offenses that arose out of the same transaction or occurrence. The bills make additional changes to the processes for expungement and sealing, including updates to the process of forwarding a petitioner's criminal history record to the court and maintaining expungement pleadings under seal. The bills provide a petition process by which the person who was charged with an offense that was ordered to be expunged may request access to such expunged court or police record. The repeal of the statute related to the limitation on the dissemination of criminal history record information related to the possession of marijuana and various other provisions of the bill have a delayed effective date of the earlier of (i) the date on which the processes to seal criminal history record information and court records pursuant to Chapters 524 and 542 of the Acts of Assembly of 2021, Special Session I, become effective or (ii) July 1, 2025.

Virginia Public Procurement Act; Construction Management; Contract Requirements [HB 2450](#) (Campbell) and **[SB 1491](#)** (Bell) exclude construction management contracts involving infrastructure projects from the requirement that no more than 10 percent of the construction work be performed by the construction manager with its own forces and that the remaining 90 percent of the construction work be performed by subcontractors of the construction manager.

Virginia Public Procurement Act; Private Contracts; Payment of Subcontractors [HB 2500](#) (Wiley) and **[SB 1313](#)** (Bell) provide that in contracts for construction, contractors shall be liable to their subcontractors for the entire amount owed to their subcontractors regardless of the contractors' receipt of payment from another party. The bills allow contractors to withhold payment from a subcontractor only for such subcontractor's noncompliance with the terms of the contract and requires the contract or to provide reasonable notice of the reason for such withholding. Reasons for nonpayment in an agreement between an owner and general contractor must be disclosed within 45 days of the receipt of an invoice by the owner to the general contractor, and nonpayment reasons must be disclosed within 50 days of the receipt of an invoice by the contractor to the subcontractor.

School Security Officer Day [HJ 469](#) (Taylor) designates the first Monday in October, in 2023 and in each succeeding year, as School Security Officer Day in Virginia.

Standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings. [SB 1124](#) (Stanley) require the Board of Education to make recommendations to the General Assembly for amendments to the Standards of Quality to establish standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings. The bill requires such recommendations to include standards for the percentage of the current replacement value of a public school building that a school board should budget for the maintenance and operations of the building and such other standards as the Board deems appropriate. The bill also requires the Board to solicit the input of relevant stakeholders and the public in developing such recommendations. Finally, the bill requires the Board to submit its recommendations to the Chairmen of the House Committee on Education and the Senate Committee on Education and

Health no later than December 1, 2023. This bill is a recommendation of the Commission on School Construction and Modernization. Note that an adopted Governor's amendment pushes back the deadline for the submission of recommendations to July 1, 2024.

Threat Assessment Team Members; Training Requirement [SB 1359](#) (Norment) requires new threat assessment team members at each public elementary and secondary school to complete initial threat assessment training and all threat assessment team members to complete refresher training every three years.

Child Abuse or Neglect; Definition; Independent Activities [SB 1367](#) (Vogel) Clarifies that no child whose parent or other person responsible for his care allows the child to engage in independent activities without adult supervision shall for that reason alone be considered to be an abused or neglected child, provided that (a) such independent activities are appropriate based on the child's age, maturity, and physical and mental abilities and (b) such lack of supervision does not constitute conduct that is so grossly negligent as to endanger the health or safety of the child. The bill provides that such independent activities may include traveling to or from school or nearby locations by bicycle or on foot, playing outdoors, or remaining at home for a reasonable period of time.

Automated External Defibrillators Required [SB 1453](#) (McPike) requires each local school board to develop a plan for the placement, care, and use of an automated external defibrillator in every public elementary and secondary school in the local school division and to place an automated external defibrillator in every public elementary and secondary school in the local school division. *Note that an adopted Governor's amendment requires the Department of Education to compile and make publicly available on its website by August 1, 2024, a list of available public and private programs, grants, or funding sources for fulfilling the requirements of this act.*

Conduct & Discipline - PASSED

Codes of Student Conduct; Policies and Procedures Prohibiting Bullying; Parental Notification [HB 1592](#) (Davis) and **[SB 1072](#)** (Bell) Requires each local school board to require the principal of each public school or his designee to notify the parent of any student who is involved in an alleged bullying incident of the alleged incident within 24 hours of learning of such allegation. Current law only requires the principal to notify any such parent of the status of any investigation into an alleged incident of bullying within five school days of when such allegation was made.

Parental Notification of Certain Student Violations [HB 1982](#) (Kory) requires the principal of any public elementary or secondary school or his designee to notify the parents of any student who violates a school board policy or the compulsory school attendance requirements when such violation is likely to result in the student's suspension or the filing of a court petition. Current law permits such principals to make such a notification when the violation could result in the student's suspension or the filing of a court petition and is silent on the designation of such power.

Drug Control Act; Schedule I [HB 2364](#) (Wachsmann) and **[SB 894](#)** (Newman) add certain chemicals to Schedule I of the Drug Control Act. The Board of Pharmacy has added these substances in an expedited regulatory process. A substance added via this process is removed

from the schedule after 18 months unless a general law is enacted adding the substance to the schedule.

Finance – PASSED

Budget Bill [HB 6001](#) (Knight) amends items of and adds items to Chapter 2 of the Acts of Assembly of 2022, Special Session I, as amended by Chapter 769 of the Acts of Assembly of 2023.

- Provides \$418M GF in FY 2024 to support flexible funding for the implementation of the Virginia Literacy Act, learning loss recovery, and additional operating and infrastructure support. Funding shall be disbursed based on average daily membership, with additional funds provided based on the estimated number of federal Free Lunch participants in each school division. School divisions shall report on the use of these funds and the use of school division pass-through federal Elementary and Secondary School Education Relief funds used since 2020. Such reporting shall specify amounts obligated and expensed based on reporting categories as prescribed by the Department of Education. School divisions also shall report how funds address performance gains or losses related to reading and mathematics and support preparation and implementation of the Virginia Literacy Act.
- Provides \$152.3M GF in FY 2024 to fund additional support positions in Basic Aid, using a funding ratio methodology for certain support positions based upon 24 support positions per 1,000 ADM. The Department of Education shall use this ratio in the second year to rebenchmark costs for the 2024-2026 biennium.
- Provides \$54.6M GF in FY 2024 to increase salaries of funded SOQ instructional and support positions by two percent effective January 1, 2024. Sufficient funds are appropriated in the biennium, on a statewide basis, to support the state share of a five percent salary increase effective August 1, 2022, a five percent salary increase effective July 1, 2023, and a two percent salary increase effective January 1, 2024. To access the funds for the two percent increase effective January 1, 2024, school divisions (1) must have provided at least an average 2.5 percent increase in the first year and an average 2.5 percent increase in the second year as provided in Item 137.C.37 and (2) shall certify to the Department of Education that an equivalent increase will be provided to instructional and support personnel effective no later than January 1, 2024. School divisions that previously provided a total average increase in excess of the five percent increases provided in the first year or the second year to instructional and support personnel may count average increases given in excess of those five percent increases toward this certification.
- Provides \$12M GF and \$8M from federal State and Local Recovery Funds in FY 2024 to support school safety and security grants. The Department of Education shall administer the program and develop guidelines. Funds may be used to support equipment and planning to improve safety and security, including purposes not authorized for the existing VPSA funded Security Equipment grant program. In determining grant awards, prioritization shall be placed on the severity of identified deficiencies and the school division's local ability to pay as identified by its local composite index.
- Provides \$150,000 GF in FY 2024 for Critical National Security Language Grants. The Department of Education shall award these competitive grants to school divisions that provide

one or more foreign language courses in a foreign language that is currently identified as critical by the National Security Language Initiative for Youth scholarship program.

- Exempts community-based providers that are recipients of Virginia Preschool Initiative grants from all regulatory and statutory provisions related to teacher licensure requirements and qualifications when paid by public funds within the confines of the Virginia Preschool Initiative community-add-on partnerships and provided that the provider meets the expectations of the statewide measurement and improvement system.
- Requests the Joint Subcommittee on Elementary and Secondary Education Funding (i) review the recommendations and policy options offered in the Joint Legislative Audit and Review Commission's July 2023 report, "Virginia's K-12 Funding Formula"; (ii) determine the appropriateness of implementing each recommendation or policy option, (iii) propose appropriate amendments to each recommendation or policy option and (iv) develop a long-range plan for the phased implementation of its recommendations. In its deliberations, the Joint Subcommittee shall consider the long-term fiscal implications of each recommendation. The Joint Subcommittee shall submit initial recommendations and an implementation plan to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than November 1, 2024.

Note that the Budget Bill became effective upon the Governor's signature on September 14, 2023.

Budget Bill [HB 1400](#) (Knight) amends Chapter 2 of the 2022 Acts of Assembly, Special Session I related to funding in FY 2023 and FY 2024.

The General Assembly adopted a "skinny" budget during their regular Session, which included the following:

- Provides \$115.9 million GF in FY 2023 and \$125.8 million GF in FY 2024 for the combined impact of K-12 technical adjustments related to average daily membership (ADM) changes, sales tax revenue forecast changes, and program participation rate updates.
- Provides \$16.8 million GF in FY 2023 ensuring that no school division receives less funding than was communicated in error last June after accounting for the increased funding from enrollment and sales tax forecast changes.
- Appropriates \$405.9 million in FY 2024 to the Rainy-Day Fund from the FY 2022 revenue surplus to meet a portion of the Constitutionally required deposit.
 - Additionally, transfers \$498.7 million from the Revenue Reserve Fund to the Revenue Stabilization Fund to meet the remaining portion of the required deposit. This amount was deposited in FY 2022 to the Revenue Reserve Funds as a down payment for the required FY 2024 mandatory deposit.
 - In total, this provides \$904.6 million to the Rainy-Day Fund to fully meet the FY 2024 mandatory deposit.
- Provides \$250.0 million GF in FY 2023 to the Virginia Retirement System to address unfunded liabilities. This amount was approved as a contingent appropriation by the 2022 General Assembly. This brings total lump sum deposits to \$1.0 billion over the last two years.
- Provides an additional \$100.0 million GF in FY 2023 to the 2022 Capital Supplement Pool for cost overruns on previously authorized capital projects. The amount was approved as a contingent appropriation by the 2022 General Assembly, bringing the total supplement pool to \$450.0 million.

Note that while this “skinny budget” has passed, the General Assembly did not act on other major taxation and expenditure items, which may be left to a Special Session to resolve.

Virginia Public Procurement Act; Certain Construction Contracts; Performance and Payment Bonds [HB 1490](#) (Davis) allows localities to allow a contractor of indefinite delivery or quantity contracts, defined in the bill, who is otherwise required to furnish performance and payment bonds in the sum of the contract amount to the public body with which he contracted to furnish such bonds only the dollar amount of the individual tasks identified in the underlying contract. Such contractors shall not be required to furnish the sum of the contract amount if the governing locality has adopted such an ordinance.

Virginia Public Procurement Act; Cooperative Procurement; Installation of Playground Equipment [HB 1610](#) (Tata) excludes the installation of playground equipment, including all associated and necessary construction and maintenance, from the prohibition on using cooperative procurement to purchase construction.

Back to School Night Events; Free or Reduced Price Meals Applications [HB 2021](#) (Roem) requires each school board to ensure that at any back to school night event in the local school division to which the parents of enrolled students are invited, any such parent in attendance receives prominent notification of and access, in paper or electronic form, or both, to information about application and eligibility for free or reduced price meals for students and a fillable free or reduced price meals application that may be completed and submitted on site.

SNAP Benefits Program Parent Information Sheet; Free or Reduced Price Meals Application [HB 2025](#) (Roem) requires the Department of Social Services to develop, annually update, and provide to each school board in advance of the start of each school year an information sheet on the SNAP benefits program that sets forth the application process and such other information as the Department deems necessary or appropriate in order to properly inform the parents of students enrolled in public elementary and secondary schools of such program and encourage application by those who are eligible. The bill requires each school board to ensure that such information sheet is sent home with each student enrolled in a public elementary or secondary school in the local school division at the beginning of each school year or, in the case of any student who enrolls after the beginning of the school year, as soon as practicable after enrollment. The bill also requires each school board to ensure that a fillable free or reduced price meals application is sent home with each such student at the beginning of each school year or, in the case of any student who enrolls after the beginning of the school year, as soon as practicable after enrollment.

Virginia Public Procurement Act; Construction Management; Contract Requirements [HB 2450](#) (Campbell) and **[SB 1491](#)** (Bell) exclude construction management contracts involving infrastructure projects from the requirement that no more than 10 percent of the construction work be performed by the construction manager with its own forces and that the remaining 90 percent of the construction work be performed by subcontractors of the construction manager.

Virginia Public Procurement Act; Private Contracts; Payment of Subcontractors [HB 2500](#) (Wiley) provides that in contracts for construction, contractors shall be liable to their subcontractors for the entire amount owed to their subcontractors regardless of the contractors' receipt of payment from another party. The bill allows contractors to withhold payment from a subcontractor only for such subcontractor's noncompliance with the terms of the contract and requires the contract or to provide reasonable notice of the reason for such withholding. Reasons

for nonpayment in an agreement between an owner and general contractor must be disclosed within 45 days of the receipt of an invoice by the owner to the general contractor, and nonpayment reasons must be disclosed within 50 days of the receipt of an invoice by the contractor to the subcontractor.

Department of Education; stakeholder work group; competitive teacher pay; report. [SB 1215](#) (Lucas) requires the Department of Education to convene a work group no later than August 15, 2023, consisting of school board representatives, division superintendents, public elementary and secondary school teachers, parents of public elementary and secondary school students, representatives of major associations representing public elementary and secondary school staff, and such other stakeholders as the Department deems appropriate to consider and make recommendations in the form of a publicly available report posted on the Department website and addressed and sent to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than November 1, 2023, on the appropriateness, feasibility, potential fiscal impact, and potential unintended consequences of (i) preserving the definition of the term "competitive" contained in § 22.1-289.1 of the Code of Virginia, as applied to the compensation of public elementary and secondary school teachers; (ii) amending such definition to incorporate an alternative metric, including the median annual salary of a Virginia worker who is 25 years of age or older and has a bachelor's degree; and (iii) requiring the Department or another entity to conduct an annual calculation to determine public school teacher compensation and the commensurate flat percentage increase to the state share of salary funding for Standards of Quality supported positions that is necessary to make such compensation competitive under any such definition.

Instruction - PASSED

School Readiness Committee; Renaming as Commission on Early Childhood Care and Education; Purpose; Membership; Powers and Duties [HB 1423](#) (Coyner) and [SB 1404](#) (Barker) rename the School Readiness Committee as the Commission on Early Childhood Care and Education and makes several changes to the Commission, including adjusting its purpose, increasing and adjusting its membership, and establishing eight enumerated powers and duties for the Commission.

Student Literacy Measures; Scope; Students in Grades Four Through Eight [HB 1526](#) (Coyner) and [SB 1175](#) (Lucas) expand several provisions of the Virginia Literacy Act, enacted during the 2022 Regular Session of the General Assembly, effective with the 2024–2025 school year, and currently applicable to students in kindergarten through grade three, to students in grades four through eight, including (i) requiring each local school board to provide a program of literacy instruction to such students that is aligned with science-based reading research and provides evidenced-based literacy instruction; (ii) requiring each local school board to provide reading intervention services to such students who demonstrate substantial deficiencies based on their individual performance on the Standards of Learning reading assessment or a literacy screener provided or approved by the Department of Education; (iii) permitting the reading plan required for certain students in grades six through eight to include a literacy course, in addition to the course required by the Standards of Learning in English, that provides the specific evidence-based literacy instruction identified in such plan; (iv) requiring the Department to develop a list of core literacy curricula, supplemental instruction practices and programs, and intervention

programs that consist of evidence-based literacy instruction aligned with science-based reading research for such students; (v) requiring each local school board to employ one reading specialist for each 550 students in kindergarten through grade five; (vi) requiring the Board of Education to provide guidance on and each local school board to provide high-quality professional development and training in science-based reading research and evidence-based literacy instruction for certain middle school personnel; and (vii) requiring each divisionwide comprehensive plan to include a divisionwide literacy plan for such students. *NOTE that the bills still differ on staffing requirements for reading specialists in grades six through eight, with one bill specifying a ratio of one reading specialist for every 550 students and the other specifying a ratio of one per 1,100 students. The legislation with the one per 1,100 student ratio was the last signed by the Governor, so that is the ratio that will be codified.*

Internet Safety Advisory Council; collaboration, model instructional content, and resources [HB 1575](#) (Walker) permits the Internet Safety Advisory Council (the Council) established by the Superintendent of Public Instruction to collaborate with certain agencies and organizations with expertise in child online safety issues and human trafficking prevention and requires the Council to establish model instructional content on certain student internet safety topics and post on the Department of Education website resources and assistance programs available for any child or parent who may have encountered online solicitation by sexual predators or other illegal online communications or activities, including the National Center for Missing and Exploited Children's CyberTipline.

Child Day Programs; Exemption From Licensure; Certain Programs Offered by Local School Divisions [HB 1698](#) (Simon) exempts from the requirement to be licensed by the Board of Education any child day program offered by a local school division that is operated for no more than four hours per day on full instructional days or for more than four hours per day on shortened instructional days or noninstructional days, staffed by local school division employees, and attended by children who are at least three years of age and are enrolled in public school or a preschool program within such school division.

Certain child day programs exempt from licensure by the Superintendent of Public Instruction; age of children in attendance [HB 1713](#) (Cherry) and [SB 964](#) (Peake) Clarify that any child day program offered by a private school accredited by and in good standing with the Virginia Council for Private Education, operated for no more than four hours per day, staffed by the accredited private school's employees, and attended by school-age children who are enrolled in the accredited private school is exempt from licensure by the Superintendent of Public Instruction.

Virginia-Based Nonprofit Organizations; Schools for Adults to Earn Credentials, College Credit, and High School Diplomas [HB 1726](#) (Head) and [SB 1019](#) (Edwards) require the Department of Education to authorize a Virginia-based nonprofit organization with demonstrated evidence of positive student outcomes to provide schools for adults to earn to earn (i) (a) an industry-recognized credential awarded through a partnership with a Virginia-based community college or an approved training provider or (b) dual college credit awarded through a partnership with a Virginia-based community college and (ii) a high school diploma on one or more diploma pathways set forth in the relevant Board of Education regulation in which enrollment is open, on a space-available basis, to adults who reside throughout the Commonwealth.

Divisionwide Literacy Plans; Contents; Posting [HB 2137](#) (Delaney) requires each divisionwide literacy plan to be submitted to the Department of Education and to identify which core literacy curricula, supplemental instructional practices and programs, and intervention programs from the list developed by the Department or alternative programs approved by the Department that consist of evidence-based literacy instruction and align with science-based reading research will be used in each grade level, kindergarten through 12, at each of the schools within such school division. The bill requires each local school board to post, maintain, and update as necessary on such school board's website a copy of its divisionwide literacy plan and the job description and contact information for any reading specialist employed by such school division pursuant to relevant law and for any dyslexia specialist employed by such school division. The bill requires the Department to post each divisionwide literacy plan on its website.

Policies for the Possession and Administration of Epinephrine at Early Childhood Care and Education Entities; scope [HB 2140](#) (Delaney) and **[SB 1146](#)** (Boysko) limit, in the context of early childhood care and education entities, the requirement for the implementation of policies for the possession and administration of epinephrine to child day centers. The bills also require the Board of Education to amend its regulations to require each family day home provider or at least one other caregiver employed by such provider in the family day home to be trained in the administration of epinephrine and to notify the parents of each child who receives care in such family day home whether the provider stores an appropriate weight-based dosage of epinephrine in the residence or home in which the family day home operates.

School Counselors; Staff Time [HB 2187](#) (Rasoul) defines the terms "direct counseling" and "program planning and school support" for the purpose of the provision of law that requires each school counselor to spend at least 80 percent of his staff time during normal school hours in the direct counseling of individual students or groups of students and clarifies that each school counselor may also spend up to 20 percent of his staff time during normal school hours on program planning and support. In addition to language which parallels HB 2187, **[SB 1043](#)** (McPike) also requires the Department of Education, in consultation with the Department of Behavioral Health and Developmental Services, to develop, adopt, and distribute to each school board a model memorandum of understanding between a school board and a public or private community mental health services provider that sets forth parameters for the provision of mental health services to public school students enrolled in the local school division by such provider. The bill requires the memorandum of understanding to be available to each school board no later than the beginning of the 2023 - 2024 school year. The bill also permits, in order to fill vacant school psychologist positions, any local school board to employ, under a provisional license issued by the Department of Education for three school years with an allowance for an additional two-year extension, clinical psychologists licensed by the Board of Psychology, provided that any such individual makes progress toward completing the requirements for full licensure as a school psychologist during such period of employment. Finally, the bill requires the Department to consult with the Virginia Academy of School Psychologists and other stakeholders to ensure that the process and criteria for provisionally licensed school psychologists to obtain full licensure as school psychologists appropriately address the challenges that are unique to school psychology training requirements and the school psychology profession generally. This bill incorporates **[SB 1257](#)** (Favola) and **[SB 1268](#)** (Favola)

Department of Workforce Development and Advancement Created; Consolidation of the Commonwealth's Workforce Development Policies and Programs; Report [HB 2195](#) (Byron) and **[SB 1470](#)** (Ruff) create the Department of Workforce Development and Advancement (the Department) to administer workforce development programs. The bills consolidate statewide workforce program evaluation and data sharing under the Department and provides protections against improper disclosure of data. The bills provide for the Virginia Board of Workforce Development to conduct an independent evaluation of the operations and program objectives of the Department on a biennial basis with the first report due on December 1, 2025. The bills also (i) transfer administration of apprenticeship programs from the Department of Labor and Industry to the Department, (ii) direct the State Council of Higher Education for Virginia to collaborate with the Department to grow and expand the Innovative Internship Fund and Program, and (iii) direct the Secretary of Labor (the Secretary) to conduct a comprehensive review of the Commonwealth's workforce development programs and make recommendations to address a wide range of subjects relating to improving the effectiveness and efficiency of such programs. The Secretary is also required to convene a stakeholder work group to advise the Secretary during the transition period.

Career and Technical Education Letter of Intent Signing Day [HJ 475](#) (McGuire) designates the fourth Wednesday in April, in 2023 and in each succeeding year, as Career and Technical Education Letter of Intent Signing Day.

Dyslexia Awareness Month [HJ 488](#) (Simon) designates October, in 2023 and in each succeeding year, as Dyslexia Awareness Month in Virginia.

Driver Improvement Clinics and Driver Training Schools [SB 1063](#) (Spruill) lengthens from one year to two years the validity of and increases the cost of licenses and certifications for driver training schools that are third party testers, third party examiners for Class A driver training schools, driver improvement clinics, driver training instructors, and driver training schools, including computer-based driver education providers, and provides for concurrent expirations of licenses and certifications for such schools and their instructors. The bill has a delayed effective date of July 1, 2024. The bill authorizes the Commissioner of the Department of Motor Vehicles, from July 1, 2023, to July 1, 2024, to issue such licenses and certifications for a validity period of between one and 24 months with a fee prorated on a monthly basis to ensure the even distribution of renewals over a calendar year.

High School Students; Academic Credit for Certain Work Experience and Fine Arts Programs; Guidelines [SB 1277](#) (Dunnavant) directs the Board of Education to develop guidelines and policies permitting any high school student in grades 11 and 12 to earn one-half standard unit of credit per semester for employment in certain fields or industries or participation in certain fine arts programs in which such student works or participates a certain minimum number of hours per week for each week of the semester, as determined by the Board. The bill requires the Board to collaborate with and seek input from the Coordinator of Fine Arts for the Department of Education and a representative from the Virginia Coalition for Fine Arts Education in developing and implementing guidelines and policies for awarding academic credit for participation in certain fine arts programs.

Passport Dual Enrollment Courses; Course Credit; Guidelines [SB 1281](#) (Dunnavant) directs the Board of Education to develop guidelines for prioritizing to the maximum extent practicable dual enrollment programs, including the Passport Program, the Uniform Certificate of General Studies Program, the New Economy Workforce Credential Grant Program, and other courses that allow high school students to receive credit toward the completion of an undergraduate course, degree, or credential offered in the Virginia Community College System. The bill provides that such guidelines shall include recommendations on how direct prioritization of funding to such programs. The bill requires the Department of Education to convene a stakeholder work group, consisting of representatives from the Virginia Education Association, the Virginia Association of School Superintendents, and the local school boards, to make recommendations on policies for the prioritization of such dual enrollment programs and requires such recommendations to be submitted to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health by November 1, 2024. The bill has a delayed effective date of July 1, 2024.

Department of Education; Work Group on Reducing Barriers to Access to Paid-Work Based Learning Experiences for English Language Learner Students [SB 1430](#) (Suetterlein) requires the Department of Education to convene a stakeholder work group to make recommendations on reducing barriers to and improving the access of paid work-based learning experiences for English language learner students.

Instructional Technology – PASSED

Internet Safety Advisory Council; Collaboration, Model Instructional Content, and Resources [HB 1575](#) (Walaker) permits the Internet Safety Advisory Council (the Council) established by the Superintendent of Public Instruction to collaborate with certain agencies and organizations with expertise in child online safety issues and human trafficking prevention and requires the Council to establish model instructional content on certain student internet safety topics and post on the Department of Education website resources and assistance programs available for any child or parent who may have encountered online solicitation by sexual predators or other illegal online communications or activities, including the National Center for Missing and Exploited Children's CyberTipline.

Office of Data Governance and Analytics; Chief Data Officer [HB 1591](#) (Davis) and **[SB 914](#)** (Hanger) repeals the sunset provision enacted in 2021 that created the Office of Data Governance and Analytics (the Office) and the position of Chief Data Officer within the Office of the Secretary of Administration, making both permanent. The provision is currently scheduled to expire on July 1, 2023. The bill also requires the Office to oversee and support any workforce development data systems, to facilitate data sharing, to identify innovative technology solutions, and to support processes that create data-informed decisions.

Board of Education; Creation and Maintenance of Virginia Parent Data Portal; Report [HB 1629](#) (Coyner) and **[SB 1329](#)** (McClellan/Petersen) requires the Board of Education, on or before July 1, 2025, to create and maintain the Virginia Parent Data Portal that, among other things, (i) displays individualized student assessment data on all state-supported assessments, as that term is defined in the bill, (a) in a format that shows both current and cumulative data over time and (b) within 45 days of a state-supported assessment window closing for each state-supported

assessment; (ii) provides a description of the purpose of each state-supported assessment, an explanation of how to interpret student data on each state-supported assessment, and a comparison of a student's performance on each state-supported assessment with the performance of the student's school, the student's school division, and the Commonwealth; (iii) is viewable from a mobile device in addition to a desktop computer; and (iv) provides functionality to enable school division personnel to manage and restrict user access to students and their parents. The bill requires the Board and the Department of Education to provide certain guidance and technical assistance to local school divisions on professional development for principals and teachers in parent engagement on and interpretation of student assessment data available through the Portal and requires each school board to annually provide high-quality professional development to principals and teachers on such topics. Finally, the bill establishes a work group for the purpose of advising the Board of Education on the criteria for and the process of procuring the goods and services necessary to implement the Portal and requires such work group to submit a report containing its findings and any recommendations to the Board of Education and the General Assembly no later than November 1, 2023. *Note that the bill contains a re-enactment clause, meaning that the provisions of the bill will not go into effect unless it is reenacted by the 2024 Session of the General Assembly.*

Administration of State Government; Prohibited Applications and Websites [SB 1459](#) (McDougle) prohibits any employee or agent of any executive branch agency or person or entity contracting with any such agency from downloading or using any application, including TikTok or WeChat, or accessing any website developed by ByteDance Ltd. or Tencent Holdings Ltd. on any state-issued device or state-owned or state-leased equipment, including mobile phones, desktop computers, laptop computers, tablets, or other devices capable of connecting to the Internet, or while connected to any wired or wireless Internet network owned, operated, or maintained by the Commonwealth. *Note that an adopted Governor's amendment clarifies local law enforcement exemptions to the prohibition related to criminal investigations.*

Personnel – PASSED

Licensure of Professional Counselors; Counseling Compact [HB 1433](#) (Scott) and **[SB 802](#)** (Hashmi) authorize Virginia to become a signatory to the Counseling Compact. The Compact permits eligible licensed professional counselors to practice in Compact member states, provided that they are licensed in at least one member state. The bills have a delayed effective date of January 1, 2024, and direct the Board of Counseling to adopt emergency regulations to implement the provisions of the bill. The Compact takes effect when it is enacted by a tenth member state.

Child Abuse or Neglect; Findings of Local Department of Social Services; Appeal [HB 1550](#) (Campbell) provides that in cases in which a teacher licensed by the Board of Education or through an alternative pathway and employed by a local school board is found by a local department of social services to have committed child abuse or neglect, the teacher may, after exhausting all options for review by the local department and Commissioner of Social Services, petition the circuit court for a de novo review of such finding. *Note that an adopted Governor's amendment clarifies that in the case of a teacher who is the subject of a founded complaint of child abuse or neglect and whose license has been revoked pursuant to this subsection, in the event that a court reverses such finding of abuse or neglect and the individual submits to the*

Department an application for the reinstatement of his license as a teacher, the Board shall consider and act upon such application no later than 90 days after the date of submission.

Civil Cause of Action; Sexual Abuse by Person of Authority; Limitations Period [HB 1647](#) (Anderson) creates a civil cause of action for injury to a person 18 years of age or older resulting from sexual abuse by a person of authority, defined in the bill. The bill further specifies that any such action shall be brought within 15 years after the cause of action accrues.

Reports of Certain Arrests and Convictions; Receipt, Report, and Compilation [HB 1704](#) (Bell) and [SB 821](#) (Surovell) require each division superintendent to annually designate an employee in the local school division as the division safety official whose duty is to receive all reports required to be made pursuant to relevant law. The bill requires each division superintendent to include such designation in the collated packet of school safety audits submitted to the Virginia Center for School and Campus Safety pursuant to relevant law and requires the Center to designate an employee of the Center as the school personnel safety official for the Commonwealth whose duty is to compile, maintain, and make publicly available a list of each such division safety official and the contact information or such individual. The bill also provides that a probation and parole officer who is supervising a person employed by a local school division in the Commonwealth shall, upon discovering that such supervised person has been arrested or convicted of a felony offense or an equivalent offense in another state, report such arrest or conviction to the Superintendent of Public Instruction and the designated division safety official in the local school division where such supervised person is employed as soon as practicable. Additionally, the bill requires all arresting officials, agencies, and clerks that report certain offenses to the Superintendent of Public Instruction or a division safety official to transmit the required reports via certified mail, return receipt requested, or to the identified fax numbers and email addresses. The bill finally requires, until July 1, 2027, that in the event that the law-enforcement agency has existing access to the Virginia Employment Commission records, all such arresting officials or agencies request in writing that the Virginia Employment Commission provide the name of the current employer of each arrested person for purposes of determining whether a report is required.

School boards; Teacher Reengagement Program established. [HB 1762](#) (Reid) establishes the Teacher Reengagement Program for the purpose of addressing instructional personnel shortages and COVID-19 pandemic-related student learning loss. The bill permits any school board to hire an individual pursuant to the Program, subject to the following conditions and limitations: (i) the individual works on a part-time basis; (ii) the individual is compensated with part-time pay, with any health, dental, and vision insurance coverage that is available to full-time school board employees, or with some combination of such pay and coverage; (iii) in the case of an individual who holds a renewable or provisional teaching license issued by the Board of Education, the individual's duties consist of teaching students, providing one-on-one tutoring services to students, or mentoring teachers, or some combination thereof; (iv) in the case of an individual who does not hold a renewable or provisional teaching license issued by the Board, the individual has professional experience or expertise in a certain subject matter area and the individual's duties consist of providing one-on-one tutoring services to students in such subject matter area; and (v) the individual complies with all laws, regulations, and school board policies and procedures applicable to part-time school board employees. The bill requires any school board that hires any part-time employee pursuant to the Program to annually report to the Department of Education such data on the implementation of the Program that the Department

deems necessary to evaluate its continued effectiveness at addressing instructional personnel shortages and student learning loss. The foregoing provisions of the bill expire on July 1, 2028. The bill requires the Department to submit to the General Assembly no later than October 1, 2027, its recommendation for preserving, extending, or eliminating such expiration date.

Offense Involving Solicitation of Sexual Molestation, Physical or Sexual Abuse, or Rape of a Child; Penalty [HB 1822](#) (Avoli) provides that the convictions that bar employment and contract work that requires direct contact with students on school property during school hours or school-sponsored activities in public schools include any offense involving the solicitation of sexual molestation, physical or sexual abuse, or rape of a child.

Applicant Fingerprint Database; Participation in FBI Next Generation Identification Rap Back Service, through Virginia Rap Back Service, for Fingerprint-Based Criminal History Record Monitoring; Penalty [HB 1859](#) (Webert) and **[SB 1183](#)** (Reeves) require the Department of State Police (the Department) to participate in the Federal Bureau of Investigation's (FBI) Next Generation Identification (NGI) Record of Arrest and Prosecution (Rap) Back Service, through the Virginia Rap Back Service (the Service), for the purpose of allowing those agencies and governmental entities that require a fingerprint-based criminal background check as a condition of (i) providing care to (a) children, (b) the disabled, or (c) the elderly or (ii) (a) licensure, (b) certification, (c) employment, or (d) volunteer service to be advised when an individual subject to such screening is arrested for, or convicted of, a criminal offense. The bill provides that fingerprints submitted to the FBI through the Virginia Rap Back Service may be used for future searches, including latent searches.

The bills require the Department to ensure that notification is made to the participating entity, defined in the bill, when an FBI Rap Back report is received. Any unauthorized use of the information submitted to the Service is prohibited; any willful violation with the intent to harass or intimidate another is a Class 1 misdemeanor. The bill requires the Department to promulgate regulations governing the Service and the removal and destruction of records on persons who are deceased or are no longer enrolled in the Service. The bill provides that such regulations shall provide that a participating entity shall disenroll any individual who is deceased or is no longer an individual, as defined in the bill, within 30 days of death or such event that no longer requires such individual to be enrolled in the Virginia Rap Back Service in order to ensure the prompt removal and destruction of records from the Virginia Rap Back Service. The bill authorizes the Department to charge a \$12 fee per individual enrolled in the Service, paid by any participating entity enrolling the individual in the Service, and provides that when more than one participating agency enrolls the same individual in the Service, both entities shall be responsible for paying the full cost for maintenance and notification. The bill requires that any fees collected shall be deposited in a special account to offset costs of subscription fees, maintenance fees, and enhancements related to the Criminal and Rap Back Information Service.

Under current law, the Department maintains an Applicant Fingerprint Database (the Database) that functions similarly to the Service. The bill transitions the Department from using the Database and requires the Service to be operational no later than July 1, 2025, contingent upon appropriation of funds.

Nondisclosure or Confidentiality Agreements; Prohibited Nondisparagement Provisions; Claims of Sexual Harassment [HB 1895](#) (Filler-Corn) provides that no employer may require an employee or prospective employee to execute or renew any provision in a nondisclosure or

confidentiality agreement, including any provision regarding nondisparagement, that has the purpose or effect of concealing the details of a sexual harassment claim. Any such provision is against public policy and is void and unenforceable.

Minimum Wage; Employees with Disabilities [HB 1924](#) (Hope) provides that individuals with disabilities that are paid at subminimum wage pursuant to the federal Fair Labor Standards Act are employees for the purposes of the Virginia Minimum Wage Act. The bill requires every employer of such employees to pay such employees' wages at a rate not less than the Virginia minimum wage. The bill would be effective July 1, 2023, with an exemption until October 1, 2027 for employers who are authorized to pay such employees subminimum wage as of July 1, 2023. *Note that adopted Governor's amendments change the scope and dates of applicability of the legislation and would require that the Department for Aging and Rehabilitative Services and the Department of Behavioral Health and Developmental Services shall prioritize efforts to support individuals with disabilities who desire to transition from subminimum wage employment to competitive integrated employment, and would require submission of a report by May 1, 2024, to the Governor and the General Assembly on the number of individuals with disabilities employed in subminimum wage employment and the movement of individuals from subminimum wage employment to competitive integrated employment.*

School Psychologists; Staffing Flexibility [HB 2124](#) (Wilt) provides that in order to fill vacant school psychologist positions, any local school board may employ, under a provisional license issued by the Department of Education for three school years with an allowance for an additional two-year extension with the approval of the division superintendent, clinical psychologists licensed by the Board of Psychology, provided that any such individual makes progress toward completing the requirements for full licensure as a school psychologist during such period of employment. The bill requires the Department to consult the Virginia Academy of School Psychologists, and other stakeholders as necessary, to ensure that the process and criteria for provisionally licensed school psychologists to obtain full licensure as school psychologists appropriately address the challenges that are unique to school psychology training requirements and the school psychology profession generally.

Virginia Board of Social Work; Licensed Clinical Social Worker Candidates; Licensure by Reciprocity; Workgroup; Report [HB 2146](#) directs the Virginia Board of Social Work to convene a workgroup to examine the feasibility of licensure by reciprocity with other jurisdictions. The workgroup shall also examine the effectiveness of the Board's current licensure by endorsement provisions and shall examine the possibility of joining the Social Work Compact when that Compact becomes operational. The Board shall submit a report to the General Assembly no later than November 1, 2023.

Background Checks; Services for Children and Developmental Services; Adult Substance Abuse and Mental Health Services [HB 2342](#) (Campbell) separates background check requirements for direct care positions with service providers and community boards. The bill separates provisions regarding background checks of employees in direct care positions providing adult substance abuse and mental health services from those of background checks of employees in direct care positions providing services for children and developmental services.

Provisional Teacher Licensure; Permissive Extension; Satisfactory Performance Evaluations During Years of Actual Employment [HB 2375](#) (Sewell) require the Board of

Education to extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher upon receiving from the division superintendent a recommendation for such extension and satisfactory performance evaluations for such teacher for each year during the original three-year provisional license that such teacher was actually employed. [SB 1052](#) (McPike) contains similar provisions but uses the phrasing “for any year during the original three-year provisional license.” SB 1052 also directs the Advisory Board on Teacher Education and Licensure to advise the Board of Education and submit recommendations on policies related to helping school divisions more effectively recruit and retain licensed teachers. *Note that adopted Governor’s amendments to HB 2375 clarify that performance evaluations would be required for each year a teacher was actually employed and received a filed performance evaluation. Similarly, amendments to SB 1052 conform to the amended language of HB 2375, making the two bills’ provisions related to provisional licenses identical.*

Public Elementary and Secondary School Teachers; Frequency of Certain Training Activities; Length of Temporary Teacher Employment [HB 2457](#) (Batten) prohibits any public elementary or secondary school teacher from being required to participate more frequently than once every five years in in certain training relating to the appropriate management of student conduct and student offenses in violation of school board policies or relating to secure mandatory test violations, unless the school board or division superintendent determines that additional training is necessary to comply with federal or state law or to remediate misconduct. Each such teacher who completes any such training shall sign a written attestation that the teacher has been trained in and understands the relevant subject matter. The bill requires each local school board to report to the Board of Education and the General Assembly no later than October 1, 2023, on the frequency with which each public elementary and secondary school teacher in the local school division participates in each required training or professional development activity. The bill allows that, notwithstanding the provisions of § 22.1-302 of the Code of Virginia, during the 2023-2024 and 2024-2025 school years, any school board may employ a temporary employee to fill a teacher vacancy for a period of time not to exceed 180 days during one school year.

Immunity of Persons at Public Hearing; Statements Made by Employee Against Employer [SB 845](#) (Petersen) provides that a person shall be immune from tort liability of the tort is based solely on statements (i) regarding matters of public concern that would be protected under the First Amendment to the Constitution of the United States made by that person that are communicated to a third party, (ii) made at a public hearing before the governing body of any locality or other political subdivision, or the boards, commissions, agencies, and authorities thereof, and other governing bodies of any local governmental entity concerning matters properly before such body, or (iii) made by an employee against his employer and where retaliatory action against an employee by such employer is otherwise prohibited by law. The bill also provides that any person who prevails in such a legal action may be awarded reasonable attorney fees and costs.

Employer Use of Employee's Social Security; Prohibited; Civil Penalty [SB 1040](#) (McPike) prohibits an employer from using an employee's social security number or any derivative thereof as such employee's identification number or including an employee's social security number or any number derived thereof on any identification card or badge, any access card or badge, or any other similar card or badge issued to such employee. The bill imposes a civil penalty of up to \$100 for any knowing violation of the prohibition.

Compensation of Public School Teachers and Other Standards of Quality-Funded Positions; Competitive Rate [SB 1215](#) (Lucas) requires the Department of Education to convene a work group no later than August 15, 2023, consisting of school board representatives, division superintendents, public elementary and secondary school teachers, parents of public elementary and secondary school students, representatives of major associations representing public elementary and secondary school staff, and such other stakeholders as the Department deems appropriate to consider and make recommendations in the form of a publicly available report posted on the Department website and addressed and sent to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than November 1, 2023, on the appropriateness, feasibility, potential fiscal impact, and potential unintended consequences of (i) preserving the definition of the term "competitive" contained in § 22.1289.1 of the Code of Virginia, as applied to the compensation of public elementary and secondary school teachers; (ii) amending such definition to incorporate an alternative metric, including the median annual salary of a Virginia worker who is 25 years of age or older and has a bachelor's degree; and (iii) requiring the Department or another entity to conduct an annual calculation to determine public school teacher compensation and the commensurate flat percentage increase to the state share of salary funding for Standards of Quality supported positions that is necessary to make such compensation competitive under any such definition.

Worker Misclassification; Debarment Procedures [HB 1684](#) (Orrock) and [SB 1354](#) (Marsden) revises the procedure under which a contractor may be debarred from public contracts for misclassification of workers. The bill requires the Tax Department to notify an employer of a determination that the employer failed to properly classify an individual and allows the employer to apply for judicial or administrative review. Upon a subsequent violation, and once the opportunity for appeals has been exhausted, the Department is required to provide notice to all public bodies that they shall not award a contract to firms associated with the offending employer for specified periods.

Behavior Analysts; Assistant Behavior Analysts; Licensure Criteria; Certifying Entities [HB 1946](#) (Wachsmann) and [SB 1406](#) (Vogel) provides in the criteria for licensure as a behavior analyst or assistant behavior analyst established by the Board of Medicine that certain documentation must be provided by the Behavior Analyst Certification Board or its successor.

Annual Trauma-Informed Care Training Program [SB 1300](#) (Deeds) directs the Department of Education to collaborate with the Virginia Tiered Systems of Support Research and Implementation Center (VTSS-RIC) to make modifications to the existing Trauma Learning Modules provided by VTSS-RIC.

Retirement and Insurance – PASSED

Virginia Retirement System; Return to Work [HB 1630](#) (Coyner), [SB 1289](#) (Deeds), and [SB 1479](#) (Lucas) reduce from 12 to six the number of months for the required break in service before a retiree can return to work full time as a critical shortage teacher, bus driver or other instructional or administrative employee, or as School Security Officers (SSO) and continue to receive their pension under the Virginia Retirement System (VRS). The bills add specialized student support personnel described in § 22.1-253:13.2(O) to the critical shortage provisions and adds these positions to the critical shortage surveys conducted by the Superintendent of Public Instruction, division superintendents, and school boards. The bills also adds that the employer of such

individual in a critical shortage position shall include their compensation in membership payroll for purposes of the employer contribution to VRS. The bills amend Title 22.1 to require the Superintendent of Public Instruction, division superintendents, and school boards to include specialized student support positions in the survey of critical shortage positions. The bills require VRS to report on options for retirees with 25 years of service to be hired into temporary or other non-full-time positions during the break in service without impacting their retirement benefits. Finally, the bills extend the current sunset from 2025 to 2028. [SB 1107](#) (Cosgrove) also passed with similar provisions but with a delayed effective date of January 1, 2024.

Unemployment Compensation; Venue for Prosecution of Certain Criminal Cases [HB 2009](#) (Adams) and [SB 1123](#) (Stanley) provide that the venue for criminal cases involving false statements, representations, or nondisclosures by an employing unit or an individual with regard to an unemployment claim lies in the county or city wherein the statement, representation, or nondisclosure originates or, alternatively, is received by the Virginia Employment Commission.

Mental Health Benefits; Coverage for Mobile Crisis Response Services and Residential Crisis Stabilization Units [HB 2216](#) (Leftwich) and [SB 1347](#) (Cosgrove) require health insurance carriers to provide coverage for mobile crisis response services, defined in the bills, and support and stabilization services provided in a residential crisis stabilization unit, defined in the bills, to the extent that such services are covered in other settings or modalities, regardless of any difference in billing codes. The bills require the State Corporation Commission, in consultation with the Secretary of Health and Human Resources, to convene a stakeholder work group to examine network standards for mobile crisis response services and the current availability of mobile crisis response services in the Commonwealth. The bills require the work group to make recommendations regarding (i) the definition and standards of care for mobile crisis response services and short-term residential crisis stabilization services as they apply to the commercial insurance market, including balance billing protections; (ii) the licensure or accreditation required for such services in the Commonwealth; and (iii) how cost-sharing and deductibles will be addressed as part of accessing such services for commercially insured individuals. The bills require the Commission to report the findings of the work group to the Health Insurance Reform Commission and the Governor no later than September 1, 2023.

Mandated Coverage for Hearing Aids for Minors [SB 1003](#) (DeSteph) requires health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts to provide coverage for hearing aids and related services for children 18 years of age or younger when an otolaryngologist recommends such hearing aids and related services. The coverage includes one hearing aid per hearing-impaired ear, up to a cost of \$1,500, every 24 months. The measure applies to policies, contracts, and plans delivered, issued for delivery, or renewed on and after January 1, 2024.

Living organ donors; unpaid leave; civil penalty. [SB 1086](#) (Ebbin) requires that an employer that employs 50 or more employees provide eligible employees, defined in the bill, with (i) up to 60 business days of unpaid organ donation leave in any 12-month period to serve as an organ donor and (ii) up to 30 business days of unpaid organ donation leave in any 12-month period to serve as a bone marrow donor. The bill requires the employer to restore the employee's position following the leave, to continue to provide coverage for the employee under any health benefit plan during the leave, and to pay the employee any commission earned prior to the leave. The bill prohibits the employer from taking retaliatory action against the employee for taking organ

donation leave. The bill requires the Commissioner of Labor and Industry to enforce its provisions and provides for civil penalties for violations of its requirements.

Virginia Retirement System; Law-Enforcement Officers; Return to Work [SB 1411](#) (Norment) directs the Virginia Retirement System and the Department of Criminal Justice Services to review and analyze options for allowing law-enforcement officers to return to work after retirement.

Health Insurance; Electronic Prior Authorization and Disclosure of Certain Prescription Drug Information [HB 1471](#) (Fowler) and **[SB 1261](#)** (Dunnavant) requires each health insurance carrier, beginning July 1, 2025, to establish and maintain an online process that (i) links directly to all e-prescribing systems and electronic health record systems that utilize the National Council for Prescription Drug Programs SCRIPT standard; (ii) can accept electronic prior authorization requests from a provider; (iii) can approve electronic prior authorization requests (a) for which no additional information is needed by the carrier to process the prior authorization request, (b) for which no clinical review is required, and (c) that meet the carrier's criteria for approval; (iv) links directly to real-time patient out-of-pocket costs for the encounter; and (v) otherwise meets the requirements for contracts between carriers and participating health care providers. The bill prohibits a carrier from (a) imposing a fee or charge on any person for accessing the required online process who is required to do so or (b) accessing, absent provider consent, provider data via the online process other than for the enrollee. The bill also requires carriers, no later than July 1, 2024, to provide contact information of any third-party vendor or other entity the carrier will use to meet the requirements of the bill to any provider that requests such information. The carrier may post such information on its website to meet such requirement.

The bill requires participating health care providers, beginning July 1, 2025, to ensure that any e-prescribing system or electronic health record system owned by or contracted for the provider to maintain an enrollee's health record has the ability to access the electronic prior authorization process established by a carrier and real-time cost information data for a covered prescription drug made available by a carrier. The bill provides that a provider may request a waiver of compliance for undue hardship for a period not to exceed 12 months. The bill requires any carrier or its pharmacy benefits manager to provide real-time cost information data to enrollees and contracted providers for a covered prescription drug, including any cost-sharing requirement or prior authorization requirements, and to ensure that the data is accurate. The bill requires that such cost information data be available to the provider in an accessible and understandable format, such as through the provider's e-prescribing system or electronic health record system that the carrier or pharmacy benefits manager or its designated subcontractor has adopted that utilizes the National Council for Prescription Drug Programs SCRIPT standard from which the provider makes the request.

The bill requires the State Corporation Commission's Bureau of Insurance to, in coordination with the Secretary of Health and Human Resources and subject to the availability of nongeneral funds appropriated to the Commission, establish a work group to assess implementation and develop recommendations for electronic prior authorization and real-time cost benefit information for prescription drugs. The work group shall report its findings and recommendations to the Chairmen of the Senate Committees on Commerce and Labor and Education and Health and the House Committees on Commerce and Energy and Health, Welfare and Institutions annually by November 1 and shall make its final report by November 1, 2025.

School Board/Governance – PASSED

Brown v. Board of Education Scholarship Program; extension of eligibility [HB 1419](#) (Kory) and [SB 1498](#) (McClellan) extend eligibility for the Brown v. Board of Education Scholarship Program to the lineal and collateral descendants of persons who were residing in jurisdictions in Virginia in which the public schools were closed to avoid desegregation between 1954 and 1964 and whose educations were affected by the school closings.

Antisemitism [HB 1606](#) (Tata) provides that the Commonwealth adopts the non-legally binding Working Definition of Antisemitism adopted by the International Holocaust Remembrance Alliance on May 26, 2016, including the contemporary examples of antisemitism set forth therein, exclusively as a tool and guide for training, education, recognizing, and combating antisemitic hate crimes or discrimination and for tracking and reporting antisemitic incidents in the Commonwealth.

Virginia Freedom of Information Act; State Public Bodies; Meetings; Virtual Public Access [HB 1738](#) (Carr) provides that all state public bodies may provide public access to meetings through electronic communication means and may provide the public with the opportunity to comment at such meetings through such the use of such electronic communication means when public comment is customarily received.

Virginia Public Records Act; Confidentiality of Certain Archived Records [HB 1844](#) (Taylor) and [SB 1024](#) (Bell) provide that medical and educational records made confidential by law shall remain so after being archived by The Library of Virginia.

Virginia Freedom of Information Act; Public Records Charges; Electronic Payment Method [HB 2006](#) (Roem) provides that any local public body that charges for the production of public records pursuant to the Virginia Freedom of Information Act may provide an electronic method of payment through which all payments for the production of such records to such locality may be made.

Virginia Freedom of Information Act; Posting of Fee Policy [HB 2007](#) (Roem) requires a public body to make available upon request and post on its website or otherwise publish a written policy explaining how the public body assesses charges for accessing or searching for requested records and noting the current fee charged, if any, by the public body for accessing and searching for the requested records.

State and Local Government Conflict of Interests Act; Virginia Conflict of Interest and Ethics Advisory Council; Training for Members of Appointed School Boards [HB 2122](#) (Watts) and [SB 1460](#) (McClellan/Norment) add members of appointed school boards to the list of persons for whom the Virginia Conflict of Interest and Ethics Advisory Council is required to provide certain training sessions. The bill also changes from January 15 to February 1 the annual date for certain employees to file a disclosure statement with the Virginia Conflict of Interest and Ethics Advisory Council.

Local Government; Standardization of Public Notice Requirements for Certain Intended Actions and Hearings; Report [HB 2161](#) (Williams) and [SB 1151](#) (Edwards) standardize the frequency and length of time that notices of certain meetings, hearings, and other intended actions of localities must be published in newspapers and other print media, including required notice prior to school boundary changes and to budget adoption. The notice provisions included in the

bills are organized into the following three groups: (i) publication required one week before the meeting, hearing, or intended action; (ii) publication required two consecutive weeks before the meeting, hearing, or intended action; and (iii) publication required three consecutive weeks before the meeting, hearing, or intended action. In addition, the bills amend provisions related to the content of notices for zoning ordinances and amendments to such ordinances by removing the requirement that such notices contain a descriptive summary of the proposed action and providing that such notices shall include the street address or tax map parcel number of the parcels subject to the action. In cases where the intended action affects more than 25 parcels, the notice must also include the approximate acreage subject to the intended action. The bills also remove the requirement that notices of proposed amendments to a zoning map state the general usage and density range of the proposed amendment and the general usage density set forth in the applicable part of the comprehensive plan. The bills direct the Virginia Code Commission to convene a work group to continue review of the notice requirements throughout the Code of Virginia and requires the Virginia Code Commission to submit a report to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology summarizing the work and any recommendations of the work group by November 1, 2023.

Procedure for Removal of Elected and Certain Appointed Officers by Courts [SB 1431](#) (Surovell) sets out the procedure by which, and clarifies the reasons for which, an elected officer or officer who has been appointed to fill an elective office may be removed from office. The bill requires, among other things, that the general registrar review the petition and determine its sufficiency in accordance with the uniform standards approved by the State Board of Elections; the general registrar certify the petition within 10 business days and promptly file such certification with the clerk of the circuit court; and the certification state the number of signatures required, the number of signatures on the petition, and the number of valid signatures, along with any signatures found to be invalid and any material omissions from the petition. The bill also provides that the Commonwealth and the elected officer shall be the only two parties to a removal proceeding.

Standards of Quality/Standards of Accreditation – PASSED

Deceased High School Seniors; Waiver of Graduation Requirements and Award of Posthumous High School Diplomas [HB 1514](#) (Adams) requires the Board of Education, in establishing high school graduation requirements, to provide for the waiver of certain graduation requirements and the subsequent award of a high school diploma upon the request of the parent of any high school senior who died in good standing prior to graduation during the student's senior year. The bill provides that such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

Special Services – PASSED

Individuals with Disabilities; Terminology [HB 1450](#) (Orrock) and **[SB 798](#)** (Hashmi) replaces various instances of the terms "handicap," "handicapped," and similar variations throughout the Code of Virginia with alternative terms, as appropriate in the statutory context, such as "disability" and "impairment." The bill contains technical amendments.

Board of Education; Special Education and Related Services; Certain Evaluation Deadlines [HB 1492](#) (Davis) requires the Board of Education to amend certain regulations to permit local educational agencies to shorten the deadline of 65 business days from the date of receipt of referral for an initial evaluation or a reevaluation of a child to determine eligibility for special education and related services.

Public High Schools; Special Education; Identification of Faculty Member Responsible for School Transition Planning and Coordination [HB 1554](#) (Brewer) and [SB 943](#) (Suetterlein) require each public high school in the Commonwealth to publicly identify on its official website the faculty member responsible for special education transition planning and coordination at such high school.

Department of Behavioral Health and Developmental Services; Department of Education; Best Practice Standards Related to the Transition of Records and Transfer of Services for Students with Disabilities [HB 1659](#) (Bell) and [SB 830](#) (Favola) direct the Department of Behavioral Health and Developmental Services, in coordination with the Department of Education and relevant stakeholders, to develop and disseminate best practice standards for the transition of services and transfer of records for students with disabilities who reach the age of majority.

Standards of Learning Assessment Revision Work Group; Consideration of Effectiveness of Assessments for Students with Disabilities [HB 1884](#) (Wampler) requires the work group established by the Secretary of Education and the Superintendent of Public Instruction to study and develop a plan relating to revisions to Standards of Learning assessments to consider the effectiveness of assessments for students with disabilities, including the Virginia Alternate Assessment Program for those students with the most significant cognitive disabilities, and the use of those assessments to improve and individualize instruction.

Educational opportunities for children of certain foreign service employees and civilian employees of the Armed Forces of the United States [HB 1929](#) (Durant) requires the provisions of the Interstate Compact on Educational Opportunity for Military Children to apply to school-age children who are dependents of foreign service employees and civilian members of the Armed Forces of the United States under federal orders when the parent produces documentation indicating that he is required to move in order to perform his job responsibilities and such move results in the student's intrastate, interstate, or overseas relocation, including any such relocation that results in the student attending a Department of Defense Education Activity school. The bill requires any such student who is in the eighth grade to be permitted to apply for admission to an academic year Governor's school in the same manner as an eighth grade student to whom the provisions of the Interstate Compact on Educational Opportunity for Military Children apply. *Note that adopted Governor's amendments now more generally refer to "children of federal employees serving under orders pursuant to Title 22 (Foreign Relations) or Title 50 (War and National Defense) of the United States Code" and no longer refer to the Interstate Compact on Education Opportunity for Military Children. Instead, the legislation codifies specific transfer flexibilities related to records, enrollment, course placement, extracurricular activities participation, and graduation requirements.*

Department of Behavioral Health and Developmental Services; Data Reporting on Children and Adolescents; Reporting Requirements [HB 1945](#) (Durant) removes the requirement that the Department of Behavioral Health and Developmental Services collect certain data relating to

children and adolescents from each community policy and management team and each community services board or behavioral health authority.

Audiology and Speech-Language Pathology Interstate Compact [HB 2033](#) (Sewell) authorizes Virginia to become a signatory to the Audiology and Speech-Language Pathology Interstate Compact. The Compact increases public access to audiology and speech-language pathology services by providing for the mutual recognition of other member state licenses for such services. The Compact has been enacted in 23 states and the Audiology and Speech-Language Pathology Compact Commission is currently preparing rules and bylaws in order for the member states to be fully integrated in the Compact's data system.

Virginia Board for People with Disabilities; membership; terminology [HB 2492](#) (Siebold) adds to the Virginia Board for People with Disabilities a representative from Department of Health. The bill amends existing references to "mentally impairing developmental disabilities" to "cognitive developmental disabilities."

Public Schools and Public Institutions of Higher Education; Student Identification Cards; 988 Suicide and Crisis Lifeline Telephone Number Required [SB 1044](#) (McPike) requires each local school division that issues student identification cards for any grade level, kindergarten through grade 12, and each public institution of higher education that issues student identification cards to clearly and conspicuously include on one side of each student identification card the telephone number for the 988 Suicide and Crisis Lifeline (formerly the National Suicide Prevention Lifeline) and to annually review the telephone number for accuracy and currency. The bill provides that each new student identification card and any replacement student identification card issued by any school division or by any public institution of higher education must comply with the provisions of the bill beginning with the 2023-2024 school year.

Office of the Children's Ombudsman [SB 1081](#) (Edwards) repeals the Children's Advocacy Fund, created to support the Office of the Children's Ombudsman (Office), as general funds are used to fund the Office. The definition of "abused and neglected child" is amended to match the definition in Title 63.2. The bill removes the authority previously granted to the Office to investigate "adoption attorneys." The bill also clarifies that the Office is exempt from the Virginia Freedom of Information Act. Finally, the bill contains several technical amendments. *Note that adopted Governor's amendments removed the proposed exemption for the Office from the Virginia Freedom of Information Act.* **[SB 1443](#)** (Deeds) directs the Office of the Children's Ombudsman to convene a work group to study and make recommendations for the establishment of the Parents Advocacy Commission. The bill directs the work group to report such recommendations to the Chairmen of the Senate Committee on the Judiciary and the House Committee for Courts of Justice by November 1, 2023.

Opioid Impact Reduction [SB 1415](#) (Pillion) allows any person to possess and administer naloxone or other opioid antagonist used for overdose reversal other than naloxone in an injectable formulation with a hypodermic needle or syringe in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, provided that certain other conditions enumerated in current law are met. The bill removes training requirements related to the possession and administration of naloxone. The bill directs the Department of Health, the Department of Behavioral Health and Developmental Services, and the Department of Corrections to collaborate to develop a statewide comprehensive plan for the distribution of naloxone throughout the Commonwealth and allows

such agencies to begin implementation of the plan to the extent the agencies are able to do so with existing resources. The bill requires the Department of Health to provide a report on the development of the comprehensive statewide naloxone plan, including the resources needed to fully implement the plan, to the Chairs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by September 1, 2023. The bill directs the Department of Health to begin the development of a registry consisting of nonprofit organizations that work to reduce the impact of opioids in the Commonwealth and directs the Department of Corrections to amend its regulations to require that training in the administration of naloxone be provided to every inmate prior to release.

State Executive Council for Children's Services; Membership [SB 1513](#) (Mason) adds the Director of the Department for Aging and Rehabilitative Services and the Children's Ombudsman to the State Executive Council for Children's Services. The bill also adds a representative from the Department for Aging and Rehabilitative Services to the state and local advisory team tasked with advising the Council, managing cooperative efforts at the state level, and supporting local community efforts.

Student Activities/Athletic Programs- PASSED

Emergency Care; Exemption From Liability; Athletic Trainers [HB 2429](#) (Avoli) authorizes licensed athletic trainers under contract with a local school division to administer albuterol inhalers and valved holding chambers or nebulized albuterol to students and exempts athletic trainers from liability for such administration. The bill permits prescribers to authorize licensed athletic trainers to possess and administer IV saline for use in emergency situations and subcutaneous lidocaine for wound closure.

Student Testing – PASSED

Board of Education; Creation and Maintenance of Virginia Parent Data Portal; Report [HB 1629](#) (Coyner) and **[SB 1329](#)** (McClellan/Petersen) require the Board of Education, on or before July 1, 2025, to create and maintain the Virginia Parent Data Portal that, among other things, (i) displays individualized student assessment data on all state-supported assessments, as that term is defined in the bill, (a) in a format that shows both current and cumulative data over time and (b) within 45 days of a state-supported assessment window closing for each state-supported assessment; (ii) provides a description of the purpose of each state-supported assessment, an explanation of how to interpret student data on each state-supported assessment, and a comparison of a student's performance on each state-supported assessment with the performance of the student's school, the student's school division, and the Commonwealth; (iii) is viewable from a mobile device in addition to a desktop computer; and (iv) provides functionality to enable school division personnel to manage and restrict user access to students and their parents. The bills require the Board and the Department of Education to provide certain guidance and technical assistance to local school divisions on professional development for principals and teachers in parent engagement on and interpretation of student assessment data available through the Portal and requires each school board to annually provide high-quality professional development to principals and teachers on such topics. Finally, the bills establish a work group for the purpose of advising the Board of Education on the criteria for and the process of procuring

the goods and services necessary to implement the Portal and requires such work group to submit a report containing its findings and any recommendations to the Board of Education and the General Assembly no later than November 1, 2023. *Note that the bill contains a re-enactment clause, meaning that the provisions of the bill will not go into effect unless it is reenacted by the 2024 Session of the General Assembly.*

Virtual School Programs; Virtual Through-Year Growth Assessment Administration [HB 1820](#) (Avoli) permits, subject to certain enumerated conditions, any student enrolled in a virtual school program to take any beginning-of-year or mid-year growth assessment required pursuant to relevant law in a virtual setting that best meets the educational needs of the student. *Note that the Department of Education is required to develop guidance to implement the provisions of this act by January 1, 2024.*

Standards of Learning Assessment Revision Work Group; Consideration of Effectiveness of Assessments For Students With Disabilities [HB 1884](#) (Wampler) requires the work group established by the Secretary of Education and the Superintendent of Public Instruction to study and develop a plan relating to revisions to Standards of Learning assessments to consider the effectiveness of assessments for students with disabilities, including the Virginia Alternate Assessment Program for those students with the most significant cognitive disabilities, and the use of those assessments to improve and individualize instruction.

Certain Student Assessment Results; Availability [HB 2225](#) (Batten) and **[SB 1253](#)** (Dunnavant) require each school board to provide teachers, parents, principals, and other school leaders with their students' results on any Standards of Learning assessment or Virginia Alternate Assessment Program assessment as soon as practicable after the assessment is administered.

Standards of Learning Assessment Revision Work Group; Timeline for Request for Proposal for Provider of Revised Assessments [HB 2469](#) (Cherry) prohibits the Department of Education from releasing a Request for Proposal for a provider of revised Virginia Standards of Learning summative assessments of proficiency until after the work group convened for the purpose of developing a plan for the implementation of such revised assessments has submitted its initial iteration of such plan. The bill permits the Department of Education to extend the current state assessment contract until December 31, 2025, to ensure continuity in the administration of the state assessment program.

Taxation – PASSED

None